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MANDERA COUNTY BILLS, 2025

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**THE MANDERA COUNTY PEACE BUILDING AND CONFLICT
MANAGEMENT BILL, 2025**

A Bill for

**AN ACT of the County Assembly of Mandera to provide for effective
County Approaches, Strategies; provide for the establishment of
an institutional framework, Organs for Peace Building and
Conflict Management-and for connected purposes**

ENACTED by the Mandera County Assembly, as follows —

PART I — PRELIMINARY

Short title

1. This Act may be cited as the Mandera County Peace Building and Conflict Management Act, 2025.

Interpretation

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

“Chief officer” for purposes of the bill means the chief officer in the meantime responsible for peace building and conflict management or as the Governor may reassign;

“Conflict” means inter and intra--ethnic clan conflict, land and resource-based conflicts, intra and inter-county boundary disputes, conflicts associated with negative ethnicity, clannism and bad politics, conservation and human-wildlife conflict, conflicts linked to internally displaced persons, agro-pastoralist conflict, spillover of cross-border conflicts, gender-based violence and child rights, climate change related conflict, conflicts relating to historical injustices and unresolved grievance, livestock theft, radicalization, violent extremism and terrorism, drugs and substance abuse, devolution-induced conflict, extractives associated with conflict, mega investments/development induced conflict, environmental conflict, media related conflict and others;

“County” means Mandera county;

“County Executive Committee Member” means the executive member for the time being responsible for matters relating to peace;

“County Steering Committee” means the Committee established under Section 12 of this Act;

“County Peace Actors Consultative Forum” means a County Stakeholder Forum for consultation and collaboration between government and non-state actors on peacebuilding and conflict

management initiatives involving community, county, national or cross border stakeholders established under section 26 of this Act;

“Department” means the county department responsible for matters relating to peace as established under section 24 of this Act;

“Financial Year” means the period of twelve months starting on 1st July and ending on the 30th of June;

“Peace Actor” means a state and non-state actor actively engaged in Peace and Prevention Countering Violent Extremism (PCVE) initiatives in the county;

“Prevention and Countering Violent Extremism (PCVE)” refers to initiatives for the prevention and countering of violent extremism.

Objects and Purpose of the Act

3. The objects and purpose of this Act is to—
- (a) provide a framework for the promotion of cohesion, unity and peace building;
 - (b) provide mechanisms for co-ordination and implementation of interventions aimed at promoting cohesion and peace building;
 - (c) establish and develop mechanisms, procedures and structures for conflict prevention, peace building and conflict management, resolution in line with both the County and National Peace Building and Conflict Management Policies;
 - (d) Promote gender and social inclusion in peacebuilding programmes in Mandera County;
 - (e) Mobilize resources for Peacebuilding and Conflict Management in the county;
 - (f) Provide mechanisms for coordination between various peace organs and stakeholders.

Guiding Values and Principles

4. All Mandera County Peace Organs and Officers under this Act shall be guided by national values and principles of governance under Article 10 and 232 of the Constitution and those espoused in the national peacebuilding and conflict management policy including—

- (a) Use of dialogue and traditional dispute resolution mechanisms;
- (b) Support for community based peace structures;
- (c) sustainable peace building;
- (d) collaboration and cooperation;

- (e) conflict sensitivity in programming;
- (f) rule of law; and
- (g) accountability and transparency.

PART II—CONFLICTS IN THE COUNTY

Conflicts in the County

5. County Peace Organs under this Act shall aim to prevent, mitigate and manage; Cross Border Conflicts, intra-inter clan conflicts, political related conflicts, livestock theft, Agro-pastoralist conflicts, Human-Wildlife conflict, Boundary disputes, Land conflicts, resource-based conflicts, devolution induced conflicts, radicalization, violent extremism and terror related conflicts, climate changes conflicts, conflict related in historical injustices and unresolved grievances, SGBV related conflicts, drugs related conflicts, extractives, related conflicts, media related conflict, mega development induced conflicts and other conflicts.

Conflict Corridors

6. (1) There shall be conflict corridors for effective peacebuilding and conflict management operations in the county.

(2) The corridors shall be set out in regulations to be developed by the department responsible for peace matters.

PART III—APPROACHES FOR CONFLICT MANAGEMENT IN MANDERA COUNTY

Multi-sectoral Programming Approach

7. (1) The Department of Peace in consultation with other stakeholders shall develop a multi-sectoral, integrated, multi-level, structured and inclusive county programme for peacebuilding and conflict management.

