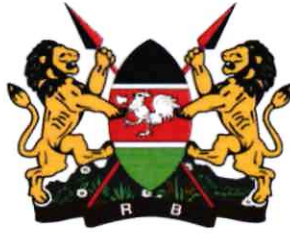


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THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES  
DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT

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REPORT ON THE CONSIDERATION OF THE INTERGOVERNMENTAL  
RELATIONS (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2024)

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
DATE: 29 JUN 2025	DAY: THURSDAY
TABLED BY:	CHAIRPERSON, DEPT. COMMITTEE ON REGIONAL DEVELOPMENT
CLERK-AT THE TABLE:	WILLIS OBIENO

CLERK'S CHAMBERS  
DIRECTORATE OF DEPARTMENTAL COMMITTEES  
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## LIST OF ABBREVIATIONS AND ACRONYMS

ASALs	-	Arid and Semi-arid Lands
CAF	-	County Assemblies Forum
COG	-	Council of Governors
IGRTC	-	Intergovernmental Relations Technical Committee
H.E.	-	His Excellency
ODM	-	Orange Democratic Movement
PAA	-	Pamoja African Alliance (PAA)
PS	-	Principal Secretary for matters relating to Devolution
SDD	-	State Department for Devolution
SOCATT-K	-	Society of Clerks at the Table by Kenyan County Legislatures
UDA	-	United Democratic Alliance
UDM	-	United Democratic Movement

## **ANNEXURES**

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## **CHAIRPERSON'S FOREWORD**

This report contains proceedings of the Departmental Committee on Regional Development on the consideration of the Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024), sponsored by Sen. Aaron Cheruyiot, MGH, M.P, the Leader of the Majority Party in the Senate. The Bill was first read in the National Assembly on 13<sup>th</sup> February, 2025 and referred to the Departmental Committee on Regional Development for consideration and reporting to the House, pursuant to Standing Order 127(1).

The principal objective of the Bill is to amend the Intergovernmental Relations Act, Cap.265 to establish a structured framework for intergovernmental relations, change the name of the Intergovernmental Relations Technical Committee (IGRTC) to Intergovernmental Relations Agency and provide for the Council of Governors Secretariat, County Assemblies Forum and their Secretariat.

Pursuant to Article 118(1)(b) of the Constitution and Standing Orders 127(3), adverts for request for submission were placed in the "Daily Nation" and the "Standard" newspapers on 18<sup>th</sup> February, 2025 inviting interested members of the public to submit any representations they may have on the Bill. The Committee received and considered submissions from the Architect Alliance.

Further, in considering the Bill the Committee held a total of six (6) meetings to receive and consider submissions from the Office of the Attorney General, the State Department for Devolution, the Council of Governors, the Intergovernmental Relations Technical Committee, the County Assemblies Forum and the Society of Clerks at the Table.

The Committee, having considered the Bill clause by clause and taking into consideration views and recommendations of the stakeholders, made observations and recommendations contained in section 4.0 and 5.0 of this Report.

### **Acknowledgements**

The Committee registers its appreciation to the Offices of the Speaker, Office of the Clerk of the National Assembly, Director, Departmental Committees, and the Committee Secretariat for the logistical support extended during the vetting process.

I acknowledge and appreciate the Members of the Committee for their patience, sacrifice, and commitment, which enabled the Committee to effectively undertake its legislative mandate.

On behalf of the Departmental Committee on Regional Development and pursuant to Standing Order 127(4), it is my pleasant duty to table the Report of the Departmental Committee on Regional Development on the consideration of the Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024), sponsored by Sen. Aaron Cheruyiot, MGH, M.P.

**HON. PETER LOCHAKAPONG, MP**  
**(CHAIRPERSON)**

## **DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT**

## CHAPTER ONE

### 1 PREFACE

#### 1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Regional Development is one of the Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:
  - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
  - ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
  - iii. *on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
  - iv. ***To study and review all legislation referred to it;***
  - v. *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
  - vi. *To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
  - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
  - viii. *To examine treaties, agreements and conventions;*
  - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
  - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
  - xi. *To examine any questions raised by Members on a matter within its mandate.*

#### 1.2 Subjects under the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to oversee:
  - (a) Regional development, including regional development authorities;
  - (b) Refugee affairs;
  - (c) Devolution;
  - (d) Inclusive growth;
  - (e) Arid and semi-arid areas;
  - (f) Disaster risk management;
  - (g) Drought, famine, and disaster response; and
  - (h) Post-disaster recovery and rehabilitation.
3. In executing its mandate, the Committee oversees the State Department for ASALS and Regional Development, the State Department for Devolution, and the Department of Refugee Affairs.

### 1.3 Committee Membership

4. The Departmental Committee on Regional Development was first constituted by the House on Thursday, 27<sup>th</sup> October 2022, and further reconstituted on 6<sup>th</sup> March 2025, and comprises of the following Members:

#### **Chairperson**

Hon Lochakapong Peter, M.P.  
Sigor Constituency  
**United Democratic Alliance (UDA)**

#### **Vice Chairperson**

Hon. Paul Abuor, M.P.  
Rongo Constituency  
**Orange Democratic Movement (ODM)**

#### **Members**

Hon. Sudi Oscar Kipchumba, M.P.  
Kapseret Constituency  
**United Democratic Alliance (UDA)**

Hon. Mawathe Julius Musili, M.P.  
Embakasi South Constituency  
**Wiper Democratic Movement–Kenya**

Hon. Kalasinga Joseph Majimbo, M.P.  
Kabuchai Constituency  
**Ford-Kenya Party**

Hon. Nabulindo Peter Oscar, M.P.  
Matungu Constituency  
**Orange Democratic Movement(ODM)**

Hon. Munyoro Joseph Kamau, M.P.  
Kigumo Constituency  
**United Democratic Alliance (UDA)**

Hon. Njeru Pamela Njoki, M.P.  
Embu County Women Representative  
**United Democratic Alliance (UDA)**

Hon. Maina Mwago Amos, M.P.  
Starehe Constituency  
**Jubilee Party**

Hon. Abdi Khamis Chome, M.P.  
Voi Constituency  
**Wiper Democratic Movement–Kenya**

Hon. Tungule Charo Kazungu, M.P.  
Ganze Constituency  
**Pamoja African Alliance (PAA)**

Hon. CPA Geoffrey Wandeto, M.P.  
Tetu Constituency  
**United Democratic Alliance (UDA)**

Hon. Otucho Mary Emaase, M.P.  
Teso South Constituency  
**United Democratic Alliance (UDA)**

Hon. Umul Ker Kassim Sheikh, M.P.  
Mandera County Women Representative  
**United Democratic Movement (UDM)**

Hon. Basil Robert Ngui, M.P.  
Yatta Constituency  
**Wiper Democratic Movement–Kenya**

#### 1.4 Committee Secretariat

5. The Committee is facilitated by the following staff:

Mr. Mohamed Boru  
**Clerk Assistant I/Head of Secretariat**

Mr. Sisto Macharia  
**Clerk Assistant III**

Ms. Agnes Ibara  
**Hansard Reporter II**

Mr. Moses Mwariri  
**Legal Counsel II**

CPA. Cyrille Mutali  
**Fiscal Analyst II**

Ms. Rose Tabuke  
**Research Officer III**

Ms. Mwanasha Juma  
**Assistant Sergeant-at-Arms**

Ms. Deborah Mupusi  
**Media Relations Officer II**

Mr. Kelvin Lengasi  
**Audio Officer II**

Mr. Jared Onyancha  
**Public Communication Officer III**

## CHAPTER TWO

### 2.1 OVERVIEW OF THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, 2024 (SENATE BILL NO. 12 OF 2024)

6. The Intergovernmental Relations (Amendment) Bill, 2024 (Senate Bill No. 12 of 2024) is a Senate Bill published in the Kenya Gazette Supplement No. 54 of 2024. The Bill seeks to amend the Inter-governmental Relations Act Cap.265. The Bill was forwarded to the National Assembly for consideration pursuant to Article 110(4) of the Constitution, having been passed by the Senate on Thursday, 5<sup>th</sup> December, 2024.
7. The principal object of the Bill is to amend the Inter-governmental Relations Act, Cap.265 to establish a structured framework for intergovernmental governmental relations, change the name of the Intergovernmental Relations Technical Committee (IGRTC) to Intergovernmental Relations Agency and provide for the Council of Governors Secretariat, County Assemblies Forum and its Secretariat.
8. The Inter-governmental Relations Act, Cap.265 is a national legislation which seeks to establish a framework for consultation and co-operation between the national and county governments and amongst county governments. Further, the Act seeks to establish mechanisms for the resolution of intergovernmental disputes pursuant to Articles 6 and 189 of the Constitution.
9. The Bill has seventeen (17) Clauses. **Clause 1** of the Bill provides for the short title.
10. **Clause 2** of the Bill seeks to amend section 2 of the Act to provide for interpretation and definition of terms introduced by the proposed amendment.
11. **Clause 3** of the Bill seeks to amend section 11 of the principal Act to change the name of the Intergovernmental Relations Technical Committee to Intergovernmental Relations Agency in subclause (1).
12. Further, in sub-clause 3 the Bill seeks to delete –
  - (a) paragraph (c), to remove the Principal Secretary of the State Department for the time being responsible for matters relating to devolution as a member of the Technical Committee;
  - (b) subsection (4), and substituting therefor to provide that a person shall be qualified to be a Chairperson of the Agency if such a person—
    - (i). holds a Master's degree in law, humanities or social sciences from a university recognized in Kenya;
    - (ii). meets the requirement of Chapter Six of the Constitution;
    - (iii). has a distinguished career in their respective fields;
    - (iv). has at least fifteen years working experience, ten of which should have been in a managerial position.

(d) subsection (5) and substituting therefor to provide for qualification for appointment as a member of the agency. It provides that for a person to be qualified for appointment as member of the agency, such a person —

- (a) holds a degree from a university recognized in Kenya;
- (b) has knowledge and experience of at least ten years in matters relating to:
  - (i) law;
  - (ii) public administration;
  - (iii) alternative dispute resolution;
  - (iv) economics;
  - (v) finance;
  - (vi) human rights;
  - (vii) management; or
  - (viii) social sciences.
- (c) meets the requirements of Chapter Six of the Constitution; and
- (d) has had distinguished career in their respective fields.

13. The Bill also provides for an addition of a new subsection (5A) to provide that the Chairperson and members of the agency shall serve on a full-time basis and shall hold office for a single non-renewable term of six years.

14. **Clause 4** of the Bill seeks to amend section 12 of the principal Act by deleting the introductory phrase technical committee and substituting therefore the word Agency. The Bill provides that the Agency shall be responsible for the day to day administration of the Summit and in particular facilitate the activities of the Summit and further implement the decisions of the Summit. The Clause further seeks to provide for functions of the Agency as follows—

- (ca) analyse the resolutions of the Summit with regard to the performance of national and county governments in the provision of services and recommend to the Summit the appropriate promotive, preventive or corrective action where necessary;
- (cb) facilitate dispute resolution between the national government and county governments within the framework provided under this Act;
- (cc) provide technical assistance on emerging issues in the implementation of the transfer of functions as contemplated under Article 187 of the Constitution including unbundling, costing and assignment of functions;
- (cd) provide a platform for exchange of information and coordination of policies between the two levels of government;
- (ce) receive and transmit to the Summit, reports from sectoral forums, joint committees and any other intergovernmental structures or mechanisms established under this Act;
- (cf) establish and maintain a repository of information and knowledge on intergovernmental matters;

- (cg) coordinate the development of a standardized costing framework for the transferred functions in line with Article 187 of the Constitution;
  - (ch) witness the execution of all relevant legal instruments pertaining to the transfer of functions;
  - (ci) provide a repository for the legal instruments for transfer of functions; and
  - (cj) undertake research on intergovernmental matters.
15. **Clause 5** of the Bill provides for an insertion of a new section 12A to provide for powers of the agency. It provides that the agency shall have all powers to—
- (a) gather, by all means it considers appropriate, any relevant information including the requisition of reports, documents or any such information from any source, including any State organ and to compel the production of such information where it considers necessary;
  - (b) hold inquiries for purposes of performing its functions under the Act;
  - (c) take any measures it considers necessary to ensure compliance with the principles of cooperation between the national and county governments as set out in Articles 6 and 189 of the Constitution;
  - (d) issue directions with respect to intergovernmental disputes under the Act; and summon any person to appear before it for purposes of performing its functions under this Act.
16. In addition, the Bill provides that in exercising its powers and discharge of its functions, the agency is in not bound by the strict rules of evidence and may receive oral or written statements.
17. **Clause 6** of the Bill seeks to amend section 13 of the principal Act to change the name of the Intergovernmental Relations Technical Committee to Intergovernmental Relations Agency. The Bill also provides for an addition of a new subsection (1) to provide that the Council of Governors may establish and convene sector forums on sectoral issues of common interests among county governments.
18. **Clause 7** of the Bill seeks to amend section 14 of the principal Act to change the name of the Intergovernmental Relations Technical Committee to Intergovernmental Relations Agency. It further proposes to amend paragraph (a) of the principal Act by deleting the word “Council” and substituting therefor the word “Parliament”. Further, the Bill proposes the deletion of the words “and to the Council” appearing in paragraph (b).
19. **Clause 8** of the Bill seeks to amend section 15(1), (2) and (5) to change the name of the Intergovernmental Relations Technical Committee to Intergovernmental Relations Agency. The Bill further deletes subclause (4)(b) and substitutes the same with a new paragraph to require that the Secretary to the Agency shall be responsible for the day to day administration of the affairs of the secretariat and implementation of the decisions of the Summit.

20. **Clause 9** of the Bill provides for an amendment of section 16 of the principal Act by deleting the words “Technical committee” appearing before the words “office by the” and substituting therefor the word “Agency”
21. **Clause 10** of the Bill provides for deletion of section 17 of the principal Act and substituting therefor with a new section. The new section provides that the Agency my employ staff as are necessary for the proper discharge of the functions of the Agency under the Act.
22. **Clause 11** of the Bill provides for an amendment of section 18 of the principal Act to change the name of the Intergovernmental Relations Technical Committee to Intergovernmental Relations Agency”
23. **Clause 12** of the Bill amends section 20(1) of the principal Act to provide for additional functions of the Council. The Bill provides that the Council shall among other functions:
- (a) coordinate the appointment of Trustees to Schemes upon receipt of nomination by relevant stakeholders and appoint independent trustees in accordance with the Retirement Benefit Act;
  - (b) perform such other coordination functions as may be necessary for the efficient functioning of the schemes and;
  - (c) ensure the respective counties perform their responsibilities as sponsors of the scheme effectively for the best interest of their employees and in accordance with the Retirement Benefit Act.
24. **Clause 13** of the Bill provides for an additional of a new section 20A immediately after section 20 of the principal Act to provide for the funding of the Council. The Bill provides that the funds of the Council shall consist of –
- (a) annual subscriptions by county governments;
  - (b) monies allocated annually by Parliament for purposes of the Council; and
  - (c) such monies as may be lawfully granted or donated to the Council.
25. The Bill further requires that the Council shall determine bi-annually the amounts to be paid by county governments as subscriptions.
26. **Clause 14** of the Bill provides for an insertion of a new sections 22A, 22B, 22C and 22D immediately after section 22 of the principal Act. These new sections provide for establishment of a pension scheme, trustees of the scheme, portability of benefits and amendment of existing laws and regulations. The new sections require that employees and staff of a county government shall subscribe to an existing pension scheme for officers and staff of the county governments under the Act which shall be one established under irrevocable trusts or under regulations made under section 19D and registered under Retirement Benefits Act prior to the commencement of the Act.
27. The Bill further requires that the Scheme shall be administered by an administrator appointed by a Board of Trustees which shall be a body corporate registered as under the Trustees (Perpetual) Succession Act Cap. 167.

28. **Clause 15** of the Bill seeks to provide for the following new additional sections immediately after section 23—
29. **23A** which establishes the Secretariat of the Council. The Bill provides that there shall be a secretariat to the Council shall be headed by a Chief Executive Officer who shall be competitively recruited and appointed by the Council. The Bill further provides that for a person to be qualified as chief executive officer, he or she shall—
- (a) holds a degree from a university recognised in Kenya;
  - (b) has at least ten years relevant professional experience;
  - (c) has demonstrable competence in administration of not less than five years; and
  - (d) satisfies the requirements of leadership and integrity provided under Chapter Six of the Constitution.
30. In addition, the Bill provides that a chief executive officer shall be—
- (a) the accounting officer of the secretariat;
  - (b) secretary to the Council and responsible to the Council for the day to day administration of the affairs of the Secretariat;
  - (c) be responsible for implementation of the decision of the Council;
  - (d) the organization control and management of staff of the Secretariat;
  - (e) maintaining accurate records on financial matters and resource use;
  - (f) ensuring the preparation and approval of the budget for the required funding of the operational expenses;
  - (g) and performing any other duty as maybe assigned by the Council.
  - (h) shall be appointed for a single term of six years and shall not be eligible for re-appointment.
31. **Clause 23B** provides for the removal of Chief Executive Officer. It provides that the Chief Executive officer maybe removed from offices by the Council in accordance with the terms and conditions of service for—
- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
  - (b) gross misconduct or misbehaviour;
  - (c) incompetence or negligence of duty; or
  - (d) any other ground that would justify removal from office under the terms and conditions of service.
32. **Clause 23C** provides that the Council may employ staff as are necessary for the proper discharge of its functions.
33. **Clause 23D** provides for transition clause that the staff serving in the Council shall at the commencement of this Act be deemed to be staff of the Council.
34. **Clause 23E** provides for remuneration of staff. It requires that the Chief Executive Officer and staff of the Secretariat shall be paid such salaries, benefits and allowances as may be determined by the Council, in consultation with the Salaries and Remuneration Commission.
35. **Clause 23F** of the Bill provides for establishment of County Assembly Forum. It provides that the County Assemblies Forum shall consist of the members of the County Assemblies

and speakers of the forty-seven county assemblies. The Bill further provides shall be managed by a National Executive Board which shall consist of –

- (a) a chairperson who shall be a speaker of a County assembly;
- (b) a vice-chairperson;
- (c) Secretary-General who shall be a member of the County Assembly; and
- (d) Six other members from amongst its members.

36. The Bill further provides that members of the county assemblies shall have at least 5 members in the National Executive Board and that no county shall have more than two members.

37. **Clause 23G.** provides that the Forum shall be an avenue for—

- (a) consultation amongst county assemblies,
- (b) sharing of information of the performance of county assemblies,
- (c) facilitating dispute resolution within county assemblies;
- (d) considering matters of common interest to county assemblies;
- (e) facilitating capacity building for members for the forum;
- (f) representing County Assemblies in all engagements with Intergovernmental Forums; and
- (g) considering reports from other intergovernmental forums on matters affecting County Governments

38. **Clause 23H.** provides that the funds of the Forum shall consist of the mandatory subscriptions by county assemblies, monies allocated annually by Parliament for purposes of the Forum and such monies as may be lawfully granted or donated to the Forum. The Bill further provides that the Board shall determine bi-annually the amounts to be paid by county assemblies.

39. **Clause 23I** provides that the Forum shall meet once a year and shall prescribe its own procedures.

40. **Clause 23J** provides for reporting by the Forum. It provides that the Forum shall submit annual report to the Senate and that the report shall be transmitted to county assemblies within three months after the end of every financial year.

41. **Clause 23K** provides for establishment of a secretariat of the Forum. It provides that there is established a secretariat of the Forum which shall be headed by the Chief executive Officer. The Bill further provides that the chief executive officer shall be recruited competitively by the National Executive Board and that for a person to be recruited as a chief executive officer such person—

- (a) holds a degree from a university recognized in Kenya;
- (b) has at least ten years relevant professional experience;
- (c) has demonstrable competence in administration of not less than five years; and
- (d) satisfies the requirements of leadership and integrity provided under Chapter Six of the Constitution.

