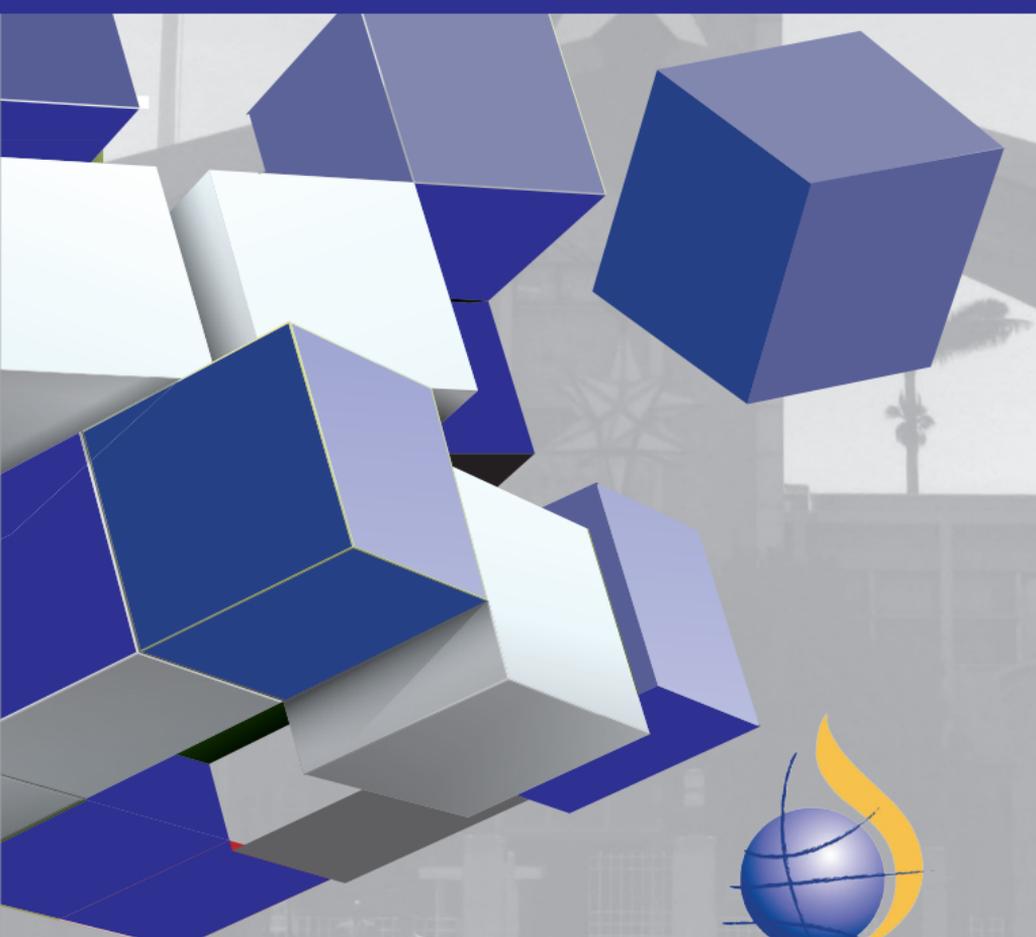




Handbook on Devolution

The Kenyan Section of the International Commission of Jurists



ICJ KENYA
Since 1959

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Acknowledgements

The promulgation of the Constitution of Kenya in August 2010 set the stage for major institutional reforms. Devolution of government and public participation are not only new, but are also critical components of these reforms. The purpose of this publication is to satisfy the demand for knowledge on devolution with the expected result that it shall contribute towards a more vibrant, informed and knowledgeable public, participating in governance at the local level.

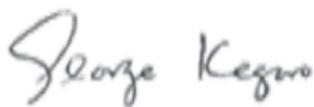
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George Kegoro

Executive Director

Concept of Devolution

Meaning of Devolution in the Kenyan Context

“All sovereign power belongs to the People of Kenya and shall be exercised only in accordance with the Constitution” ~ Art. 1

Devolution is a form of decentralization. It is simply defined as the process of transferring decision-making and implementation powers, functions, responsibilities and resources to legally constituted, and popularly elected local governments.

Devolution in Kenya is based on the supremacy of the Constitution, sovereignty of the people and the principle of public participation.

Supremacy of the Constitution means that the Constitution is the supreme law of the Republic. Therefore, devolution being an aspect of the Constitution binds all persons and all State organs at both levels of government.

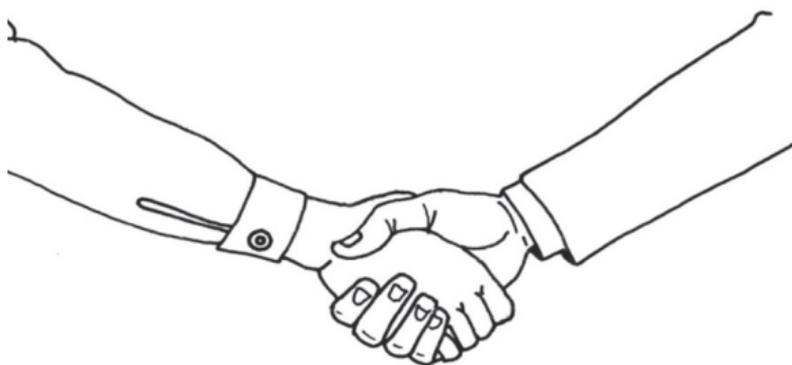
The sovereign power of the people on the other hand, means that the power to rule and make laws in Kenya lies with the people of Kenya and can be exercised only in accordance with the Constitution at the national and county level either directly or indirectly, through their democratically elected representatives.

Devolution is one of the concepts in the Constitution that has brought about a complete overhaul in Kenya's system of governance. This is because it is a new aspect in the Kenyan governance system. The need for Devolution has been seen in many countries and it is informed by the need to have power sharing, checks and balances in governance and the decentralization of resources.

Characteristics of Devolution

The characteristic of devolution in the Kenyan context are reflected in the principles and objectives of devolution as stated in the Constitution. Key among these include the presence of local units that have autonomy and independence from the centre, with clear and legally recognized geographical

boundaries over which to exercise authority and perform public functions. The units are also accorded corporate status and the power to raise sufficient resources to carry out their functions.



Objectives of Devolution

The objectives of devolution in Kenya are stated under Art. 174 of the Constitution and they are:

- a) To promote democratic and accountable exercise of power;
- b) To foster national unity by recognizing diversity;
- c) To give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them;
- d) To recognize the right of communities to manage their own affairs and to further their development;
- e) To protect and promote the interests and rights of minorities and marginalized communities;
- f) To promote social and economic development and the provision of proximate, easily accessible services throughout Kenya;
- g) To ensure equitable sharing of national and local resources throughout Kenya;
- h) To facilitate the decentralization of State organs, their functions and services, from the capital of Kenya; and,
- i) To enhance checks and balances and the separation of powers.

Principles of Devolved Government

In Kenya several principles need to be considered when implementing devolution. These are embedded in the three principles stated in Art. 175 of the Constitution. Therefore, County governments established under the Constitution shall reflect the following principles:

- a) County governments shall be based on democratic principles and the separation of powers;
- b) County governments shall have reliable sources of revenue to enable them to govern and deliver services effectively; and,
- c) No more than two-thirds of the members of representative bodies in each county government shall be of the same gender.

It is important to note that the national and county governments are required to adhere to the national values and principles of governance as set out in Art. 10 of the Constitution. These bind all State organs, State officers, public officers and all persons whenever any of them applies or interprets the Constitution; enacts, applies or interprets any law; or makes or implements public policy decisions.

The national values and principles of governance include: patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; good governance, integrity, transparency and accountability; and sustainable development.

Devolution promotes democratic and accountable exercise of power. This includes fostering national unity by recognizing diversity; giving powers of self-governance to the people and enhancing the participation of the people in the exercise of the powers of the State and in making decisions affecting them; and recognizes the right of communities to manage their own affairs and to further their development

Legislation on Devolution

The Constitution of Kenya, 2010

The primary source of legislation on devolution is the Constitution of Kenya. It provides legality and life to devolution while also requiring Parliament to enact legislation to give effect to its provisions on devolution. Some of the key legislation passed by Parliament are outlined below.

