

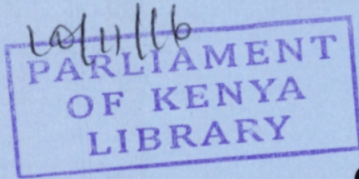
SDC
Announced for your approval and onward transmission to the Speaker for his approval and issuing.



REPUBLIC OF KENYA

The Hon. Speaker
Forwarded for your approval.
10/11/16

ELEVENTH PARLIAMENT – (FOURTH SESSION)



THE SENATE

COMMUNICATION FROM THE CHAIR

ON THE INVITATION TO A CONSULTATIVE MEETING BETWEEN
THE INTERGOVERNMENTAL RELATIONS TECHNICAL
COMMITTEE AND THE SENATE

1. Honourable Senators, I wish to inform you that the Intergovernmental Relations Technical Committee, a body established by the Intergovernmental Relations Act and which is responsible for the co-ordination of activities and functions of the Summit and Council of Governors among other functions, has organized and invited the Senate to a consultative meeting to deliberate on issues geared to improve service delivery in devolved units.
2. Honourable Senators, the objectives of the meeting are-
 - i) To update the participants on the experiences and achievements of the Intergovernmental Relations Technical Committee;
 - ii) To analyse, discuss and understand the legal provisions relating to the mandate of Intergovernmental Relations Technical Committee and institutional challenges thereof;
 - iii) To review and identify challenges emerging from taking over of the residual functions from the defunct Transition Authority;

- iv) To discuss and appreciate the constraints and implications of inadequate budgetary resources for the Intergovernmental Relations Technical Committee; and
 - v) To review and propose amendments to the Intergovernmental Relations Act, 2012.
3. **Honourable Senators**, the meeting is scheduled to take place from **17th to 20th November, 2016 in Mombasa County**. Senators should depart for Mombasa on the evening of Thursday, 17th November, 2016.
4. **Honourable Senators**, this is therefore to invite you all to this important meeting and urge you plan and attend. You are requested to forward your preferred travel times to the Office of the Clerk of Senate for planning.
5. I thank you.

SEN. DAVID EKWEE ETHURO, E.G.H., M.P.
SPEAKER OF THE SENATE

10th November, 2016

THE SENATE
08 NOV 2016
DIRECTOR LEGISLATIVE AND
SERVICES



IGRTC
INTERGOVERNMENTAL
RELATIONS TECHNICAL
COMMITTEE

Consultation, Cooperation & Coordination in Devolution

D/Com
DLPS
The speaker has directed
that the event be
 postponed to 17-20
Nov - DLPS -
Parklands Plaza
P.O. Box 41842 - 00100
NAIROBI
Chair is
D/Com IGRTTC
not IGRTTC

3) Mager
Email: info@igrtc.go.ke, igrtc2015@gmail.com Website:
www.igrtc.go.ke

When replying please quote:

Please draft
the communication
Ref: IGR/COM/5/2/Vol.I (41)



Mr. Jeremiah Nyegenye, CBS
Clerk of the Senate and Secretary, Parliamentary Service Commission
Parliament Buildings
NAIROBI

Dear Jeremiah,

INVITATION TO A CONSULTATIVE MEETING BETWEEN THE INTERGOVERNMENTAL RELATIONS TECHNICAL COMMITTEE AND THE SENATE

The Intergovernmental Relations Technical Committee (IGRTC) is established pursuant to the provisions of Section 11 of the Intergovernmental Relations Act, 2012, with the responsibility of the day to day administration of the Summit and the Council of Governors among other functions. It also took over the residual functions of the defunct Transition Authority (TA) which was established under the Transition to Devolved Government (TDG) Act, 2012.

The Intergovernmental Relations Technical Committee recognizes the role of Senate in the execution of its mandate and would therefore wish to invite the Senators to a consultative meeting to be briefed on the IGRTC experiences and discuss among other matters, the mandate of IGRTC, challenges emerging from the taking over of the residual functions from the defunct TA as well as the review of the IGR Act, 2012.