42. In addition, the Bill provides that a chief executive officer shall be—

- (a) the accounting officer to the Forum,
  - (b) secretary to the Forum; and
  - (c) responsible to the Forum for the day to day administration of the affairs of the Secretariat.
  - (d) the implementation of the decision of the Forum;
  - (e) establishment and development of an efficient administration of the Secretariat;
  - (f) the organization, control and management of staff of the Secretariat,
  - (g) maintaining accurate records on financial matters and resource use;
  - (h) ensuring the preparation and approval of the budget for the required funding of the operational expenses;
  - (i) and performing any other duty as maybe assigned by the Council.
43. The Bill further provides that the chief executive shall be appointed for a single term of three years and shall be eligible for re-appointment for one final term.
44. **Clause 23L** provides for the removal of Chief Executive Officer. It provides that the Chief Executive officer maybe removed from offices by the National Executive Board in accordance with the terms and conditions of service for—
- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
  - (b) gross misconduct or misbehaviour;
  - (c) incompetence or negligence of duty; or
  - (d) any other ground that would justify removal from office under the terms and conditions of service.
45. **Clause 23M.** provides that the Forum may employ staff as are necessary for the proper discharge of its functions.
46. **Clause 23E** provides for remuneration of staff. It provides that the Chief Executive Officer and staff of the Secretariat shall be paid such salaries, benefits and allowances as may be determined by the National Executive Board, in consultation with the Salaries and Remuneration Commission.
47. **Clause 16** of the Bill provides for an amendment of section 26(4) of the principal Act by inserting the words “and the Senate” after the words “The National Assembly” to provide that the Senate shall be notified of the decision to transfer a national government power, function or competency. Further the Bill seeks to amend subsection (5) to delete the words “A county Assembly” which appears at the beginning of the subsection and substituting the words “The Senate and the respective county assembly”
48. **Clause 17** of the Bill provides that it seeks to amend section 30 of the principal Act by deleting the word “may” appearing after the words “party to the dispute” and substituting therefor the word “shall”. This clause further seeks to delete the words “Summit, the Council” and substituting therefore the word “Agency” in subsection (2).

## CHAPTER THREE

### 3.0 CONSIDERATION OF THE BILL BY THE COMMITTEE

#### 3.1 Committal of the Bill

49. The Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024), was read a First time in the National Assembly on 13<sup>th</sup> February, 2025 and referred to the Departmental Committee on Regional Development to facilitate public participation on the Bill through an appropriate mechanism, including—

- (a) inviting submission of memoranda;
- (b) holding public hearings;
- (c) consulting relevant stakeholders in a sector; and
- (d) consulting experts on technical subjects.

#### 3.2 Public Participation on the Bill

50. Pursuant to Article 118(1)(b) of the Constitution and Standing Orders 127(3), adverts for request for submission were placed in the “Daily Nation” and the “Standard” newspapers on 19<sup>th</sup> February, 2025 inviting members of the public to submit memoranda on the Bill. The Committee received and considered written submissions from the Architect Alliance.

51. Further, in considering the Bill the Committee held a total of seven (7) meetings to receive and consider submissions from the Office of the Attorney General, the State Department for Devolution, the Council of Governors, the Intergovernmental Relations Technical Committee, the County Assemblies Forum and the Society of Clerks at the Table.

#### 3.2 Submissions by the Intergovernmental Relations Technical Committee

Dr. Kipkurui Chepkwony, the Chief Executive Officer of the Intergovernmental Relations Technical Committee appeared before the Committee on 20<sup>th</sup> March, 2025.

52. The Committee was informed that the Intergovernmental Relations Technical Committee (IGRTC) is established under Section 11 of the Intergovernmental Relations Act, 2012, as an intergovernmental structure whose objectives include inter alia, to facilitate cooperation and consultation between the national and county governments and amongst county governments as provided under Articles 6 and 189 of the Constitution.

53. The functions of the Technical Committee are provided for in Sections 12, 13 and 33 of the Act. As a neutral entity, IGRTC is responsible for the provision of technical advice and assistance to the two levels of government, with a view to enhancing the attainment of the objects and principles of devolution as envisaged in Articles 174 and 175 of the Constitution. IGRTC submitted that it supports the Bill and proposed the following amendment—

- (i) The term “Technical Committee” is amended to read the “Agency” in all instances in the Amendment Bill.

- (ii) The functions of the Technical Committee are amended to provide a direct linkage between the functions of the Summit and the Agency, as its secretariat.
- (iii) The Bill provides powers to support the mandate of the Agency, particularly in relation to dispute resolution.
- (iv) The Bill provides additional functions for the Council of Governors
- (v) The Bill provides for the establishment of a pensions scheme for officers and staff of county governments in new sections 22A- 22E
- (vi) The Secretariat of the Council is established as provided in new sections 23A – 23D
- (vii) The Bill establishes the County Assemblies Forum as provided in sections 23E – 23M

54. The Intergovernmental Relations Technical Committee further proposed the following amendments to the Bill—

55. **Clause 6**

Amend Clause 6 of the Bill seeks and insert the following new paragraphs in subsection (1A)—

- (a) The Agency may establish and convene intergovernmental sector forums on sectoral issues of common interest to the national and county governments;
- (b) The Council of Governors may establish and convene sector forums on sectoral issues of common interests amongst county governments;
- (c) Nothing in this section may be construed as precluding a Cabinet Secretary or the Council of Governors from convening consultative on sectoral issues of common interests to the national and county governments provided that it shall be done in consultation with the Agency.

**Justification:** This proposal provides clarity and synergy in the establishment and convening sector forums.

**Committee's Observation**

The Committee observed that Clause 6 of the Bill already provides that the Council may establish or convene sector forums to address sectoral issues for common interest among the county governments. The Committee further observed that Section 13 of the principal Act provides that the Technical Committee may establish sectoral forums or committees for better carrying out of its functions. Further, section 20(3) of the principal Act provides that the Council may establish sectoral working groups or committees for the better carrying out of its functions. The Committee therefore observed that the proposed amendment is already provided under the existing legal framework.

56. **Clause 15**

Delete the new section 22A that establishes pension schemes for county governments' employees. It should be under the relevant legislation.

### **Committee's Observation.**

The Committee observed that there is no legal framework which establishes pension arrangements for county governments employees. The Committee further observed that pension for county employees is an intergovernmental issue as it transcends to all county governments as employers, and as such, the amendment in the Bill will provide a general framework which will ensure that the pension scheme for county government employees is properly anchored under the law.

#### **57. Clause 17**

Clause 17 of the Bill seeks to amend section 30 of the principal Act. IGRTC proposes that the provision in the Bill be deleted to state that the amendment is to section 33(2) of the Principal Act and not section 30 of the Act.

**Justification:** To provide for dispute resolution amongst county governments and align the amendment to the proper section of the Act.

### **Committee's Observation**

The Committee agrees with the opinion of the stakeholder.

#### **58. Transition Clause**

Provide a Transition Clause for the Chairperson, Members and Staff of the Intergovernmental Relations Committee.

### **Committee's Observation**

The Committee noted that the proposed amendment does not repeal or alter the legal status of the stakeholder. The Committee therefore observed that employees of the stakeholder will continue to serve in accordance with the existing legal framework, as the amendment does not affect their employment status.

### **3.3 Submissions by the Office of the Attorney General**

59. The Office of the Attorney General's representative informed the Committee that they had reviewed the Bill in light of the Constitution and relevant existing legislation.
60. The Office of the Attorney General further informed the Committee that the State Department for Devolution had developed an Intergovernmental Relations Bill, 2024, which was finalised and submitted to the Office of the Deputy President on 17<sup>th</sup> April 2024. The Bill comprehensively reviews various provisions of the Intergovernmental Relations Act to strengthen the roles of the intergovernmental structures under the Act.
61. The office submitted that the proposals concerning the re-establishment of the Intergovernmental Relations Technical Committee as the Intergovernmental Relations

Agency, along with related provisions on its renaming, are contained in the Bill currently before Cabinet.

62. Additionally, proposals regarding the establishment of a Council of Governors Secretariat are also included in the same Bill.
63. The Office of the Attorney General further informed the Committee that the State Department for Devolution may be well-placed to provide policy guidance on the proposed Bill. To build on the proposals made in the draft Bill, the Office of the Attorney General proposed the following amendments—
64. Clause 10 of the Bill empowers the Agency to *employ staff as are necessary for the proper discharge of its functions under this Act*. However, Article 232 of the Constitution, read together with section 33 of the Public Service Commission Act, empowers the Public Service Commission to establish and appoint persons to public offices. In the opinion of the Attorney General's Office, the provision should be revised to reflect this role played by the Public Service Commission.

**Committee's Observation.**

The Committee noted that Section 17 of the Act already provides that the Summit and the Technical Committee may employ such officers and staff as are necessary for the proper discharge of their functions under the Act. The Committee further noted that the Agency is established as a neutral entity mandated to offer technical advice and assistance to both levels of government. The Committee therefore observed that introducing a provision requiring that its employees be appointed by the Public Service Commission may risk portraying the Agency as an extension of the national government, potentially undermining its neutrality and creating suspicion among county governments.

65. Clause 13 of the Bill, which inserts a section 20A, provides that the Council shall *determined biannually, the amounts to be paid by county governments as subscriptions*. However, the provision as drafted does not include or refer to the Public Finance Management Act (Cap. 412A) or the County Governments Act (Cap.265), which guides on the manner in which the finances of County Governments shall be estimated, committed, and managed. In their view, the provision should be revised to include a reference to the Public Finance Management Act (Cap. 412 A).

**Committee's Observation.**

The Committee observed that the Bill provides for a funding mechanism to the Council which aligns with the provisions of Article 95(4)(b) of the Constitution. The Committee further observed that the provision also aligns with the best practice in drafting legislation.

66. Clause 15 proposes the introduction of section 23F on the County Assemblies Forum, consisting of *all the members of the County Assemblies and speakers of the forty-seven county assemblies*. The Committee was informed of the need for policy guidance from the State Department for Devolution on this establishment and composition.

67. Additionally, the Bill establishes a National Executive Board to manage the Forum, but it is unclear on the modalities of how they are onboarded into the membership, that is, whether by election or appointment, or by which other appropriate method.

#### **Committee's Observation**

The Committee adopted the proposal and recommended an amendment to the Bill providing that members of the National Executive Board shall be elected by the members of the Forum

68. The Bill omits essential provisions regarding how the operational expenses of the Council Secretariat will be funded. In their view, the Bill should include provisions outlining the funding mechanism for the Secretariat.
69. In conclusion, the Office of the Attorney General noted that the Bill does not raise any constitutional issues and may be reviewed to address the above-mentioned legal and drafting issues before final consideration of the Bill. Further, the Committee was advised to seek views from the relevant Ministry to harmonize the two draft Bills.

#### **3.4 Submissions by the Council of Governors**

70. The Vice Chairperson of the Council of Governors, Gov. Mutahi Kahiga accompanied by the Council Whip, Gov. Stephen Sang and the Chief Executive Officer, Ms. Mary Mwiti appeared before the Committee and submitted that:
71. The amendments by the Senate to the Bill seek to, among others anchor the Council Secretariat in law, provide for funding of the Secretariat and provide a transitional clause to allow staff currently serving in the Secretariat to be deemed to be the staff thereof under the proposed section 23C.
72. The proposed sections 22A – 22E and Section 20 (1) (j) – (k) seek to provide for subscription of the employees and staff of county governments to an existing pension scheme and to expand the functions of the Council to include coordination of the functioning of these schemes.
73. He noted that these provisions go against the purpose of the Intergovernmental Relations Act, Cap. 265F, which is to establish a framework for consultation and co-operation between the national and county governments and amongst county governments; and to establish mechanisms for the resolution of intergovernmental disputes.
74. The whip of the Council, H.E. Stephen Sang, also presented before the Committee, echoing the Council's proposed amendments to the Bill and further highlighting the following key points;
75. Inclusion of the pension schemes in the Bill was misplaced since this ought to be in a separate legislation related to matters pension.
76. The Intergovernmental Relations Technical Committee (IGRTC) was conceptualized to be the Secretariat for the Council. However, this has never been the case, forcing the Council to have its own Secretariat in order to be able to handle disputes between the two levels of government structurally.

77. The need to financially support the Council Secretariat from the Exchequer necessitated the need to anchor it in law. The Secretariat being responsible for coordinating the functioning and the running of the Council, in addition to liaising with the donors and development partners on behalf of the counties, i.e., centrality of the role. The Agency is needed to coordinate the implementation of decisions of the Summit. The proposed amendments reflect the resolutions of the County Governments, the Council, and the Summit.
78. The Vice Chairperson-COG further briefed the Committee on the Council of Governors' proposed amendments on the Intergovernmental Relations (Amendment) Bill, 2024, as follows:

79. **Clause 2**

The Council proposed the deletion of the following definitions in the Bill.

“Administrator” has the meaning assigned to it under the Retirement Benefits Act;

“existing scheme” means a retirement benefit pension scheme which existed prior to the setting up of county governments and meets the criteria stipulated under Section 22A of this Act;

“liabilities” means pension debts owing to a retirement benefit scheme as a result of unremitted contributions, and may include principal debt, actuarial deficits, interests or penalties and profits;

“Pension Scheme” means a retirement benefit scheme for the payment of regular or periodical payments of benefits to the members or employees when they leave employment or to the dependants of members or employees on the death of those employees;

“Umbrella Scheme” means a retirement benefits scheme grouping with members employed by several employers, in which employees and employer’s contributions are paid into the fund established for that purpose;

Scheme rules” means regulations made under section 22D providing for establishment of a pension scheme for county government employees and related purposes;

“Trustees” means the trustees of the Scheme;

**Justification:** The amendments ought to be in a different legislation providing for retirements benefits of county governments employees.

**Committee’s Observations.**

The Committee noted its observation on a similar amendment above. In respect to the proposed amendment, the Committee observed that there is no proper legal framework which establishes a pension arrangement for county governments employees. The Committee further observed that pension for county employees is an intergovernmental

issue as it transcends to all county governments as employers, and as such, the amendment in the Bill will provide a general framework which will ensure that the pension scheme for county government employees is properly anchored under the law. Further, the Committee observed that the County Governments Retirement Scheme Act, 2019 was declared unconstitutional by the High Court in *Okoiti & 11 others v County Governments Retirement Scheme & 164 others*.

#### 80. **Clause 3**

The Council proposed an amendment to Clause 3 to provide that the Chairperson of the Agency should be a seasoned lawyer with proven track record and specific qualifications in alternative dispute resolutions methods such as mediation and arbitration. The Council proposed that—

- (a) the person holds a law degree from recognised university, or is an advocate of the High Court of Kenya, or possess an equivalent qualification in common law jurisdiction.

**Justification:** To advise the summit on legal matters and resolving complex intergovernmental disputes thus the Chairperson must be a seasoned lawyer with a proven track record and specific qualifications in alternative dispute resolution methods such as mediation and arbitration.

#### **Committee's observations.**

The Committee observed that while the requirement for the Chairperson to be a seasoned lawyer with specific qualifications in ADR is well-intentioned, the proposal may unduly narrow the pool of qualified candidates to be Chairperson of the Intergovernmental Relations Technical Committee. The Committee therefore concluded that the mandate of the Technical Committee in advising the Summit and resolving intergovernmental disputes could equally benefit from broader leadership competencies in other fields.

#### 81. **Clause 4**

The Council proposed an amendment to Clause 4 of the Bill by deleting paragraph (cd) of the Bill. The Council further proposed the inclusion of a new paragraph (ck) as follows—

- (i) delete the proposed paragraph (ca) and substitute therefor the following paragraph—
  - (ca) “advise the Summit on all matters of intergovernmental relations between the national and county governments”
- (ii) insert a new paragraph (ck) as follows—
  - (ck) “perform any other function as maybe conferred on it by the Summit under this Act or any other legislation.
- (iii) delete paragraph (cd) in the clause.

**Justification:** To provide clarity on the functions of the Agency as an institution responsible to the Summit as well as performing any other function as may be conferred on it by the Summit. Further, the clause (cd) is an overreach as development of policies is a function of the relevant Ministry in consultation with the relevant stakeholders.

**Committee's observation**

The Committee noted that the Bill provides that the agency shall act as a platform for providing exchange of information and coordination of policies, and not the formulation of policies as submitted by the Council. Formulation of policies is within the purview of the relevant Ministries. Further, the Committee noted that section 12(d) of the Act provides that the Technical Committee may perform any other function as may be conferred on it by the Summit, the Act or any other legislation. The Committee therefore observed that the proposed paragraph (ck) is already provided in the Act.

**82. Clause 5**

Amend clause 5 of the principal Act by deleting the proposed paragraph 12A (1)(e) in its entirety.

**Justification:** Considering that the agency performs the day-to-day administration of the Summit whose membership is provided under section 7 of the Act, it is not ideal for it to possess powers to summon its principals who are the president and the governors.

**Committee's Observation**

The Committee agreed with the proposal and noted that the power to summon is generally reserved for judicial or quasi-judicial bodies established under a constitutional provision or a specific Act of Parliament. The Committee therefore observed that granting such powers to the agency would represent an overreach of its mandate and an extension of authority beyond what is currently provided for in law.

**83. Clause 6**

Delete Clause 6 (ii) of the Bill in its entirety.

**Justification:** The insertion is unnecessary since 20(2) and (3) provides that the Council of Governors shall have powers to establish other intergovernmental forums including inter-city and municipality forums; and may also establish sectoral working groups or committees for the better carrying out of its function.

**Committee's Observation**

The Committee agreed with the proposal and noted that section 20 (1)(c) of the principal Act provides that the Council shall provide a forum for considering matters of common interest to county governments. Further, the Committee noted that subsections (2) and (3) of the Act gives the Council the power to establish other intergovernmental forums

including inter-city and municipality forums and sectoral working groups or committees for the better carrying out of its function.

84. **Clause 12**

Delete Clause 12 of the Bill in its entirety.

**Justification:** The provision relating to pension schemes ought to be in a different legislation providing for county governments employees such as the County Governments Retirement Scheme Act Cap.189B.

**Committee's Observation**

The Committee noted its observation in Clause 2 above on a similar amendment. The Committee observed that the County Governments Retirement Scheme Act, Cap.189B was declared unconstitutional by the High Court in *Okoiti & 11 others v County Governments Retirement Scheme & 164 others* and as such the amendment in the Bill will provide a general framework which will ensure that the pension scheme for county government employees is properly anchored in the law.

85. **Clause 14**

Delete clause 14 of the Bill in its entirety. The Clause seeks to introduce new sections 22A -22E in the Act.

**Justification:** The provision relating to pension schemes ought to be in a different legislation providing for county governments employees such as the County Governments Retirement Scheme Act Cap.189B.

**Committee's Observation**

The Committee noted its observation in Clause 2 and 12 above on a similar amendment.

86. **Clause 17**

Delete Clause 17 of the Bill in its entirety. Clause 17 amends section 30 of the principal Act by deleting the word "may" appearing after the words "party to dispute" and substituting therefor the word "shall". Further, it proposes to delete the word "Summit" "the Council" and substituting therefor the word "agency"

**Justification:** The proposal is inconsistent with Article 189(3) which requires that any dispute between governments including the county governments, the governments shall make every reasonable effort to settle the disputes, including the means of procedure provided under legislation.

### **Committee's Observations**

The Committee agreed with the proposed amendment in Clause 17(a). In respect to the amendment, the Committee noted that Article 189(3) of the Constitution requires intergovernmental disputes to be settled in a structured manner which includes making every reasonable effort to settle disputes, including by means of procedures provided under national legislation. The Committee therefore observed that the use of the word "shall" in Clause 17(a) introduces a mandatory requirement for parties to refer disputes to the Agency. This approach appears to conflict with Article 6 of the Constitution, which emphasises consultation and cooperation between the two levels of government. The Committee further noted that it should be the discretion of the party to the dispute to submit to other avenues as the law so established.

### **3.6. Further amendments to the Act by the Council.**

#### **87. Amendment to section 12 of the principal Act**

Delete section 12(1)(c) of the principal Act which provides that the Technical Committee may convene a meeting of the forty-seven County Secretaries within thirty days preceding every Summit meeting.

**Justification:** The role of the Intergovernmental Relation Agency as proposed will not require the Agency to directly convene the County Secretaries as this is a function that relied on their role as a secretariat the Council.

#### **Committee's Observation.**

The Committee noted that section 12 (c) of the Act provides that the Technical Committee may convene meetings of County Secretaries before every Summit meeting, since the Technical Committee serves as the Secretariat of the Summit. The Committee noted that this is necessary to ensure proper coordination, alignment of technical issues, and preparation of a harmonized agenda for effective decision-making by the Summit.

#### **88. Amendment to section 13 of the principal Act**

Amend section 13 by deleting subsection (2). This subsection provides that "Nothing in this section may be construed as precluding a Cabinet Secretary from convening consultative fora on sectoral issues of common interest to the national and county governments.

**Justification:** the subsection is misplaced as the section addresses sectoral working groups or committees. The provision is better placed in section 23 which provides for joint committees.

#### **Committee's Observation**

The Committee noted that section 13 provides for sectoral committees, whereas section 23 pertains to joint committees. The Committee therefore concluded that section 13 is the appropriate provision under the Act.

**89. Amendment to section 20 of the principal Act**

Amend section 20 by deleting paragraph (c) of the principal Act and substitute the following new paragraph—

“(c) Facilitate capacity building for the members of the County Executive”

**Justification:** The Council has continued to facilitate collective capacity building of the Members of the county executive.

