

REPUBLIC OF KENYA



COUNTY ASSEMBLY OF KITUI

THIRD ASSEMBLY- THIRD SESSION (2024)

COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON THE ASSESSMENT INTO THE
OPERATIONALIZATION OF THE SOUTH EASTERN
KENYA ECONOMIC BLOC (SEKEB) ACT, 2022.

The Clerk's Chamber,
County Assembly of Kitui,
Assembly Buildings,
Kitui, Kenya.

APRIL, 2024

17/10/11

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ABBREVIATIONS

CECM	County Executive Committee Member
CEO	Chief Executive Officer
ICT	Information Communication Technology
MCA	Member of County Assembly
PWD	Persons With Disability
SEKEB	South Eastern Kenya Economic Bloc

ANNEXURES

Annex 1-	Signed Members' list adopting the Report
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PREFACE

Mr. Speaker Sir,

On behalf of the Committee on Justice and Legal Affairs, it is my pleasure to present the Report by the Committee on Justice and Legal Affairs on the Assessment into the Operationalization of the South Eastern Kenya Economic Bloc (SEKEB) Act, 2022.

The SEKEB Act was passed by the County Assembly of Kitui on 13th April 2022 and published on 29th November, 2022.

Mandate the Committee

Mr Speaker Sir,

Sectoral Committees' mandate, functions and roles are as stipulated in the County Assembly Standing Orders No. 190(5) and as contained in the second schedule that outlines the subject areas for consideration by sectoral committees.

Standing Order No. 190(5) outlines the functions of the Sectoral Committee as:

- i) To make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.
- ii) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;

- iii) To investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- iv) To study and review all county legislation referred to it;
- v) To study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives.

Membership of the Committee

Mr Speaker Sir,

The Committee comprises of the following members:

- | | |
|------------------------------|-------------|
| 1. Hon. Cyrus K. Musyoka | Chairperson |
| 2. Hon. Nicholas M. Mutemi | Member |
| 3. Hon. Sylvester M. Kitheka | Member |
| 4. Hon. Mary P. Ndumbu | Member |
| 5. Hon. Jacob N. Ngwele | Member |
| 6. Hon. Benjamin N. Mulandi | Member |
| 7. Hon. Stephen I. Katana | Member |
| 8. Hon. Deborah K. Mutuku | Member |
| 9. Hon. Dominic M. Isumail | Member |
| 10. Hon. Grace S. Mulandi | Member |
| 11. Hon. Jacinta M. Mwoni | Member |

Legal Framework and Background

Mr. Speaker Sir,

The establishment of the SEKEB bloc is in line with Article 189 (2) of the Constitution which states that:

Government at each level, and different governments at the County level, shall cooperate in the performance of functions and exercise of power, and for that purpose, may set up joint committees and joint authorities.

Kitui, Makueni and Machakos Counties, which are within close geographic proximity, came together to establish SEKEB for improved performance, service delivery and also realization of economic growth by optimizing economic potentials while leveraging national and regional resources and commitments.

The bloc seeks to ensure that these three (3) Counties realize their potential and exploit opportunities for accelerating economic growth by optimizing their regional comparative advantages and economies of scale, through creating harmonious and enabling environments that attract and promotes investment and nurture regional and local economies and trade. This will also be achieved through the development, management and utilization of shared cross-boundary economic resources and infrastructure.

SEKEB further seeks to facilitate the development of economic infrastructure and human resource and also prioritize areas of joint exploration of natural resources, socio-cultural events, promotion of infrastructure for the bloc, leveraging Information Communication Technology (ICT) for service

delivery, and joint negotiations in mobilizing investment resources, specialist healthcare services and commodity trade markets, amongst others.

This cooperation is meant to improve performance and service delivery.

Objectives of the assessment exercise

In conducting the subject assessment, the Committee sought to:

1. Review the status of establishment and operationalization of Bloc Organs;
2. Review the current operational and integration status of the Bloc;
3. Identify additional legal instruments that may be required for operationalization of the Act;
4. Identify challenges requiring priority intervention to ensure the achievement of the intended objectives;
5. Tentative flagship projects;
6. Compile a report with recommendations for tabling and consideration by the Assembly.

Committee proceedings

The Committee held several meetings to review the SEKEB Act and the response from the Executive. Thereafter, the Committee compiled this Report and the outcome of the Committee proceedings is as outlined herein.

Acknowledgement

Mr. Speaker Sir,

On behalf of the Committee on Justice and Legal Affairs, I extend my gratitude to the Speaker, Members of the Committee, Office of the Clerk and the staff attached to the Committee for their continuous support, assistance, and commitment in executing their duties.

It is therefore my pleasant duty, on behalf of the Committee on Justice and Legal Affairs to present this Report and recommend it for consideration and adoption by the House.

SIGNATURE: *CM* **DATE:** *25/4/2024*

**HON. CYRUS K. MUSYOKA, M.C.A.,
CHAIRPERSON, COMMITTEE ON JUSTICE AND LEGAL AFFAIRS,
COUNTY ASSEMBLY OF KITUI.**

REVIEW OF THE SEKEB ACT

The Committee reviewed the Act and noted the following:

Objectives of the Bloc

Section 6 of the Act outlines objectives of the Bloc as follows:

- a) Develop policies and programs aimed at widening and enhancing cooperation among the member Counties in economic, industrial, social, cultural, technological and research fields for their mutual benefit;
- b) Establish institutions aimed at strengthening the industrial, commercial, social, technological and other relations to realize accelerated, harmonious and balanced development and sustained expansion of economic activities;
- c) Leverage the economies of scale within the Bloc including shared resources in order to improve the livelihoods of residents;
- d) Facilitate access to wider markets nationally, regionally and internationally;
- e) Pursue economic growth by creating an enabling environment for trade and investment initiatives;
- f) Pursue joint public investments to enhance economic growth.

Organs of the Summit

Section 8 of the Act establishes the following organs of the Bloc:

- a) The Summit;
- b) Governing Council;

- c) General Assembly;
- d) Joint Assemblies Committee;
- e) The Panel of Experts and Eminent Persons; and
- f) Secretariat.

The Summit (section 9)

The Summit shall comprise of the Governors of the Member Counties and is bestowed with various functions as below:

- a) Supreme decision- making body of SEKEB.
- b) Give policy and strategic leadership and guidance on the development and guidance on the development and achievement of the objectives of SEKEB;
- c) Recommend the SEKEB budget for consideration and approval by the Member County Assemblies;
- d) Appoint the Selection Panel;

The Committee notes that the Summit has already been operationalized and has been holding meetings.

The Governing Council (section 11).

(1) The Council shall comprise of the following officials drawn from the Member Counties-

- a) County Secretaries;
- b) County Executive Committee Members responsible for Finance;
- c) County Executive Committee Members responsible for SEKEB;
- d) County Attorneys;
- e) The Chief Executive Officer of SEKEB who shall be the Secretary;

The functions include:

- a) Be the consultative body of SEKEB;
- b) Be a forum for harmonizing development programs of County Government, National Government and other partners within SEKEB to avoid duplication;
- c) Provide linkage between the organs of SEKEB and the general public;
- d) Deliberate on long-term development agenda for SEKEB;

The General Assembly (section 13)

The General Assembly shall comprise of:

- a) The Governors of the member Counties;
- b) The Senators from the member Counties;
- c) Two representatives of the Members of National Assembly from each member Counties;
- d) The Speakers of the member County Assemblies;
- e) The County Secretaries of the member Counties;
- f) The CECMs for Finance;
- g) The CECMs responsible for SEKEB;
- h) Leaders of Majority and Minority parties of member County Assemblies;
- i) Two eminent persons from each Member County nominated by the Panel of Experts and Eminent Persons;
- j) The Chairperson of the Chamber of Commerce from each Member County;

- k) Three religious leaders from each member County nominated by the National Council of Churches of Kenya, Kenya Conference of Catholic Bishops and the Supreme Council of Kenya Muslims;
- l) Two representatives of institutions of higher learning nominated by the respective forums of private and public institutions of higher learning from the Member Counties;
- m) Two representatives of Persons With Disability (PWD) from each Member County nominated by the Council for Persons with Disability;
- n) Two representatives of youth from each member County nominated by the National Youth Council Chapter from each member County;
- o) Two representatives of women from each Member County nominated by the largest women group;
- p) Two representatives of non- state actors operating within SEKEB;
- q) One representative of the diaspora from each Member County;
- r) Two representatives of professional bodies from each Member County;
- s) The Chief Executive Officer who shall be an ex- officio member.