The three day meeting is being organized in Mombasa, from 10th to 13th November, 2016 at Pride Inn. As indicated in the attached program, we wish to inform that some of the members will be requested to chair some of the sessions of the meeting.

The specific objectives of the meeting are:

- 1) Update the participants on the experiences and achievements of IGRTC.

① SDC (MA) 7/11/16
For the urgent attention
of Hon. Speaker. If
speaker approve,
this should
be communicated
to the floor
and invitation
given
to all
Senators
7/11/16

Mr. Anyango
An agency of the Summit & the Council of County Governors
Please initiate a
draft.
Anyango



- 2) To analyse, discuss and understand the legal provisions relating to the mandate of IGRTC and institutional challenges thereof.
- 3) To review and identify challenges emerging from the taking over of the residual functions of defunct Transition Authority;
- 4) To discuss and appreciate the constraints and implications of inadequate budgetary resources for the IGRTC; and
- 5) To review and propose the amendments to the IGR Act.

Attached is the program and concept paper for the meeting.

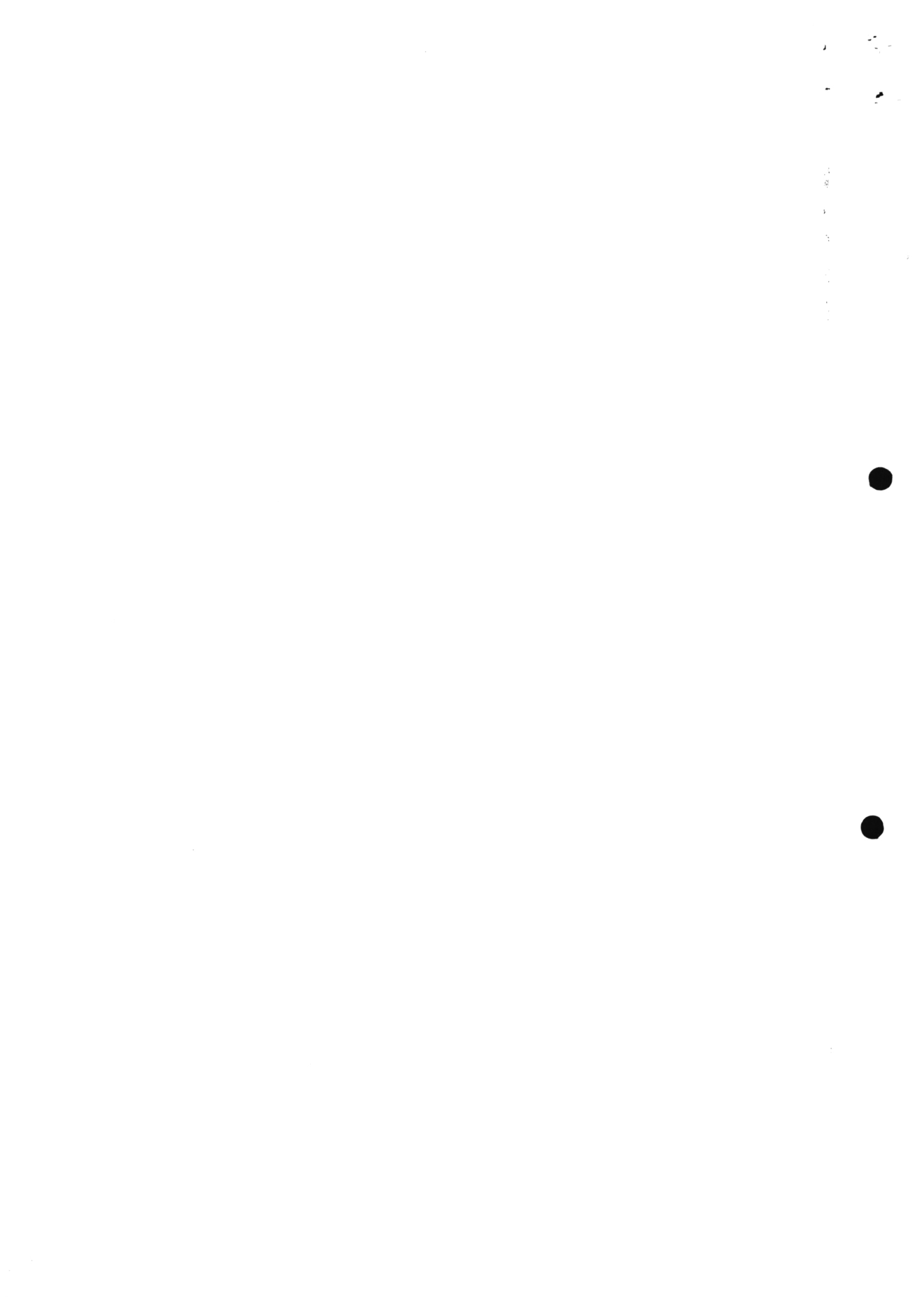
IGRTC will cater for full board accommodation. We are therefore requesting that the National Assembly caters for transport expenses and allowances for the members and its staff who will be attending the retreat.