**Committee’s Observation**

The Committee noted that Section 20(e) of the Intergovernmental Relations Act provides that the Council of Governors shall offer a forum for facilitating capacity building for Governors. The Committee further observed that while the Council plays a coordinating role, the responsibility for capacity building of County Executive Members lies primarily with each county governments, as it is a devolved function best addressed through county specific needs and frameworks.

**90. Amendment of section 23 of the principal Act**

Amend section 23 by introducing a new subsection (2) to provide that the relevant Cabinet Secretary and Chair of the specific sector of the Council may convene intergovernmental for a on sectoral issues of common interest to the national and county governments.

**Justification:** The provision will be better placed under this section to empower the relevant Cabinet secretary and the chair of the specific sector of the council to convene intergovernmental consultative forums on matters of common interest to the national and county governments.

**Committee’s Observation.**

The Committee observed that the proposed amendments expands the subject of the Bill contrary to Standing Order 133(5) of the National Assembly Standing Orders.

**3.5 Submissions by the Society of Clerks-at-the-Table (SOCATT-K)**

91. The Chairperson of the Society informed the Committee on the composition and role of the Society of Clerks at the Table in Kenyan County Legislatures. He stated that SOCATT (K) is the membership organization representing Technical Services across the 47 County Assemblies in Kenya.

92. Its primary objective is to facilitate the harmonization of procedures and practices while also creating platforms that enhance technical skills and capacities, promote experience

sharing, and encourage collaboration and networking within the County Assembly Service.

93. The Chairperson indicated that the Society of Clerks plays the following vital roles:
- (i) providing the platform for sharing of parliamentary and management practices among Legislatures in Kenya, particularly to the technical staff;
  - (ii) providing the platform for professionals who teach management of legislatures to discuss and share knowledge on parliamentary and management practice and issues;
  - (iii) sponsoring and promoting educational and training programs and activities that advance parliamentary practice, management, and traditions in Kenya;
  - (iv) advancing the professional status, public service, and interdisciplinary collaboration among the parliamentary managers in Kenya;
  - (v) creating linkages between the County Assembly Services and devolution stakeholders, development partners, civil society, and the private sector; and
  - (vi) publishing an annual journal on matters of procedure, privilege, constitutional law and management practices in relation to Parliament and Legislatures.
94. The Chairperson also submitted that SOCATT-K is a key institution in Kenya's devolved governance, supporting County Assemblies by improving legislative procedures, professional standards, and policy engagement. As a professional body, it represents technical officers, enhances their skills, and ensures that devolution functions effectively.
95. The Committee was further informed that SOCATT-K is modeled on the Society of Clerks-at-the-Table in Commonwealth Parliaments, established in 1932 to help parliamentary officers improve legislative practices. This international connection gives SOCATT-K a strong foundation in best practices from other Commonwealth parliaments.
96. The Committee was informed that the Society of Clerks at the Table performs the following additional roles:
- (i) SOCATT-K plays a role in harmonization of procedure and practice across the 47 County Assemblies through research and knowledge development of best practices drawn from across the commonwealth, national parliament, and experiences of various Counties.
  - (ii) SOCATT-K promotes professional standards and ethical conduct among County Assembly Officers by providing training, professional development opportunities, and networking forums aimed at enhancing skills and competencies in performing their duties effectively.
  - (iii) Capacity Building and Training through over 50 capacity training workshops conducted so far and provision of knowledge resources to enhance their understanding of devolution principles, governance structures, and their roles and responsibilities within the devolved system of government. By equipping technical officers with the necessary skills and knowledge, SOCATT-K contributes to the effective implementation of devolution initiatives.
  - (iv) Advocacy for Devolution through effective implementation of devolution principles and the empowerment of County Assemblies to fulfill their mandates;

- (v) Policy Engagement and Dialogue with National Parliament, including the Committees of Senate and National Assembly (through technical representations, submission of memoranda and collating data); and with various stakeholders including constitutional commissions/bodies, national government agencies, civil society organizations, and development partners to influence policies and decisions that strengthen the devolved system and address challenges faced by County Assemblies;
  - (vi) Representation of County Assembly officers as a platform to voice their views and experiences in implementing devolution and contribute to policy discussions;
  - (vii) Represented the County Assembly Services in engagements with Intergovernmental Relations, including discussions with the Constitutional Commission, Development Partners, and various stakeholders;
  - (viii) Promotion of Good Governance (i.e., transparency, accountability, and ethical standards) in County Assemblies as a means of enhancing oversight, legislation, and representation, thus ultimately enhancing service delivery and development outcomes for citizens.
97. SOCATT-K serves as a professional association with significance in upholding procedural integrity in devolved legislatures, promoting professional standards, and advocating for institutional support within County Assemblies.
98. The Chairperson of the Society noted that the Intergovernmental Relations (Amendment) Bill, 2024, seeks to formally anchor existing intergovernmental structures in law. However, the Society of Clerks at the Table in Kenyan County Legislatures (SOCATT-K) has been omitted from the Bill. He informed the Committee that including the Society in the Bill would yield several positive impact.
99. **Formalization and Standardization:** Transitioning SOCATT-K from a society under the Societies Act into a statutory organ could bring about a more formalized and standardized framework for governance and operations within the Devolution and Intergovernmental Relations space.
100. **Enhanced Accountability:** By subjecting SOCATT-K to statutory regulations and oversight, there is the potential to enhance accountability and transparency. This would lead to better governance outcomes as the institution transitions from its current quasi-government nature.
101. **Strengthened Inter-governmental Relations:** The legislation may provide a platform for strengthening intergovernmental relations by defining clear roles and responsibilities for different levels of government. This could facilitate more effective coordination and collaboration on issues of common interest.
102. The Chairperson further informed the Committee that the Society is proposing the insertion of the following clauses in the Bill:
- (1) *There is established a society of clerks, for all officers serving in the County Assemblies.*
  - (2) *The society shall*
    - a) *facilitate the harmonization of parliamentary practice and procedure among the County Assemblies;*

- b) *promote professional standards and ethical conduct among members of staff of the County Assembly Services by recommending to County Assemblies high-standard training and professional development opportunities aimed at enhancing skills and competencies in the effective performance of their duties;*
  - c) *represent the County Assembly Services in intergovernmental engagements including discussions with national government, constitutional commissions and independent bodies, development partners and various stakeholders; and*
  - d) *collaborate with national and international bodies responsible for public service management.*
- (3) *The Society shall have a Secretariat responsible for its operations, coordination, and implementation of its mandate, headed by a Chief Executive Officer. The Society may, where necessary, request the secondment of staff from County Assembly Service Boards to support its functions.*
- (4) *The staff serving in the Society shall at the commencement of this Act be deemed to be staff of the Society as provided for under subsection (3).*
- (5) *The funds of the Society shall consist of—*
- a) *mandatory annual subscriptions and contributions from County Assemblies;*
  - b) *monies allocated by parliament for purposes of the society;*
  - c) *grants, donations, and endowments from development partners and other lawful sources; and*
  - d) *any other funds that may accrue to the Society in the performance of its functions.*
- (6) *All assets, liabilities, rights, and obligations of the Society vested in it immediately before the commencement of this Act shall remain vested in it; and the staff serving in the Society shall continue in office under the Society.*

### **Committee Observations**

The Committee observed that the Society serves as a vital platform for the exchange of parliamentary and management practices among county legislatures. The Committee noted that it draws insights from the Commonwealth, national parliaments, and international experiences. The Committee further noted that SOCATT-K plays a critical role in safeguarding procedural integrity within devolved legislatures, promoting professional standards, and advocating for institutional support in County Assemblies. Accordingly, the Committee recommended that the Bill be amended to include the Society.

### **3.7 Submissions by the State Department for Devolution**

103. The State Department for Devolution appeared before the Committee on 13<sup>th</sup> June, 2025 and made submissions on the Intergovernmental Relations (Amendment) Bill, 2024 (Senate Bill No. 12 of 2024) as follows—

104. The mandate of the State Department as envisaged under Article 190 of the Constitution, section 121 of the County Governments Act CAP 265, the Intergovernmental Relations Act CAP 265F and Executive Order No. 1 of 2023 includes inter alia; management of devolution affairs, fostering intergovernmental relations, capacity development and technical assistance to county governments, management of civic education and public participation, management of devolution collaborations, partnerships and linkages.
105. The State Department's position is that Section 11 (2) (c) should not be amended as proposed in the Bill as it has the effect of removing the Principal Secretary responsible for intergovernmental relations from being a member of the Intergovernmental Relations Technical Committee (IGRTC).
106. This amendment appears to undermine the constitutional principle of cooperative government outlined in Article 189 of the Constitution. The current arrangement ensures policy coherence between national policy formulation (through the PS) and implementation (through IGRTC). The removal of PS SDD could create a disconnect in the intergovernmental relations framework.
107. The State Department's position is consistent with the constitutional design of a cooperative governance system where national and county governments are distinct but interdependent. Removing the PS from the Technical Committee risks creating an institutional gap in policy coordination.
108. The State Department for Devolution is the key policy organ on devolution and intergovernmental relations and its role in steering all stakeholders involved in the devolution space cannot be overstated. IGRTC is the only agency domiciled under state department.
109. IGRTC budgetary vote comes through the SDD. The PS is the custodian of all its assets and liabilities. Therefore, IGRTC's functional and administrative roles has a direct impact/effect on the State Department and the PS as the accounting officer and policy lead.
110. The delivery of the mandate of the SDD is achieved in collaborative, cooperative, multi sectoral strategies involving many state and non-state actors.
111. The State Department plays a lead role and partners with Ministries, Departments and Agencies, County Governments, Constitutional Commissions and Independent Offices. These partnerships were anchored through various legal notices to give the SDD legal mandate and grounding to discharge its duties. This demonstrates the SDD PS representation is not only desirable but calls to be grounded in law.
112. The SDD is represented in IBEC membership, another key intergovernmental institution established under Section 187 of the Public Finance Management Act.
113. SDD has been steering and coordinating the national government MDAs on the setting of the Summit Agenda and implementation of Summit decisions and resolutions. IGRTC is the secretariat to the Summit
114. Interdependence between and amongst state institutions and levels of governments necessitates shared and harmonized policy representation. The National Treasury, Ministry of Public Service and Human Capital Development are represented in Salaries

and Remuneration Commission (SRC) Boards. In the Commission on Revenue Allocation (CRA), the PS National Treasury is represented.

115. The Judicial Service Commission (JSC) has a representation from Public Service Commission, Attorney General amongst others. These representations provided for in the constitution and the law does not affect the independence of these commissions but strengthens the interdependence between and amongst arms and levels of governments and ensures public policies harmonization. It further strengthens the principles of one government approach and whole of government approach.
116. To strengthen the Agency and make it representative of the two levels of government, SDD proposes the inclusion of representation from the Council of Governors by inserting a Section (2)(d) to provide for a representative of the Council of Governors to be a member of the IGRTC.

### **Committee Observations**

The Committee observed that the State Department for Devolution plays a critical role as a key policy organ in matters of devolution and intergovernmental relations. In the circumstances, removing the Principal Secretary responsible for matters relating to devolution from the membership of the Intergovernmental Relations Technical Committee (IGRTC) may create a gap in policy coordination and formulation. The Committee further observed that in line with the constitutional principles of consultation and cooperation between the two levels of government, the Act should be amended to include a representative from the Council of Governors as a member of the IGRTC to ensure balanced representation and effective intergovernmental engagement.

117. Section 3(5)(d) of the bill proposes that a person shall be qualified to be a member of the Agency if such person:
  - b). *Has knowledge and experience of at least ten years in matters relating to... while subsection (d) requires that a person has had a distinguished career in their respective fields.*
118. The existing provision in 3(5)(b) sufficiently addresses qualification requirements. The proposed amendment would create duplication in the qualifications criteria, which could lead to confusion in implementation.
119. The State Department proposes that subsection 3(5)(d) be deleted from the bill. The provision under (b) and (d) relate to the experience acquired in a career relevant to the position of a member of IGRTC, Thus the two provisions means one and the same thing.

### **Committee Observations**

The Committee observed that the amendment may be adopted. The Committee noted that the term “distinguished career” lacks a clear and objective criterion, rendering the provision vague and potentially prone to subjective interpretation or abuse. The same may also result in a duplication of the qualification criteria.

120. Section 4(a)(a)(ii) of the bill provides that Agency shall implement the decisions of the Summit. The State Department proposed the section to be amended by replacing the word “Implement” with words “coordinate the implementation of ...”

121. As a secretariat for the Summit, the agency does not have capacity and mandate to implement the decisions of the Summit but can coordinate their implementation. This distinction is crucial as it aligns with the proper role of an intergovernmental body.
122. Under Kenya's devolution framework, implementation typically falls to the respective level of government with the constitutional mandate, while coordination is appropriately an intergovernmental function. This amendment would better align with Articles 186 and 187 of the Constitution regarding division of functions.

### **Committee's Observations**

The Committee noted that section 12(a)(ii) of the Intergovernmental Relations Act stipulates that the Technical Committee is responsible for implementing the decisions of the Summit. This function is therefore already provided for in the Act under the existing legal framework. However, the Committee observed that clause 4(a)(a ii) be deleted and substituted therefor the "coordinate the implementation of the decisions of the summit"

123. Section 4(cg) of the bill proposes that the Agency coordinates development of standardized costing framework for the transferred functions. The State Department proposes that subsection 4(cg) be deleted.
124. The role of development and coordination of frameworks in the devolution space is domiciled in the state department responsible for intergovernmental relations. This appears to create potential duplication of roles. Under the Public Finance Management Act, such financial functions typically fall under departments with fiscal responsibility. This amendment may create jurisdictional conflicts.
125. The proposed function would overlap with existing statutory responsibilities of the State Department for Devolution.

### **Committee Observations**

The Committee noted that the IGRTC is established as a neutral entity tasked with offering technical advice and assistance to both levels of government with the aim of enhancing the realization of the objects and principles of devolution. The Committee further noted that the entity plays a critical role in the unbundling of functions between the national and county governments. In this respect, the committee observed that it is both appropriate and necessary for IGRTC to coordinate the development of costing frameworks to support the effective transfer and execution of these functions.

126. Section 4(ch) of the Bill proposes that the agency shall witness execution of all relevant legal instruments for transfer of functions. The State Department proposes that subsection 4(ch) be deleted.
127. This is the function reserved for the Principal Secretary responsible for Intergovernmental Relations. This is consistent with legal principles regarding proper witnesses for governmental instruments. The PS, as a constitutional office holder, is the appropriate authority for witnessing such transfers under Kenya's legal framework. The amendment would inappropriately transfer a formal administrative function from a constitutional office holder to an agency.
128. The State Department further proposed for the deletion of Section 12(d) of the bill which proposes that the Intergovernmental Agency shall issue directions with respect to

intergovernmental disputes. The Agency lacks judicial authority to issue directions. This raises significant constitutional concerns.

129. The Constitution and the Intergovernmental Relations Act establish a framework for dispute resolution that does not include judicial or quasi-judicial powers for IGRTC. Granting such powers could violate separation of powers principles and potentially infringe on the constitutional mandate of courts under Article 159 of the Constitution.

#### **Committee Observations**

The Committee observed that the amendment may be adopted, as it is only courts or tribunals that have the authority to make binding decisions. This aligns with the constitutional principle of separation of powers and ensures that any determination with legal effect is made by a competent judicial or quasi-judicial body.

130. Section 8(c)(b) of the bill proposes that the Agency shall be responsible for the day-to-day administration of the affairs and the implementation of the decisions of the Summit.

131. The State Department proposes the following amendment:

Add the words “and coordination of” before the word “implementation”. As a secretariat for the Summit, the agency does not have capacity and mandate to implement the decisions of the Summit but can coordinate their implementation.

132. This amendment clarifies the Agency's appropriate role within the constitutional framework of devolved governance. Under the Constitution, implementation of policies and decisions typically falls to the respective governments (national or county) based on the division of functions in the Fourth Schedule. The Technical Committee's role is more appropriately that of coordination rather than direct implementation.

#### **Committee Observations**

The Committee observed that the proposal may be adopted.

#### **Submissions by the Architects Alliance (TAA)**

133. The Architects Alliance (TAA) briefed the Committee that they are a professional body representing architects dedicated to advancing sustainable urban development, innovative infrastructure design, and thought leadership in the built environment. Architects play a pivotal role in shaping policies and regulations that impact urban planning, infrastructure integration, and community well-being. TAA contributes its expertise to ensure that legislative frameworks align with global best practices in architecture, spatial planning, and sustainable development.

134. The Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024) seeks to strengthen coordination between national and county governments. From an architectural perspective, this coordination is critical for effective spatial planning, infrastructure development, and sustainable urbanization. The bill provides a foundation for intergovernmental collaboration, but there is room to enhance its provisions by integrating architectural expertise to address infrastructure challenges and urban planning needs.

135. TAA emphasized the importance of including architects in intergovernmental processes to ensure that spatial planning and infrastructure projects are aligned with global best

practices. Countries like Singapore and Germany have successfully integrated architects into intergovernmental frameworks to achieve sustainable urban development and efficient infrastructure planning.

### Key Comments and Recommendations

#### Section 5: Establishment of the Intergovernmental Technical Committee

136. The composition of the Technical Committee currently excludes architects, despite their critical role in urban planning and infrastructure integration.
137. Proposed amendment: Include an architect nominated by The Architects Alliance (TAA) as a permanent member of the Technical Committee. Architects bring expertise in spatial planning, sustainable design, and infrastructure development, ensuring that intergovernmental projects are user-centric and environmentally sustainable.

#### Section 8: Functions of the Technical Committee

138. The functions of the committee focus on coordination but lack explicit reference to spatial planning and infrastructure development.
139. Proposed amendment: Add a clause requiring the committee to collaborate with architects to ensure that intergovernmental projects align with spatial planning principles, sustainable development goals, and infrastructure best practices.

#### Section 12: Dispute Resolution Mechanisms

140. The dispute resolution mechanisms do not address conflicts related to land use, infrastructure projects, or urban planning.

Proposed amendment: Mandate the inclusion of architects in dispute resolution panels for cases involving land use or infrastructure development. Architects can provide technical insights to resolve disputes effectively.

### Clause-Specific Recommendations

Proposed Amendment	Justification	Committee Observations
<p><b>1. Section 5:</b> Add: "(x) one person nominated by The Architects Alliance, who shall be a registered architect with experience in urban planning and infrastructure development."</p>	<p>Ensures professional input in spatial planning and sustainable infrastructure design. Architects provide critical insights for integrating infrastructure projects into the built environment.</p>	
<p><b>2. Section 8:</b> Add: "(x) collaborate with relevant</p>	<p>Establishes a clear mandate for infrastructure planning and alignment</p>	

<p>professional bodies to ensure the integration of spatial planning and infrastructure development into intergovernmental projects."</p>	<p>with urban development goals.</p>	
<p><b>Section 12:</b></p> <p>Add: "The dispute resolution mechanism shall include a panel of experts, including architects, for cases involving land use, urban planning, or infrastructure development."</p>	<p>Provides technical expertise to resolve disputes involving spatial planning and infrastructure challenges.</p>	

141. The inclusion of architectural expertise in the Intergovernmental Relations (Amendment) Bill is essential to ensure that intergovernmental projects are sustainable, efficient, and aligned with global best practices. TAA strongly recommends the inclusion of an architect on the Technical Committee and the adoption of infrastructure-focused provisions in the bill. These amendments will enhance the bill's effectiveness and contribute to the creation of sustainable and inclusive environments.

**Committee's Observation**

The Committee observed that the proposed amendments expands the subject of the Bill contrary to Standing Order 133(5) of the National Assembly Standing Orders.

## CHAPTER FOUR

### 4.0 OBSERVATIONS AND FINDINGS

Upon consideration of the Bill, the Committee observed the following:

- (a) The Bill seeks to amend the Intergovernmental Relations Act, Cap.265 to establish a structured framework for intergovernmental relations, change the name of the Intergovernmental Relations Technical Committee (IGRTC) to Intergovernmental Relations Agency and provide for the Council of Governors Secretariat, County Assemblies Forum and its Secretariat.
- (b) The Bill is timely and a suitable amendment as it seeks to establish a structured framework for inter-governmental relations.
- (c) The proposal to remove the Principal Secretary for the State Department for the time being responsible for matters relating to devolution in clause 3(b)(ii) of the Bill, may create an institutional gap in policy coordination. The Committee observed that IGRTC is a unique institution serving both levels of government and the Bill should therefore be amended to include a representative of the Council of Governors to ensure balanced representation and effective intergovernmental engagements.
- (d) The Bill does not raise any Constitutional issues, but seeks to enhance consultation and cooperation between the national and county governments and amongst county governments as provided under Article 6 and 189 of the Constitution.
- (e) The Bill seeks to provide a general framework to ensure that the retirement benefits for county governments employees are properly anchored in law, after the County Governments Retirement Scheme Act, Cap.189B was declared unconstitutional by the High Court in the case of *Okoiti & 11 others v County Governments Retirement Scheme & 164 others*.
- (f) Most stakeholders expressed support for the proposed amendment to the Bill, recognizing its importance in enhancing devolution and improving intergovernmental relations.