The County Government Act, 2012

This Act came into force upon the final announcement of the results of the March 4th 2013 elections. Its purpose and objectives are among others to:

- a) Give effect to devolution under Chapter Eleven of the Constitution; the objects and principles of devolution as set out Art. 174 and 175 of the Constitution; Art. 176 (2) of the Constitution in respect of further decentralization
- b) Provide for the removal from office of the speaker of the county assembly in accordance with Art. 178 of the Constitution;
- c) Provide for the powers, privileges and immunities of county assemblies, their committees and members under Art. 196 of the Constitution;
- d) Provide for public participation in the conduct of the activities of the county assembly as required under Art. 196 of the Constitution;
- e) Seek to ensure that the community and cultural diversity of a county is reflected in its county assembly and county executive committee as contemplated in Art. 197 of the Constitution;
- f) Prescribe mechanisms to protect minorities within counties pursuant to Art. 197 of the Constitution;
- g) Prescribe additional requirements in respect of the publication of county legislation as contemplated in Art. 199 of the Constitution;

- h) Provide, pursuant to Art. 200 of the Constitution, for the manner of nomination or appointment of persons to, and their removal from, offices in county governments, including the qualifications of voters and candidates; the procedure of assemblies and executive committees including the chairing and frequency of meetings, quorums and voting; and the suspension of assemblies and executive committees; and,
- i) Prescribe, pursuant to Art. 235 of the Constitution, uniform norms and standards for establishing and abolishing offices in the county public service; appointing persons to hold or act in those offices, and confirming appointments; exercising disciplinary control over and removing persons holding or acting in those offices and provide for the promotion, evaluation and reporting on the compliance by county public officers with the values and principles in Art. 10 and 232 of the Constitution.

Intergovernmental Relations Act, No. 2 of 2012

The objects and purposes of this Act are to among others:

- a) Provide a framework for consultation and co-operation between the national and county governments;
- b) Provide a framework for consultation and co-operation amongst county governments;
- c) Establish institutional structures and mechanisms for intergovernmental relations;
- d) Provide a framework for the inclusive consideration of any matter that affects relations between the two levels of government and amongst county governments;
- e) Give effect to Art. 187 and 200 of the Constitution, in respect of the transfer of 4 functions and powers by one level of government to another, including the transfer of legislative powers from the national government to the county governments; and,
- f) Provide mechanisms for the resolution of intergovernmental disputes where they arise.

Transition to Devolved Government Act, No. 1 of 2012

The objectives of this Act are to among others:

- a) Provide a legal and institutional framework for a coordinated transition to the devolved system of government while ensuring continued delivery of services to citizens;
- b) Provide, pursuant to section 15 of the Sixth Schedule to the Constitution, for the transfer of powers and functions to the national and county governments;
- c) Provide mechanisms to ensure that the Commission for the Implementation of the Constitution performs its role in monitoring and overseeing the effective implementation of the devolved system of government effectively;
- d) Provide for policy and operational mechanisms during the transition period for audit, verification and transfer to the national and county governments of assets and liabilities; human resources; pensions and other staff benefits of employees of the government and local authorities and so on.
- e) Provide for closure and transfer of public records; and,
- f) Provide for the mechanism for capacity building requirements of the national government and the county governments and make proposals for the gaps to be addressed.

National Government Co-Ordination Act, No. 1 of 2013

The objectives of this Act are to among others:

- a) Facilitate the exercise of executive authority pursuant to Art. 131(1)(b) and 132 (3) (b) and (c) of the Constitution;
- b) Provide for the effective co-ordination and administration of the national government functions prescribed in the Constitution, this Act or any other written law; and,
- c) Provide for the establishment of an administrative and institutional framework at the national, county and decentralised units to ensure access to national government services in all parts of the Republic.

Public Finance Management Act, 2012

The objectives of this Act is to ensure that—

- a) Public finances are managed at both the national and the county levels of government in accordance with the principles set out in the Constitution; and,
- b) Public officers who are given responsibility for managing the finances are accountable to the public for the management of those finances through Parliament and County Assemblies.

Urban Areas and Cities Act, 2011

The objectives and purposes of this Act are to establish a legislative framework for:

- a) Classification of areas as urban areas or cities;
- b) Governance and management of urban areas and cities;
- c) Participation by the residents in the governance of urban areas and cities; and,
- d) Other matters for the attainment of the objects provided for in paragraphs (a) to (c).

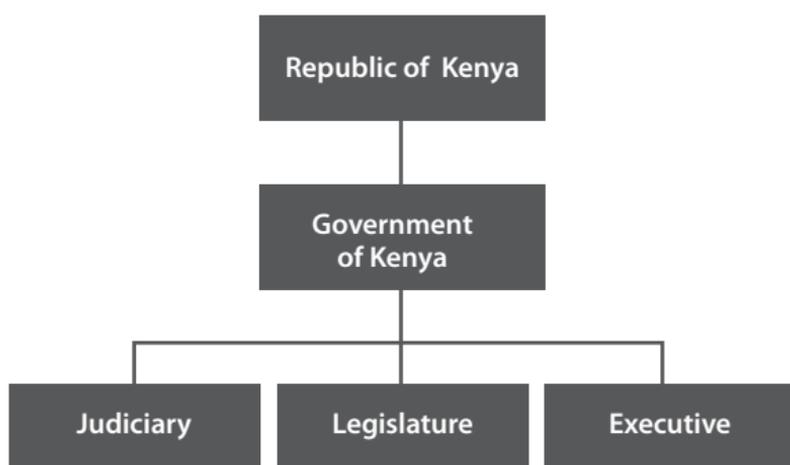
Constituencies Development Fund Act, 2013

The Object and purpose of the Act is to ensure that:

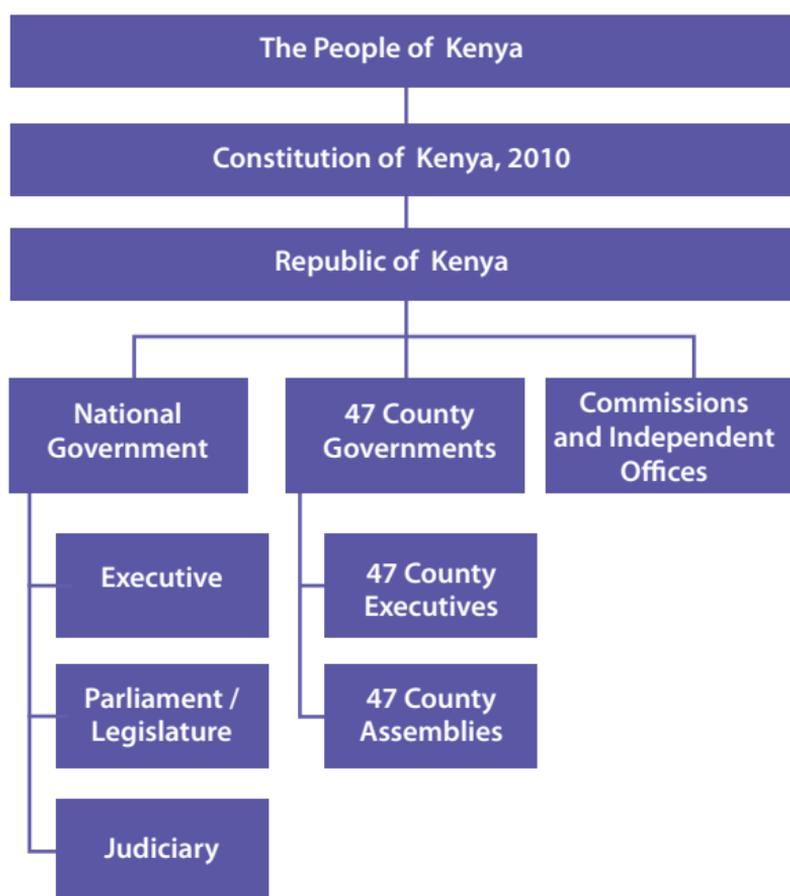
- a) The provisions of the Act shall apply, as more specifically provided for in the Act; and,
- b) A specific portion of the national annual budget is devoted to the constituencies for purposes of infrastructural development, wealth creation and in the fight against poverty at the constituency level.