Your continued support is highly appreciated.

Yours *sincerely*



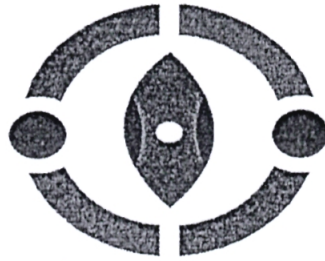
Prof. Karega Mutahi, CBS
CHAIRMAN



PROGRAM OF THE CONSULTATIVE MEETING

TIME	ACTIVITY	RESOURCE PERSON	SESSION CHAIR
DAY 1: 10TH NOVEMBER, 2016			
2.30 -6.30 pm	Arrival at the Meeting Venue	IGRTC Secretarial Staff	Ag. CEO/IGRTC
DAY 2: 11TH NOVEMBER, 2016			
8.30 -9.00	Opening Remarks	<ul style="list-style-type: none"> ✓ Vice Chairperson, IGRTC ✓ Senate representative ✓ Attorney-General (Key note address) 	Prof. Judith Miguda-Attyang-Member /IGRTC
9.00-9.30	Achievements, Challenges and Emerging Issues	Prof. S. Khasiani - Member /IGRTC	Mrs Njambi Muchane-Member /IGRTC
9.30-10.30	Review of IGRTC Mandate and Analysis of IGR Act, 2012 and Possible Amendments.	Dr. Mutakha Kangu-Resource Person	Ms. Allyce Kureiya-Vice - Chairperson/IGRTC
10.30-11.00	HEALTH BREAK		
11.00- 11.30	Plenary Discussion	Dr. Mutakha Kangu-Resource Person	Ms. Allyce Kureiya-Vice - Chairperson/IGRTC
11.30 -12.30	Devolution Policies and Legislation	Dr. Elizabeth Muli-Resource Person	Sen. Mutula Kilonzo Jr.
12.30 - 1.00	Plenary discussion	Dr. Elizabeth Muli-Resource Person	Sen. Mutula Kilonzo Jr.
1.00 -2.00	LUNCH		
2.00 - 3.30	Budgetary resources for the IGRTC: Constraints and Implications	Dr. Francis Fondo-Member /IGRTC	Sen. Billow Kerrow