(2) The county peace programme shall be community centered, context-sensitive and based on co-creation of initiatives between County Government, National Government, Non-state actors and communities.

(3) The county peace programme shall leverage on existing and responsive community knowledge, structures and approaches for Peacebuilding and Conflict Management.

Conflict System Approach

8. Conflict system approach shall underpin conceptualization, design and implementation of peacebuilding and conflict management interventions in the corridors in the county.

Conflict Sensitive Programming Approach

9. In collaboration with the County Department for Peace, other departments shall mainstream conflict sensitivity in their programmes and facilitate achievement of peace investments in the county.

Co-creation and joint Implementation Approach

10. County Government, National Administrators and partner organizations at all levels shall co-create and jointly implement interventions in conflict corridors in the county.

Community Centered Initiatives

11. The County Executive Committee Member responsible for peace shall, in the regulations to be developed, spell out how communities, county government and non-state actors shall collaborate to maximize on available resources and capacities for good outcomes.

PART IV—COUNTY PEACE ORGANS

Establishment and composition of the County Steering Committee

12. (1) There is established a County Steering Committee for Peace building and Conflict Management whose membership shall comprise of –

- (a) County Governor who shall be the Chairperson;
- (b) County Commissioner;
- (c) County Executive Committee Member responsible for matters relating to Peace;
- (d) County Chief Officer responsible for matters relating to Peace who shall be the secretary of the Committee;
- (e) County Police Commander;
- (f) National Drought Management Authority Co-ordinator;
- (g) Representative of Civil Society Organizations;
- (h) The Chairperson of Alternative Justice System (AJS);
- (i) One representative of the youth nominated by the umbrella organisation representing the youth in the County and appointed by the Governor;
- (j) One representative of women nominated by the umbrella organization in the County and duly appointed by the governor;
- (k) One member nominated by the National Council for persons with Disability - Mandera branch and duly appointed by the Governor.

(2) The committee may co-opt into membership persons whose knowledge and skills are necessary for the functioning of the committee.

Functions of the County Steering Committee

13. The functions of the County Steering Committee shall be to—

- (a) provide overall strategic leadership and guidance on peace building and conflict management matters in the county;
- (b) inform decision-making on policy and institutional arrangements for efficient peace programming in the county;
- (c) lead in all critical intra-county, inter-county and cross-border peace and conflict interventions;
- (d) foster mutual intergovernmental collaboration, cooperation and coordination on peace building and conflict management in the county;
- (e) lobby the National Government, development partners and private sector for resources to support peace building in the County;
- (f) promote peace through other sectoral priorities including trade, culture, security, infrastructure, tourism, food security, water, health among others; and
- (g) and any other important matter on peace building and conflict management.

Procedure for appointment of the members of the County Steering Committee

14. (1) The Chief Officer shall within thirty days of the commencement of this Act or whenever a vacancy occurs advertise in at least two dailies with wide circulation in the County, inviting the nominating bodies to nominate and submit their nominees for appointment as members of the County Steering Committee.

(2) The Governor shall within fourteen days of receipt of the names of the nominees, appoint members of the County Steering Committee from the provided list.

Qualifications

15. (1) A person shall be qualified for appointment as Member of the County Steering Committee for peace building and conflict management if that person —

- (a) is a resident of the County for the preceding five years;
- (b) Is well versed with the Kiswahili and English Languages;

- (c) Able to communicate in at least one of the local languages;
- (d) fulfils the requirements of Chapter Six of the Constitution;
- (e) Has demonstrable knowledge, expertise, interest, a proven record and has contributed to matters relating to human relations, public affairs, security, or peace- building and conflict management; and
- (f) Has demonstrable knowledge and appreciation of the County contextual dynamics, conflict situation and triggers.

(2) No person shall be qualified for appointment as a member of the County Steering Committee for peace building and conflict management if that person has —

- (a) at any time promoted sectoral, ethnic, racial or religious animosity or advocated for violence as a means of resolving any conflict or achieving any goal;
- (b) been convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months without an option of fine; and
- (c) been declared bankrupt.

Removal from Office

16. (1) A member of the county steering committee for peace building and conflict management (other than members provided for under section 12 (1) (a), (b), (f) and (g) may be removed from office only for –

- (a) Serious violation of the Constitution or any other Law, including contravention of Chapter Six;
- (b) gross misconduct, whether in the performance of the member’s functions or otherwise;
- (c) physical or mental incapacity to perform the functions of the office;
- (d) Incompetence or abuse of office; and
- (e) failure, without reasonable cause, or written authority of the Chairperson, to attend five consecutive meetings of the County Steering Committee for peace building and conflict management.