Structure of The Republic of Kenya

Old Structure



New Structure



National Government

Executive

According to Art. 129 of the Constitution, executive authority derives from the people of Kenya and shall be exercised in accordance with the Constitution. That is, in a manner compatible with the principle of service to the people of Kenya, and for their well-being and benefit.

Further, the Constitution in Art. 130 states that the national executive of the Republic comprises the President, the Deputy President and the rest of the Cabinet including the Attorney-General, no fewer than fourteen and not more than twenty-two Cabinet Secretaries. The composition of the national executive should reflect the regional and ethnic diversity of the people of Kenya.

President

The President derives his authority from Art. 131 of the Constitution which empowers him to:

- a) Be Head of State and Government;
- b) Exercise the executive authority of the Republic, with the assistance of the Deputy President and Cabinet Secretaries;
- c) Be Commander-in-Chief of the Kenya Defence Forces;
- d) Chair the National Security Council;
- e) Be a symbol of national unity;
- f) Respect, uphold and safeguard this Constitution;
- g) Safeguard the sovereignty of the Republic;
- h) Promote and enhance the unity of the nation;
- i) Promote respect for the diversity of the people and communities of Kenya;
- j) Ensure the protection of human rights and fundamental freedoms and the rule of law; and,
- k) Not hold any other State or public office.

Functions of the President

The functions of the President are specified in Art. 132 of the Constitution and they are to:

- a) Address the opening of each newly elected Parliament;
- b) Address special sittings of Parliament once every year and may address Parliament at any other time;
- c) Once every year—report, in an address to the nation, on all the measures taken and the progress achieved in the realisation of the national values, referred to in Art. 10 and publish in the Kenya Gazette the details of such measures and progress; and submit a report for debate to the National Assembly on the progress made in fulfilling the international obligations of the Republic;
- d) Nominate and, with the approval of the National Assembly, appoint, and may dismiss - the Cabinet Secretaries, in accordance with Art. 152; the Attorney-General, in accordance with Art. 156; the Secretary to the Cabinet in accordance with Art. 154; Principal Secretaries in accordance with Art. 155; High Commissioners, Ambassadors and Diplomatic and Consular Representatives; and in accordance with this Constitution, any other State or public officer whom the Constitution requires or empowers the President to appoint or dismiss;
- e) Chair Cabinet meetings; direct and co-ordinate the functions of ministries and government departments; and by a decision published in the Gazette, assign responsibility for the implementation and administration of any Act of Parliament to a Cabinet Secretary, to the extent not inconsistent with any Act of Parliament;
- f) Perform any other executive function provided for in the Constitution or in national legislation and, except as otherwise provided for, establish an office in the public service in accordance with the recommendation of the Public Service Commission; receive foreign diplomatic and consular representatives; confer honours in the name of the people and the Republic; subject to Art. 58, declare a state of emergency; and with the approval of Parliament, declare war;
- g) Ensure that the international obligations of the Republic are fulfilled through the actions of the relevant Cabinet Secretaries; and,

- h) On the petition of any person, the President may exercise a power of mercy in accordance with the advice of the Advisory Committee.

Functions of the Deputy President

The Functions of the Deputy President are specified in Art. 157 of the Constitution and they include:

- a) To be the principal assistant of the President and to deputize for the President in the execution of the President's functions;
- b) To perform the functions conferred by this Constitution and any other functions of the President as the President may assign;
- c) Subject to Art. 134, when the President is absent or is temporarily incapacitated, and during any other period that the President decides, to act as the President; and,
- d) Not hold any other State or public office.

Legislature

The Parliament of Kenya, which consists of the National Assembly and the Senate is established under Art. 93 of the Constitution.

The people may exercise their sovereign power either directly or through their democratically elected representatives. ~ Art. 1, COK

National Assembly

According to Art. 97 of the Constitution, the National Assembly consists of:

- a) Two hundred and ninety members, each elected by the registered voters of single member constituencies;
- b) Forty-seven women, each elected by the registered voters of the counties, each county constituting a single member constituency;
- c) Twelve members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Art. 90, to represent special interests including the youth, persons with disabilities and workers; and,
- d) The Speaker, who is an ex officio member.

Role of the National Assembly

Art. 95 provides the role of the National Assembly, which are to:

- a) Represent the people of the constituencies and special interests in the National Assembly;
- b) Deliberate on and resolves issues of concern to the people;
- c) Enact legislation in accordance with Part 4 of Chapter 8 of the Constitution;
- d) Determines the allocation of national revenue between the levels of government, as provided in Part 4 of Chapter Twelve;
- e) Appropriate funds for expenditure by the national government and other national State organs; and exercise oversight over national revenue and its expenditure;
- f) Review the conduct in office of the President, the Deputy President and other State officers and initiate the process of removing them from office;
- g) Exercise oversight of State organs; and,
- i) Approve declarations of war and extensions of states of emergency.

Senate

According to Art. 98 of the Constitution, the Senate consists of:

- a) Forty-seven members each elected by the registered voters of the counties, each county constituting a single member constituency;
- b) Sixteen women members who shall be nominated by political parties according to their proportion of members of the Senate two members, being one man and one woman, representing the youth;
- c) Two members, being one man and one woman, representing persons with disabilities; and,
- d) The Speaker, who shall be an ex officio member.

Role of Senators

The main role of Senators is to represent the counties, while also serving to protect the interests of the counties and their governments. Other roles include:

- a) Participating in the law-making function of Parliament by considering, debating and approving Bills concerning counties, as provided in Art. 109 to 113.
- b) Determining the allocation of national revenue among counties, as provided in Art. 217, and exercises oversight over national revenue allocated to the county governments; and,
- c) Participating in the oversight of State officers by considering and determining any resolution to remove the President or Deputy President from office in accordance with Art. 145.

Judiciary

Judicial Authority in Kenya is derived from the people and vests in, and shall be exercised by, the courts and tribunals established by the Constitution. Further, in the exercise of this authority, the Judiciary is independent and subject only to the Constitution. The head of the Judiciary is the Chief Justice.

Unlike the Legislature and the Executive, the functions of the Judiciary were not devolved by the Constitution to county government level. However, the Judiciary will take administrative measures to ensure services are delivered across the forty-seven counties.

Art. 159 requires courts and tribunals to be guided by the following principles when exercising judicial authority:

- a) Justice shall be done to all, irrespective of status;
- b) Justice shall not be delayed;
- c) Alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms shall be promoted, subject to clause
- d) Justice shall be administered without undue regard to procedural technicalities;
- e) The purpose and principles of this Constitution shall be protected and promoted; and,

- f) Traditional dispute resolution mechanisms shall not be used in a way that— contravenes the Bill of Rights; is repugnant to justice and morality or results in outcomes that are repugnant to justice or morality; or is inconsistent with this Constitution or any written law.

The judiciary is composed of:

- a) Judges of the superior courts i.e. the Supreme Court, the Court of Appeal, the High Court, Environment and Land Court and the Industrial Court;
- b) Magistrates of the subordinate courts; and,
- c) Other judicial officers and staff e.g. Registrars, Clerks and so on.

Commissions and Independent Offices

The Commissions and Independent offices are listed under Art. 248 of the Constitution. They include:

- a) Commission for the Implementation of the Constitution (CIC);
- b) Commission on Revenue Allocation (CRA);
- c) Independent Electoral and Boundaries Commission (IEBC);
- d) Judicial Service Commission (JSC);
- e) Kenya National Human Rights and Equality Commission – Split to form the Kenya National Commission on Human Rights (KNCHR) and the National Gender and Equality Commission (NGEC);
- f) National Land Commission (NLC);
- g) National Police Service Commission (NPSC);
- h) Parliamentary Service Commission (PSC);
- i) Public Service Commission (PSC);
- j) Salaries and Remuneration Commission (SRC); and,
- k) Teachers Service Commission (TSC).

The Independent offices are:

- a) Auditor-General
- b) Controller of Budget

County Governments

Art. 6 (1) of the Constitution provides that the territory of Kenya is divided into the following forty seven (47) counties. These are specified in the First Schedule to the Constitution and they are:

Structure

There shall be a county government for each county, which shall consist of a county assembly and a county executive. Every county government is required to decentralise its functions and the provision of its services to the extent that it is efficient and practicable to do so.