The General Assembly shall meet once a year with one third of all members constituting a quorum.

The functions of the General Assembly include:

- a) Mobilizing community support for the SEKEB programmes;
- b) Give general advice to the organs of SEKEB;
- c) Suggest developmental activities for SEKEB;

d) Act as feedback mechanism on SEKEB projects.

Joint Assemblies Committee (section 15)

(1) The Joint Assemblies Committee shall comprise of:

- i) the Speakers;
- ii) the Majority Leaders;
- iii) the Minority Leaders;
- iv) one man and one woman from each Member County Assemblies nominated from Members of the County Assemblies who are not part of the Assemblies' leadership;
- v) Chairpersons of the Budget Committee from each Member County Assembly.

(2) The Speakers shall elect the Chairperson from amongst themselves.

As per section 16, this Committee plays very important roles including the following:

- i) Acts as the link between SEKEB and the respective County Assemblies;
- ii) Study and review all policies and proposed legislation relating to SEKEB;
- iii) Make recommendations on the SEKEB budget estimates;
- iv) Monitor and keep under constant review the implementation of the programs of SEKEB in respect to the relevant sector;
- v) Submit to each Member County Assembly, reports and recommendations on realization of the objectives of SEKEB.

Full operationalization of this Committee will go a long way in ensuring that the above objectives are fully realized for a more efficient and effective SEKEB.

Panel of Experts and Eminent Persons (section 17)

- (1) The Panel of Experts and Eminent Persons shall be made up of highly respected members of the society of high integrity and good social standing who are recognized by academic and professional authorities in their field of study, work and practice.
- (2) The Panel shall comprise of nine (9) persons selected by the Selection Panel and nominated by the Summit for approval by the Member County Assemblies.
- (3) In selecting Members of the Panel of Experts and prominent persons, the Selection Panel shall take into consideration persons from:
 - a) Arbitration and Mediation Society;
 - b) Council of Elders;
 - c) Religious Leaders

The Panel of Experts is bestowed with very important duties including:

- a) Providing technical, intellectual, and professional advice to SEKEB;
- b) Conducting research on behalf of the SEKEB;
- c) Supporting SEKEB in resource mobilization;
- d) Prioritize and improve the programmes of SEKEB to ensure accelerated impact in socio-economic needs of the citizens of SEKEB.

Official symbols of the Bloc (section 25)

The Official symbols of the Bloc are, the Bloc-

- a) Emblem;
- b) Flag;
- c) Official Seal; and
- d) Anthem.

Regulations and Guidelines

Various sections of the Act provide for various guidelines as follows:

1. Section 21(3)- Guidelines for the procedure of removal from the Office of the Chief Executive Officer.
2. Section 25(2)- Regulations for the protection of the official symbols of the Bloc.
3. Regulations under section 28(3):
 - a) Procedure for application for membership to the Bloc.
 - b) Procedure for the conduct of meetings of various Bloc institutions.
 - c) Manner of recruitment of staff of the Bloc.
 - d) Any other necessary Regulations.

PROGRESS MADE IN OPERATIONALIZATION OF SEKEB

Regarding the progress made in operationalization of the SEKEB Act, the Department of Governor's Service Delivery Unit, SEKEB and Intergovernmental Relations informed the Committee as follows:

A. Progress made in operationalization of the Bloc

1. In line with section 21 of the Act, SEKEB has a Chief Executive Officer appointed in acting capacity.

2. The County Government of Machakos has provided office space whereby the SEKEB Secretariat will be located, and currently where the Acting CEO operates from.
3. The County Government of Kitui is in the process of furnishing and equipping the Secretariat Office in Machakos, as per an agreement made by the 3 Governors during their Summit meetings.
4. Makueni County Government will provide 2 Vehicles for use by the Secretariat in Machakos.
5. There is a SEKEB Officer in each SEKEB Member County. For instance, in Kitui there is a Director, SEKEB and Inter Governmental Relations.

B. Staffing of the Secretariat

Section 19(3) of the Act provides for the secondment of staff from the SEKEB Counties (except the CEO and Deputy CEO) to the Secretariat.

The Public Service Departments from the 3 Counties have prepared recommendations for staff secondment, awaiting the Summit's consideration and approval.

C. Operationalization of various organs as provided for in the Act

The SEKEB Act provides for the following Organs:

- i) The Summit, which consists of the 3 Governors;
- ii) The Governing Council which consists of County Secretaries; CECM for Finance and SEKEB; The County Attorneys and the CEO- SEKEB;
- iii) The General Assembly which consists of Governors, Senator, Members of National Assembly, County Assembly Speakers, CECMs, Majority and Minority Leaders, one man and one woman from

each Member County Assemblies and Chairpersons of the Budget Committee from each Member County Assembly;

- iv) The Panel of Experts and Eminent Persons consisting of highly respected Members of the society as outlined earlier in this report.
- v) The Secretariat which is the Principal administrative Organ of SEKEB.

The Summit, the Governing Council and the Secretariat have been operationalized.

D. Joint programmes/ projects undertaken by SEKEB and progress of the same

The ongoing programmes are as follows:

1. Public participation on various/ thematic issues through radio programmes in partnership with Africa Voices Foundation which is ongoing and targets the 3 Counties.
2. Sensitization on Sustainable Development Goals (SDGs) in partnership with Sustainable Development Solutions Network on Climate Change.
3. Inter- County departmental meetings to harmonize programmes, which include: Environment & Climate Change and Trade & Infrastructure.

E. Joint programs/ projects proposed to be undertaken in the current financial year

The process of prioritization of programmes for the current financial year is ongoing through the development of a SEKEB Strategic Plan 2023/2027.

F. Major Challenges faced in operationalizing the bloc

The funds allocated by the Counties are not sufficient to support full operationalization of the Bloc, further, some sections of the Act require review and amendment to better align it to existing policies and for ease of operations.

FINDINGS AND OBSERVATIONS

Mr. Speaker Sir,

Upon review of the Act, the Committee made the following findings and observations:

Objectives and importance of the Bloc

The Bloc seeks to achieve various objectives as outlined in section 6 of the Act including: leveraging the economies of scale within the Bloc including shared resources in order to improve the livelihoods of residents; facilitating access to wider markets nationally, regionally and internationally; pursuing economic growth by creating an enabling environment for trade and investment initiatives, amongst others.

Therefore, SEKEB seeks to ensure that the three (3) Counties realize their potential and exploit opportunities for accelerating economic growth by optimizing their regional comparative advantages and economies of scale.

The cooperation is meant to improve performance and service delivery.

Progress made in operationalization of the Bloc

This far, progress has been made in operationalizing the SEKEB. For instance, SEKEB has a Chief Executive Officer appointed in acting capacity, that is

Faith Muthoki and the County Government of Machakos has provided office space whereby the Secretariat is located.

Kitui County has a designated Director for SEKEB and Inter Governmental Relations.

Various Organs such as the Summit, Governing Council and the Secretariat have also been operationalized.

However, the funds allocated by the Counties are not sufficient to support full operationalization of the Bloc.