CHAPTER FIVE

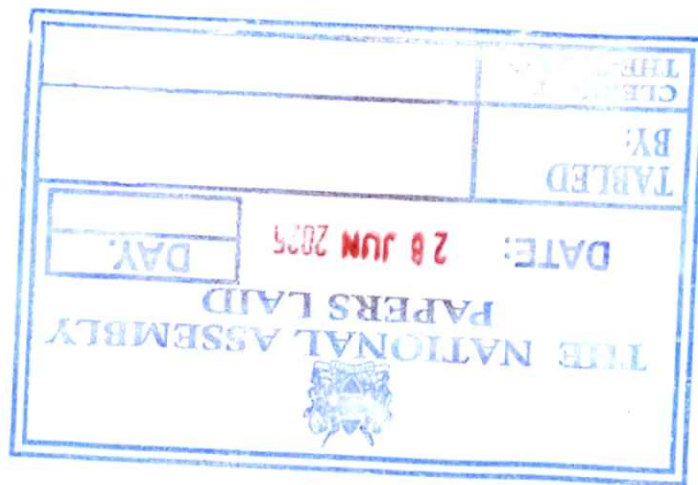
5.0 RECOMMENDATIONS

The Committee having considered the Intergovernmental Relations (Amendment) Bill 2024 (Senate Bill No. 12 of 2024) recommends that the House **APPROVES** the Bill with the amendments contained in the SCHEDULE OF AMENDMENTS forming PART SIX of this report:

SIGNED..........DATE 24/06/2025.....

HON. PETER LOCHAKAPONG, MP  
(CHAIRPERSON)

DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT.



## CHAPTER VI

### SCHEDULE OF AMENDMENTS

In view of the observations made, the Committee proposes the following amendments to the Bill—

#### CLAUSE 3

**THAT**, Clause 3 of the Bill be amended—

- (a) in paragraph (b), by deleting sub-paragraph (ii);
- (b) by inserting the following new sub-paragraph immediately after sub-paragraph (i);  
and
  - (iii) “one person who shall be competitively recruited by the Council and appointed by the Summit”
- (c) in paragraph (e) by—
  - (i) inserting the words “any of the following” immediately after the words “relating to” in paragraph (b); and
  - (ii) deleting paragraph (d), in the proposed new subsection (5).

#### **Justification:**

The amendment seeks to include a representative from the Council of Governors as a member of the Agency rather than removing the Principal Secretary responsible for matters relating to devolution. On subclause (5), the Bill proposes that a person shall be qualified for appointment as a member of the Agency if the person possess at least ten years of relevant knowledge and experience and have had a distinguished career in their respective field. The proposed amendment therefore seeks to delete paragraph (d) on the grounds that requiring both a minimum of ten years’ experience and a distinguished career results in a duplication of the qualification criteria.

#### CLAUSE 4

**THAT**, Clause 4 of the Bill be amended in paragraph (a), by deleting sub-paragraph (ii) and substituting therefor the following new sub-paragraph—

“(ii) coordinate the implementation of the decisions of the Summit.”

#### **Justification:**

The amendment clarifies the agency’s appropriate role which is more of coordination rather than implementation.

## **CLAUSE 5**

**THAT**, Clause 5 of the Bill be amended in the proposed new section 12A by –

- (a) deleting paragraph (1)(d); and
- (b) deleting paragraph (1)(e).

### **Justification:**

The amendment aligns with the constitutional principle of separation of powers and ensures that any determination having a legal effect is made by a competent judicial or quasi-judicial body. Further, the power to summon is reserved for judicial or quasi-judicial bodies established under a constitutional provision or a specific Act of Parliament.

## **CLAUSE 6**

**THAT**, Clause 6 of the Bill be amended by deleting paragraph (ii).

### **Justification:**

The proposed clause provides for the establishment and convening of sectoral forums on sectoral issues by the Council. However, this function is already assigned to the Council under section 20(1)(c) and (3) of the Intergovernmental Relations Act, Cap. 265F.

## **CLAUSE 8**

**THAT**, Clause 8 of the Bill be amended in paragraph (c), by inserting the words “coordinate the” immediately after the words “secretariat and”.

### **Justification:**

The amendment clarifies the agency’s appropriate role which is more of coordination rather than implementation.

## **CLAUSE 10**

**THAT**, Clause 10 of the Bill be amended by deleting the marginal note to the proposed new section 17 and substituting therefor the following new marginal note—

“Staff of the Agency”

### **Justification:**

Staff employed shall be deemed to be staff of the Agency, and not of the Summit, in accordance with the provisions of the Bill.

## **CLAUSE 15**

**THAT** Clause 15 of the Bill be amended—

- (a) in the proposed new section 23F, by inserting the words “elected by members of the forum” immediately after the words “National Executive Board” in sub-clause 2;
- (b) in the proposed new section 23J, by deleting the word “Senate” and substituting therefor the word “Parliament” in sub-clause (1);
- (c) in the proposed new section 23K, by deleting the words “the Secretary to the Forum” appearing in sub-clause (5)(b); and
- (d) by inserting the following new sections immediately after the proposed section 23N—

**23O. Establishment of a Society of Clerks-at-the-Table.**

(1) There is established a Society of Clerks-at-the-Table which shall consist of clerks and technical staff serving in the forty-seven county assemblies.

(2) The Society shall be governed by an Executive Committee which shall comprise of—

- (a) a Chairperson;
- (b) a vice-chairperson;
- (c) seven other members; and
- (d) a Chief Executive Officer who shall be an *ex-officio* member and secretary to the Committee.

(3) The members of the Executive Committee under subsection 2 (a), (b) and (c) shall be elected by the clerks of the county assemblies from among the clerks.

(4) The members of the Committee shall serve for a term of two years and shall be eligible for election for one further term.

**23P. Functions of the Society**

(1) The Society shall provide a forum for—

- (a) consultation among staff serving in county assemblies;
- (b) facilitating and harmonizing practice and procedure among county assemblies;
- (c) creating a platform for sharing of information and experiences for county assembly clerks and staff of county assemblies;
- (d) developing technical and management capacities for county assemblies’ clerks and staff;

- (e) providing legal and procedural advise to county assemblies in the development of legislation;
- (f) representing the county assembly services in all intergovernmental engagements, including engagements with Parliament and Constitutional commissions;
- (g) facilitating capacity building for clerks and staff of the county assemblies; and
- (h) considering matters of common interest for clerks and staff of the county assemblies.

**23Q. Funding of the Society**

- (1) The funding of the Society shall consist of—
  - (a) annual subscriptions by county assemblies; and
  - (b) such monies as may be lawfully granted or donated to the Society.

**23R. Meetings of the Society**

- (1) The Society shall meet at least twice a year;
- (2) The Society shall prescribe its own procedures.

**23S. Report by the Society**

The Society shall submit an annual report to the county assemblies within three months after the end of every financial year.

**23T. Establishment of the Society Secretariat**

(1) There is established a Secretariat which shall be headed by a Chief Executive Officer.

(2) The Chief Executive Officer shall be competitively recruited and appointed by the Executive Committee.

(3) A person is qualified to be appointed as a Chief Executive Officer if that person—

- (a) holds a degree from a university recognised in Kenya;
- (b) has at least ten years relevant professional experience;
- (c) has demonstrable competence in administration of not less than five years; and
- (d) satisfies the requirements of leadership and integrity provided under Chapter Six of the Constitution.

(4) The Chief Executive Officer shall be –

- (a) the accounting officer of the Society;
- (b) the Secretary to the Society; and
- (c) responsible to the Society for the day-to-day administration of the affairs of the Secretariat.

(5) Without prejudice to the generality of the provisions of subsection (4), the Chief Executive Officer shall be responsible for—

- (a) the implementation of decisions of the Society;
- (b) the establishment and development of an efficient administration of the Secretariat;
- (c) the organization, control and management of staff of the Secretariat;
- (d) maintaining accurate records on financial matters and resource use;
- (e) ensuring the preparation and approval of the budget for the required funding of the operational expenses of the Society; and
- (f) performing any other duties as may be assigned by the Society.

(6) The Chief Executive Officer shall be appointed for a single term of three years and shall be eligible for re-appointment for one further term.

**23U. Removal from office of the Chief Executive Officer.**

(1) The Chief Executive Officer may be removed from office by the Society, for—

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) incompetence or negligence of duty; or
- (d) any other ground that would justify removal from office under the terms and conditions of service.

**23V. Staff of the Society**

The Society may employ staff as are necessary for the proper discharge of its functions.

### **23W. Transition of Staff**

The staff serving in the Society shall at the commencement of this Act be deemed to be the staff of the Society as provided for under section 23V,

### **23X. Remuneration of staff**

The Chief Executive Officer and staff of the Secretariat shall be paid such salaries, benefits and allowances for expenses as may be determined by the Executive Committee, in consultation with the Salaries and Remuneration Commission.

#### **Justification:**

The proposed amendment seeks to ensure that reports of the Forum are submitted not only to the Senate but also to the National Assembly in order to enhance legislative oversight and accountability. Further, the provision of the Secretary to the Forum is a repetition of the provisions already contained in subsection (2) of the Bill thereby making the provision redundant. In addition, the amendment includes the Society for Clerks at the Table as they play a vital role in exchange of procedure and practices among county legislatures in Kenya and safeguarding procedural integrity within devolved legislatures.

#### **Clause 17,**

**THAT**, Clause 17 of the Bill be amended by—

- (a) deleting the expression “30” appearing in the introductory clause and substituting therefor the expression “33”;
- (b) deleting paragraph (a);

#### **Justification:**

The amendment seeks to correct an error and align the Clause to the proper section of the Act. Further, the amendment in clause 17(a) to include the word "shall" introduces a mandatory requirement for parties to refer disputes to the Agency, which appears to conflict with Article 6 of the Constitution. The Constitution emphasises consultation and cooperation between parties to the dispute.



THE NATIONAL ASSEMBLY  
13<sup>TH</sup> PARLIAMENT - FOURTH SESSION - 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES  
DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT

ADOPTION LIST

DATE: 13/06/2025

TIME: From 2:15pm To 4:30pm

VENUE: SAMUELA LODGE NAIVASHA

**AGENDA:** Consideration and adoption of the Committee's report on the Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024)

We, the undersigned, adopt the Committee's report on the Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024)

NO.	NAME	SIGNATURE
1.	Hon. Lochakapong Peter, CBS, M.P. – Chairperson	
2.	Hon. Paul Abuor, M.P. – Vice - Chairperson	
3.	Hon. Sudi Oscar Kipchumba, M.P.	—
4.	Hon. Mawathe Julius Musili, M.P.	—
5.	Hon. Otucho Mary Emaase, M.P.	
6.	Hon. Kalasinga Joseph Majimbo, M.P.	
7.	Hon. Nabulindo Peter Oscar, M.P.	—
8.	Hon. Khamis Chome Abdi, M.P.	—
9.	Hon. Maina Amos Mwago, M.P.	
10.	Hon. Tungule Charo Kazungu, M.P.	—
11.	Hon. Basil Robert Ngui, M.P.	
12.	Hon. CPA Geoffrey Wandeto, M.P.	—
13.	Hon. Munyoro Joseph Kamau, M.P.	—
14.	Hon. Njeru Pamela Njoki, M.P.	
15.	Hon. Umul Ker Kassim Sheikh, M.P.	

Forwarded by:

Signature: Date: 15/06/25

Committee Clerk:

Approved by:

Signature: ..... Date: .....

Director Departmental Committees: .....

**MINUTES OF THE TWENTY-FIFTH (25<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT HELD ON FRIDAY, 13<sup>TH</sup> JUNE 2025 AT 10:01 A.M. IN LANTANA HALL, LAKE NAIVASHA SAWELA LODGE, NAIVASHA SUB COUNTY**

**MEMBERS PRESENT**

1. Hon. Lochakapong Peter, M.P. - *Chairperson*
2. Hon. Paul Abuor, M.P. - *Vice-Chairperson*
3. Hon. Otucho Mary Emaase, M.P.
4. Hon. Nabulindo Peter Oscar, M.P.
5. Hon. Khamis Chome Abdi, M.P.
6. Hon. Maina Amos Mwago, M.P.
7. Hon. Basil Robert Ngui, M.P.
8. Hon. Munyoro Joseph Kamau, M.P.
9. Hon. Njeru Pamela Njoki, M.P.
10. Hon. Umul Ker Kassim Sheikh, M.P.

**MEMBERS ABSENT WITH APOLOGY**

1. Hon. Sudi Oscar Kipchumba, M.P.
2. Hon. Mawathe Julius Musili, M.P.
3. Hon. Kalasinga Joseph Majimbo, M.P.
4. Hon. Tungule Charo Kazungu, M.P.
5. Hon. CPA Geoffrey Wandeto, M.P.

**IN ATTENDANCE**

**SECRETARIAT**

1. Mr. Mohamed Boru - Clerk Assistant I
2. Mr. Sisto Macharia - Clerk Assistant III
3. Mr. Moses Mwariri - Legal Counsel II
4. Ms. Mwanasha Juma - Serjeant at Arms
5. Mr. Jared Onyancha - Public Communications Officer III
6. Ms. Agnes Ibara - Hansard Officer II

**STATE DEPARTMENT FOR DEVOLUTION**

1. As per the annexed attendance list

**AGENDA**

1. Prayers;
2. Preliminaries;
3. Confirmation of the previous minutes;
4. Submissions on the Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024) by the State Department for Devolution;
5. Any Other Business; and
6. Adjournment.

**MIN. NO. NA/DC-RD/ 0130/ 2025: PRELIMINARIES**

The meeting was called to order at 10.01 a.m. by the Chairperson, followed by a word of prayer and introductions. The agenda of the meeting was then adopted, having been proposed by Hon. Paul Abuor, M.P., and seconded by Hon. Mary Emaase, M.P.

**MIN. NO. NA/DC-RD/ 0131/ 2025: CONFIRMATION OF THE PREVIOUS MINUTES**

Agenda deferred.

**MIN. NO. NA/DC-RD/ 0132/ 2025: SUBMISSIONS OF THE MEMORANDUM ON THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, 2024 (SENATE BILL NO.12 OF 2024) BY THE STATE DEPARTMENT FOR DEVOLUTION**

The Committee was briefed as follows:

**Sections of IGR ACT**

Section 11 (2)(c)

**Provision of the Bill**

Delete Section 11 (2) (c);

**Comments**

The Bill proposes to delete section 11 (2) (c) which provides that the Principal Secretary Devolution is a member of the intergovernmental Technical Committee.

The State department's position is that Section 11 (2) (c) should not be amended as proposed in the Bill as it has the effect of removing the Principal Secretary responsible for intergovernmental relations from being a member of the Intergovernmental Relations Technical Committee (IGRTC).

**Justification**

The Bill proposes to delete section 11 (2) (c) which provides that the Principal Secretary Devolution is a member of the intergovernmental Technical Committee.

The State department's position is that Section 11 (2) (c) should not be amended as proposed in the Bill as it has the effect of removing the Principal Secretary responsible for intergovernmental relations from being a member of the Intergovernmental Relations Technical Committee (IGRTC).

**Analysis**

The State Department for Devolution is the key policy organ on devolution and intergovernmental relations and its role in steering all stakeholders involved in the devolution space cannot be overstated.

1. IGRTC is the only agency domiciled under state department.
2. IGRTC budgetary vote comes through the SDD. The PS is the custodian of all its assets and liabilities. Therefore, IGRTC's functional and administrative roles has a direct

impact/effect on the State department and the PS as the accounting officer and policy lead.

3. The delivery of the mandate of the SDD is achieved in collaborative, cooperative, multi sectoral strategies involving many state and non-state actors.
4. The SDD plays a lead role and partners with Ministries, Departments and Agencies, County Governments, Constitutional Commissions and Independent Offices. These partnerships were anchored through various legal notices to give the SDD legal mandate and grounding to discharge its duties. This evidently demonstrates the SDD PS representation is not only desirable but calls to be grounded in law.
5. The SDD is represented in IBEC membership, another key intergovernmental institution established under Section 187 of the Public Finance Management Act.
6. SDD has been steering and coordinating the national government MDAs on the setting of the summit Agenda and implementation of Summit decisions and resolutions. IGRTC is the secretariat to the Summit
7. Interdependence between and amongst state institutions and levels of governments necessitates shared and harmonized policy representation. The National Treasury, Ministry of Public Service and Human Capital Development represented in Salaries and Remuneration Commission (SRC) Boards. In Commission on Revenue Allocation (CRA), the PS National Treasury is represented. The Judicial Service Commission (JSC) has a representation from Public Service Commission, Attorney General amongst others. These representations provided for in the constitution and the law does not affect the independence of these commissions but strengthens the interdependence between and amongst arms and levels of governments and ensures public policies harmonization's. It further strengthens the principles of one government approach and whole of government approach.

In order to strengthen the Agency and make it representative of the two levels of government, SDD proposes the inclusion of the following in addition to PS SDD, the representation from Council of Governors by inserting a Section (2)(d) to provide for a representative of the Council of Governors to be a member of the IGRTC.

### **Sections of IGR ACT**

Section 3(5)(d)

#### **Provision of the Bill**

Section 3(5)(d) of the bill proposes that a person shall be qualified to be a member of the Agency if such person:

(b). Has knowledge and experience of at least ten years in matters relating to... while subsection

(d) requires that a person has had a distinguished career in their respective fields.

#### **Comments**

SDD proposes that subsection 3(5)(d) be deleted from the bill

#### **Justification**

The provision under (b) and (d) relate to the experience acquired in a career relevant to the position of a member of IGRTC, Thus the two provisions means one and the same thing.

## **Analysis**

The existing provision in 3(5)(b) sufficiently addresses qualification requirements. The proposed amendment would create duplication in the qualifications criteria, which could lead to confusion in implementation.

## **Sections of IGR ACT**

Section 4(a)(a)(ii)

## **Provision of the Bill**

The bill provides that Agency shall implement the decisions of the Summit

## **Comments**

Amend Section 4(a)(a)(ii) by replacing the word “Implement” with words “coordinate the implementation of ...”

## **Justification**

As a secretariat for the Summit, the agency does not have capacity and mandate to implement the decisions of the Summit but can coordinate their implementation.

## **Analysis**

This distinction is crucial as it aligns with the proper role of an intergovernmental body. Under Kenya's devolution framework, implementation typically falls to the respective level of government with the constitutional mandate, while coordination is appropriately an intergovernmental function. This amendment would better align with Articles 186 and 187 of the Constitution regarding division of functions.

## **Sections of IGR ACT**

Section 4(cg)

## **Provision of the Bill**

The bill proposes that the agency coordinates development of standardized costing framework for the transferred functions

## **Comments**

SDD proposes that subsection 4(cg) be deleted

## **Justification**

The role of development and coordination of frameworks in the devolution space is domiciled in the state department responsible for intergovernmental relations.

## **Analysis**

This appears to create potential duplication of roles. Under Public Finance Management Act such financial functions typically fall under departments with fiscal responsibility. This amendment may create jurisdictional conflicts.

The proposed function would overlap with existing statutory responsibilities of the State Department for Devolution.

### **Sections of IGR ACT**

Section 4(ch)

#### **Provision of the Bill**

The bill proposes that the agency shall witness execution of all relevant legal instruments for transfer of functions

#### **Comments**

SDD proposes that subsection 4(ch) be deleted

#### **Justification**

This is the function reserved for the Principal Secretary responsible for Intergovernmental Relations.

#### **Analysis**

This is consistent with legal principles regarding proper witnesses for governmental instruments. The PS, as a constitutional office holder, is the appropriate authority for witnessing such transfers under Kenya's legal framework. The amendment would inappropriately transfer a formal administrative function from a constitutional office holder to an agency.

### **Sections of IGR ACT**

#### **Section 12(d)**

The bill proposes that the agency shall issue directions with respect to intergovernmental disputes

#### **Provision of the Bill**

#### **Comments**

#### **Delete (d)**

#### **Justification**

The Agency lacks judicial authority to issue directions.

#### **Analysis**

This raises significant constitutional concerns. The Constitution and the Intergovernmental Relations Act establish a framework for dispute resolution that does not include judicial or quasi-judicial powers for IGRTC. Granting such powers could violate separation of powers principles and potentially infringe on the constitutional mandate of courts under Article 159 of the Constitution.