The County assembly constitutes the legislative organ of government while the County executive is representative of the Executive arm of government within the County government. The functions of the judicial arm of the national government are not devolved.

Functions

According to s.5 of the County Government Act, County Governments shall be responsible for any function assigned to them under the Constitution or by an Act of Parliament. In addition, they shall be responsible for:

- a) County legislation in accordance with Art. 185 of the Constitution;
- b) Exercising executive functions in accordance with Art. 183 of the Constitution;
- c) Functions provided for in Art. 186 and assigned in the Fourth Schedule of the Constitution;
- d) Any other function that may be transferred to county governments from the national government under Art. 187 of the Constitution;
- e) Any functions agreed upon with other county governments under Art. 189 (2) of the Constitution; and,
- f) Establishment and staffing of its public service as contemplated under Art. 235 of the Constitution.

County Assembly

According to Art. 185 of the Constitution, the legislative authority of a County Government is vested in, and exercised by its County Assembly. Further, according to Art. 177, the membership of a County Assembly shall consist of:

- a) Members elected by the registered voters of the wards;
- b) The number of special seat members necessary to ensure that no more than two-thirds of the membership of the assembly are of the same gender;
- c) The six nominated members of marginalised groups, including persons with disabilities and the youth, prescribed by the County Government Act; and,
- d) The Speaker, who is an ex officio member.

The functions of a County Assembly are specified in Art. 185 of the Constitution and they are:

- a) To make any laws that are necessary for, or incidental to, the effective performance of the functions and exercise of the powers of the county government;
- b) While respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs; and,
- c) To receive and approve plans and policies for the management and exploitation of the county's resources; and the development and management of its infrastructure and institutions.



A county assembly may make any laws that are necessary for the effective performance of the functions and exercise of the powers of the county government

County Executive

According to Art. 179 of the Constitution, the executive authority of the county is vested in, and exercised by the County Executive Committee. The county executive committee consists of the following:

- a) The county governor and the deputy county governor; and,
- b) Members appointed by the county governor, with the approval of the assembly, from among persons who are not members of the assembly.

The County Government Act in s. 32 requires that the Governor in nominating members of the county executive, to ensure among others, that the composition reflects the community and cultural diversity of the county; and take into account principles of affirmative action provided in the Constitution.

The functions of a county executive committees are specified in Art. 183 of the Constitution and they are to:

- a) Implement county legislation;
- b) Implement, within the county, national legislation to the extent that the legislation so requires;
- c) Manage and coordinate the functions of the county administration and its departments;
- d) Perform any other functions conferred on it by this Constitution or national legislation;
- e) Prepare proposed legislation for consideration by the county assembly; and,
- f) Provide the county assembly with full and regular reports on matters relating to the county.

Governor

The functions and responsibilities of the Governor are provided under s. 30 of the County Government Act, and they are to:

- a) Diligently execute the functions and exercise the authority provided for in the Constitution and legislation;
- b) Perform such State functions within the county as the President may from time to time assign on the basis of mutual consultations;

- c) Represent the county in national and international fora and events;
- d) Appoint, with the approval of the county assembly, the county executive committee in accordance with Art. 179(2)(b) of the Constitution;
- e) Constitute the county executive committee portfolio structure to respond to the functions and competencies assigned to and transferred to each county;
- f) Submit the county plans and policies to the county assembly for approval;
- g) Consider, approve and assent to bills passed by the county assembly;
- h) Chair meetings of the county executive committee;
- i) by a decision notified in the county gazette, assign to every member of the county executive committee, responsibility to ensure the discharge of any function within the county and the provision of related services to the people;
- j) Submit to the county assembly an annual report on the implementation status of the county policies and plans;
- k) Deliver annual state of the county address containing such matters as may be specified in county legislation;
- l) Sign and cause to be published in the county Gazette, notice of all important formal decisions made by the governor or by the county executive committee;
- m) Provide leadership in the county's governance and development;
- n) Provide leadership to the county executive committee and administration based on the county policies and plans;
- o) Promote democracy, good governance, unity and cohesion within the county;
- p) Promote peace and order within the county;
- q) Promote the competitiveness of the county;
- r) Be accountable for the management and use of the county resources; and,
- s) Promote and facilitate citizen participation in the development of policies and plans, and delivery of services in the county.

The Powers of the governor are provided under s. 31 of the County Government Act and they include to:

- a) Dismiss a county executive committee member at any time, May, despite s. 40 of the Act, if the governor considers that it is appropriate or necessary to do so;
- b) Dismiss a county executive committee member, if required to do so by a resolution of the county assembly as provided under section 40;
- c) Appoint an accounting officer for each department, entity or decentralized unit of the county government; and,
- d) Such powers as may be necessary for the execution of the duties of the office of governor.

Deputy Governor

The functions of the Deputy Governor are provided under s. 32 of the County Government Act include to:

- a) Take and subscribe to the oath or affirmation as set out in the Schedule to this Act before assuming office;
- b) Deputize for the governor in the execution of the governor's functions;
- c) Perform any other responsibility or portfolio as a member of the county executive committee as may be assigned by the Governor; and,
- d) Not to exercise any powers of the governor, to nominate, appoint or dismiss, that are assigned to the governor under the Constitution or other written law when acting in office as contemplated in Art. 179 or other written law.

Relationship of National and County Governments

The Constitution in Art. 6(2) recognizes that these governments are distinct and inter-dependent and requires them to conduct their mutual relations on the basis of consultation and cooperation. Further, in Art. 189, it mandates the governments at either level to:

- a) Perform its functions, and exercise its powers, in a manner that respects the functional and institutional integrity of government at the other level, and respects the constitutional status and institutions of government at the other level and, in the case of county government, within the county level;
- b) Assist, support and consult and, as appropriate, implement the legislation of the other level of government; and,
- c) Liaise with government at the other level for the purpose of exchanging information, coordinating policies and administration and enhancing capacity.

The governments are also required to cooperate in the performance of functions and exercise of powers and, for that purpose, may set up joint committees and joint authorities. Further, that in any dispute between governments, the governments shall make every reasonable effort to settle the dispute, including by means of procedures provided under national legislation.

The Intergovernmental Relations Act sets out the principles of Intergovernmental Relations, which shall apply to the national and county governments; intergovernmental relations structures established by law; and the dispute resolution mechanisms provided under the Act. The principles include the following:

- a) Recognition of the sovereignty of the people as provided for under Art. 1 of the Constitution;
- b) Inclusive and participatory governance;
- c) Respect for the functional and institutional integrity of the two levels of government;
- d) Promotion of national values and principles of governance provided under Art. 10 of the Constitution;

- e) Respect for the constitutional status of the levels of government and the institutions of government established at either level of government;
- f) Promotion of equality and equity in service delivery;
- g) Objectivity and impartiality in decision making;
- h) The requirement for consultation and cooperation as provided under Art. 6 (2) of the Constitution;
- i) The need to minimize intergovernmental disputes while co-operating in exercising their functions;
- j) Promotion of accountability to the people in decision making and actions taken; and,
- k) Institutionalized protection of marginalized groups.

Distribution of Functions between National and County Governments

In order to ensure the proper functioning of county governments in line with the objectives and principles of devolution, the Constitution provides for the functions and powers of the national and county governments. Further, in the Fourth Schedule it provides for the distribution of these functions between the national and county governments. These are listed in the table below.

National Government	County Government
1. Foreign affairs, foreign policy and international trade.	
2. Courts	
3. Immigration and citizenship.	
4. National defence and the use of the national defence services.	
5. Police services, including: the setting of standards of recruitment, training of police and use of police services; criminal law; and correctional services.	1. Control of drugs and pornography
6. The relationship between religion and state.	2. Cultural activities, public entertainment and public amenities, including: betting, casinos and other forms of gambling; racing; liquor licensing; cinemas; video shows and hiring; libraries; museums; sports and cultural activities and facilities; and county parks, beaches and recreation facilities.
7. Language policy and the promotion of official and local languages.	
8. Ancient and historical monuments of national importance.	