Organs of the Bloc

Section 8 of the Act establishes various organs of the Bloc that is: the Summit, Governing Council, General Assembly, Joint Assemblies Committee, the Panel of Experts and Eminent Persons and the Secretariat.

These organs are expected to perform various key duties as outlined in the Act. However, some of these organs have not been fully operationalized and this negatively affects attainment of the objectives of the Act.

For instance the Joint Assemblies Committee established under section 15(1) comprises of: the Speakers, the Majority Leaders, the Minority Leaders, one man and one woman from each Member County Assemblies nominated from Members of the County Assemblies who are not part of the Assemblies' leadership and Chairpersons of the Budget Committee from each Member County Assembly.

The Committee notes that as at 25th April 2024, section 15(1)(d) above had not been implemented as one man and one woman from the County

Assembly of Kitui have not yet been nominated to join the Joint Assemblies Committee. In addition, this provision is not clear on the nominating procedure.

While this is the case, the Joint Assemblies Committee plays very important roles as outlined in section 16, including acting as the link between SEKEB and the respective County Assemblies.

Full operationalization of the various Organs will go a long way in ensuring that the objectives of SEKEB are realized leading to a more efficient and effective economic Bloc.

Regulations and Guidelines

The Act provides for various statutory instruments such as regulations for conduct of meetings of various Bloc institutions, manner of recruitment of staff of the Bloc, application for membership, etc.

These instruments are meant to assist in the operationalization/implementation of the Act and address any existing gaps.

The Selection Panel

The Summit, which comprises of the County Governors and is the supreme decision making body of SEKEB, has already been operationalized.

However, the Summit is required to appoint a Selection Panel in line with section 10(i) of the Act. The Selection Panel is bestowed with the following mandate:

- i) to select Members of the Panel of Experts and Eminent Persons under section 17(2).

- ii) to source the CEO and Deputy CEO for appointment by the Summit under section 19(4).
- iii) to recruit staff of the Secretariat under section 19(5).

Therefore, the above organs of the Bloc cannot be fully operationalized in the absence of the Selection Panel.

The Panel Experts and Eminent Persons

Section 17(2) of the Act establishes the Panel of Experts and Eminent persons and states that it shall comprise of nine (9) persons selected by the Selection Panel and nominated by the Summit for approval by the member County Assemblies and this section has not yet been implemented.

The Secretariat

Section 20 of the Act establishes the Secretariat bestowed with various duties, including the following:

- a) Responsible for the day to day management of the affairs of the SEKEB;
- b) Oversee strategic planning, management and monitoring of programs and projects for the realization of the objectives of SEKEB;
- c) Submit budget estimates to the Summit for consideration and forwarding to the County Assemblies for consideration;

Despite these key duties bestowed upon the Secretariat, the same has not fully operationalized, noting that there is no Selection Panel in place to recruit staff of the Secretariat.

Procedure for conduct of meetings of various Bloc Institutions

Whereas the Act establishes various Organs such as the Summit, Joint Assemblies Committee, Governing Council, etc, the procedure to govern the conduct of meetings has not been well provided for and this can be an hindrance to effective meetings, hence affecting expected outcomes.

RECOMMENDATIONS

Mr. Speaker Sir,

Based on the above findings and observations, the Committee makes the following recommendations:

1. The CECM in Charge of SEKEB should consider formulating additional legal instruments such as regulations and guidelines as this will go a long way in addressing some existing gaps such as the procedure for conduct of meetings of Bloc institutions, manner of recruitment of staff, application for membership, among others, in addition to review of the Act to address any grey areas.
2. Going forward, the Committee on Budget and Appropriations should consider increasing budgetary allocations for SEKEB and this will ensure that more activities can be undertaken towards growth and furtherance of the objectives of the Bloc, for improved performance and service delivery. Further, besides the normal budgetary allocations, the county government should consider mobilizing for resources from donors and investors.
3. Local and international benchmarking exercises with other Blocs should be undertaking as these activities will be instrumental in

learning on best practices that can be implemented as far as SEKEB is concerned.

4. The priority areas should be identified including: the management and utilization of shared cross-boundary economic resources and infrastructure, creation of harmonious enabling environments that attract and promote investment, expanding trade, etc. The SEKEB Strategic Plan should be fast tracked as it will identify the key prioritized of programmes/ projects.
5. Various organs of the Bloc including the Governing Council, the General Assembly, the Joint Assemblies Committee and the Panel of Experts and Eminent Persons should be fully operationalized. This will ensure that these Organs are able to execute their mandate as outlined in the Act towards attainment of the objectives of the SEKEB and ensure that immediate or emerging issues can be addressed quickly and comprehensively.
6. The Summit (composed of Governors) should consider appointing the Selection Panel in line with section 10(1) of the Act. This will pave way for full operationalization of the Secretariat and Panel of Experts and Eminent Persons.
7. The Committee on Justice and Legal Affairs should come up with procedures and modalities to give effect to the provisions of section 15(1)(d) which is silent as to how the two (2) Members of the Joint Assemblies Committee will be nominated.
8. Noting that the three (3) Counties are categorized as arid or semi arid, frameworks for the management of shared resources and also responding to climate change/ related disasters should be prepared.

This will ensure that any eventualities can be addressed or responded to expeditiously.

CONCLUSION

Mr Speaker Sir,

In conclusion, the Committee notes that some progress has been made towards operationalization of the Bloc. However, much more needs to be done, including full operationalization of Bloc Organs, coming up with the relevant operational frameworks, prioritization of key projects, amongst others, to ensure attainment of the objectives of SEKEB as outlined in section 6 of the Act.

We Members of the Committee on Justice and Legal Affairs have adopted this Report and hereby affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity:-

<u>NAME</u>	<u>DESIGNATION</u>	<u>SIGNATURE</u>
1. Hon. Cyrus K. Musyoka	Chairperson	.....
2. Hon. S.M. Kitheka	Member	.....
3. Hon. Benjamin Mulandi	Member	.....
4. Hon. Deborah Mutuku	Member	.....
5. Hon. Nicholas M. Mutemi	Member	.....
6. Hon. Mary P. Ndumbu	Member	.....
7. Hon. Joseph N. Ngwele	Member	.....
8. Hon. Jacinta M. Mwoni	Member	.....
9. Hon. Grace S. Mulandi	Member	.....
10. Hon. Dominic M. Isumail	Member	.....
11. Stephen I. Katana	Member	.....



COUNTY ASSEMBLY OF KITUI

THIRD ASSEMBLY- THIRD SESSION

**MINUTES OF THE JUSTICE AND LEGAL AFFAIRS COMMITTEE MEETING HELD ON
25TH APRIL, 2024 IN PRIDE INN AZURE- WESTLANDS AS FROM 10:30 A.M.**

Members Present

1. Hon. Cyrus K. Musyoka	Chairperson
2. Hon. Jacob N. Ngwele	Member
3. Hon. Mary P. Ndumbu	“
4. Hon. Benjamin N. Mulandi	“
5. Hon. Deborah K. Mutuku	“
6. Hon. Nicholas M. Mutemi	“
7. Hon. Jacinta M. Mwoni	“
8. Hon. Stephen I. Katana	“

In Attendance

Mercy Mbinya

Clerk Assistant (Taking minutes)

Agenda

1. Prayer;
2. Communication from the Chair;
3. Report on Assessment of the Operationalization of the South Eastern Kenya Economic Bloc (SEKEB) Act, 2022;
4. A.O.B.

Prayer

The meeting commenced at 10:30 a.m. with a word of prayer said by the Chairperson.

Min (JLAC) 014/2024: Communication from the Chair

The Chairperson welcomed members to the meeting and thanked them for their attendance. He urged them to be active during the deliberations.

Min (JLAC) 015/2024: Report on the Assessment into the Operationalization of the South Eastern Kenya Economic Bloc (SEKEB) Act, 2022.

Members reviewed the draft report and deliberated on it at length. Thereafter, they adopted it with necessary recommendations and amendments.