**Sections of IGR ACT**

Section 8(c)(b)

**Provision of the Bill**

The bill proposes that the Agency shall be responsible for the day-to-day administration of the affairs and the implementation of the decisions of the Summit.

**Comments**

Add the words “and coordination of” before the word “implementation”

**Justification**

As a secretariat for the Summit, the agency does not have capacity and mandate to implement the decisions of the Summit but can coordinate their implementation.

**Analysis**

This amendment clarifies the Agency's appropriate role within the constitutional framework of devolved governance. Under the Constitution, implementation of policies and decisions typically falls to the respective governments (national or county) based on the division of functions in the Fourth Schedule. The Technical Committee's role is more appropriately that of coordination rather than direct implementation.

**Committee Observations**

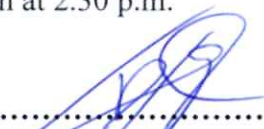
The Committee acknowledged the concerns raised by the State Department and will take them into account during the afternoon session when considering and adopting the report.

**MIN. NO. NA/DC-RD/ 0133/ 2025: ANY OTHER BUSINESS**

No matter arose.

**MIN. NO. NA/DC-RD/ 0134/ 2025: ADJOURNMENT**

There being no other business to transact, the sitting adjourned at 1.15 p.m. The next sitting to be held in the afternoon at 2.30 p.m.

Signed.......... Date 24/06/2025.....

**HON. LOCHAKAPONG PETER, M.P.**

**CHAIRPERSON DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT**

**MINUTES OF THE TWENTY-SIXTH (26<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT HELD ON FRIDAY, 13<sup>TH</sup> JUNE 2025 AT 2:15 P.M. IN LANTANA HALL, LAKE NAIVASHA SAWELA LODGE, NAIVASHA SUB COUNTY**

**MEMBERS PRESENT**

- |                                       |                    |
|---------------------------------------|--------------------|
| 1. Hon. Lochakapong Peter, M.P.       | - Chairperson      |
| 2. Hon. Paul Abuor, M.P.              | - Vice-Chairperson |
| 3. Hon. Otucho Mary Emaase, M.P.      |                    |
| 4. Hon. Nabulindo Peter Oscar, M.P.   |                    |
| 5. Hon. Khamis Chome Abdi, M.P.       |                    |
| 6. Hon. Maina Amos Mwago, M.P.        |                    |
| 7. Hon. Basil Robert Ngui, M.P.       |                    |
| 8. Hon. Munyoro Joseph Kamau, M.P.    |                    |
| 9. Hon. Njeru Pamela Njoki, M.P.      |                    |
| 10. Hon. Umul Ker Kassim Sheikh, M.P. |                    |

**MEMBERS ABSENT WITH APOLOGY**

1. Hon. Sudi Oscar Kipchumba, M.P.
2. Hon. Mawathe Julius Musili, M.P.
3. Hon. Kalasinga Joseph Majimbo, M.P.
4. Hon. Tungule Charo Kazungu, M.P.
5. Hon. CPA Geoffrey Wandeto, M.P.

**IN ATTENDANCE**

**SECRETARIAT**

- |                       |                                     |
|-----------------------|-------------------------------------|
| 1. Mr. Mohamed Boru   | - Clerk Assistant I                 |
| 2. Mr. Sisto Macharia | - Clerk Assistant III               |
| 3. Mr. Moses Mwariri  | - Legal Counsel II                  |
| 4. Ms. Mwanasha Juma  | - Serjeant at Arms                  |
| 5. Mr. Jared Onyancha | - Public Communications Officer III |
| 6. Ms. Agnes Ibara    | - Hansard Officer II                |

**AGENDA**

1. Prayers;
2. Preliminaries;
3. Confirmation of the previous minutes;
4. Consideration and adoption of the Committee's report on the Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024);
5. Any Other Business; and
6. Adjournment.

**MIN. NO. NA/DC-RD/ 0135/ 2025:**

**PRELIMINARIES**

The meeting was called to order at 2.15 p.m. by the Chairperson, followed by a word of prayer and introductions. The agenda of the meeting was then adopted, having been proposed by Hon. Maina Amos Mwago, M.P., and seconded by Hon. Umul Ker Kassim Sheikh, M.P.

**MIN. NO. NA/DC-RD/ 0136/ 2025:**  
**MINUTES**

**CONFIRMATION OF THE PREVIOUS**

Agenda deferred.

**MIN. NO. NA/DC-RD/ 0137/ 2025:**

**CONSIDERATION OF THE  
COMMITTEE'S REPORT ON THE  
INTERGOVERNMENTAL RELATIONS  
(AMENDMENT BILL, 2024 (SENATE BILL  
NO. 12 OF 2024)**

The Committee considered the Bill and made the following observations:

**OBSERVATIONS AND FINDINGS**

Upon consideration of the Bill, the Committee observed the following:

- (a) The Bill seeks to amend the Intergovernmental Relations Act, Cap.265 to establish a structured framework for intergovernmental relations, change the name of the Intergovernmental Relations Technical Committee (IGRTC) to Intergovernmental Relations Agency and provide for the Council of Governors Secretariat, County Assemblies Forum and its Secretariat.
- (b) The Bill is timely and a suitable amendment as it seeks to establish a structured framework for inter-governmental relations.
- (c) The proposal to remove the Principal Secretary for the State Department for the time being responsible for matters relating to devolution in clause 3(b)(ii) of the Bill, may create an institutional gap in policy coordination. The Committee observed that IGRTC is a unique institution serving both levels of government and the Bill should therefore be amended to include a representative of the Council of Governors to ensure balanced representation and effective intergovernmental engagements.
- (d) The Bill does not raise any Constitutional issues, but seeks to enhance consultation and cooperation between the national and county governments and amongst county governments as provided under Article 6 and 189 of the Constitution.
- (e) The Bill seeks to provide a general framework to ensure that the retirement benefits for county governments employees are properly anchored in law, after the County Governments Retirement Scheme Act, Cap.189B was declared unconstitutional by the High Court in the case of *Okoiti & 11 others v County Governments Retirement Scheme & 164 others*.
- (f) Most stakeholders expressed support for the proposed amendment to the Bill, recognizing its importance in enhancing devolution and improving intergovernmental relations.

The Committee considered the Bill and proposed the following amendments;

## SCHEDULE OF AMENDMENTS

In view of the observations made, the Committee proposed the following amendments to the Bill—

### CLAUSE 3

**THAT**, Clause 3 of the Bill be amended—

- (a) in paragraph (b), by deleting sub-paragraph (ii);
- (b) by inserting the following new sub-paragraph immediately after sub-paragraph (i);  
and
  - (iii) “one person who shall be competitively recruited by the Council and appointed by the Summit”
- (c) in paragraph (e) by—
  - (i) inserting the words “any of the following” immediately after the words “relating to” in paragraph (b); and
  - (ii) deleting paragraph (d), in the proposed new subsection (5).

#### **Justification:**

The amendment seeks to include a representative from the Council of Governors as a member of the Agency rather than removing the Principal Secretary responsible for matters relating to devolution. On subclause (5), the Bill proposes that a person shall be qualified for appointment as a member of the Agency if the person possess at least ten years of relevant knowledge and experience and have had a distinguished career in their respective field. The proposed amendment therefore seeks to delete paragraph (d) on the grounds that requiring both a minimum of ten years’ experience and a distinguished career results in a duplication of the qualification criteria.

### CLAUSE 4

**THAT**, Clause 4 of the Bill be amended in paragraph (a), by deleting sub-paragraph (ii) and substituting therefor the following new sub-paragraph—

“(ii) coordinate the implementation of the decisions of the Summit.”

#### **Justification:**

The amendment clarifies the agency’s appropriate role which is more of coordination rather than implementation.

### CLAUSE 5

**THAT**, Clause 5 of the Bill be amended in the proposed new section 12A by –

- (a) deleting paragraph (1)(d); and
- (b) deleting paragraph (1)(e).

#### **Justification:**

The amendment aligns with the constitutional principle of separation of powers and ensures that any determination having a legal effect is made by a competent judicial or quasi-judicial body. Further, the power to summon is reserved for judicial or quasi-judicial bodies established under a constitutional provision or a specific Act of Parliament.

#### **CLAUSE 6**

**THAT**, Clause 6 of the Bill be amended by deleting paragraph (ii).

#### **Justification:**

The proposed clause provides for the establishment and convening of sectoral forums on sectoral issues by the Council. However, this function is already assigned to the Council under section 20(1)(c) and (3) of the Intergovernmental Relations Act, Cap. 265F.

#### **CLAUSE 8**

**THAT**, Clause 8 of the Bill be amended in paragraph (c), by inserting the words “coordinate the” immediately after the words “secretariat and”.

#### **Justification:**

The amendment clarifies the agency’s appropriate role which is more of coordination rather than implementation.

#### **CLAUSE 10**

**THAT**, Clause 10 of the Bill be amended by deleting the marginal note to the proposed new section 17 and substituting therefor the following new marginal note—

“Staff of the Agency”

#### **Justification:**

Staff employed shall be deemed to be staff of the Agency, and not of the Summit, in accordance with the provisions of the Bill.

#### **CLAUSE 15**

**THAT** Clause 15 of the Bill be amended—

- (a) in the proposed new section 23F, by inserting the words “elected by members of the forum” immediately after the words “National Executive Board” in sub-clause 2;
- (b) in the proposed new section 23J, by deleting the word “Senate” and substituting therefor the word “Parliament” in sub-clause (1);
- (c) in the proposed new section 23K, by deleting the words “the Secretary to the Forum” appearing in sub-clause (5)(b); and
- (d) by inserting the following new sections immediately after the proposed section 23N—

#### **23O. Establishment of a Society of Clerks-at-the-Table.**

(1) There is established a Society of Clerks-at-the-Table which shall consist of clerks and technical staff serving in the forty-seven county assemblies.

(2) The Society shall be governed by an Executive Committee which shall comprise of—

- (a) a Chairperson;
- (b) a vice-chairperson;
- (c) seven other members; and
- (d) a Chief Executive Officer who shall be an *ex-officio* member and secretary to the Committee.

(3) The members of the Executive Committee under subsection 2 (a), (b) and (c) shall be elected by the clerks of the county assemblies from among the clerks.

(4) The members of the Committee shall serve for a term of two years and shall be eligible for election for one further term.

### **23P. Functions of the Society**

(1) The Society shall provide a forum for—

- (a) consultation among staff serving in county assemblies;
- (b) facilitating and harmonizing practice and procedure among county assemblies;
- (c) creating a platform for sharing of information and experiences for county assembly clerks and staff of county assemblies;
- (d) developing technical and management capacities for county assemblies' clerks and staff;
- (e) providing legal and procedural advise to county assemblies in the development of legislation;
- (f) representing the county assembly services in all intergovernmental engagements, including engagements with Parliament and Constitutional commissions;
- (g) facilitating capacity building for clerks and staff of the county assemblies; and
- (h) considering matters of common interest for clerks and staff of the county assemblies.

### **23Q. Funding of the Society**

(1) The funding of the Society shall consist of—

- (a) annual subscriptions by county assemblies; and
- (b) such monies as may be lawfully granted or donated to the Society.

### **23R. Meetings of the Society**

- (1) The Society shall meet at least twice a year;
- (2) The Society shall prescribe its own procedures.

### **23S. Report by the Society**

The Society shall submit an annual report to the county assemblies within three months after the end of every financial year.

### **23T. Establishment of the Society Secretariat**

(1) There is established a Secretariat which shall be headed by a Chief Executive Officer.

(2) The Chief Executive Officer shall be competitively recruited and appointed by the Executive Committee.

(3) A person is qualified to be appointed as a Chief Executive Officer if that person—

- (a) holds a degree from a university recognised in Kenya;
- (b) has at least ten years relevant professional experience;
- (c) has demonstrable competence in administration of not less than five years; and
- (d) satisfies the requirements of leadership and integrity provided under Chapter Six of the Constitution.

(4) The Chief Executive Officer shall be –

- (a) the accounting officer of the Society;
- (b) the Secretary to the Society; and
- (c) responsible to the Society for the day-to-day administration of the affairs of the Secretariat.

(5) Without prejudice to the generality of the provisions of subsection (4), the Chief Executive Officer shall be responsible for—

- (a) the implementation of decisions of the Society;
- (b) the establishment and development of an efficient administration of the Secretariat;

- (c) the organization, control and management of staff of the Secretariat;
- (d) maintaining accurate records on financial matters and resource use;
- (e) ensuring the preparation and approval of the budget for the required funding of the operational expenses of the Society; and
- (f) performing any other duties as may be assigned by the Society.

(6) The Chief Executive Officer shall be appointed for a single term of three years and shall be eligible for re-appointment for one further term.

**23U. Removal from office of the Chief Executive Officer.**

(1) The Chief Executive Officer may be removed from office by the Society, for—

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) incompetence or negligence of duty; or
- (d) any other ground that would justify removal from office under the terms and conditions of service.

**23V. Staff of the Society**

The Society may employ staff as are necessary for the proper discharge of its functions.

**23W. Transition of Staff**

The staff serving in the Society shall at the commencement of this Act be deemed to be the staff of the Society as provided for under section 23V,

**23X. Remuneration of staff**

The Chief Executive Officer and staff of the Secretariat shall be paid such salaries, benefits and allowances for expenses as may be determined by the Executive Committee, in consultation with the Salaries and Remuneration Commission.

**Justification:**

The proposed amendment seeks to ensure that reports of the Forum are submitted not only to the Senate but also to the National Assembly in order to enhance legislative oversight and accountability. Further, the provision of the Secretary to the Forum is a repetition of the provisions already contained in subsection (2) of the Bill thereby making the provision redundant. In addition, the amendment includes the Society for Clerks at the Table as they play a vital role in exchange of procedure and practices among county legislatures in Kenya and safeguarding procedural integrity within devolved legislatures.

**Clause 17,**

**THAT,** Clause 17 of the Bill be amended by—

- (a) deleting the expression “30” appearing in the introductory clause and substituting therefor the expression “33”;
- (b) deleting paragraph (a);

**Justification:**

The amendment seeks to correct an error and align the Clause to the proper section of the Act. Further, the amendment in clause 17(a) to include the word "shall" introduces a mandatory requirement for parties to refer disputes to the Agency, which appears to conflict with Article 6 of the Constitution. The Constitution emphasises consultation and cooperation between parties to the dispute.

**MIN. NO. NA/DC-RD/ 0138/ 2024:**

**ADOPTION OF THE COMMITTEE’S  
REPORT ON THE  
INTERGOVERNMENTAL RELATIONS  
(AMENDMENT BILL, 2024 (SENATE BILL  
NO. 12 OF 2024)**

The Committee unanimously adopted the report on the Bill having been proposed by Hon. Otucho Mary Emaase, M.P. and seconded by Hon. Paul Abuor, M.P.

**MIN. NO. NA/DC-RD/ 0139/ 2025:**

**ANY OTHER BUSINESS**

No matter arose.

**MIN. NO. NA/DC-RD/ 0140/ 2025:**

**ADJOURNMENT**

There being no other business to transact, the sitting adjourned at 4.30 p.m. The next sitting to be held on notice.

Signed.....  ..... Date 24/06/2025 .....

**HON. LOCHAKAPONG PETER, M.P.**

**CHAIRPERSON DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT**



REPUBLIC OF KENYA  
13<sup>TH</sup> PARLIAMENT – FOURTH SESSION – 2025  
**THE NATIONAL ASSEMBLY**

IN THE MATTER OF ARTICLE 118(1)(b) OF THE CONSTITUTION  
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF SESSIONAL PAPER NO. 1  
OF 2025 ON THE FOREIGN POLICY OF THE REPUBLIC OF KENYA

**INVITATION TO SUBMIT MEMORANDA**

**WHEREAS**, Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

**AND WHEREAS** Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya was submitted to the National Assembly and referred to the Departmental Committee on Defence, Intelligence and Foreign Relations for consideration and reporting to the House;

**IT IS NOTIFIED** that Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya seeks to enhance the country's standing as a regional leader and an effective advocate of Africa's interests at a global stage. The specific objectives of the Policy are to:-

- (1) Protect Kenya's sovereignty and territorial integrity;
- (2) Promote regional and global peace and security;
- (3) Advance the country's development agenda and economic prosperity;
- (4) Position Kenya as a leader in environmental and climate action;
- (5) Project, promote and protect the country's image and prestige globally;
- (6) Promote sub regional and regional integration and cooperation;
- (7) Promote international cooperation multilateralism and active participation in global governance; and
- (8) Enhance the voice of Kenyans in diaspora and promote and protect their interests and welfare abroad.

**NOW THEREFORE** in compliance with Article 118(1)(b) of the Constitution, the Clerk of the National Assembly hereby invites the public to submit memoranda on the Sessional Paper to the **Departmental Committee on Defence, Intelligence and Foreign Relations**.

Copies of the Sessional Paper are available at the National Assembly Table Office, Main Parliament Buildings and on <http://parliament.go.ke/the-national-assembly/house-business/paper-laid>

Memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to [cnal@parliament.go.ke](mailto:cnal@parliament.go.ke) to be received on or before **Tuesday, 4<sup>th</sup> March 2025 at 5.00 p.m.**

**S. NJOROGE, CBS**  
CLERK OF THE NATIONAL ASSEMBLY  
18<sup>th</sup> February 2025

*"For the Welfare of Society and the Just Government of the People"*



(Company Number: C.5/54)

The Capital Markets Act  
(Chapter 485A of the Laws of Kenya)  
Capital Markets (Public Offers, Listings and Disclosures) Regulations, 2023

**PUBLIC ANNOUNCEMENT**

**CHANGE IN THE OPERATING MODEL**

The Board of Directors of Eaagads Limited (**the Company**) wishes to notify its esteemed shareholders, the general investor community and the public of the discontinuation of outsourced management function of the Company's coffee operations from Coffee Management Services Limited (**CMS**) effective **1<sup>st</sup> April, 2025**.

The activities that have been brought inhouse include coffee production, coffee quality, milling, cost management, marketing strategies and sales.

The transition is expected to have minimal impact on employees engaged in the Company's operations. They will continue under their current terms of employment.

This change is designed to streamline processes and enhance efficiency ultimately delivering improved financial results for the shareholders.

The Board thanks CMS for their valued services over the years in ensuring the coffee farm is a premier coffee producer.

**By order of the Board**  
Date: 12<sup>th</sup> February 2025  
Winnie Jumba  
Company Secretary

**DISCLAIMER:** This announcement is for informational purposes only. As a matter of policy, the Capital Markets Authority assumes no responsibility for the correctness of any statements or opinions made or reports contained in this announcement.



REPUBLIC OF KENYA  
13<sup>TH</sup> PARLIAMENT – FOURTH SESSION – 2025  
**THE NATIONAL ASSEMBLY**

IN THE MATTER OF ARTICLE 118(1)(b) OF THE CONSTITUTION  
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:-

- (1) **THE COMPUTER MISUSE AND CYBERCRIME (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2024);**
- (2) **THE PUBLIC TRANSPORT (MOTORCYCLE REGULATIONS) BILL (SENATE BILL NO. 38 OF 2023);**
- (3) **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILL NO. 40 OF 2023);**
- (4) **THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILL NO. 55 OF 2023);**
- (5) **THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2024);**
- (6) **THE POLITICAL PARTIES (AMENDMENT) (No. 2) BILL (SENATE BILL NO. 26 OF 2024); AND**
- (7) **THE ELECTIONS (AMENDMENT) (No. 2) BILL (SENATE BILL NO. 29 OF 2024)**

**INVITATION TO SUBMIT MEMORANDA**

**WHEREAS**, Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees, and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

**AND WHEREAS**, the **Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024)**; the **Public Transport (Motorcycle Regulations) Bill (Senate Bill No. 38 of 2023)**; the **Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2023)**; the **Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023)**; the **Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024)**; the **Political Parties (Amendment) (No.2) Bill (Senate Bill No. 26 of 2024)**, and the **Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024)** were Read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

**IT IS NOTIFIED** that:-

- (1) **The Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024)** is sponsored by **Hon. Aden Daud Mohamed, MP**. The Bill seeks to amend the Computer Misuse and Cybercrimes Act, Cap 79C to prohibit the use of electronic mediums to promote terrorism and extreme religious cultic practices.
- (2) **The Public Transport (Motorcycle Regulations) Bill (Senate Bill No. 38 of 2023)** is sponsored by **Sen. Boni Khalwale, MP**. The Bill seeks to put in place a legal framework to regulate the use of motorcycles (*bodabodas*) in Kenya by introducing new provisions for their registration, operation, and safety at the county level.
- (3) **The Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2023)** is sponsored by **Sen. Hamida Ali Kibwana, MP**. The Bill seeks to amend the Public Finance Management Act, No. 18 of 2012 to require county governments to develop and implement a county revenue collection system. This will boost revenue collection by the county governments and ensure counties realise their revenue targets. Further, the Bill proposes to amend the Public Finance Management Act to provide for the process of funding of functions that have been transferred from one level of government to another under Article 187 of the Constitution.
- (4) **The Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023)** is sponsored by **Sen. Mohamed Abass Sheikh, MP**. The Bill seeks to establish a regulatory and institutional framework for the fire and rescue services professionals and to provide for the registration, licensing, and training of the fire and rescue services professionals.
- (5) **The Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024)** is sponsored by the **Senate Majority Leader**. The Bill seeks to amend the Intergovernmental Relations Act, No. 2 of 2012 to establish a structured framework for intergovernmental relations. This will enhance intergovernmental relations amongst the national government, County executive and County assemblies.
- (6) **The Political Parties (Amendment) (No.2) Bill (Senate Bill No. 26 of 2024)** is co-sponsored by the **Senate Majority Leader** and the **Senate Minority Leader**. The Bill seeks to give effect to some of the recommendations and views of the public that were submitted during the national dialogue discourse on the Issues of Electoral Justice and Related Matters; Outstanding Constitutional Matters; Fidelity to Political Parties/Coalitions and the law on multiparty democracy; Entrenchment of the National Government Constituencies Development Fund; the Senate Oversight Fund and the National Government Affirmative Action Fund and Establishment and Entrenchment of State Offices.
- (7) **The Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024)** is co-sponsored by the **Senate Majority Leader** and the **Senate Minority Leader**. The Bill seeks to give effect to some of the recommendations and views of the public that were submitted during the national dialogue discourse on the issues of Electoral Justice and Related Matters; Outstanding Constitutional Matters; Fidelity to Political Parties/Coalitions and the law on multiparty democracy; Entrenchment of the National Government Constituencies Development Fund; the Senate Oversight Fund and the National Government Affirmative Action Fund and Establishment and Entrenchment of State Offices.