(2) A person desiring the removal of a member of the County Steering Committee for peace building and conflict management on any ground specified in clause (1) may present a petition to the chairperson setting out the alleged facts constituting that ground.

(3) The Chairperson shall, on receipt of a petition under subsection (2) immediately take such measures as necessary to determine the veracity of the allegations and where it appears the claims are true—

- (a) Inform the member in writing of the reasons for the intended removal;
- (b) appoint a subcommittee comprising three (3) members;
- (c) the subcommittee shall investigate the matter expeditiously, report on the facts and make a binding recommendation to the Governor, who shall act in accordance with the recommendation within thirty days; and
- (d) the subcommittee shall accord the member the opportunity to be heard as provided for in Article 47 of the Constitution.

Tenure of office

17. The members of the County Steering Committee for peace building and conflict management under section 12(c) to (i) shall serve for a term of five years and shall be eligible for re appointment for a further term of five years.

Vacancy

18. (1) The office of the member shall become vacant if the holder—

- (a) dies;
- (b) by notice in writing addressed to the chairperson resigns from office;
- (c) is removed from office in accordance with Section 16 of the Act;
- (d) is removed from office by the appointing authority;
- (e) expiry of the term of office;
- (f) is convicted of a felony;
- (g) inability to perform functions of the office arising out of physical or mental infirmity;
- (h) is in gross violation of the Constitution or any other written law;
or
- (i) bankruptcy.

(2) Where a vacancy occurs in the membership of the County Steering Committee for peace building and conflict management under section 18(1), the appointment procedure provided for under this Act shall apply.

Conduct of business and quorum

19. The business and affairs of the County Steering Committee for peace building and conflict management shall be conducted in accordance with the Second Schedule.

Committees

20. (1) The County Steering Committee for peace building and conflict management may, for the effective discharge of its functions, establish such committees as it considers necessary.

(2) The County Steering Committee for peace building and conflict management may, where required skills are not available to a committee, co-opt any person whose knowledge and skills are considered necessary for the effective discharge of the functions of that Committee.

(3) Any person co-opted into a committee under subsection (2) may attend the meetings of the Committee and participate in its deliberations but shall not be entitled to vote.

Delegation

21. The County Steering Committee for peace building and conflict management may by resolution either generally or in any particular case, delegate to any committee or to any member, officer, employee or agent, the exercise of any of the powers or the performance of any of the functions or duties of the County Steering Committee for peace building and conflict management under this Act.

Remuneration of members

22. The members of the County Steering Committee for peace building and conflict management shall be entitled to a sitting allowance in line with the Salaries and Remuneration Commission.

Secretary to the County Steering Committee for peace building and conflict management

23. (1) The Chief Officer shall serve as Secretary to the County Steering Committee for peace building and conflict management.

(2) The Secretary shall perform the functions and exercises the powers conferred on the Secretary under this Act or other written law and shall—

- (a) Be responsible for the day-to-day administration and management of the affairs of the County Steering Committee for peace building and conflict management;

- (b) Be the accounting and authorised officer of the County Steering Committee for peace building and conflict management;
- (c) Implement the policy decisions of the County Steering Committee for peace building and conflict management;
- (d) Initiate and maintain communication in liaison with national and county governments and other stakeholders on operational matters of peace-building and conflict management;
- (e) Foster linkages with cross-border peace networks and relevant regional organizations that are not necessarily within the framework of the County Steering Committee for peace building and conflict management, in collaboration and consultation with national and county governments.

Establishment and functions of the County Department for Peace Building and Conflict Management

24. There shall be established a County Department for Peacebuilding and Conflict Management whose functions include—

- (a) Plan, coordinate and implement peace initiatives in collaboration with other peace actors at the county level;
- (b) Establish vertical linkages with other counties, national, regional and cross-border structures for Peace;
- (c) Prepare annual work plans, County State of Peace Reports, and budgets in line with the County Integrated Development Plan;
- (d) Strengthen grassroots peacebuilding structures and institutions through capacity building;
- (e) Conduct research and facilitate knowledge management for evidence-based peace programming;
- (f) Coordinate, harmonize and standardize peacebuilding and conflict management programmes among stakeholders in the county;
- (g) Assist in the formulation, implementation and review policies, strategies, laws, regulations, standards, guidelines and mechanisms governing peacebuilding and conflict management in liaison with other stakeholders;
- (h) Provide a repository and reference for information on peacebuilding and conflict management in the county;
- (i) Establish conflict early warning and response mechanism at the county level and create linkages with other similar units;

- (j) Coordinate the implementation of peace agreements and monitor compliance of resultant peace-building instruments;
- (k) Coordinate identification and recognition of peace champions; and
- (l) Spearhead the commemoration of County, National and International peace events in the County.