TIME	ACTIVITY	RESOURCE PERSON	SESSION CHAIR
3.30 – 4.00	Plenary discussion	Dr. Raymond Nyeris- Member /IGRTC	Sen. Billow Kerrow
4.00 – 4.30	HEALTH AND END OF DAY 2		
DAY 3: 12THNOVEMBER, 2016			
9.00 – 9.45	Transfer and Audit of Assets and Liabilities of the Defunct Local Authorities	Dr. Billow Khalid- Member /IGRTC	Sen. Amb. Kembi Getura
9.45 – 10.00	Plenary discussion	Mrs.Njambi Muchane- Member /IGRTC	Sen. Amb. Kembi Getura
10.00 – 10.30	HEALTH BREAK		
10.30 – 11. 15	Vote of Thanks	Dr. Raymond Nyeris- Member /IGRTC	Prof.Miguda- Attyang- Member /IGRTC
	Closing Remarks	Sen. Prof. Wilfred Lesan	
11.15 -01.00	HEALTH BREAK AND DEPARTURE		



IGRTC
INTERGOVERNMENTAL
RELATIONS TECHNICAL
COMMITTEE

Consultation, Cooperation & Coordination in Devolution

CONCEPT PAPER

CONSULTATIVE MEETING BETWEEN INTERGOVERNMENTAL RELATIONS TECHNICAL COMMITTEE AND THE SENATE.

INTRODUCTION

The Intergovernmental Relations Technical Committee (IGRTC) was established pursuant to the provisions of Section 11 of the Intergovernmental Relations Act 2012 (IGRA). The Committee was established in February 2015, which was the second year of the implementation of the system of devolved government established by the Constitution of Kenya 2010.

The IGRTC comprises of a Chairperson, seven members who were competitively recruited and the Principal Secretary of the State Department responsible for matters relating to Devolution.

The functions of the Committee are outlined in Section 12 of the IGRA 2012 as follow:

- a. be responsible for the day to day administration of the National and County Government Coordinating Summit (The Summit) and the Council of County Governors (The Council) and in particular-
 - (i) facilitate the activities of the Summit and of the Council; and
 - (ii) implement the decisions of the Summit and of the Council
- b. take over the residual functions of the transition entity established under the law relating to devolved government after the dissolution of such entity.
- c. convene a meeting of the forty seven County Secretaries within thirty days preceding every Summit meeting; and
- d. perform any other function as may be conferred on it by the Summit, the Council, IGR Act 2012 or any other legislation.

ACHIEVEMENTS

In addition to its core mandate, the IGRTC also took over the residual functions from the defunct Transition Authority (TA) and the following are the key achievements:

1. Organized and managed Summit meetings
2. Implemented The Summit and The Council Resolutions
3. Organized County Secretaries meetings as required by Section 12(c) of IGR Act 2012
4. Developed a roadmap and institutional framework for the Transfer and Audit of Assets and Liabilities of the defunct Local Authorities.
5. Developed and launched a report on the Status of Public Participation in Kenya in 2016.
6. Developed and launched a Five-Year Strategic Plan for 2016-2020, the IGRTC Logo and Website.
7. In the absence of an Alternative Dispute Resolution (ADR) Mechanism, IGRTC has been instrumental in mediating disputes between the National and County Governments. The cases that IGRTC has handled so far are:
 - o Dispute between the Office of the Governor and the Office of the County Commissioner in West Pokot County over ownership of an Office Block. This dispute was amicably resolved.
 - o Dispute between AFFA and County governments over the withholding of tea and coffee cess by AFFA

Other disputes that IGRTC is mediating are;

- o Land ownership between Tharaka Nithi County Government and the Department of Prisons, Privatization of Public Sugar companies between the County Governments and the National government, Nairobi City County Government and Ministry of Agriculture, Livestock and Fisheries over the function of Meat inspection, Ministry of Lands and Physical Planning and Kirinyaga and Embu County Governments over Mwea Settlement Scheme.

CHALLENGES AND EMERGING ISSUES

In the course of its operations, IGRTC has encountered various challenges and emerging issues that include the following:

Challenges

1. Intergovernmental Relations Act 2012, (IGR Act, 2012)

The IGR Act, 2012 does not effectively facilitate IGRTC to undertake its responsibilities. IGRTC has noted some weakness in IGRA 2012 that would require amendments to make it more facilitative to the committee's mandate.