**NOW THEREFORE**, in compliance with Article 118(1)(b) of the Constitution and National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the Departmental Committees specified below:-

S/ NO.	BILL	COMMITTEE
1.	The Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024)	Communication, Information and Innovation
2.	The Public Transport (Motorcycle Regulations) Bill (Senate Bill No. 38 of 2023)	Transport and Infrastructure
3.	The Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2023)	Finance and National Planning
4.	The Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023)	Regional Development
5.	The Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024)	
6.	The Political Parties (Amendment) (No.2) Bill (Senate Bill No. 26 of 2024)	Justice and Legal Affairs
7.	The Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024)	

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings, and on [www.parliament.go.ke/the-national-assembly/house-business/bills](http://www.parliament.go.ke/the-national-assembly/house-business/bills)

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842- 00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to [cnal@parliament.go.ke](mailto:cnal@parliament.go.ke) to be received on or before **Wednesday, 5<sup>th</sup> March, 2025 at 5.00 p.m.**

**S. NJOROGE, CBS**  
CLERK OF THE NATIONAL ASSEMBLY  
18<sup>th</sup> February, 2025

*"For the Welfare of Society and the Just Government of the People"*



THE NATIONAL ASSEMBLY  
OFFICE OF THE CLERK

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Main Parliament Buildings

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[www.parliament.go.ke/the-national-assembly](http://www.parliament.go.ke/the-national-assembly)

When replying, please quote

**NA/DDC/RD/2025/009**

**10<sup>th</sup> April, 2025**

**Ms. Regina Mutheu**  
Executive Director  
Society of Clerks at the Table  
Transnational Plaza, Mama Ngina Street  
**NAIROBI**

Dear *Ms Mutheu*

**RE: INVITATION TO A MEETING WITH THE DEPARTMENTAL COMMITTEE  
ON REGIONAL DEVELOPMENT TO MAKE SUBMISSIONS ON THE  
INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, 2024**

The Departmental Committee on Regional Development is mandated among others "to investigate, inquire into, and report on all matters relating to the mandate, management, activities, and administration of the assigned Ministries and Departments, and to study and review all legislation referred to it;"

Reference is made to your letter Ref: SOCATT/NA/24/VOL. 1(03) dated 4<sup>th</sup> March, 2025 requesting for a meeting with the Committee to make submissions on the Intergovernmental Relations (Amendment) Bill, 2024.

The Committee considered and acceded to your request. The purpose of this letter is to invite you to the meeting to be held on **Tuesday 15<sup>th</sup> April, 2025 at 10:00 am**, in the **Committee Room 20, 3<sup>rd</sup> Floor, Bunge Tower, Parliament Buildings**.

Our liaison officers for this subject are **Mr. Mohamed Boru**, who may be contacted on **Tel No. 0726476687** or email: [mohamed.boru@parliament.go.ke](mailto:mohamed.boru@parliament.go.ke) and **Mr. Sisto Macharia**, **Tel. No. 0726 882 044** or email: [sisto.macharia@parliament.go.ke](mailto:sisto.macharia@parliament.go.ke)

Yours

**JEREMIAH W. NDOMBI, MBS**  
For: **CLERK OF THE NATIONAL ASSEMBLY**



**THE NATIONAL ASSEMBLY  
OFFICE OF THE CLERK**

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[www.parliament.go.ke/the-national-assembly](http://www.parliament.go.ke/the-national-assembly)

When replying, please quote

**NA/DDC/RD/2025/010**

**10<sup>th</sup> April, 2025**

**Dr. Dorcas Oduor, OGW, EBS, SC**

Attorney General  
Office of the Attorney General and  
Department of Justice  
Sheria House, Harambee Avenue

**NAIROBI**

Dear *Hon AG*

**RE: INVITATION TO A MEETING WITH THE DEPARTMENTAL COMMITTEE  
ON REGIONAL DEVELOPMENT TO MAKE SUBMISSIONS ON THE  
INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, 2024**

The Departmental Committee on Regional Development is mandated among others "to investigate, inquire into, and report on all matters relating to the mandate, management, activities, and administration of the assigned Ministries and Departments, and to study and review all legislation referred to it".

The Committee is considering the Intergovernmental Relations (Amendment) Bill, 2024 that seeks to among others, establish a structured framework for intergovernmental relations, provide a Secretariat for the Council of Governors and establish the County Assemblies Forum. The Bill also provides for the administration of pensions at the Counties.

In light of the significant provisions of the Bill that provide for new agencies and changes to the intergovernmental relations structures, the Committee resolved to seek the views of the Attorney General's office to ensure the provisions of the Bill are in conformity with the Constitution and existing laws.

The purpose of this letter is to invite you to the meeting to be held on **Thursday, 17<sup>th</sup> April 2025, at 10:00 am, in Committee Room 20, 3<sup>rd</sup> Floor, Bunge Tower, Parliament Buildings.**

Our liaison officers for this subject are **Mr. Mohamed Boru**, who may be contacted on **Tel No. 0726476687** or email: [mohamed.boru@parliament.go.ke](mailto:mohamed.boru@parliament.go.ke) and **Mr. Sisto Macharia**, **Tel. No. 0726 882 044** or email: [sisto.macharia@parliament.go.ke](mailto:sisto.macharia@parliament.go.ke)

Yours



**JEREMIAH W. NDOMBI, MBS**  
**For: CLERK OF THE NATIONAL ASSEMBLY**



REPUBLIC OF KENYA



**IGRTC**  
INTERGOVERNMENTAL  
RELATIONS TECHNICAL  
COMMITTEE

Consultation, Cooperation & Coordination in Devolution

When replying please quote:

Ref: IGR/LGL/10/2/ Vol. I

**Mr. Samuel Njoroge, CBS**  
Clerk of the National Assembly  
Parliament Buildings  
**NAIROBI**

Dear Mr. Njoroge

**RE: SUBMISSION OF VIEWS ON THE INTERGOVERNMENTAL RELATIONS  
(AMENDMENT) BILL, 2024 (SENATE BILL NO. 12 OF 2024)**

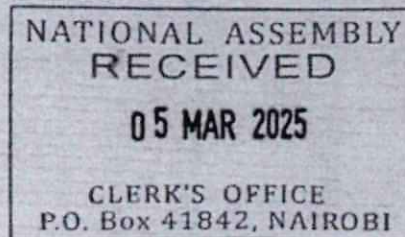
We refer to the above subject matter and to your letter Ref: NA/DDC/RD/2025/003 dated 28<sup>th</sup> February 2025, inviting IGRTC to submit its views on the Intergovernmental Relations (Amendment) Bill, 2024 on 6<sup>th</sup> March 2025.

IGRTC has analyzed the Bill and has subsequently prepared its legislative memorandum which is attached herewith for your consideration; and shall attend the meeting on the above stated date.

We thank you for your continued support.

Yours Sincerely

**Dr. Kipkurui Chepkwony, MBS**  
**CHIEF EXECUTIVE OFFICER**



② Mohamed Bonu  
BK  
6/3/25

Benjamin Maqut  
pls TNA  
6/3/25

3<sup>rd</sup> March, 2025  
DDC  
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REPUBLIC OF KENYA



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LEGISLATIVE MEMORANDUM ON THE INTERGOVERNMENTAL RELATIONS  
(AMENDMENT) BILL, 2024 (SENATE BILL NO. 12 OF 2024)

PRESENTED TO:  
THE REGIONAL DEVELOPMENT COMMITTEE OF THE NATIONAL ASSEMBLY  
6<sup>th</sup> MARCH 2025

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## 1. PREAMBLE

**AKNOWLEDGING** the Constitutional tenets on cooperative government as envisaged in Articles 6 (2) and 189 of the Constitution;

**COGNIZANT** of the objectives and principles of devolved government as provided in Articles 174 and 175 of the Constitution;

**RECOGNIZING** the collective aspirations of Kenyans for the attainment of the objects of devolution;

**RESOLUTE** that intergovernmental relations between the two levels of government and amongst county governments; is the foundation for the success of the devolved system of governance;

**NOW THEREFORE** the Intergovernmental Relations Technical Committee submits its memorandum to the National Assembly on the Intergovernmental Relations (Amendment) Bill, 2024.

## 2. INTRODUCTION

The Intergovernmental Relations Technical Committee (IGRTC) is established under Section 11 of the Intergovernmental Relations Act, 2012, as an intergovernmental structure whose objectives include *inter alia*, to facilitate cooperation and consultation between the National and County Governments and amongst County Governments as provided under Articles 6 and 189 of the Constitution. The functions of the Technical Committee are provided for in Sections 12, 13 and 33 of the Act. As a neutral entity, IGRTC is responsible for provision of technical advice and assistance to the two levels of government, with a view to enhancing the attainment of the objects and principles of devolution as envisaged in Articles 174 and 175 of the Constitution.

## 3. OVERVIEW OF THE BILL

### 3.1 General Observations

The Bill amends the Intergovernmental Relations Act, 2012 as follows:

1. The term "Technical Committee" is amended to read the "Agency" in all instances in the Amendment Bill.
2. The functions of the Technical Committee are amended to provide a direct linkage between the functions of the Summit and the Agency, as its secretariat.
3. The Bill provides powers to support the mandate of the Agency, particularly in relation to dispute resolution.
4. The Bill provides additional functions for the Council of Governors
5. The Bill provides for the establishment of a pensions scheme for officers and staff of county governments in new sections -22A- 22E

6. The Secretariat of the Council is established as provided in new sections 23A – 23D
7. The Bill establishes the County Assemblies Forum as provided in section 23E – 23M

### 3.1 Specific comments

S/NO	PROVISION OF THE BILL	SUBMISSIONS BY IGRTC	RATIONALE
1.	Section 6 which seeks to amend section 13 of the Act	<p>Amend to read as follows:</p> <ul style="list-style-type: none"> <li>a. The Agency may establish and convene intergovernmental sector forums on sectoral issues of common interest to the national and county governments.</li> <li>b. The Council of Governors may establish and convene sector forums on sectoral issues of common interest amongst county governments.</li> <li>c. Nothing in this section may be construed as precluding a Cabinet Secretary or the Council of Governors from convening consultative fora on sectoral issues of common interest to the national and county governments, provided that it shall be done in consultation with the Agency.</li> </ul>	<p>This proposal provides clarity and synergy in the establishment and convening of sector forums.</p>
2.	Section 22A	<ul style="list-style-type: none"> <li>a. The establishment and regulation of pension schemes for county governments should be under the relevant legislation.</li> </ul>	<ul style="list-style-type: none"> <li>a. The provision on establishment and regulation of county pension schemes is not aligned to the objects and purpose of the Intergovernmental Relations Act, CAP 265.</li> </ul>

S/NO	PROVISION OF THE BILL	SUBMISSIONS BY IGRTC	RATIONALE
3.	Section 17 which seeks to amend Section 30 of the Act	Delete this provision of the Bill and retain as is in the Act	To provide for the dispute resolution between and amongst county governments.
4.	Section 18 which seeks to amend Section 33 (2) of the Act	Amend the provision in the Bill to state that it is an amendment to Section 33(2) as stated in the marginal notes; and not an amendment to Section 30 of the Act.	To align the amendment to the proper section of the Act.

**OTHER COMMENTS**

1. The Bill should provide transition clauses for the Chairperson, Members and Staff of the Intergovernmental Relations Technical Committee. This issue had been captured in IGRTC's submissions to the Senate.



# COUNCIL OF GOVERNORS

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Our Ref: COG/6/11 Vol. 4 (16)

5<sup>th</sup> March, 2025

**Samuel Njoroge, CBS**  
The Clerk of the National Assembly  
Parliament Buildings  
Nairobi

Dear Mr. Njoroge,

## LEGISLATIVE MEMORANDUM ON BILLS BEFORE VARIOUS COMMITTEES OF THE NATIONAL ASSEMBLY

Greetings.

The Council of Governors has reviewed the **The Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024)** and **The Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024)** hereby forwards its legislative memoranda attached herewith for your consideration.

Please accept the assurance of our highest esteem and consideration.

Yours sincerely,

**Mary Mwiti, EBS**  
**Chief Executive Officer**

Copy: All Excellency Governors

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Mr. MShauri Boko  
② MShauri Boko  
Mr. Ahmed Salim  
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RECEIVED  
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Directorate of Departmental Committees

NATIONAL ASSEMBLY  
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P.O. Box 41842, NAIROBI



**COUNCIL OF GOVERNORS**

**LEGISLATIVE MEMORANDUM ON THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2024)**

**TO**

**THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT**

**FROM**

**THE COUNCIL OF GOVERNORS**

**5<sup>TH</sup> MARCH, 2025**

**The Council of Governors (The Council),**

**In recognition** of Article 1(4) of the Constitution of Kenya, that sovereign power of the people is exercised at the national level and the county level;

**In further recognition** of Article 6 (2) that governments at the national and county levels are distinct; and

**Aware** of the need for coordination and consultation between the National Government and County Governments to ensure that legislation responds to the key issues facing devolution, and further reflects the spirit and objects of devolution;

Hereby notes as follows on the **Intergovernmental Relations (Amendment) Bill, 2024 (Senate Bill No. 12 of 2024) (the "Bill")** as passed by the Senate with amendments on Thursday, 5th December, 2024;

**A. GENERAL COMMENTS;**

- i. The Council notes appreciatively the amendments by the Senate to the Bill that seek to among others anchor the Council Secretariat in law, provide for funding of the Secretariat and provide a transitional clause to allow staff currently serving in the Secretariat to be deemed to be the staff thereof under the proposed section 23C.
- ii. The Council however notes that the proposed sections 22A – 22E and Section 20 (1) (j) – (k) seek to provide for subscription of the employees and staff of county governments to an existing pension scheme and to expand the functions of the Council to include coordination of the functioning of these schemes. We note that these provisions go against the purpose of the Intergovernmental Relations Act Cap. 265F, which is to establish a framework for consultation and co-operation between the national and county governments and amongst county governments; and to establish mechanisms for the resolution of intergovernmental disputes.

**B. SPECIFIC COMMENTS;**

Specifically, the Council recommends the following amendments to the clauses in the Bill for consideration:

CLAUSE AND PROVISION OF THE BILL	THE COUNCIL'S PROPOSED AMENDMENTS	JUSTIFICATION
<p><b>Amendment of section 2 of Cap. 265F.</b></p> <p>2. The Intergovernmental Relations Act, in this Act referred to as "the Principal Act", is amended in section 2 by—</p> <p>(a) insert the following new definitions—</p> <p>"Administrator" has the meaning assigned to it under the Retirement Benefits Act;</p> <p>"existing scheme" means a retirement benefit pension scheme which existed prior to the setting up of county governments and meets the criteria stipulated under Section 22A of this Act;</p> <p>"liabilities" means pension debts owing to a retirement benefit scheme as a result of unremitted contributions, and may include principal debt, actuarial deficits, interests or penalties and profits;</p> <p>"Pension Scheme" means a retirement benefit scheme for the payment of regular or periodical payments of benefits to the members or employees when they leave employment or to the dependants of members or employees on the death of those employees;</p> <p>"scheme rules" means regulations made under section 22D providing for establishment of a pension scheme for county government employees and related purposes;</p> <p>"Trustees" means the trustees of the Scheme; "Umbrella Scheme" means a retirement benefits scheme grouping with members employed by several employers, in which</p>	<p><b>Delete these definitions in clause 2</b></p>	<p>These provisions ought to be in a separate legislation providing for retirement benefits of county government employees such as the County Governments Retirement Scheme Act Cap. 189B.</p> <p>Including them in this Bill is inconsistent with the purpose of the Intergovernmental Relations Act Cap. 265F, which is to establish a framework for consultation and co-operation between the national and county governments and amongst county governments; and to establish mechanisms for the resolution of intergovernmental disputes.</p>

<p>employees and employer's contributions are paid into the fund established for that purpose;</p>		
<p><b>Amendment of section 11 of Cap. 265F</b></p> <p>3. Section 11 of the principal Act is amended —  (d) by deleting subsection (4) and substituting therefor the following new subsection –  (4) A person shall be qualified for appointment as a chairperson of the Agency if such person—  (a) holds a Master's degree from a university recognized in Kenya;</p>	<p><b>Amend the proposed section 11 (4) (a) to read as follows:</b></p> <p>(4) A person shall be qualified for appointment as a chairperson of the Agency if such person—  <b>(a) holds a law degree from a recognised university, or is an advocate of the High Court of Kenya, or possess an equivalent qualification in a common-law jurisdiction;</b></p>	<p>This is in order to strengthen the Agency to undertaken its functions of <i>inter alia</i> advising the summit on legal matters and resolving complex intergovernmental disputes, the chairperson must be a seasoned lawyer with a proven track record and specific qualifications in alternative dispute resolution methods, such as mediation and arbitration.</p>
<p><b>Amendment to section 12 of Cap 265F</b></p> <p>4. Section 12 of the principal Act is amended—  (a) in the introductory phrase by deleting the words "Technical Committee" and substituting therefor the word "Agency";  (b) by inserting the following new paragraphs immediately after paragraph (c)—  (ca) analyse the resolutions of the Summit with regard to the performance of national and county governments in the provision of services and recommend to the Summit the</p>	<p>i. Delete paragraph (cd) in the clause.</p> <p>ii. Amend the proposed section 12 (ca) and include a new paragraph (ck) as follows:</p> <p><b>(ca) advise the Summit on all matters of intergovernmental relations between the National and County Governments;</b></p>	<p>i. Development of policies is a function of the relevant ministry in consultation with relevant stakeholders. Assigning the Agency a role of coordinating policies is therefore superfluous.</p> <p>ii. To provide clarity on the functions of the Agency as the institution responsible to the Summit as well as performing any other functions as may be conferred on it by the Summit.</p>

<p>appropriate promotive, preventive or corrective action where necessary;</p>	<p>(ck) perform any other functions as may be conferred on it by the Summit, under this Act or any other legislation.</p>	
<p><b>Proposed New Amendment of Section 12 of Cap. 265F- Functions of the Technical Committee</b></p>	<p><i>We propose deletion of section 12 (c) of the Principal Act</i></p>	<p>The role of the Intergovernmental Relations Agency as proposed will not require the agency to directly convene the County Secretaries, as this is a function that relied on their role as the secretariat of the Summit. As such, the provision should be deleted.</p>
<p><b>Insertion of section 12A of Cap 265F</b>  5. The principal Act is amended by inserting the following new section immediately after section 12—</p> <p>12A. Powers of the Agency  (1) The Agency shall have all the powers necessary for the performance of its functions under this Act and, in particular, shall have the power to, on its own motion—  (e) summon any person to appear before it for the purposes of performing its functions under this Act.</p>	<p><b>Amend the proposed section 12A (1)(e) in its entirety.</b></p>	<p>Considering that the agency performs the day-to-day administration of the Summit whose membership is provided under section 7 of the Act, it might not be ideal for it to possess the authority to <i>summon its principals</i> who are the President and Excellency Governors.</p>
<p><b>Amendment of section 13 of Cap 265F</b>  6. Section 13 of the principal Act, is amended-  (i) ...;</p>	<p><b>Delete the clause 6 (ii) and amend as follows:</b>  ii.by deleting subsection (2)</p>	<p>This section mandates the Agency to establish sectoral working groups or committees <b>for the better carrying out of its functions</b>, denoting an internal</p>