National Government	County Government	
9. National economic policy and planning.	3. County planning and development, including: statistics; land survey and mapping; boundaries and fencing; housing; and electricity and gas reticulation and energy regulation.	
10. General principles of land planning and the co-ordination of planning by the counties.		
11. National statistics and data on population, the economy and society generally.		
12. The use of international waters and water resources.		
13. Energy policy including electricity and gas reticulation and energy regulation.		
14. Public investment.		4. Trade development and regulation, including: markets; trade licences (excluding regulation of professions); fair trading practices; local tourism; and cooperative societies.
15. Monetary policy, currency, banking (including central banking), the incorporation and regulation of banking, insurance and financial corporations.		
16. Tourism policy and development.		
17. Intellectual property rights.		
18. Labour standards.		
19. Consumer protection, including standards for social security and professional pension plans.		
20. National betting, casinos and other forms of gambling.		
21. Education policy, standards, curricula, examinations and the granting of university charters.		
22. Universities, tertiary educational institutions and other institutions of research and higher learning and primary schools, special education, secondary schools and special education institutions.		
23. Promotion of sports and sports education	5. Pre-primary education, village polytechnics, home craft centres and childcare facilities.	
24. Transport and communications, including, in particular road traffic; the construction and operation of national trunk roads; standards for the construction and maintenance of other roads by counties; railways; pipelines; marine navigation; civil aviation; space travel; postal services; telecommunications; and radio and television broadcasting.	6. 5. County transport, including: county roads; street lighting; traffic and parking; public road transport; and ferries and harbours, excluding the regulation of international and national shipping and matters related thereto.	

National Government	County Government
25. National public works.	7. County public works and services, including: storm water management systems in built-up areas; and, water and sanitation services
26. Housing policy	
27. Protection of the environment and natural resources with a view to establishing a durable and sustainable system of development, including, in particular: fishing, hunting and gathering; protection of animals and wildlife; water protection, securing sufficient residual water, hydraulic engineering and the safety of dams; and energy policy.	8. Implementation of specific national government policies on natural resources and environmental conservation, including: soil and water conservation; and forestry.
	9. Control of air pollution, noise pollution, other public nuisances and outdoor advertising.
28. National referral health facilities.	10. County health services, including, in particular: county health facilities and pharmacies; ambulance services; promotion of primary health care; licensing and control of undertakings that sell food to the public; veterinary services (excluding regulation of the profession); cemeteries, funeral parlours and crematoria; and refuse removal, refuse dumps and solid waste disposal.
29. Health policy.	
30. Disaster management.	11. Fire fighting services and disaster management.
31. National elections.	12. Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
32. Capacity building and technical assistance to the counties.	
33. Agricultural policy.	13. Agriculture, including: crop and animal husbandry; livestock sale yards; county abattoirs; plant and animal disease control; and fisheries.
34. Veterinary policy.	14. Animal control and welfare, including: licensing of dogs; and facilities for the accommodation, care and burial of animals.

Transfer of Functions and Powers

The Constitution provides guidelines for the transfer of functions or powers of government from one level to another. This may be done by agreement between the governments if:

- a) The function or power would be more effectively performed or exercised by the receiving government; and,
- b) The transfer of the function or power is not prohibited by the legislation under which it is to be performed or exercised.

Arrangements shall be put in place to ensure that the resources necessary for the performance of the function or exercise of the power are transferred and constitutional responsibility for the performance of the function or exercise of the power shall remain with the government to which it is assigned.

Conflict of Laws

Art. 191 of the Constitution seeks to address instances where there may be conflict between national and county legislation in respect of matters falling within the concurrent jurisdiction of both levels of government. In such a case, the national legislation shall prevail over county legislation. This is so because national legislation applies uniformly throughout the country and is aimed at preventing unreasonable action by a county that would be prejudicial to the economic, health or security interests of Kenya or another county or impede the implementation of national economic policy.

Suspension of a County Government

Art. 192 of the Constitution allows the President to suspend County Governments. This is permitted where there is an emergency arising out of internal conflict or war or in any other exceptional circumstances.

However, this may only be done once an independent commission of inquiry has investigated allegations against the county government, the President is satisfied that the allegations are justified and the Senate has authorized the suspension. Such a termination cannot exceed a period of 90 days and the Senate may at any time terminate such a suspension.

Boundaries of Counties

Art. 188 of the Constitution provides that the boundaries of a county may be altered only by a resolution recommended by the independent Boundaries and Electoral Commission (IEBC), with the support of at least two-thirds of all of the members of the Assembly; and the Senate, with the support of at least two-thirds of all of the county delegations.

Where altered, they must take into account: population density and demographic trends; physical and human infrastructure; historical and cultural ties; the cost of administration; the views of the communities affected; the objects of devolution of government; and geographical features.

Revenues of County Governments

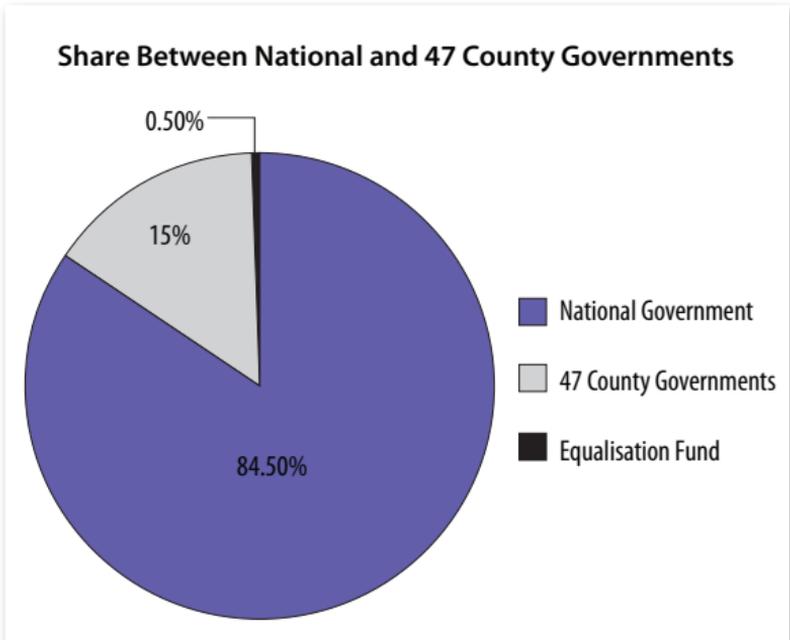
Under Art. 190, Parliament is required to enact legislation to ensure that county governments have adequate support to its functions and financially to enable them to perform their functions. In this regard, Parliament has passed several pieces of legislation to give effect to this constitutional provision.



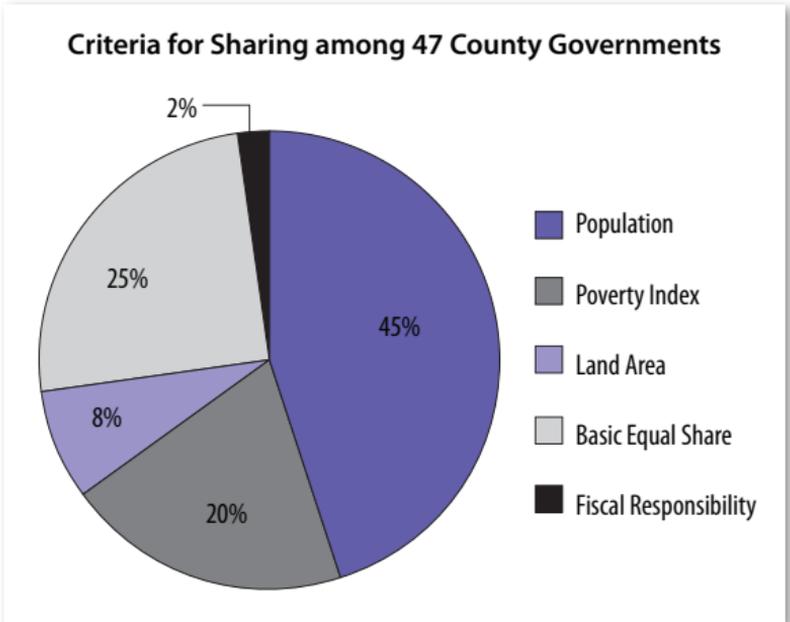
Parliament shall by legislation ensure that county governments have adequate support to enable them to perform their functions

These including among others the: Appropriation Act, 2012, (No 11 of 2012); Finance Act (No 4 of 2012); Finance Act (No 57 of 2012); Public Finance Management Act 2012 (No 18 of 2012); Supplementary Appropriation Act (No 7 of 2012); Transition County Allocation of Revenue Act (No 5 of 2013); and the Transition County Appropriation Act (No 6 of 2013).