Adjournment

There being no other business, the meeting ended at 12:55 pm.



MERCY MBINYA,

FOR THE CLERK- COUNTY ASSEMBLY OF KITUI,

CONFIRMED:  DATE: 25/4/2024

HON. CYRUS K, MUSYOKA,

CHAIRPERSON, COMMITTEE ON JUSTICE AND LEGAL AFFAIRS,

COUNTY ASSEMBLY OF KITUI.

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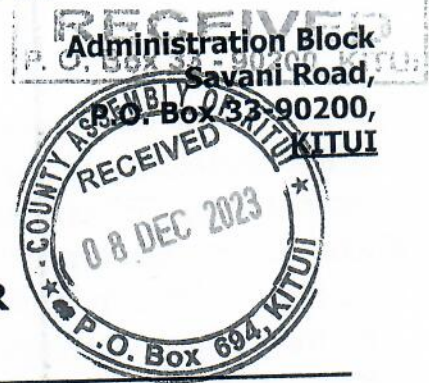
OFFICE OF THE COUNTY SECRETARY
COUNTY GOVERNMENT OF KITUI

COUNTY GOVERNMENT OF KITUI

08 DEC 2023

Cell Phone: 0792151515

Email: governor@kitui.go.ke



OFFICE OF THE GOVERNOR

DEPARTMENT OF GOVERNOR'S SERVICE DELIVERY UNIT, SEKEB AND INTERGOVERNMENTAL RELATIONS

YOUR REF: CAK/9/12/VOL.1(4)
OUR REF: CGOK/GSDU/SEKEB/IG/ADM/015
DATE: Friday, 1 December 2023.

TO:
The Clerk of The Assembly,
County Assembly of Kitui,
P.O Box 694-90200,
KITUI, KENYA.

THROUGH
The Ag. County Secretary,
County Government of Kitui,
P.O BoX 33-90200,
KITUI, KENYA.



*1) PCA
Push this to the
Chair of the
relevant committee
8/12/2023*

RE: INFORMATION ON OPERATIONALIZATION OF SOUTH EASTERN KENYA ECONOMIC BLOC(SEKEB) ACT,2022

The above subject matter refers.

1. Progress made in operationalizing the bloc

To operationalize the bloc, the following has been done;

- a) There is The Kitui County South Eastern Kenya Economic Bloc Act, 2022.
- b) There is a Chief Executive Officer who is in an acting capacity;

*1) Mercy
Points to the
attention of the
Chair
27/10/23*

- c) There is office space provided by the County Government of Machakos, where the SEKEB Secretariat will be located as per the SEKEB ACT, 2022. This is the office where the Ag. CEO operates from;
- d) Kitui County Government is in the process of furnishing and equipping the Secretariat Office in Machakos, as per an agreement by the three Governors during their Summit meetings;
- e) Makueni County Government will provide 2 vehicles for use by the Secretariat in Machakos; and
- f) There is a SEKEB officer in each SEKEB County. For Kitui County there is a Director, SEKEB & Intergovernmental Relations.

2. Staffing of the Secretariat

The SEKEB Act provides for the secondment of staff, (except the CEO and deputy CEO) to the Secretariat from the SEKEB counties. The Public Service departments from the three counties have prepared recommendations for staff secondment awaiting the Summit's consideration and approval.

3. Operationalization of various organs as provided for in the Act

The SEKEB Act, 2022 provides for the following organs:

- i) The Summit: Consists of the 3 Governors;
- ii) Governing Council: Consists of County Secretaries; County Executive Committee members (Finance), County Executive Committee members responsible for matters relating to SEKEB, The County Attorneys and The Chief Executive Officer of SEKEB;
- iii) General Assembly: Consists of Governors, Senator, Members of National Assembly, County Assembly Speakers, CECMs, Majority & Minority leaders, Religious leaders among others as per the SEKEB Act, 2022;
- iv) Joint Assemblies Committee: Consists of The Speakers, Majority Leaders, Minority Leaders; One man and one woman from each member County Assemblies, chairpersons of the budget committee from each Member County Assembly;
- v) The Panel of Experts & Eminent Persons: Consists of highly respected members of the society of high integrity and good social standing who are recognized by academic and professional authorities in their field of study, work and practice; and
- vi) The Secretariat: It is the Principal administrative organ of SEKEB.

As of now, the following has been operationalized:

- a) The Summit;
- b) The Governing Council; and
- c) The Secretariat.

4. Joint Programmes/projects undertaken by SEKEB and progress of the same

The following are the ongoing programs/Projects:

- a) Public participation on various/thematic issues through Radio in partnership with Africa Voices Foundation. This is ongoing targeting the 3 counties;
- b) Sensitization on Sustainable Development Goals(SDGs) in partnership with Sustainable Development Solutions Network on Climate Change; and
- c) Inter-county departmental meetings to harmonize programs. These include: Environment & Climate Change and Trade & Infrastructure.

5. Joint programs/projects proposed to be undertaken in the current Financial 2023/2024

The process of prioritization of programs/projects for the current Financial year is ongoing through the development of a SEKEB Strategic Plan 2023/2027.

6. Major challenges faced in operationalizing the bloc that may require intervention

Currently, SEKEB is experiencing the following Changes:

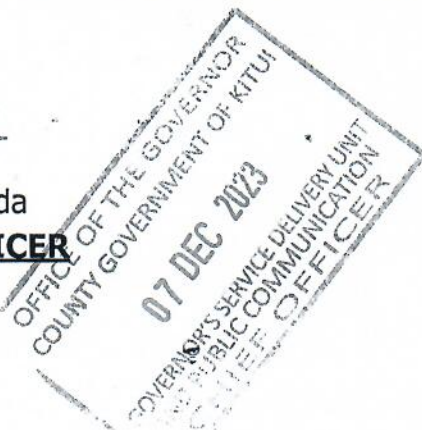
- a) The funds allocated by the counties are not sufficient to support the full operationalization of the Bloc; and
- b) Some aspects of the SEKEB Act, 2022, require review and amendment to better align it to existing policies and for ease of operations.

7. Any other relevant information

Through SEKEB Secretariat several ad hoc committee focusing on key thematic areas on need basis has been formed. County Government of Kitui through our department has been actively participating in these committees and technical meeting together with other Counties in the bloc.

Hope these responses are sufficient enough for the information you have sought from us.


John Kamunda
CHIEF OFFICER



SPECIAL ISSUE

Kenya Gazette Supplement No. 6 (Kitui County Acts No. 4)



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KITUI COUNTY ACTS, 2022

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**THE KITUI COUNTY SOUTH EASTERN KENYA ECONOMIC
BLOC ACT, 2022**

No. 4 of 2022

Date of Assent: 6th May, 2022

Date of Commencement: See Section 2

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**THE KITUI COUNTY SOUTH EASTERN KENYA ECONOMIC
BLOC ACT, 2022**

AN ACT of the County Assembly of Kitui to provide for the ratification and implementation of the South Eastern Kenya Economic Bloc Agreement; and for connected purposes

ENACTED by the County Assembly of Kitui, as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Kitui County South Eastern Kenya Economic Bloc Act, 2022.

Commencement

2. This Act shall come into operation upon the enactment of the concurrent legislation by all the Bloc County Assemblies.

Interpretation

3. In this Act, unless the context otherwise requires—

“Agreement” means the South Eastern Kenya Economic Bloc Constitutive Agreement as set out in the First Schedule;

“Bloc” means the South Eastern Kenya Economic Bloc established under Article 2 of the Agreement;

“Chief Executive Officer” means the Chief Executive Officer of the Bloc appointed per Article 18 of the Agreement; and

“member counties” means the counties of Kitui, Machakos and Makueni and any other county that may be admitted as a member in accordance with this Act.