<p>(ii) by inserting the following new subsection immediately after subsection (1)—</p> <p>(1A) The Council of Governors may establish and convene sector forums on sectoral issues of common interest among county governments.</p>		<p>mandate. The relevant cabinet secretary and the Council are mandated to and have periodically convened intergovernmental forums on matters of common interest to the national and county governments.</p>
<p><b>Amendment of section 14 of Cap 265F</b></p> <p>7. Section 14 of the principal Act is amended in—</p> <p>(a) ...;</p> <p>(b) paragraph (a) by deleting the words “the Council” appearing immediately after the words “and to” and substituting therefor the word “Parliament”; and (c) paragraph (b) by deleting the words “and to the Council” appearing immediately after the words “to the summit”.</p>	<p><b>Delete clauses 7 (b) and (c).</b></p>	<p>The Agency ought to submit reports to the Council as well because it is responsible for the day-to-day administration of the Summit, where the Excellency Governors are members under Section 7 of the Principal Act.</p>
<p><b>Proposed New Amendment of Section 20 of Cap. 265F – Functions of the Council</b></p>	<p><b>We propose an amendment to section 20(c) of the Principal Act as follows:</b></p> <p>12 (1). The principal Act is amended in section 20 by deleting the section 20(1)(c) and replacing with the following new section 20(1)(c):</p>	<p>The Council has continued to facilitate collective capacity building of the Members of the Executive arm of the forty-seven County Governments, which has offered convenient coordination of various national policies, projects and programs. This has ensured that these officials are appraised of matters of national importance in order to effectively discharge their functions.</p>

<p>Proposed New Amendment of Section 23 of Cap. 265F – Joint Committees</p>	<p>20(1) (c): Facilitating capacity building for the members of the County Executive.</p>	
<p>Amendment of section 20 of Cap. 265F.</p> <p>12. The principal Act is amended in section 20(1) by inserting the following new paragraphs immediately after paragraph (i) —</p> <p>(i) coordinate the appointment of Trustees to schemes upon receipt of nomination by relevant stakeholders and appoint independent trustees in accordance with the Retirement Benefits Act;</p>	<p>Amend section 23 by introducing a subsection (2) as follows:</p> <p>(2) A Cabinet Secretary or the Council may convene intergovernmental fora on sectoral issues of common interest to the national and county governments.</p>	<p>Given section 13 (1) (as proposed by the Council) limits the mandate of the Agency to establishing internal sectoral working groups or committees for the better carrying out of its functions, there is need to provide legislative backing for the existing function of the relevant cabinet secretary and the Council to convene intergovernmental forums on matters of common interest to the national and county governments.</p>
	<p>Delete clause 12 in its entirety</p>	<p>These provisions ought to be in a separate legislation providing for retirement benefits of county government employees such as the County Governments Retirement Scheme Act Cap. 189B.</p> <p>Including them in this Bill is inconsistent with the purpose of the Intergovernmental Relations Act Cap. 265F, which is to establish a framework</p>

<p>(k) perform such other coordination functions as may be necessary for the efficient functioning of the schemes; and</p> <p>(l) ensure the respective counties perform their responsibilities as sponsors of the scheme effectively for the best interest of their employees and in accordance with the Retirement Benefits Act.</p>		<p>for consultation and co-operation between the national and county governments and amongst county governments; and to establish mechanisms for the resolution of intergovernmental disputes.</p>
<p><b>Insertion of new sections.</b></p> <p>14. The principal Act is amended by inserting the following new sections immediately after section 22 –</p> <p>22A. Establishment of pension scheme</p> <p>22B. Trustees of the Scheme</p> <p>22C. Portability of benefits</p> <p>22E. Amendment of Existing Laws and regulations</p>	<p><b>Delete clause 14 proposing the new sections 22A -22E entirely</b></p>	<p>These provisions ought to be in a separate legislation providing for retirement benefits of county government employees such as the County Governments Retirement Scheme Act Cap. 189B. Including them in this Bill is inconsistent with the purpose of the Intergovernmental Relations Act Cap. 265F, which is to establish a framework for consultation and co-operation between the national and county governments and amongst county governments; and to establish mechanisms for the resolution of intergovernmental disputes.</p>
<p><b>Amendment of Section 30 of Cap 265F</b></p> <p>17. Section 30 of the principal Act is amended in subsection (2) by deleting paragraph (b).</p>	<p><b>Delete clause 17 entirely.</b></p>	<p>This proposal is inconsistent with Article 189 (3) which requires that in any dispute between governments, including county governments, the</p>

<p><b>Amendment of Section 33 of Cap 265F</b></p> <p>18. Section 33 of the principal Act is amended in subsection (2) by—</p> <p>(a...; and</p> <p>(b) deleting the words “Summit, the Council” and substituting therefor the word “Agency”.</p>	<p><b>Delete Clause 18 (b) entirely.</b></p>	<p>governments shall make every reasonable effort to settle the dispute, including by means of procedures provided under national legislation.</p> <p>Given that County Governments may be a party to an intergovernmental dispute, whenever negotiations fail, the party should formally declare the same by referring the matter to the Council and the Summit through the Agency.</p>
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**C. CONCLUSION;**

The Council requests the National Assembly to consider incorporating these recommendations to strengthen the governance structure of the intergovernmental institutions.



## COUNTY ASSEMBLIES FORUM (CAF)

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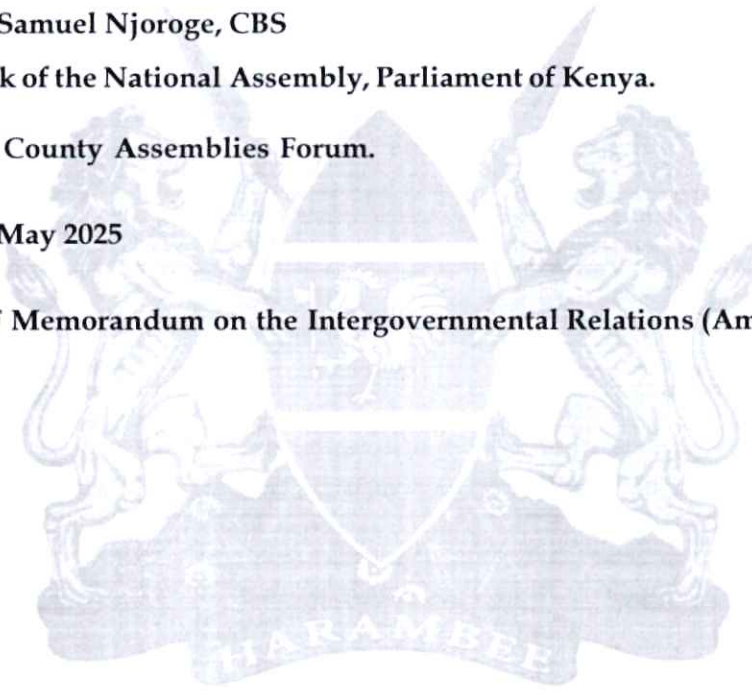
### CAF MEMORANDUM ON THE INTERGOVERNMENTAL RELATIONS (AMENDMENTS) BILL, 2024

**TO:** Mr. Samuel Njoroge, CBS  
Clerk of the National Assembly, Parliament of Kenya.

**FROM:** The County Assemblies Forum.

**DATE:** 27<sup>th</sup> May 2025

**SUBJECT:** CAF Memorandum on the Intergovernmental Relations (Amendment) Bill, 2024



## **1.0 INTRODUCTION**

1. The County Assemblies Forum (CAF) is the coordinating body of the 47 County Assemblies in Kenya. The primary mandate of CAF is to promote networking and synergy among the 47 County Assemblies, coordinate intergovernmental relations and enhance good practice in legislative development. Our Mission is to provide effective leadership and coordination of the 47 County Assemblies and through policy and legislative action, promote a conducive working environment for all its members, and in that way deliver quality services to the people.
2. As one of the pillars of the devolved government system, CAF is committed to engage in processes that lead to the further strengthening of Intergovernmental Relations institutions.

## **2.0. BACKGROUND**

- 2.1. The Bill mainly seeks to amend the intergovernmental Relations Act to establish a structured framework for intergovernmental Relations. This will enhance intergovernmental Relations amongst the national government, County executive and County Assemblies.
- 2.2. Historically, intergovernmental relations in Kenya have faced challenges due to a lack of a clear framework and coordination mechanisms. These challenges have often led to inefficiencies and conflicts between different levels of government, hindering the delivery of services to the public.
- 2.3. The Bill proposes to establish the County Assemblies Forum (CAF) and its Secretariat within the legal framework, providing a formal avenue for consultation, dispute resolution, and capacity building among County Assemblies. By doing so, it aims to promote best practices, initiate preventive or corrective actions where necessary, and ensure a unified approach in handling matters of common interest.
- 2.4. The amendments also seek to define the vertical role of the Intergovernmental



Relations Agency and enhance its functions and powers. This includes facilitating engagements with Intergovernmental Forums and considering reports from these forums on matters affecting County Assemblies or relating to their performance.

- 2.5. Furthermore, the Bill introduces provisions to empower the Forum to perform any other function conferred by the Act or any other legislation, thus providing flexibility to adapt to emerging needs and challenges in intergovernmental relations.
- 2.6. Overall, the Intergovernmental Relations (Amendment) Bill, 2023, is a significant legislative measure aimed at strengthening intergovernmental coordination, promoting the welfare of County Assemblies, and ensuring efficient service delivery through a structured and well-defined framework.

#### **Justification for Entrenchment of CAF into Law**

1. **Constitutional foundations.** Article 176 establishes the County Assembly as an integral arm of county government; yet, unlike the County Executive's national body (Council of Governors) which is entrenched under section 19 of the Intergovernmental Relations Act, CAF lacks statutory status. Further, in light of doctrine of separation of powers the Council of Governors have very effective in representing the interest of County Executive but have failed in supporting County Assemblies. Nevertheless, this is understandable as the role County assemblies is to keep the County Executive in check through oversight and thus the interest of the County Executive and County Assemblies will always differ. Incorporation of CAF into law remedies this issue and gives full effect to the constitutional architecture of devolved governance.
2. **Legal alignment with the Intergovernmental Relations Act (IGRA).** Section 5 of IGRA mandates inter-governmental structures to facilitate devolution, information-sharing, and accountability; Section 6(b) extends these principles to "any other written law". CAF already performs these objects in practice; statutory recognition simply regularises an existing constitutional function.



3. **Institutional value-addition.** Since 2013 CAF has:
- Standardized the processes and procedures across the 47 County Assemblies.
  - Knowledge Management for all legislations passed by the 47 County Assemblies
  - delivered continuous capacity-building for Members and staff especially on cross cutting areas.
  - served as a one-stop data hub for all forty-seven Assemblies, thereby attracting development-partner support;
  - brokered partnerships with ministries, commissions and donors that have improved legislative quality and public-participation standards across counties.
  - Represented CAF at Intergovernmental Forums with National Government such as, IBEC and National and County Governments Co-ordinating Summit.
4. **Closing a structural gap.** National dialogue forums (e.g., the National and County Governments Co-ordinating Summit and IBEC) overwhelmingly reflect executive interests. Entrenching CAF ensures the legislative voice is heard at parity with the executive, strengthening checks-and-balances and enriching policy deliberations.
5. **Accountability and sustainability.** CAF as the statutory body would be subject to the Public Finance Management Act and auditing by the Auditor-General, guaranteeing transparent use of public funds and safeguarding its long-term viability.
6. **Track-record of stakeholder consensus.** Consultative meetings with the Office of the President, Office of the Deputy president, State Department for Devolution, the Senate, Council of Governors and IGRTC have all endorsed CAF's entrenchment and recommended a legislative route as the most suitable vehicle.

### **3.0. GENERAL COMMENTS.**

- 3.1. CAF appreciates the National Assembly Majority Leader, Hon. Kimani Ichungwah, and the National Assembly Departmental Committee on Regional Development for considering this important legislation.
- 3.2. The establishment of a structured framework for intergovernmental relations is a significant step towards enhancing coordination and cooperation between the



national government, County executives, and County Assemblies. This will ultimately lead to more efficient governance and improved service delivery to the public.

- 3.3. The inclusion of CAF and its Secretariat within the legal framework provides a formal platform for consultation, dispute resolution, and capacity building among County Assemblies. This is essential for promoting best practices and ensuring a unified approach in addressing common issues.
- 3.4. The provision allowing the Forum to perform any other function conferred by the Act or any other legislation ensures that it can adapt to new challenges and opportunities, thereby maintaining its relevance and effectiveness in intergovernmental relations.
- 3.5. Having carefully reviewed the Bill, CAF does not propose any amendments. The Forum is satisfied that the clauses, as drafted, adequately entrench its role and address long-standing structural deficits in intergovernmental relations. Our submission is therefore one of unequivocal support.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chege Mwaure', is written over a horizontal line. The signature is stylized and extends to the right of the line.

HON. CHEGE MWAURA

SECRETARY GENERAL, CAF

REPUBLIC OF KENYA



COUNTY ASSEMBLIES FORUM (CAF)



OFFICE OF THE DEPUTY PRESIDENT  
STATE DEPARTMENT FOR DEVOLUTION

SUBMISSION TO THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT

MEMORANDA ON THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, 2024  
(SENATE BILL NO.12 OF 2024)

**INTRODUCTION**

**Hon. Chair and Members**

The State Department for Devolution is pleased to appear before the National Assembly Standing Committee on Regional Development on the Intergovernmental Relations (Amendment) Bill, 2024 (Senate Bill No. 12 of 2024).

**MANDATE OF THE STATE DEPARTMENT**

The mandate of the State Department as envisaged under Article 190 of the constitution, sec 121 of the County Governments Act CAP 265, the Intergovernmental Relations Act CAP 265F and Executive Order No. 1 of 2023 includes inter alia; management of devolution affairs, fostering intergovernmental relations, capacity development and technical assistance to county governments, management of civic education and public participation, management of devolution collaborations, partnerships and linkages.

**Memoranda on the Intergovernmental Relations (Amendment) Bill, 2024 (Senate Bill No.12 of 2024)**

S/N o.	Sections of IGR ACT	Provision of the Bill	Comments	Justification	Analysis
1	Section 11 (2)(c)	Delete Section 11 (2) (c):	The Bill proposes to delete section 11 (2) (c) which provides that the Principal Secretary Devolution is a member of the intergovernmental Technical Committee.  The State department's position is that Section 11 (2) (c) should not be amended as	The State Department for Devolution is the key policy organ on devolution and intergovernmental relations and its role in steering all stakeholders involved in the devolution space cannot be overstated. 1. IGRTC is the only agency domiciled under state department. 2. IGRTC budgetary vote comes through the SDD. The PS is the custodian of all its assets and liabilities. Therefore, IGRTC's functional and administrative roles has a	This amendment appears to undermine the constitutional principle of cooperative government outlined in Article 189 of the Constitution. The current arrangement ensures policy coherence between national policy formulation (through the PS) and implementation (through IGRTC). The removal of PS SDD could create a disconnect in the intergovernmental relations framework. The State Department's position is consistent with the constitutional design of a

			<p>proposed in the Bill as it has the effect of removing the Principal Secretary responsible for intergovernmental relations from being a member of the Intergovernmental Relations Technical Committee (IGRTC).</p>	<p>direct impact/effect on the State department and the PS as the accounting officer and policy lead.</p> <ol style="list-style-type: none"> <li>3. The delivery of the mandate of the SDD is achieved in collaborative, cooperative, multi sectoral strategies involving many state and non-state actors.</li> <li>4. The SDD plays a lead role and partners with Ministries, Departments and Agencies, County Governments, Constitutional Commissions and Independent Offices. These partnerships were anchored through various legal notices to give the SDD legal mandate and grounding to discharge its duties. This evidently demonstrates the SDD PS representation is not only desirable but calls to be grounded in law.</li> </ol>	<p>cooperative governance system where national and county governments are distinct but interdependent. Removing the PS from the Technical Committee risks creating an institutional gap in policy coordination.</p>
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			<p>5. The SDD is represented in IBEC membership, another key intergovernmental institution established under Section 187 of the Public Finance Management Act.</p> <p>6. SDD has been steering and coordinating the national government MDAs on the setting of the summit Agenda and implementation of Summit decisions and resolutions. IGRTC is the secretariat to the Summit</p> <p>7. Interdependence between and amongst state institutions and levels of governments necessitates shared and harmonized policy representation. The National Treasury, Ministry of Public Service and Human Capital Development represented in Salaries and Remuneration Commission (SRC) Boards. In</p>	
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Commission on Revenue Allocation (CRA), the PS National Treasury is represented. The Judicial Service Commission (JSC) has a representation from Public Service Commission, Attorney General amongst others. These representations provided for in the constitution and the law does not affect the independence of these commissions but strengthens the interdependence between and amongst arms and levels of governments and ensures public policies harmonization's. It further strengthens the principles of one government approach and whole of government approach.

-In order to strengthen the Agency and make it representative of the two

-Add a new Section 11 (2)(d) to provide for a

		representative of council.		levels of government, SDD proposes the inclusion of the following in addition to PS SDD, the representation from Council of Governors by inserting a Section (2)(d) to provide for a representative of the Council of Governors to be a member of the IGRTC.	
2	Section 3(5)(d)	Section 3(5)(d) of the bill proposes that a person shall be qualified to be a member of the Agency if such person: (b). Has knowledge and experience of at least ten years in matters relating	SDD proposes that subsection 3(5)(d) be deleted from the bill	The provision under (b) and (d) relate to the experience acquired in a career relevant to the position of a member of IGRTC, Thus the two provisions means one and the same thing.	The existing provision in 3(5)(b) sufficiently addresses qualification requirements. The proposed amendment would create duplication in the qualifications criteria, which could lead to confusion in implementation.

		to... while subsection (d) requires that a person has had a distinguished career in their respective fields.			
3	Section 4(a)(a)(ii)	The bill provides that Agency shall implement the decisions of the Summit	Amend Section 4(a)(a)(ii) by replacing the word "Implement" with words "coordinate the implementation of ..."	As a secretariat for the Summit, the agency does not have capacity and mandate to implement the decisions of the Summit but can coordinate their implementation.	This distinction is crucial as it aligns with the proper role of an intergovernmental body. Under Kenya's devolution framework, implementation typically falls to the respective level of government with the constitutional mandate, while coordination is appropriately an intergovernmental function. This amendment would better align with Articles 186 and 187 of the Constitution

					regarding division of functions.
4	Section 4(cg)	The bill proposes that the agency coordinates development of standardized costing framework for the transferred functions	SDD proposes that subsection 4(cg) be deleted	The role of development and coordination of frameworks in the devolution space is domiciled in the state department responsible for intergovernmental relations.	This appears to create potential duplication of roles. Under Public Finance Management Act such financial functions typically fall under departments with fiscal responsibility. This amendment may create jurisdictional conflicts. The proposed function would overlap with existing statutory responsibilities of the State Department for Devolution.
5	Section 4(ch)	The bill proposes that the agency shall witness execution of all relevant legal instruments for transfer of functions	SDD proposes that subsection 4(ch) be deleted	This is the function reserved for the Principal Secretary for Intergovernmental Relations.	This is consistent with legal principles regarding proper witnesses for governmental instruments. The PS, as a constitutional office holder, is the appropriate authority for witnessing such transfers under Kenya's legal

					framework. The amendment would inappropriately transfer a formal administrative function from a constitutional office holder to an agency.
6	Section 12(d)	The bill proposes that the agency shall issue directions with respect to intergovernmental disputes	Delete (d)	The Agency lacks judicial authority to issue directions.	This raises significant constitutional concerns. The Constitution and the Intergovernmental Relations Act establish a framework for dispute resolution that does not include judicial or quasi-judicial powers for IGRTC. Granting such powers could violate separation of powers principles and potentially infringe on the constitutional mandate of courts under Article 159 of the Constitution.