The Commission on Revenue Allocation (CRA) has proposed a formula for revenue sharing which has since been adopted by Parliament and shall be reviewed every five years. National revenue will be shared between the National and the 47 County Governments as follows:



The 15% of national revenue highlighted above will be shared among the 47 County Governments based on the criteria shown below. Hence, the 47 County Governments will not receive equal amounts of funding.



Public Participation

Public participation is at the core of Kenya's new Constitutional dispensation. Art. 10 of the Constitution states that it is one of the national values and principles of governance.

In the Bill of Rights, the Constitution in Art. 27 states that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. Moreover, it bars the state or any other person from discriminating either directly or indirectly on grounds including among others sex, ethnic origin, culture, age, and so on.

More importantly, the State is required to take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination to give full effect to the realisation of the rights guaranteed under the Article and to implement the principle that, not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

Furthermore, Art. 54 of the Constitution requires the state to take measures including affirmative action programmes to ensure that the youth have opportunities to associate, be represented and participate in political, social, economic and other spheres of life. In addition, Art. 56 of the Constitution requires the State to put in place affirmative action programmes designed to ensure that minorities and marginalised groups participate in governance and other spheres of life.

The County Government Act provides further guidelines for the realisation of the goal of the Constitution of ensuring the participation of the people in governance.

According to s. 87 of the Act, citizen participation in county governments shall be based upon the following principles:

- a) Timely access to information, data, documents, and other information relevant or related to policy formulation and implementation;
- b) Reasonable access to the process of formulating and

implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards;

- c) Protection and promotion of the interest and rights of minorities, marginalized groups and communities and their access to relevant information;
- d) Legal standing to interested or affected persons, organizations, and where pertinent, communities, to appeal from or, review decisions, or redress grievances, with particular emphasis on persons and traditionally marginalized communities, including women, the youth, and disadvantaged communities;
- e) Reasonable balance in the roles and obligations of county governments and non-state actors in decision-making processes to promote shared responsibility and partnership, and to provide complementary authority and oversight;
- f) Promotion of public-private partnerships, such as joint committees, technical teams, and citizen commissions, to encourage direct dialogue and concerted action on sustainable development; and,
- g) Recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight.

In line with these principles, several provisions have been highlighted below as key to public participation at the county level.

Firstly, the Constitution in Art. 118 and 196 requires Parliament and county assemblies respectively to conduct their business in an open manner, and hold their sittings and those of their committees, in public; and facilitate public participation and involvement in the legislative and other business of the assembly and its committees.

More importantly, the Constitution prohibits both houses from excluding the public, or any media, from any sitting unless in exceptional circumstances where the speaker has determined that there are justifiable reasons for doing so.

The County Government Act also provides for citizen participation in a number of areas. Under section 15, it grants any person power to petition the county assembly to consider

any matter within its authority, including enacting, amending or repealing any of its legislation.

Secondly, under s. 27 of the Act, it empowers the electorate in a county ward to recall their member of the county assembly before the end of the term of the member, where:

- a) The member is found, after due process of the law, to have violated the provisions of Chapter Six of the Constitution;
- b) The member is found, after due process of the law, to have mismanaged public resources; and,
- c) The member is convicted of an offence under the Elections Act.

The Elections Act in s. 45 equally provides for the right of recall of Members of Parliament based on similar reasons as the recall of County Assembly members cited above.

In addition, s. 88 of the Act, gives the people the right to petition the county government on any matter under the responsibility of the county government. s. 89 of the Act, makes it a duty to County government authorities, agencies and agents to respond expeditiously to petitions and challenges from citizens.

Moreover, s. 90 of the Act allows the conduct of referendum on local issues such as county laws and petitions; or planning and investment decisions affecting the county for which a petition has been raised and duly signed by at least twenty five percent of the registered voters where the referendum is to take place.

Further, s. 113 of the Act makes public participation in county planning processes mandatory. It also requires that it is facilitated through various measures under Part VIII of the Act and the provision to the public of clear and unambiguous information on any matter under consideration in the planning process, including: clear strategic environmental assessments; clear environmental impact assessment reports; expected development outcomes; and development options and their cost implications.

Last but not least, the Act specifies the structure that the county government should put in place to facilitate citizen participation.

These include:

- a) Information communication technology based platforms;

- b) Town hall meetings;
- c) Budget preparation and validation fora;
- d) Notice boards: announcing jobs, appointments, procurement, awards and other important announcements of public interest;
- e) Development project sites;
- f) Avenues for the participation of peoples' representatives including but not limited to members of the National Assembly and Senate; and,
- g) Establishment of citizen fora at county and decentralized units.

The Urban Areas and Cities Act, 2011 accords residents of a city or urban area the right to:

- a) Contribute to the decision-making processes of the city or urban area by submitting written or oral presentations or complaints to a board or town committee through the city or municipal manager or town administrator;
- b) Prompt responses to their written or oral communications;
- c) Be informed of decisions of a board, affecting their rights, property and reasonable expectations;
- d) Regular disclosure of the state of affairs of the city or urban area, including its finances;
- e) Demand that the proceedings of a board or committee and its committees or sub committees be: conducted impartially and without prejudice and untainted by personal self-interest;
- f) The use and enjoyment of public facilities; and,
- g) Have access to services which the city or municipality provides.

Further, that a city or urban area should develop a system of governance that encourages participation by residents in its affairs, taking into account illiterate, disabled, youth, minorities, and marginalised groups. This includes to:

- a) Create appropriate conditions for participation in the preparation, implementation and review of the integrated development plan; the establishment, implementation and review of its performance management system; the monitoring and review of its performance, including the outcomes and impact of its performance; the preparation

of its budget; and, making of strategic decisions relating to delivery of service;

- b) Contribute to building the capacity of the residents to enable them participate in the affairs of the city or urban area and for members of the board or town committee and staff to foster community participation;
- c) Apply its resources, and allocate funds annually as may be appropriate for the implementation of paragraphs (a) and (b); and,
- d) Establish appropriate mechanisms, processes and procedures for the receipt, processing and consideration of petitions and complaints lodged by residents; petitions and public comments procedures, when appropriate; notification of public meetings and hearings organised by a board or town committee; consultative sessions with locally recognized resident organisations; and, reporting to the residents.

The Public Financial Management Act requires under s. 10, the Parliamentary Budget Office to observe the principle of public participation in budgetary matters. Further, in s. 35 and s. 125, it requires the Cabinet Secretary in-charge of finance and County Executive Committee member for finance respectively, to ensure public participation in the budget process. Moreover, in s. 175, it requires the accounting officer of an urban area or city to ensure that the public is given an opportunity to participate in the preparation process of the strategic plan and the annual budget estimates.

Under the Constituency Development Act, the public can participate in the implementation of constituency development projects in several ways. Firstly, under s. 24, they can either nominate persons or be nominated to serve in the Constituency Development Fund Committee. In addition, a member of the public can submit proposals for community development projects to the Committee for consideration and by actively participating in, and monitoring their implementation.

Functions of Key Institutions

National and County Government Co-ordinating Summit

This Summit is established under s. 7 of the Intergovernmental Relations Act and is the apex body for intergovernmental relations. It shall comprise of the President or in the absence of the President, the Deputy President, who shall be the chairperson; and the governors of the forty-seven counties.