Ratification

4. The South Eastern Kenya Economic Bloc Constitutive Agreement signed by the respective governors of the member counties and amended under this Act, is hereby ratified.

Object and purpose of the Act

5. The object and purpose of the Act is to—

- (a) provide for the ratification of the SEKEB constitutive agreement;
- (b) provide for the creation of the organs of the Bloc;

- (c) provide for the creation of the Bloc as a body corporate; and
- (d) provide for the administration and operations of the Bloc.

Objectives of the Bloc

6. The objectives of the Bloc shall be—

- (a) develop policies and programs aimed at widening and enhancing cooperation among the member counties in economic, industrial, social, cultural, technological and research fields, for their mutual benefit;
- (b) establish institutions aimed at strengthening the industrial, commercial, social, technological and other relations to realize accelerated, harmonious and balanced development and sustained expansion of economic activities;
- (c) leverage the economies of scale within the Bloc including shared resources in order to improve the livelihoods of the residents;
- (d) facilitate access to wider markets nationally, regionally and internationally;
- (e) enhance food security through a coordinated agricultural strategy;
- (f) pursue economic growth by creating an enabling environment for trade and investment initiatives;
- (g) pursue joint public investments to enhance economic growth;
- (h) enhance and strengthen partnerships with the private sector through public private partnership initiatives in the areas of infrastructure, agriculture, education, tourism, primary health care, information and communication technologies, trade and industrialization, water, environment and climate change;
- (i) strengthen and consolidate cooperation in agreed fields that will lead to equitable development within the member counties to raise the living standards and improve the quality of life in their population;
- (j) ensure the mainstreaming of gender, persons with disability and the youth in the social, economic and technological development; and
- (k) undertake such other function as may be incidental to and necessary for the achievement of the objectives of the Bloc.

Guiding Principles

7. The Bloc and its organs shall be governed by the following principles—

- (a) the national values and principles of governance as set out in Article 10 of the Constitution;
- (b) the principles of devolved government as set out in Article 175 of the Constitution;
- (c) equitable distribution of the costs and benefits of cooperation;
- (d) cooperation for mutual benefit;
- (e) people-centered economic cooperation;
- (f) multi-level and continuous stakeholder participation in the integration process;
- (g) mutual trust;
- (h) political good will;
- (i) peaceful co-existence and good neighborliness; and
- (j) peaceful settlement of disputes.

**PART II—ESTABLISHMENT AND FUNCTIONS OF THE
ORGANS OF THE BLOC****Organs of the Bloc**

8. (1) the organs of the Bloc are hereby established.

(2) The organs established under subsection (1) shall be—

- (a) the Summit;
- (b) Governing Council;
- (c) General Assembly;
- (d) Joint Assemblies Committee;
- (e) the Panel of Experts and Eminent Persons; and
- (f) Secretariat.

(3) The organs of the Bloc shall perform their duties and act within the limits of the powers conferred on them by the Agreement, this Act and any other written law.

The Summit

9. (1) The Summit shall comprise of the Governors of the Member Counties.

(2) The Governors shall elect the Chairperson from amongst themselves.

(3) The Chairperson shall hold office for a period of one year on rotational basis.

(4) The Summit shall meet at least once quarterly and as often as may be necessary for the carrying out of its functions.

(5) A Governor may be represented by the Deputy Governor where such Governor is unable to attend a meeting of the Summit.

(6) In the absence of the chairperson of the Summit, any other Governor present may be nominated to chair the meeting.

(7) The Chief Executive Officer of SEKEB shall be an *ex-officio* member and the secretary to the Summit.

Functions of the Summit

10. The Summit shall—

- (a) be the supreme decision-making body of SEKEB;
- (b) give policy and strategic leadership and guidance on the development and achievement of the objectives of SEKEB;
- (c) consider an application of membership to SEKEB for approval by the member County Assemblies;
- (d) recommend the SEKEB budget for consideration and approval by the member County Assemblies;
- (e) deliberate on a proposal for dissolution of SEKEB subject to Article 29 of the Agreement;
- (f) determine the terms and conditions of dealing with its liabilities and disposal of its assets upon dissolution of SEKEB;
- (g) consider proposed legislation as forwarded by the Governing council and further forward for enactment by the Member County Assemblies;
- (h) advise the Council on dispute and conflict resolution;
- (i) appoint the Selection Panel;

- (j) appoint the chairperson of the General Assembly;
 - (k) establish sector working standing and ad hoc committees comprising of such relevant officers, technical experts of the Member Counties and experts including members of the Panel of Experts and Eminent Persons as may be necessary for purposes of enabling SEKEB perform its functions;
 - (l) spearhead resource mobilization in SEKEB;
 - (m) develop a framework for public participation within SEKEB;
 - (n) act as the main linkage of SEKEB to other Economic Blocs, the national government and other regional organizations and international organizations;
 - (o) approve the appointment of the Chief Executive Officer in accordance with laid down procedure;
 - (p) determine the share contribution of each member county;
 - (q) any other functions as may be necessary for the performance of its functions.
- (2) The functions referred to under Article 9 (1) (c) (d) (e) (f) and (g) shall be subject to approval by the respective member County Assemblies.

The Governing Council

11. (1) The Council shall comprise of the following officials drawn from the Member Counties—

- (a) County Secretaries;
- (b) County Executive Committee members responsible for matters relating to finance; County Executive Committee members responsible for matters relating to SEKEB;
- (c) the County Attorneys; and
- (d) the Chief Executive Officer of SEKEB who shall be the secretary.

(2) The Chairperson of the Council shall automatically come from the Member County of the Chairperson of the Summit.

(3) The position of the Chairperson of the Council shall be held on a rotational basis.

(4) The Council shall co-opt the Executive Committee Members from the relevant Department whenever it is considering a matter concerning that Department.

(5) The Council may from time to time invite officials of the county government, the national government, development partners and any other non-state actors for specific purposes necessary for the furtherance of the objectives of SEKEB.

(6) The Council shall meet at least twice in a year.

(7) The quorum of the meetings of the Council shall be half of the membership.

Functions of the Governing Council

12. The Council shall—

- (a) be the consultative body of SEKEB;
- (b) be a forum for harmonizing development programs of County Government, National Government and other partners within SEKEB to avoid duplication;
- (c) provide linkage between the organs of SEKEB and the general public;
- (d) build public support for programs of SEKEB;
- (e) facilitate community feedback;
- (f) support fundraising initiatives of SEKEB;
- (g) deliberate on the long-term development agenda for SEKEB;
- (h) harmonize policies and legislative initiatives of SEKEB;
- (i) give strategic direction to SEKEB;
- (j) establish thematic Ad-hoc committees comprising of such technical experts as may be necessary for purposes of assisting the governing council perform its functions;
- (k) co-opt into the Governing council persons whose knowledge and skills are considered necessary for functioning of the Governing Council, such co-opted members shall not have voting rights;
- (l) determine common policies and programmes for SEKEB;
- (m) oversee the functions of SEKEB and follow up on and monitor the implementation of its objectives;

- (n) make guidelines for the better carrying out of the functions of SEKEB;
- (o) receive, consider and take decisions on reports and recommendations from other organs of SEKEB;
- (p) receive and implement reports from the Joint Assemblies' Committee;
- (q) ensure that services offered by SEKEB are available and accessible by the citizens of all member counties;
- (r) submit its resolutions to the respective member county assemblies for consideration; and
- (s) submit biannual reports to the respective member counties assemblies for adoption.