2. Inadequate Budgetary allocation

Since inception, the government has not provided adequate budgetary allocation to IGRTC to discharge its responsibilities, leaving the Committee heavily dependent on donor funding.

3. Inadequate Human Resource Capacity

The Committee is currently operating with minimum staff mainly seconded from other government institutions. This has undermined the Committee's capacity to fully implement its mandate.

Emerging Issues

IGRTC has encountered a number of issues that have emerged in the process of devolution that constitute additional challenges including:

1. Inter and intra-County Government disputes
2. Inadequate devolution policies, legislation, regulations and guidelines
3. Lack of adequate understanding of the concept and practice of Intergovernmental Relations at both levels of government.
4. Low capacity of human resource in the development of legislation, budgeting and planning.

THE PURPOSE OF THE CONSULTATIVE MEETING

The challenges and emerging issues affecting the mandate of the IGRTC require a contextual discourse that brings the relevant legislative stakeholders together to discuss, seek solutions and way forward in strengthening this important institution in the devolution process.

The specific purpose of the meeting is:

- 1) To review and identify challenges emerging from the residual functions of defunct Transition Authority;

- 2) To analyse, discuss and understand the legal provisions relating to the mandate of IGRTC and institutional challenges thereof.
- 3) To analyse, discuss and understand the gaps in Policy and Legislation in support of devolution.
- 4) To discuss and appreciate the constraints and implications of inadequate budgetary resources for the IGRTC.

RATIONALE

The role of IGRTC in the success of devolution in Kenya cannot be overemphasized. It is in the interest of every Kenyan and every level of Government that devolution succeeds. Indeed like any other new system or organisation there are teething problems that still face the process of devolution in the country. It is therefore, not peculiar that the Committee is experiencing institutional formative challenges. It is the manner of handling the challenges that will promote constitutionalism in the relationship between the two levels of government for the benefit of the people of Kenya.

In view of the systemic challenges and issues emerging in the process of IGRTC performing its mandate, it is necessary that a consultative meeting with the Legislature be organised. This will be an opportunity for candid and open discourse to share experiences and formulate the way forward for IGRTC to perform its duties effectively. The specific objectives identified elsewhere in this document will generate discussions and proposals to resolve some of the challenges and emerging issues and chart the way forward.

PROPOSED ACTIVITIES

The meeting is proposed to be in the following format:

- a) Introductory remarks and key note address to set the climate.
- b) Presentation of papers by invited resource persons.
- c) Plenary discussions
- d) Report by rapporteurs

TARGET PARTICIPATION

The meeting is expected to be attended by 70 participants. This will be drawn from:

- i) Senators
- ii) Committee clerks
- iii) Office of the Attorney-General
- iv) Intergovernmental Relations Technical Committee members and staff

PROPOSED DELIVERABLES/OUTPUT

- 1) Update key stakeholders on IGRTC experiences and achievements
- 2) Mandate of IGRTC understood and appreciated
- 3) Core stakeholders networked and appreciate one another
- 4) A strategy for strengthening IGRTC as an institution.

WORKSHOP DATES

- 1) The meeting be held for from **10th to 13th November, 2016** (travel dates inclusive)

VENUES

The meeting is proposed to be held in **Pride Inn, Mombasa.**

RESOURCE PERSONS

1. Dr.Mutakha Kangu, Moi University
2. Dr. Elizabeth Muli, University of Nairobi
3. Prof. Shanyisa Khasiani, IGRTC
4. Dr. Billow Khalid, IGRTC
5. Dr. Francis Fondo, Member, IGRTC

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CONCLUSION

It is expected that the outcome of the meeting will inform the participants on the critical role IGRTC is supposed to play in the success of devolution. The meeting will flag out pertinent issues that will speed the process of devolution and on strategies for implementation.