The functions of the Summit, which shall meet at least twice a year, shall be to among other things, provide a forum for:

- a) Consultation and cooperation between the national and county governments;
- b) Promotion of national values and principles of governance;
- c) Promotion of national cohesion and unity;
- d) Consideration and promotion of matters of national interest;
- e) Consideration of reports from other intergovernmental forums and other bodies on matters affecting national interest;
- f) Evaluating the performance of national or county governments and recommending appropriate action;
- g) Receiving progress reports and providing advice as appropriate;
- h) Monitoring the implementation of national and county development plans and recommending appropriate action;
- i) Considering issues relating to intergovernmental relations referred to the Summit by a member of the public and recommending measures to be undertaken by the respective county government;
- j) Coordinating and harmonizing the development of county and national governments policies;
- k) Facilitating and coordinating the transfer of functions, power or competencies from and to either level of government; and,
- l) Performing any other function that may be conferred on it by any legislation or that it may consider necessary or appropriate.

Council of County Governors

This Council is established under s. 19 of the Intergovernmental Relations Act and it shall consist of the governors from the forty-seven counties, with its chair and deputy elected from among its members.

The functions of the Council which shall meet at least twice a year, shall be to among other things, provide a forum for:

- a) Consultation amongst county governments;
- b) Sharing of information on the performance of the counties in the execution of their functions with the objective of learning and promotion of best practice and where necessary, initiating preventive or corrective action;
- c) Considering matters of common interest to county governments;
- d) Dispute resolution between counties within the framework provided under this Act;
- e) Facilitating capacity building for governors;
- f) Receiving reports and monitoring the implementation of inter-county agreements on inter-county projects;
- g) Consideration of matters referred to the Council by a member of the public;
- h) Consideration of reports from other intergovernmental forums on matters affecting national and county interests or relating to the performance of counties; and,
- i) Performing any other function as may be conferred on it by any legislation or that it may consider necessary or appropriate.

Intergovernmental Relations Technical Committee

This Technical Committee is established under s. 11 of the Intergovernmental Relations Act. It shall comprise: a chairperson competitively recruited and appointed by the Summit; not more than eight members who shall be competitively recruited and appointed by the Summit; and, the Principal Secretary of the State department for the time being responsible for matters relating to devolution.

The functions of the Technical Committee shall include:

- a) Taking responsibility for the day to day administration of the Summit and of the Council and in particular facilitate the activities of the Summit and of the Council;
- b) Implementing the decisions of the Summit and of the Council;
- c) Taking over the residual functions of the Transition Authority established under the law relating to transition to devolved government after dissolution of such entity;
- d) Convening of meetings of the forty-seven County Secretaries within thirty days preceding every Summit meeting; and,
- e) Performing any other function as may be conferred on it by the Summit, the Council, this Act or any other legislation.

Transition Authority

This Authority is established under s. 4 of the Transition to Devolved Government Act. It comprises of a chairperson and eight other members appointed by the President, in consultation with the Prime Minister and with the approval of the National Assembly; the Principal Secretary from the office of the President and Secretary to Cabinet, the Principal Secretaries from the State Departments responsible for matters relating to devolution, public service, finance, planning, justice; the Attorney-General who shall be an ex officio member with no right to vote; and the secretary appointed under section 9 of the Act who shall be an ex-officio member with no right to vote.

The core function of the Authority shall be to facilitate and coordinate the transition to the devolved system of government as provided under section 15 of the Sixth Schedule to the Constitution. In addition, it shall:

- a) Facilitate the analysis and the phased transfer of the functions provided under the Fourth Schedule to the Constitution to the national and county governments;
- b) Determine the resource requirements for each of the functions;
- c) Develop a framework for the comprehensive and effective transfer of functions as provided for under section 15 of the Sixth Schedule to the Constitution;
- d) Coordinate with the relevant State organ or public entity in order to facilitate the development of the budget for

county governments during Phase One of the transition period; establish the status of ongoing reform processes, development programmes and projects and make recommendations on the co-ordinated management, reallocation or transfer to either level of government during the transition period; and ensure the successful transition to the devolved system of government;

- e) Prepare and validate an inventory of all the existing assets and liabilities of government, other public entities and local authorities;
- f) Make recommendations for the effective management of assets of the national and county governments;
- g) Provide mechanisms for the transfer of assets which may include vetting the transfer of assets during the transitional period;
- h) Pursuant to s. 15 (2) (b) of the Sixth Schedule to the Constitution, develop the criteria as may be necessary to determine the transfer of functions from the national to county governments;
- i) Carry out an audit of the existing human resource of the Government and local authorities;
- j) Assess the capacity needs of national and county governments;
- k) Recommend the necessary measures required to ensure that the national and county governments have adequate capacity during the transition period to enable them undertake their assigned functions;
- l) Coordinate and facilitate the provision of support and assistance to national and county governments in building their capacity to govern and provide services effectively;
- m) Advise on the effective and efficient rationalization and deployment of the human resource to either level of government;
- n) Submit monthly reports to the Commission for the Implementation of the Constitution and the Commission on Revenue Allocation on the progress in the implementation of the transition to the devolved system of government; and,
- o) Perform any other function as may be assigned by national legislation.

Commission on Revenue Allocation

This is an independent Commission established under Art. 215 of the Constitution. It consists of a Chairperson, seven Commissioners, and the Principal Secretary in the Ministry Responsible for Finance.

Its core mandate is to recommend the basis for equitable sharing of revenues raised nationally between the national and the county governments, and among the county governments. More specifically, its functions are to:

- a) Recommend the basis of equitable sharing of revenue raised by national government between national and county governments;
- b) Recommend the basis of equitable sharing of revenue raised by national government among county governments;
- c) Recommend on matters concerning the financing of both the national government and county governments;
- d) Recommend on matters concerning financial management of both national and county governments;
- e) Define and enhance revenue sources of national government;
- f) Define and enhance revenue sources of county governments;
- g) Encourage fiscal responsibility by national government;
- h) Encourage fiscal responsibility by county governments;
- i) Be consulted and its recommendations considered before parliament passes any Bill appropriating money out of the Equalization Fund;
- j) Be consulted on any Bill that includes provisions dealing with sharing of revenue;
- k) Be consulted on any Bill that includes provisions dealing with any financial matter concerning county governments;
- l) Publish and review the policy that sets out criteria for identifying marginalized areas in actualization of the equalization fund;
- m) Participate in meetings of the Commission for the implementation of the Constitution; and,
- n) Be consulted and its' recommendations considered by Parliament for all laws being enacted relating to devolved government.

County Public Service Board

This Board is established under s. 57 of the County Government Act, and comprises of a Chairperson; a Certified Public Secretary of good professional standing; and, not less than three but not more than five members, all of whom shall be nominated and appointed by the Governor, with the approval of the county assembly.

The functions of the County Public Service Board are specified in s. 59 of the Act and shall be, on behalf of the County Government, to:

- (a) Establish and abolish offices in the county public service;
- (b) Appoint persons to hold or act in offices of the county public service including in the boards of cities and urban areas within the county and to confirm appointments;
- (c) Exercise disciplinary control over, and remove, persons holding or acting in those offices as provided for under the Act;
- (d) Prepare regular reports for submission to the county assembly on the execution of the functions of the board;
- (e) Promote in the county public service the values and principles referred to in Art. 10 and Art. 232 of the Constitution;
- (f) Evaluate and report to the county assembly on the extent to which the values and principles referred to in Art. 10 and Art. 232 are complied with in the county public service;
- (g) Facilitate the development of coherent, integrated human resource planning and budgeting for personnel emoluments in counties;
- (h) Advise the County Government on human resource management and development;
- (i) Advise County Government on implementation and monitoring of the national performance management system in counties;
- (j) Make recommendations to the salaries and remuneration commission, on behalf of the county government, on the remuneration, pensions and gratuities for county public service employees.