Conflict Early Warning and Response unit

25. (1) There shall be established within the county department responsible for peace a County Conflict Early Warning and Response Unit whose functions include—

- (a) monitoring and sharing information on potentially violent conflicts, their outbreak and escalation in the County;
- (b) monitoring conflict trends, collecting, collating, analyzing of conflict data, developing case scenarios and formulating options for response in the County; and
- (c) disseminating conflict analyses and information to upper and lower structures and institutions for timely response.

County Peace Actors Consultative Forum

26. (1) The County department responsible for matters relating to peace shall establish a consultative forum for county peace actors.

(2) The forum shall bring together the county government, national government, private sector, civil society organizations, local media, non-governmental organization, youth, women and people with disabilities and duly appointed by the Governor.

(3) The forum shall be chaired by the County Chief officer for Peace;

(4) The forum shall at least sit once a year facilitate a peace forum at the county level.

(5) The forum shall facilitate peace forums at the sub- county and location as and when it considers it necessary.

Establishment of Sub-County Peace Committee

27. (1) The department shall establish community-level peace structure at sub-county to be known as Sub County Peace Committee.

(2) The department shall ensure that peace building and conflict management actors in the county respect, collaborate and strengthen the existing community based peace structures.

Establishment and composition of the Mandera County Religious Council

28. (1) There shall be established a Council to be known as the Mandera County Religious Council.

(2) The Council shall consist of—

- (a) a chairperson;
- (b) two representatives of registered religious organisations within the County;
- (c) one representative from the business community within the county;
- (d) three representatives of registered youth groups from within the county;
- (e) one representative of a professional body;
- (f) one representative of non-state actors; and
- (g) a secretary delegated by the department.

Functions of the Mandera County Religious Council

29. The council shall be answerable to the chief officer and shall—

- (a) Foster dialogue and understanding between different religious groups to promote tolerance and respect;
- (b) Recommend standardized religious education programs that emphasize moderation, peace, and social cohesion in Madrasas within the County;
- (c) Conduct community awareness campaigns to educate youth and the public about the dangers of extremism and intolerance;
- (d) Establish youth programs focusing on leadership, civic engagement, tolerance, and positive identity development;
- (e) Provide counselling and rehabilitation programs for individuals who have been influenced by extremist ideologies;
- (f) Recommend deradicalisation programs in collaboration with relevant experts;
- (g) Evaluate the effectiveness of counter-radicalization programs and make necessary recommendations;
- (h) Collaborate with government agencies, law enforcement, and civil society organizations to address ideological extremism;

- (i) Build the capacity of religious leaders, imams and community members to prevent and counter radicalization; and
- (j) perform any other function that may directly or indirectly contribute to the attainment of the foregoing.

Appointment and qualification chair and members of the Mandera County Religious Council

30. (1) The chairperson of the council shall be appointed by the executive committee member.

(2) the remaining members of the council shall be nominated by their respective organisations and appointed by the executive committee member.

(3) a person shall qualify for appointment as the chair if—

- (a) holds a bachelor's degree from an institution recognized in Kenya;
- (b) has a distinguished career in their respective sector;
- (c) has at least five years' post-qualification experience; and
- (d) satisfies the requirements of Chapter Six of the Constitution.

(4) a person shall qualify to be a member of the council if—

- (a) satisfies the requirements of chapter six of the constitution;
- (b) has not been convicted of a criminal offence which attracts imprisonment for a term not exceeding six months;
- (c) has not been adjudged bankrupt or entered into a composition or arrangement with the creditors of the person; and
- (d) has not disqualified under any other written law from appointment as such.

Term of office

31. (1) The Chairperson and the members of the council shall hold office for a term of three years and may be eligible for re-appointment to a further and final term of three years

(2) Despite the provisions of subsection (1), a member of the council may be removed from office if that person—

- (a) mental or physical infirmity;
 - (b) violates Chapter Six of the Constitution;
 - (c) is convicted of an offence involving dishonesty or corruption;
- and
- (d) is adjudged bankrupt;

Remuneration of the council

32. The members of the Council shall be paid such remuneration, fees, allowances and disbursements for expenses as may be prescribed by Salaries and Remuneration Commission for similar body.