The General Assembly

13. (1) The General Assembly shall comprise of—
- (a) the Governors of the member Counties;
 - (b) the Senators from the member Counties;
 - (c) two representatives of Members of the National Assembly from each member Counties;
 - (d) the Speakers of the Member County Assemblies;
 - (e) the County Secretaries of the member Counties;
 - (f) the County Executive Committee Members for Finance of the member Counties;
 - (g) the County Executive Committee Members responsible for matters relating to SEKEB in the member Counties;
 - (h) Leaders of Majority and Minority parties of the member county assemblies;
 - (i) two eminent persons from each Member County nominated by the Panel of Experts and Eminent Persons;
 - (j) chairpersons of the Chamber of Commerce from each Member County; .
 - (k) three religious leaders from each Member County nominated by the National Council of Churches of Kenya, Kenya Conference of Catholic Bishops and the Supreme Council of Kenya Muslims;

- (l) two representatives of institutions of higher learning nominated by the respective forums of private and public institutions of higher learning from the Member Counties;
 - (m) two representatives of Persons with Disability from each Member County nominated by the Council for Persons with Disability;
 - (n) two representatives of the youth from each Member County nominated by the National Youth Council Chapter from each member county;
 - (o) two representatives of women from each Member County nominated by the largest women group;
 - (p) two representatives of non-state actors operating within SEKEB;
 - (q) one representative of the diaspora from each Member County;
 - (r) two representatives of professional bodies from each Member County; and;
 - (s) the Chief Executive Officer who shall be an ex officio member.
- (2) The General Assembly shall meet once in a year in an ordinary session which shall be convened by the Chairperson of the General Assembly.
- (3) An extraordinary session may be convened by the Chairperson of the Summit for special purposes.
- (4) The quorum of the General Assembly is one third of all the members of the General Assembly, provided that there is at least one Governor in attendance.
- (5) Decisions shall be adopted by consensus failure to which the decision shall be adopted by two thirds majority of the members present and voting.
- (6) The Chairperson shall have a casting vote.

Functions of General Assembly

14. The General Assembly shall be the voice of the people in the affairs of SEKEB and shall in particular—

- (a) mobilize community support for programs of SEKEB;
- (b) give general advice to the organs of SEKEB;
- (c) Suggest developmental activities for the focus of SEKEB;

- (d) act as a feedback mechanism on SEKEB projects;
- (e) give recommendations on SEKEB's economic activities in order to ensure the realization of its objectives; and
- (f) give general directions on SEKEB's affairs.

Joint Assemblies Committee

15. (1) The Committee shall comprise of—

- (a) the Speakers;
- (b) Majority Leader;
- (c) Minority Leader;
- (d) one man and one woman from each member county assemblies nominated from members of the county assemblies who are not part of the assemblies' leadership; and
- (e) chairpersons of the budget committee from each Member County Assembly.

(2) The Speakers shall elect the Chairperson from amongst themselves.

(3) The Chairperson shall hold office for a period of one year on rotational basis.

(4) The Committee may co-opt into the Committee persons whose knowledge and skills are considered necessary for the functioning of the Committee. Co-opted members shall not have voting rights.

(5) The Committee conduct its duties in cognizance of the principle of separation of powers as well as the need for mutual co-operation in promoting the public interest.

(6) The quorum for transaction of Committee's business shall be seven members provided there is attendance by at least member from each member county assembly.

(7) No meeting shall be held in the absence of all the Speakers or their appointed representatives.

Powers and Functions of the Committee

16. The Committee shall—

- (a) be the link between SEKEB and their respective county assemblies;

- (b) study and review all policies and proposed legislation relating to SEKEB;
- (c) make recommendations on the budget estimates of SEKEB;
- (d) facilitate oversight, representation and proposed legislation;
- (e) investigate and inquire into all matters that may be referred to them by a Member County and the Summit;
- (f) monitor and keep under constant review the implementation of the programs of SEKEB with respect to the relevant sector; and
- (g) submit to each Member County assembly, reports and recommendations on realization of the objectives of SEKEB.

Panel of Experts and Eminent Persons

17. (1) The Panel of Experts and Eminent Persons shall be made up of highly respected members of the society of high integrity and good social standing who are recognized by academic and professional authorities in their field of study, work and practice.

(2) The Panel of Experts and Eminent Persons shall comprise of nine (9) persons selected by the Selection Panel and nominated by the Summit for approval by the member County Assemblies.

(3) In selecting members of the Panel of Experts and Eminent Persons, the Selection Panel shall take into consideration persons from—

- (a) Arbitration and Mediation society;
- (b) Council of Elders; and
- (c) Religious Leaders.

(4) In selecting the Panel of Experts and Eminent Persons, the Selection Panel shall take into consideration regional and gender balance;

(5) The Panel shall serve on a part time basis for a non-renewable term of three years.

Functions of the Panel of Experts and Eminent Persons

18. The Panel of Experts and Eminent Persons shall—

- (a) provide technical, intellectual and professional advice to SEKEB;
- (b) conduct research on behalf of SEKEB;
- (c) support SEKEB in resource mobilization;

- (d) advise the Summit on best practices;
- (e) prioritize and improve the programs of SEKEB to ensure accelerated impact on socio-economic needs of the citizens of SEKEB;
- (f) spearhead internal conflict resolution within SEKEB; and
- (g) serve as advisors for the Summit.

The Secretariat

19. (1) The Secretariat shall be the Principal Administrative organ of SEKEB.

(2) The Secretariat shall be headed by a Chief Executive Officer and a Deputy Chief Executive Officer and shall have such other staff as may be determined by the Summit from time to time.

(3) The staff of the Secretariat may be seconded from the Member Counties except for staff necessary for the implementation of specific projects undertaken with partners in which case Sub-Article 5 below shall apply.

(4) The Summit shall appoint a Chief Executive Officer and the Deputy Chief Executive Officer from persons competitively sourced by the Selection Panel.

(5) Recruitment of the staff of the secretariat shall be done by the Selection Panel.

(6) In recruiting the staff of the secretariat, the Selection Panel shall consider regional balance within the Bloc.

(7) In the performance of its functions the Secretariat shall take instructions from the Chief Executive Officer.

(8) The office of the Chief Executive officer shall be held on rotational basis by persons from the member counties.

Functions of the Secretariat

20. The Secretariat shall—

- (a) be responsible for the day-to-day management of affairs of SEKEB; -
- (b) oversee strategic planning, management and monitoring of programs and projects for the realization of the objectives of SEKEB;

- (c) submit the budget estimates to the Summit for consideration and forwarding to the County Assembly for approval;
- (d) submit reports including monitoring and evaluation reports to the Summit for consideration;
- (e) procure goods and services for the realization of the objectives of SEKEB;
- (f) submit quarterly and annual reports to the Summit on the finances, operations, implementation and administration of SEKEB;
- (g) implement decisions of the Summit;
- (h) organize and manage SEKEB meetings;
- (i) be responsible for financial and general administration;
- (j) represent and promote SEKEB;
- (k) coordinate and harmonize policies and strategies of SEKEB;
- (l) provide technical, intellectual and professional advice to the organs of the Bloc;
- (m) conduct research on behalf of the organs of the Bloc;
- (n) support the organs of the bloc in resource mobilization;
- (o) advice the Summit on best practices as relates to its functions; and
- (p) perform any other functions as may be assigned by the Summit.

Appointment of the Chief Executive Officer

21. (1) A person is qualified for appointment as the Chief Executive Officer if the person—

- (a) is a Kenyan Citizen;
- (b) holds a master's degree from a university recognized in Kenya in a relevant field;
- (c) has at least five years proven experience in administration;
- (d) has had a distinguished career in senior management position in either public or private sector; and
- (e) meets the requirements of Chapter Six of the Constitution of Kenya.

(2) The Chief Executive Officer shall serve for a single term of five years.

(3) Guidelines shall provide for the procedure of removal from office of the Chief Executive Officer.

(4) The position of the Chief Executive Officer shall be filled on rotational basis among the member Counties.

(5) A vacancy in the office of the Chief Executive Officer before the end of the term, shall be filled from the same County whose turn it is to produce the Chief Executive Officer, who shall hold office for the remainder of the term.