City and Municipality Boards

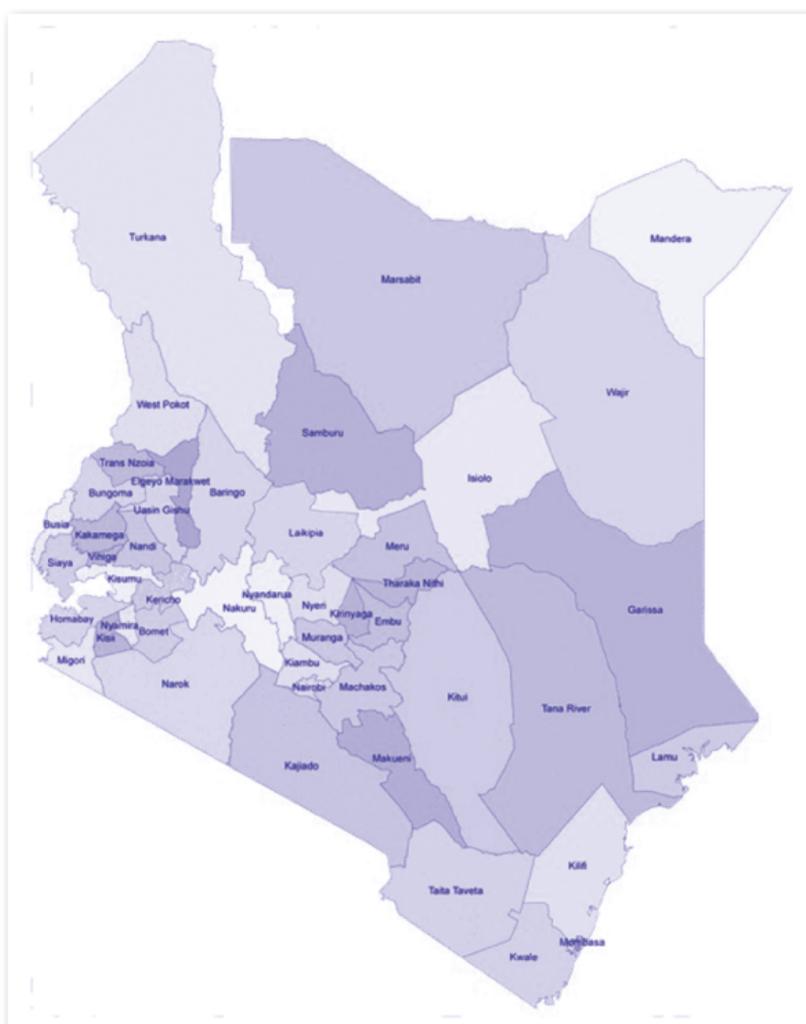
According to s. 12 of the Urban Areas and Cities Act, the management of a city and municipality shall be vested in the county government and administered on its behalf by a Board consisting of not more than eleven members six of whom shall be appointed through a competitive process by the county executive committee, with the approval of the county assembly; a manager appointed by the County Public Service Board; and such other staff or officers as the county public service may determine.

The functions of the Board are provided under s. 20 of the Act and they shall be to:

- a) Oversee the affairs of the city or municipality;
- b) Develop and adopt policies, plans, strategies and programmes, and may set targets for delivery of services;
- c) Formulate and implement an integrated development plan;
- d) Control land use, land sub-division, land development and zoning by public and private sectors for any purpose, including industry, commerce, markets, shopping and other employment centres, residential areas, recreational areas, parks, entertainment, passenger transport, agriculture, and freight and transit stations within the framework of the spatial and master plans for the city or municipality as may be delegated by the county government;
- e) As may be delegated by the county government, promote and undertake infrastructural development and services within the city or municipality;
- f) Develop and manage schemes, including site development in collaboration with the relevant national and county agencies;
- g) Maintain a comprehensive database and information system of the administration and provide public access thereto upon payment of a nominal fee to be determined by the board;
- h) Administer and regulate its internal affairs;
- i) Implement applicable national and county legislation;
- j) Enter into such contracts, partnerships or joint ventures as it may consider necessary for the discharge of its functions under this act or other written law;
- k) Monitor and, where appropriate, regulate city and municipal

- services where those services are provided by service providers other than the board of the city or municipality;
- l) Prepare its budget for approval by the county executive committee and administer the budget as approved;
 - m) As may be delegated by the county government, collect rates, taxes levies, duties, fees and surcharges on fees;
 - n) Settle and implement tariff, rates and tax and debt collection policies as delegated by the county government;
 - o) Monitor the impact and effectiveness of any services, policies, programmes or plans;
 - p) Establish, implement and monitor performance management systems;
 - q) Promote a safe and healthy environment;
 - r) Facilitate and regulate public transport; and,
 - s) Perform such other functions as may be delegated to it by the county government or as may be provided for by any written law.

Map of Kenyan Counties



Annexes:

New Governance Structures

County Governments

Former Provinces	Counties		
Coast	1. Mombasa	2. Kilifi	3. Kwale
	4. Lamu	5. Taita /Taveta	6. Tana River
Central	7. Kiambu	8. Kirinyaga	9. Murang'a
	10. Nyandarua	11. Nyeri	
Eastern	12. Embu	13. Isiolo	14. Kitui
	15. Machakos	16. Makueni	17. Meru
	18. Tharaka-Nithi		
Rift Valley	19. Baringo	20. Bomet	21. Elgeyo / Marakwet
	22. Kajiado	23. Kericho	24. Laikipia
	25. Nakuru	26. Nandi	27. Narok
	28. Samburu	29. Trans Nzoia	30. Turkana
	31. Uasin Gishu	32. West Pokot	
Nairobi	33. Nairobi City		
North Eastern	34. Garissa	35. Mandera	36. Marsabit
	37. Wajir		
Nyanza	38. Homa Bay	39. Kisii	40. Kisumu
	41. Migori	42. Nyamira	43. Siaya
Western	44. Bungoma	45. Busia	46. Kakamega
	47. Vihiga		

Executive

Administrative Level		Key Officials		
Old Constitution	Constitution of Kenya, 2010	Old Constitution	Constitution of Kenya, 2010	
Old levels	New Levels	Central Government	National Government	County Government
National	National and County	President	President Deputy President	
Cabinet	Cabinet	President Secretary to the Cabinet Minister	President Deputy President Cabinet Secretaries Secretary to the Cabinet	-
Ministry	State Department	Minister Permanent Secretary	Cabinet Secretary Principal Secretary	-
Province	County	Provincial Commissioner Provincial Directors & Heads of Departments	County Commissioner County Inter-governmental Forum Members County Directors & Heads of Departments	Governor Deputy Governor County Executive County Inter-governmental Forum Members City and Municipality Boards
District	Sub-County	District Commissioner District Committees	Deputy County Commissioner	Sub-County Administrator
Division	Ward	Divisional Officer	Assistant County Commissioner	Ward Administrator
Location	Location	Chief	Chief	-
Sub-Location	Sub-Location	Sub-chief	Assistant Chief	-
Village	Village	Headman	-	Village Administrator Village Council

Judiciary

Administrative Level		Key Officials	
Old Constitution	Constitution of Kenya, 2010	Old Constitution	Constitution of Kenya, 2010
Old Levels	New Levels	Old Officials	New Officials
	Supreme Court	-	Chief Justice (President) Dep. Chief Justice 5 Supreme Court Judges
Court of Appeal	Court of Appeal	Chief Justice Judges of Appeal	President of the Court Judges of Appeal
High Court	High Court Environment and Land Court Industrial Court	Principal Judge Judges of the High Court	Principal Judge Judges of the High Court Judges of the Environment and Land Court Industrial Court Judges
Magistrates Courts	Magistrates Courts	Chief Magistrates Principal Magistrates Resident Magistrates District Magistrates	Chief Magistrates Principal Magistrates Resident Magistrates District Magistrates
Kadhi's Courts	Kadhi's Courts	Chief Kadhi Kadhi's	Chief Kadhi Kadhi's
Tribunals	Tribunals	Chairperson Members	Chairperson Members
Court Martial	Court Martial	Judges	Judges
Other Officials and Staff	Other Officials and Staff	Chief Registrar Registers, Clerks, Staff	Chief Registrar Registrars, Clerks, Staff

Legislature

Level		Key Officials / Composition	
Old Constitu- tion	Constitution of Kenya, 2010	Old Constitution	Constitution of Kenya, 2010
Old levels	New Levels	Old Officials	New Officials
President	-	President	-
-	Senate	-	Speaker Majority Leader Minority Leader 47 Senators 16 Nominated Women Representatives 2 Youth Representatives 2 Representatives of Persons with Disabilities Attorney General Whips
National Assembly	National Assembly	Speaker 210 Members of Parliament 12 Nominated Members of Parliament Attorney General Whips	Speaker Majority Leader Minority Leader 290 Members of Parliament 47 Women Representatives 12 Nominated Members of Parliament Attorney General Whips



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