Section 12(e)	The bill proposes that the agency shall summon any person to appear before it.	Delete (e)	The Agency lacks judicial authority to issue summons.	This similarly raises constitutional concerns regarding separation of powers. The power to summon persons is generally reserved for judicial or quasi-judicial bodies established under specific constitutional provisions. Granting such powers to an administrative agency would represent an inappropriate extension of authority beyond the constitutional framework.
7 Section 8(c)(b)	The bill proposes that the Agency shall be responsible for the day-to-day administration of the affairs and the implementation	Add the words "and coordination of" before the word "implementation"	As a secretariat for the Summit, the agency does not have capacity and mandate to implement the decisions of the Summit but can coordinate their implementation.	This amendment clarifies the Agency's appropriate role within the constitutional framework of devolved governance. Under the Constitution, implementation of policies and decisions typically falls to the respective

		of the decisions of the Summit.			governments (national or county) based on the division of functions in the Fourth Schedule. The Technical Committee's role is more appropriately that of coordination rather than direct implementation.
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The State Department for Devolution proposes for the adoption of the Memoranda on the issues addressed herein above.



REPUBLIC OF KENYA

**OFFICE OF THE ATTORNEY-GENERAL  
&  
DEPARTMENT OF JUSTICE**

**Our Ref: AG/LDD/589/1/79  
2025**

**23<sup>rd</sup> April,**

**Mr. Samuel Njoroge CBS**

The Clerk of the National Assembly

Clerk's Chambers

Parliament Buildings

**NAIROBI**

**RE: INVITATION BY THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT TO SUBMIT VIEWS ON THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, 2022 (SENATE BILL NO. 12 OF 2024)**

This has reference to your letter under ref NA/DDC/RD/2025/010, and dated 10<sup>th</sup> April 2025, seeking our views on the Intergovernmental Relations (Amendment) Bill, 2024 (Senate Bill No. 12 of 2024) that is before the National Assembly Departmental Committee on Regional Development for consideration.

We have reviewed the Bill in light of the Constitution and relevant existing legislation and wish to point out the following—

1. The State Department for Devolution, supported by our Office, developed an Intergovernmental Relations Bill, 2024 which was finalised and submitted to the Office of the Deputy President on 17<sup>th</sup> April, 2024. The Bill comprehensively reviews various provisions of the Intergovernmental Relations Act in order to strengthen the roles of the intergovernmental structures under the Act.

We note that the proposals relating to the re-establishing the Intergovernmental Relations Technical Committee as the Intergovernmental Relations Agency and the related provisions on its renaming are provided in the Bill before Cabinet. Additionally, proposals relating to establishment of a Council of Governors Secretariat are also provided therein. In our view, the State Department of Devolution may provide policy guidance on the proposed Bill.

2. Clause 10 of the Bill empowers the Agency to *employ staff as are necessary for the proper discharge of its functions under this Act*. However, Article 232 of the Constitution read together with section 33 of the Public Service Commission Act empowers the Public Service Commission to establish and appoint persons to public offices. In our considered opinion, the provision should be revised to reflect this role played by the Public Service Commission.
3. Clause 13 of the Bill, which inserts a section 20A, provides for the funding of the Council to be *determined bi-annually the amounts to be paid by county governments as subscriptions*. However, the provision as drafted does not include or refer to the Public Finance Management Act (Cap. 412A) or the Country Governments Act (Cap. 265) which guides on the manner in which the

finances of County Governments shall be estimated, committed and managed. In our view, the provision should be revised to include a reference to the Public Finance Management Act (Cap. 412 A)

4. Clause 15 proposes the introduction of section 23F on the County Assemblies Forum consisting of *all the members of the County Assemblies and speakers of the forty-seven county assemblies*. There is need for policy guidance from the State Department for Devolution on this establishment and composition.

Additionally, the Bill establishes a National Executive Board to manage the Forum but it is unclear on the modalities of how they are on boarded into the membership, that is, whether by election or appointment or which other appropriate method.

5. We note that the Bill does not include provisions on the funds of and how the operational expenses of the Council Secretariat will be met. In our considered opinion, the Bill should include provisions on how the funds and operational provision of these structure shall be met.

In light of the foregoing, we advise that the Bill does not raise any constitutional issues and may be reviewed to address the above-mentioned legal and drafting issues prior to final consideration of the Bill.

We trust this is in order.

**MS. JANE JORAM**  
**DEPUTY SOLICITOR-GENERAL**

(1) DIDC  
Please deal  
25/02/25



Our Ref: TAA/TTC/24022025/01  
Your Ref: TBA

Date: 24th February 2025

To:  
Clerk of The National Assembly  
P.O. Box 41842-00100,  
Nairobi.  
Email: [cna@parliament.go.ke](mailto:cna@parliament.go.ke)



(2) Mr. Abenayo Wasike, HoD  
For the attention of the Dept. Comm. on Admin  
& Internal Security  
DM 26/02/25

**SUBJECT: RESPONSE TO THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2024)**

**Introduction of The Architects Alliance (TAA)**

The Architects Alliance (TAA) is a professional body representing architects dedicated to advancing sustainable urban development, innovative infrastructure design, and thought leadership in the built environment. Architects play a pivotal role in shaping policies and regulations that impact urban planning, infrastructure integration, and community well-being. TAA contributes its expertise to ensure that legislative frameworks align with global best practices in architecture, spatial planning, and sustainable development.

(3) Mr. Benjamin Magak HoD  
Pls bring to the attention of the Dept. Comm. on Regional Development  
DM 26/02/25

**General Comments on the Bill**

The Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024) seeks to strengthen coordination between national and county governments. From an architectural perspective, this coordination is critical for effective spatial planning, infrastructure development, and sustainable urbanization. The bill provides a foundation for intergovernmental collaboration, but there is room to enhance its provisions by integrating architectural expertise to address infrastructure challenges and urban planning needs.

TAA emphasizes the importance of including architects in intergovernmental processes to ensure that spatial planning and infrastructure projects are aligned with global best practices. Countries like Singapore and Germany have successfully integrated architects into intergovernmental frameworks to achieve sustainable urban development and efficient infrastructure planning.

**Key Comments and Recommendations**

**1. Section 5: Establishment of the Intergovernmental Technical Committee**

**Comment:** The composition of the Technical Committee currently excludes architects, despite their critical role in urban planning and infrastructure integration.

**Recommendation:** Include an architect nominated by The Architects Alliance (TAA) as a permanent member of the Technical Committee. Architects bring expertise in spatial planning,

(3) Mr. Boru  
Please TAA  
25/02/25

sustainable design, and infrastructure development, ensuring that intergovernmental projects are user-centric and environmentally sustainable.

## 2. Section 8: Functions of the Technical Committee

**Comment:** The functions of the committee focus on coordination but lack explicit reference to spatial planning and infrastructure development.

**Recommendation:** Add a clause requiring the committee to collaborate with architects to ensure that intergovernmental projects align with spatial planning principles, sustainable development goals, and infrastructure best practices.

## 3. Section 12: Dispute Resolution Mechanisms

**Comment:** The dispute resolution mechanisms do not address conflicts related to land use, infrastructure projects, or urban planning.

**Recommendation:** Mandate the inclusion of architects in dispute resolution panels for cases involving land use or infrastructure development. Architects can provide technical insights to resolve disputes effectively.

### Clause-Specific Recommendations

Section	Current Text	Proposed Amendment	Justification
Section 5	The Technical Committee shall consist of... [existing members].	Add: "(x) one person nominated by The Architects Alliance, who shall be a registered architect with experience in urban planning and infrastructure development." "	Ensures professional input in spatial planning and sustainable infrastructure design. Architects provide critical insights for integrating infrastructure projects into the built environment.
Section 8	The functions of the Technical Committee shall be to...	Add: "(x) collaborate with relevant professional bodies to	Establishes a clear mandate for infrastructure planning and alignment with

Section	Current Text	Proposed Amendment	Justification
	[existing functions].	ensure the integration of spatial planning and infrastructure development into intergovernmental projects."	urban development goals.
<b>Section 12</b>	[Current dispute resolution mechanisms]	Add: "The dispute resolution mechanism shall include a panel of experts, including architects, for cases involving land use, urban planning, or infrastructure development." "	Provides technical expertise to resolve disputes involving spatial planning and infrastructure challenges.

#### International Best Practices

1. **Singapore:** The Urban Redevelopment Authority (URA) collaborates with architects to ensure that intergovernmental projects align with the city-state's long-term urban planning goals.
2. **Germany:** Architects are integral to intergovernmental committees on infrastructure, ensuring that projects meet sustainability and efficiency standards.
3. **Rwanda:** The integration of architects into intergovernmental frameworks has facilitated the development of Kigali's master plan, which prioritizes sustainability and urban resilience.

#### Conclusion

The inclusion of architectural expertise in the Intergovernmental Relations (Amendment) Bill is essential to ensure that intergovernmental projects are sustainable, efficient, and aligned with global



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best practices. TAA strongly recommends the inclusion of an architect on the Technical Committee and the adoption of infrastructure-focused provisions in the bill. These amendments will enhance the bill's effectiveness and contribute to the creation of sustainable and inclusive environments.

This response reflects the professional insights of The Architects Alliance and its commitment to shaping sustainable and inclusive built environments.

**Signed,**

A handwritten signature in black ink, appearing to be 'Sylvia Kasanga', written over a faint circular stamp or watermark.

Arch. Sylvia Kasanga  
For and on behalf of the Architects Alliance



# Society of Clerks-At-The-Table in Kenyan Legislatures

1st Floor, Room 104, Transnational Plaza, Mama Ngina Street, P.O. Box 12654-00100, Nairobi, Kenya  
Telephone : 0726428903 Email: info@socattkenya.org website : www.socattkenya.org

REF: SOCATT/NA/24 VOL 1(03)

March 4<sup>th</sup>, 2025

To: National Assembly Committee on Regional Development.

Through: Samuel Njoroge, CBS,  
The Clerk of the National Assembly,  
P.O. Box 41842-00100,  
Parliament Buildings,  
NAIROBI.

*Ms Mohamed Bone*  
*Seal*  
*DOC*  
*2*  
*7/3/25*  
*7/3/25*

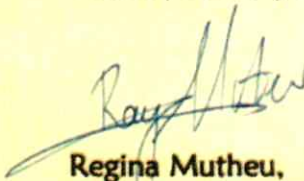
RE: SOCATT-K MEMORANDUM ON THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, 2024: (SENATE BILL NO. 12 OF 2024)

The above subject refers.

We make reference to your invitation to submit view on the Intergovernmental Relations (Amendment) Bill, 2024 (Senate Bills No. 12 of 2024); and have convened our membership to consider the Amendment Bill and input into a memorandum which we hereby submit for your consideration.

Further, kindly note that SOCATT(K) leadership is keen to engage with the Senate Standing Committee on Devolution and Intergovernmental Relation when it sits to consider this memorandum, and on subsequent matters touching on County Assembly Services.

Thank you for your continuous consideration and support to County Assemblies.

  
**Regina Mutheu,**  
**EXECUTIVE DIRECTOR.**

NATIONAL ASSEMBLY  
RECEIVED  
06 MAR 2025  
CLERK'S OFFICE  
P.O. Box 41842, NAIROBI

DIRECTOR  
RECEIVED  
07 MAR 2025  
Directorate of Departmental Committees



SOCATT(K)

## MEMORANDUM ON THE INTERGOVERNMENTAL RELATIONS (AMENDMENT), SENATE BILL NO. 12 OF 2024

### A. Introduction and Background

The Society of Clerks at the Table in Kenyan County Legislatures, SOCATT (K), is the membership organization for the Technical Services across the 47 County Assemblies in Kenya. The primary objective is to facilitate the harmonization of procedures and practices while creating platforms that enhance technical skills and capacities, experience sharing, collaboration and networking for the County Assembly Service.

Our theory of change is based on the belief that an exemplary and competent County Assembly Service facilitates effective and efficient operation of the legislative arm of the county governments. We foster this by:

- i) Providing the platform for sharing of parliamentary and management practices among Legislatures in Kenya particularly to the technical staff;
- ii) Providing the platform for professionals who teach management of legislatures to discuss and share knowledge on parliamentary and management practice and issues;
- iii) Sponsoring and promoting educational and training programs and activities that advance parliamentary practice, management and traditions in Kenya;
- iv) Advancing the professional status, public service and interdisciplinary collaboration among the parliamentary managers in Kenya, and;
- v) Creating linkages between the County Assembly Services and devolution stakeholders, development partners, civil society and private sector;
- vi) Publishing an annual journal on matters of procedure, privilege, constitutional law and management practices in relation to Parliament and Legislatures.

### B. Proposal for Expansion of Membership

The Society of Clerks at the Table in the Commonwealth has historically provided a platform for legislative staff to engage in professional development, knowledge sharing, and institutional strengthening.

As part of a strategic evolution in Kenya's governance landscape, and to further strengthen the legislative service and align with international best practices, it is proposed that SOCATT-K expand its membership to include staff of both County Assemblies and the National Parliament. This approach is in line with the Commonwealth practice, where legislative staff across all levels of government are incorporated into professional development bodies to foster collaboration, peer learning, and capacity building.

Expanding SOCATT-K's scope to encompass the broader Legislative Service, incorporating staff from both National Assembly, Senate and County Assemblies recognizes the critical role that legislative officers play in supporting parliamentary processes, governance, and intergovernmental relations (IGR). This would facilitate:

- Enhanced synergies between national and county legislatures, promoting cross-learning and mentorship.



- A unified platform for legislative best practices and procedural harmonization.
- Strengthened technical focus on national legislative matters, reinforcing its role as a key stakeholder in governance.

### **C. Contextual Significance of SOCATT-K in Devolution**

SOCATT-K is a key institution in Kenya's national and devolved governance, supporting service delivery by improving legislative procedures, professional standards, and policy engagement. As a professional body, it represents technical officers, enhances their skills, and ensures that legislative mandates are implemented effectively.

SOCATT-K is modeled on the **Society of Clerks-at-the-Table in Commonwealth Parliaments**, established in 1932 to help parliamentary officers improve legislative practices. This international connection gives SOCATT-K a **strong foundation in best practices** from other Commonwealth parliaments.

SOCATT-K's entrenchment in statute would further:

- 1) Enhance professional development opportunities by broadening access to legislative knowledge, training, and policy discussions at both levels of government.
- 2) Foster greater cohesion and collaboration within Kenya's legislative landscape, leading to improved legislative processes and oversight functions.
- 3) Position SOCATT-K as a central body in legislative service, enabling it to advocate more effectively for resource allocation, institutional independence, and procedural improvements.

### **D. Impact of Inclusion in the Intergovernmental Relations (Amendment) Bill, 2024**

The Intergovernmental Relations (Amendment) Act 2024 seeks to anchor the existing Intergovernmental structures in law; noting the evolution of the governance sector since the passage. While we support the broader goal of enhancing transparency and accountability, it is crucial to ensure that this transition is fair and inclusive. Specifically, the bill omits the Society of Clerks at the Table in Kenyan Legislatures (SOCATT-K), one of the critical Intergovernmental organs which has been in existence since December 2014.

SOCATT-K's inclusion in the Intergovernmental Relations (Amendment) Bill, 2024, presents a strategic opportunity to solidify its role in legislative governance. A stronger national outlook would:

- Enhance SOCATT-K's representation in intergovernmental frameworks, allowing for structured engagement with both levels of government.
- Provide a platform for SOCATT-K to contribute to national legislative reforms that impact county governance.
- Strengthen its advocacy efforts in securing institutional and financial autonomy for legislative services at all levels.

### **E. Proposed Clauses**

#### **Establishment of the Society of Clerks at the Table in Kenyan Legislatures**



- (1) There is established the Society of Clerks at the Table in Kenyan County Assemblies which shall be a Society consisting all the technical officers of the forty-seven County Assemblies, the National Assembly, and the Senate.
- (2) The Society of Clerks at the Table in Kenyan Legislatures shall be a professional body acting as a membership Society representing the staff of all the County Assembly Services and the technical officers of the National Legislature in Kenya.
- (3) The Society shall be managed by an Executive Committee.
- (4) The Executive Committee shall comprise of—
  - (a) a chairperson who shall be elected from amongst the Clerks of the County Assemblies or either of the National Legislatures;
  - (b) a vice-chairperson;
  - (c) seven other members from amongst the Clerks of the County or National Legislatures; and
  - (d) the Executive Director who shall be an ex-officio member of the Executive Committee and head of the secretariat.
- (5) Members of the Executive Committee shall serve for a term of two years and shall be eligible for re-election.

#### **Functions of the Society**

- (1) The Society shall provide an avenue for—
  - (a) facilitating the harmonization of parliamentary practice and procedure among the National and County Legislature through extensive research and development of best practices with a view to promoting procedural integrity and standards;
  - (b) promoting professional standards and ethical conduct among legislative staff at national and county level by providing high-standard training and professional development opportunities aimed at enhancing skills and competencies;
  - (c) promoting professionalism and excellence among the members of staff of Parliamentary Service and County Assembly Services;
  - (d) creating a platform that enhances experience sharing, exchange of information, collaboration, and networking for members of staff of Parliamentary and County Legislatures;
  - (e) establishing and maintaining a repository of information and knowledge on parliamentary procedure and practice, administrative and technical matters relevant to the smooth functioning and operation of County Assemblies, the Senate and the National Assembly;
  - (f) fostering and disseminating among legislative staff the values enshrined under the relevant legislative frameworks governing parliamentary service;
  - (g) providing a platform for the Legislative Services to voice their views and experiences in implementing devolution and contribute to policy and legislative discussions at both the county and national levels of government;
  - (h) representing the County Assembly Services and the National Legislature in engagements with the Intergovernmental Relations Agency, Constitutional Commissions, Development Partners, and various stakeholders;
  - (i) providing technical support to the County Assemblies Forum in their policy and legislative engagement with relevant stakeholders with a view to strengthen the devolved system and address challenges faced by the County Assemblies;
  - (j) facilitating capacity building for legislative staff on new and emerging issues with a view to promote broader understanding of understanding of parliamentary practice and

- procedure, devolution principles, and governance structures within Kenya's system of government; and
- (k) facilitating effective networking, coordination and collaboration amongst the national and county legislative staff on issues of common interest.
- (2) For better carrying out of its functions, the Society shall establish committees for various professional cadres working within the Parliamentary Service and County Assembly Services.
- (3) The Executive Committee shall facilitate and coordinate the activities of the committees established under subsection (2).

#### **Funding of the Society**

- (1) The funds of the Society shall consist of—
- (a) mandatory annual subscriptions by the County Assembly Service Boards and the Parliamentary Service Commission; and
  - (b) such monies as may be lawfully granted or donated to the Society;
- (2) The Executive Committee shall determine bi-annually the amounts to be paid by as subscriptions.

#### **Meetings of the Society**

- (1) The Society shall meet at least once every year.
- (2) The Society shall prescribe its own procedures.

#### **Reports by the Society**

- (1) The Society shall submit an annual report to the Senate and the National Assembly.
- (2) The report under subsection (1) shall be transmitted to all the County Assemblies within three months after the end of every financial year.

#### **Establishment of the Society Secretariat**

- (1) There shall be a secretariat to the Society, which shall be headed by an Executive Director.
- (2) The Executive Committee may employ staff of the Secretariat as are necessary for the proper discharge of its functions.
- (3) The Executive Committee may engage an officer seconded from any of the Member Legislatures on terms that shall be guided by the Society's policies.
- (4) The Executive Director shall be competitively recruited and appointed by the Society.
- (5) A person is qualified to be appointed as the Executive Director if that person—
- (a) holds a degree from a university recognised in Kenya;
  - (b) has at least ten years' relevant professional experience;
  - (c) has demonstrable competence in administration of not less than five years; and
  - (d) satisfies the requirements of leadership and integrity provided under Chapter Six of the Constitution.
- (6) The Executive Director shall be—
- (a) the chief executive officer and accounting officer of the Society;
  - (b) the Secretary to the Society; and
  - (c) responsible to the Society for the day-to-day administration of the affairs of the Secretariat.
- (7) Without prejudice to the generality of the provisions of subsection (6), the Executive Director shall be responsible for—
- (a) the implementation of decisions of the Society;
  - (b) the establishment and development of an efficient administration of the Secretariat;
  - (c) the organization, control and management of staff of the Secretariat;



- (d) maintaining accurate records on financial matters and resource use;
- (e) ensuring the preparation and approval of the budget for the required funding of the operational expenses of the Society; and
- (f) performing any other duties as may be assigned by the Society.

#### **Removal from office of the Executive Director**

The Executive Director may be removed from office by the Executive Committee in accordance with the terms and conditions of service, for —

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct or misbehaviour;
- (c) incompetence or negligence of duty; or
- (d) any other ground that would justify removal from office under the terms and conditions of service.

#### **Remuneration of staff**

The Executive Director and staff of the Secretariat shall be paid such salaries, benefits and allowances for expenses as may be determined by the Executive Committee.