Responsibilities of the Chief Executive Officer

22. (1) The Chief Executive Officer shall be responsible to the Summit for the following—

- (a) day today operation of the secretariat;
- (b) provision of leadership to senior management and staff of the secretariat;
- (c) execution of decisions of other organs of SEKEB;
- (d) development and recommendation to the Summit annual plans, programs, projects of SEKEB;
- (e) ensuring that all minutes are accurately written and availed to the relevant organs of SEKEB;
- (f) in consultation with the organs of SEKEB preparing annual budgets estimates and forwarding to the Summit for approval;
- (g) establishment of proper internal controls;
- (h) being responsible for the execution and communication of the SEKEB's strategies, decisions, policies and legislation;
- (i) ensuring that SEKEB has an effective management structure including succession plans;
- (j) serving as the link between the Secretariat and the organs of SEKEB;
- (k) being responsible for the achievement of the objectives of the SEKEB;
- (l) putting in place effective administrative structures, processes and systems;

- (m) providing regular, thorough and prompt communication to the organs of SEKEB on key technical, financial and administrative matters;
- (n) being responsible for stakeholder management and the enhancement of the corporate image of SEKEB;
- (o) custodianship of the inventory of all properties, assets and facilities of SEKEB;
- (p) performance of any other duties as may be assigned by the organs of SEKEB;

(2) The Chief Executive Officer shall be the secretary to the Summit, the Council and the General Assembly and shall assign secretaries for the other organs of SEKEB from the Secretariat.

PART III—MISCELLANEOUS PROVISIONS

Performance of the Functions of the Bloc

23. The Bloc shall have such powers as may be necessary for the attainment of the objectives of the Bloc.

Bloc to be a body corporate

24. The South Eastern Kenya Economic Bloc shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) acquiring, safeguarding, holding, managing, charging and disposing of movable and immovable property;
- (c) entering into contracts; and
- (d) doing or performing such other acts for the proper discharge of the functions under this Act which may be lawfully done by a body corporate.

Official Symbols of the Bloc

25. (1) The official symbols of the Bloc are, the Bloc—

- (a) emblem;
- (b) Flag;
- (c) official Seal; and
- (d) anthem.

(2) The Chief Executive Officer shall develop Regulations for the protection of the official symbols of the Bloc and submit them to the Summit for adoption.

(3) The Regulations adopted in subsection (2) shall come into effect upon approval by the respective member county assemblies.

Financial provisions

26. (1) The funds of the Bloc shall include—

- (a) contributions by the Member Counties;
- (b) donations;
- (c) grants;
- (d) gifts;
- (e) loans; and
- (f) any other sources as may be determined by the Summit with the approval of the member county assemblies.

(2) The funds of the Bloc shall be utilized towards the realization of the objectives of the Bloc including the administration and projects of the Bloc.

(3) The Chief Executive Officer shall develop the annual draft budget of the Bloc and submit it to the Summit for adoption.

(4) The budget adopted in subsection (2) shall be submitted to the respective county assemblies for approval.

(5) The budget of the Bloc shall be incorporated into the annual budgets of the respective counties and considered in accordance with the Public Finance Management Act, 2012.

(6) Administration of the funds of the Bloc shall be done in accordance with the Public Finance Management Act, 2012.

Amendment

27. This Act may be amended by the passing of concurrent amendments by the member county assemblies.

Regulations

28. (1) The Chief Executive Officer shall develop Regulations for the carrying into effect the provisions of the Agreement and this Act.

(2) The Regulations developed under subsection (1) shall be submitted to the Summit for consideration and adoption and subsequent approval by the respective county assemblies.

(3) Without prejudice to the generality of subsection (1), the Regulations made under this Act may provide for the—

- (a) procedure for application for membership to the Bloc;
- (b) procedure for the conduct of meetings of various Bloc institutions under the Agreement;
- (c) manner of recruitment of staff of the Bloc
- (d) protection of the official symbols of the Bloc; and
- (e) any other matter necessary for the implementation of this Act.

SCHEDULES**First Schedule (Section 4)**

**THE CONSTITUTIVE AGREEMENT FOR THE
SOUTH EASTERN KENYA ECONOMIC BLOC (SEKEB)**

PREAMBLE

WE, the Governors of Kitui County, Machakos County and Makueni County

AWARE THAT the Constitution of Kenya, 2010 establishes a devolved system of government that cascades decision-making structures and processes closer to the people and creates opportunities for regional growth, development and empowerment;

FURTHER AWARE that the devolved system of government promises to address long-standing political challenges of inclusive governance, regional integration and cooperation between Counties which will leverage economies of scale as enshrined in Article 174 of the Constitution of Kenya;

RECOGNIZING that promotion of social and economic development and the provision of proximate and easily accessible services across Kenya is one of the objects of the devolved system of government as enshrined in Article 174 of the Constitution;

AND WHEREAS the Constitution of Kenya allows the establishment of regional economic blocs, and in particular, provides under Article 189(2) that Government at each level, and different governments at the County level, shall co-operate in the performance of functions and exercise of powers and, for that purpose, may set up joint committees and joint authorities;

AND WHEREAS the County Governments Act, 2012 in Section 6 empowers County Governments and private organizations to enter into contracts and partnerships with other public organizations for any work,

service or function for which it is responsible within its area of jurisdiction;

AND WHEREAS the Intergovernmental Relations Act, 2012 recognises that Counties should co-operate in the exercise of their duties;

ACKNOWLEDGING that public participation and inclusivity are key national values and principles of governance as provided for in Article 10(2)(a) and (b) of the Constitution;

CONSCIOUS that Kitui, Machakos and Makueni Counties enjoy geographical proximity, historical, cultural, administrative, economic, commercial, industrial and other ties;

AND FURTHER CONSCIOUS that the efforts for the establishment of SEKEB started on 1st April, 2016 during the Konza meeting and subsequently another meeting on 16th November, 2018 at ABC Bomani, Machakos during which meeting the Counties Leadership signed Resolutions which are attached hereto and form part of this agreement;

DETERMINED to strengthen these ties and facilitate the development, management and utilization of cross-county resources and infrastructure;

NOW THEREFORE, the Governors of Kitui, Machakos and Makueni Counties

AGREE AS FOLLOWS—

ARTICLE 1

Definitions

In this Agreement—

“Agreement” means the South Eastern Kenya Economic Bloc Constitutive Agreement;

“County Public Service Boards” means the Member Counties Public Service Boards established under Section 57 of the County Government Act, No 17 of 2012;

“Committee” means the Joint Assemblies Committee established under Article 7 of this Agreement;

“Chief Executive Officer” means the Chief Executive Officer appointed in accordance with Article 14 of this Agreement;

“Council” means the Governing Council established under Article 7 of this Agreement;

“County Executive Committees” means the Member Counties Executive Committees established in accordance with Article 179 of the Constitution;

“County Executive Committee Members” means the Member Counties Executive Committee Members appointed under Section 35 of the County Government Act, No. 17 of 2012;

“County Secretaries” means the Member Counties Secretaries appointed in accordance with Section 44 of the County Government Act, No. 17 of 2012;

“General Assembly” means the General Assembly established in Article 7 of this Agreement;

“Governor” means a Governor of a Member County elected in accordance with Article 180 of the Constitution;

“Majority Leaders” means the persons who are the leaders in the Member County Assemblies of the largest party or coalition of parties;

“Member County” means Kitui, Machakos or Makueni County and includes any other County granted membership to SEKEB under this Agreement;

“Minority Leaders” means the persons who are the leaders in the Member County Assemblies of the second largest party or coalition of parties;

“Panel of Experts and Eminent Persons” means the Panel of Experts and Eminent Persons established under Article 7 of this Agreement;

“Secretariat” means the Secretariat established under Article 7;

“SEKEB” means the South Eastern Kenya Economic Bloc;

“Speakers” means the Speakers of Member Counties Assembly elected under Article 178 of the Constitution; and

“Summit” means the Summit established under Article 7;

ARTICLE 2

Establishment of SEKEB

The South Eastern Kenya Economic Bloc is hereby established comprising of Kitui County, Machakos County and Makueni County.

ARTICLE 3**Membership of SEKEB**

The members of SEKEB in this Agreement referred to as the "Member Counties" shall be Kitui County, Machakos County, Makueni County and any other County granted membership to SEKEB under this Agreement and includes all the residents of the said counties.

ARTICLE 4**Legal capacity of SEKEB**

1. SEKEB shall be a regional organization and shall have legal personality with capacity and power to enter into contracts, procure goods and services, acquire, own or dispose of movable or immovable property and to sue and be sued.

2. SEKEB as a body corporate shall be represented by the Chief Executive Officer.

ARTICLE 5**Objectives of SEKEB**

The objectives of SEKEB shall be to—

- (a) promote sustainable development at the economic, social and cultural levels;
- (b) promote networking and collaboration with other economic blocs;
- (c) promote cooperation in all fields of human activity to raise the living standards of the residents of SEKEB;
- (d) coordinate and harmonize the policies, legislation and programs aimed at widening and enhancing cooperation amongst Member Counties;
- (e) foster good working relationships with the national government and other county governments, development partners and the international community;
- (f) foster contact and regular flow of information and communication amongst Member Counties;
- (g) promote trade market research and export-oriented investment;

- (h) encourage and assist efforts of Member Counties to collectively combat drought and other natural and human-made disasters;
- (i) pursue joint public investments and financial inclusion with a view of enhancing economic growth in the Member Counties;
- (j) pursue economic growth by creating an enabling environment for trade, business and investment initiatives;
- (k) enhance and strengthen partnerships with the private sector through public private partnership initiatives in financing, construction, development, operation or maintenance of infrastructure and development projects of SEKEB through concession or other contractual arrangements;
- (l) promote joint development strategies and gradually harmonize macro-economic policies, legislation and programs in the social, technological and scientific fields within SEKEB;
- (m) initiate and promote programs and projects for sustainable utilization of natural resources and environmental protection;
- (n) promote and attain sustainable and inclusive social-economic development, gender equality and infrastructural transformation of Member Counties;
- (o) promote national values within SEKEB;
- (p) promote good governance within SEKEB;
- (q) exploit synergies, resources and comparative advantages;
- (r) intervene in order to encourage amicable conflict resolution in Member Counties;
- (s) Share best practices;
- (t) promote joint mapping of the Member Counties natural resources and spatial planning;
- (u) undertake joint planning and mapping out of resources within SEKEB;
- (v) safeguard the interests of women, youth, persons with disability, the elderly and other disadvantaged segments of population in the Member Counties.

ARTICLE 6

Principles of SEKEB

SEKEB shall be governed by the following principles—

- (a) transparency, accountability and integrity;
- (b) access to and sharing of information;
- (c) reciprocity;
- (d) consensus in decision-making;
- (e) equity, balance and mutual benefits;
- (f) amicable settlement of conflicts;
- (g) peaceful co-existence of the Member Counties;
- (h) mutual and equitable sharing of costs and benefits accruing from co-operation under this Agreement;
- (i) environmental conservation;
- (j) competitive and comparative advantages;
- (k) non-interference in the internal affairs of Member Counties;
- (l) participation and inclusivity;
- (m) grass-root orientation;
- (n) gender and inter-generational equity;
- (o) respect and promotion of cultural heritage;
- (p) protection of vulnerable groups;
- (q) respect of religious diversity;
- (r) promote democracy.

**ESTABLISHMENT, COMPOSITIONS AND FUNCTIONS OF THE
ORGANS OF SEKEB**

ARTICLE 7

Organs of SEKEB

- (1) The following organs are hereby established—
 - (a) the Summit;
 - (b) Governing Council;
 - (c) General Assembly;
 - (d) Joint Assemblies Committee;
 - (e) the Panel of Experts and Eminent Persons;

(f) Secretariat.

(2) The organs shall perform their duties and act within the limits of the powers conferred on them by this Agreement and any other written law.

ARTICLE 8

The Summit

(1) The Summit shall comprise of the Governors of the Member Counties.

(2) The Governors shall elect the Chairperson from amongst themselves.

(3) The Chairperson shall hold office for a period of one year on rotational basis.

(4) The Summit shall meet at least once quarterly and as often as may be necessary for the carrying out of its functions.

(5) A Governor may be represented by the Deputy Governor where such Governor is unable to attend a meeting of the Summit.

(6) In the absence of the chairperson of the Summit, any other Governor present may be nominated to chair the meeting.

(7) The Chief Executive Officer of SEKEB shall be an *ex-officio* member and the secretary to the Summit.

ARTICLE 9

Functions of the Summit

(1) The Summit shall—

- (a) be the supreme decision-making body of SEKEB;
- (b) give policy and strategic leadership and guidance on the development and achievement of the objectives of SEKEB;
- (c) consider an application of membership to SEKEB for approval by the member County Assemblies;
- (d) recommend the SEKEB budget for consideration and approval by the member County Assemblies;
- (e) deliberate on a proposal for dissolution of SEKEB subject to Article 29 of this Agreement;

- (f) determine the terms and conditions of dealing with its liabilities and disposal of its assets upon dissolution of SEKEB;
 - (g) consider proposed legislation as forwarded by the Governing council and further forward for enactment by the Member County Assemblies;
 - (h) advise the Council on dispute and conflict resolution;
 - (i) appoint the Selection Panel;
 - (j) appoint the chairperson of the General Assembly;
 - (k) establish sector working standing and ad hoc committees comprising of such relevant officers, technical experts of the Member Counties and experts including members of the Panel of Experts and Eminent Persons as may be necessary for purposes of enabling SEKEB perform its functions;
 - (l) spearhead resource mobilization in SEKEB;
 - (m) develop a framework for public participation within SEKEB;
 - (n) act as the main linkage of SEKEB to other Economic Blocs, the national government and other regional organizations and international organizations;
 - (o) approve the appointment of the Chief Executive Officer in accordance with laid down procedure;
 - (p) determine the share contribution of each member county;
 - (q) any other functions as may be necessary for the performance of its functions.
- (2) The functions referred to under Article 9 (1) (c) (d) (e) (f) and (g) shall be subject to approval by the respective member County Assemblies.

ARTICLE 10

The Governing Council

(1) The Council shall comprise of the following officials drawn from the Member Counties—

- (a) County Secretaries;
- (b) County Executive Committee members responsible for matters relating to finance; County Executive Committee members responsible for matters relating to SEKEB;

- (c) the County Attorneys; and
 - (d) the Chief Executive Officer of SEKEB who shall be the secretary.
- (2) The Chairperson of the Council shall automatically come from the Member County of the Chairperson of the Summit.
- (3) The position of the Chairperson of the Council shall be held on a rotational basis.
- (4) The Council shall co-opt the Executive Committee Members from the relevant Department whenever it is considering a matter concerning that Department.
- (5) The Council may from time to time invite officials of the county government, the national government, development partners and any other non-state actors for specific purposes necessary for the furtherance of the objectives of SEKEB.
- (6) The Council shall meet at least twice in a year.
- (7) The quorum of the meetings of the Council shall be half of the membership.

ARTICLE 11

Functions of the Governing Council

The Council shall—

- (a) be the consultative body of SEKEB;
- (b) be a forum for harmonizing development programs of County Government, National Government and other partners within SEKEB to avoid duplication;
- (c) provide linkage between the Organs of SEKEB and the general public;
- (d) build public support for programs of SEKEB;
- (e) facilitate community feedback;
- (f) support fundraising initiatives of SEKEB;
- (g) deliberate on the long-term development agenda for SEKEB;
- (h) harmonize policies and legislative initiatives of SEKEB;
- (i) give strategic direction to SEKEB;