Staff of the council

33. The department shall ensure that the council has such staff as may be necessary for the proper and efficient discharge of its functions under this Act.

Meeting of the Council

34. The Council shall meet for the discharge of its functions at such times as the chairperson may appoint but it shall meet at intervals of not more than three months.

(2) The chairperson shall preside at all meetings of the Council, and in his absence, a member of the Council appointed by the members present from among their number shall preside.

(3) Quorum of the meeting shall be five members excluding the secretary.

(4) Except as provided in this Act and Regulations made hereunder, the Council may regulate its own procedure.

Removal from Office

35. The procedure for removal from office shall be the same as the one provided for under section 15 of this Act.

PART V — FINANCIAL PROVISIONS

Peace Building & conflict management financing

36. The department shall be financed from the following sources—

- (a) Monies appropriated by the County Assembly at the beginning of each financial year;
- (b) grants by the national government or other donors; and
- (c) all monies from any other source provided or donated.

Bank Account

37. The Executive Committee Member for Finance shall, facilitate the opening and maintenance of bank accounts by the department for purposes of operationalizing of monies designated for peace building and conflict management, as may be prescribed in accordance with the provisions of the Public Finance Management Act and any other relevant law.

Annual estimates of revenue and expenditure

38. (1) At least three months before the commencement of a financial year, the department shall cause to be prepared the estimates of revenue and expenditure of the department for that year.

(2) The annual estimates shall make provisions for all estimated expenditure of the department for the financial year.

(3) The annual estimates shall be submitted to the County Executive Member for approval before submission to the County Assembly.

Accounts & Audit

39. (1) The accounts of the department shall be audited and reported in accordance with the Constitution, the Public Audit Act and any other relevant legislations.

(2) The department shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities of the department.

(3) Within a period of three months after the end of each financial year, the accounting officer of the department must submit to the Auditor-General the accounts of the department in respect of that year together with:

- (a) a statement of the income and expenditure of the department during that year; and
- (b) a statement of the assets and liabilities of the department on the last day of that financial year.

Investment of Fund

40. (1) The County Steering Committee may, with the approval of the County Executive Committee, invest any of its funds in securities in which, for the time being, trustees may by law invest trust funds or in any other securities which the County Government may, from time to time, approve.

(2) The County Steering Committee may place on deposit with such bank or banks or financial institutions as it may determine, any moneys not immediately required for the purposes of the County Steering Committee.

PART VI — MISCELLANEOUS PROVISIONS

Collaboration and cooperation with other peace organs

41. (1) All County peace organs under this act shall closely work with the state, non-state actors and cross-border peace structures through

co-creation and implementation of peacebuilding and conflict management and PCVE programmes in the spirit of the Constitution of Kenya 2010 and Intergovernmental Relation Act, No. 2 of 2012.

Linkages with other Conflict Early Warning and Response Units

42. The department shall through the County Conflict Early warning and response unit collaborate with other similar units at the national and regional levels in furtherance of conflict information sharing.

Annual and Special Reports

43. (1) The department shall prepare quarterly, annual and special reports each financial year to be submitted to the County Assembly.

Protection from criminal liability

44. Any person acting in the implementation of this Act is not criminally liable for any act of omission or commission which the person reasonably and in good faith believed to be a breach of this Act or any law.

Savings and transitional provisions

45. (1) In this section—

“effective date” means the day upon which this Act comes into operation; and

“former department” means the department responsible for peace building and conflict management within the county public service existing immediately before the effective date.

(2) On the effective date, all the funds, assets and other property, both movable and immovable, which immediately before such date were vested in the former department, shall by virtue of this sub- section, vest in the department.

(3) On the effective date, all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such day were vested in, imposed on or enforceable against the former department shall, by virtue of this sub-section, be deemed to be vested in, imposed on or enforceable against the department.

(4) On the effective date, any person who, immediately before the commencement of this Act was a member of staff of the former department shall be deemed to be a member of staff of the department for the unexpired period of his or her service.

(5) Any reference in any written law or in any document or instrument to the former department shall on and after the appointed day, be construed to be a reference to the department.

(6) The annual estimates of the former department for the financial year in which the effective date occurs shall be deemed to be annual estimates of the department for the remainder of that financial year, but such estimates may be varied by the County Executive Member responsible for matters relating to peace building and conflict management as he or she may deem necessary.

(7) The administrative directions made by the former department or by the County Executive Member responsible for matters relating to peace building and conflict management which are in force immediately before the appointed day shall, on and after such day, have force as if they were directions made by the department or the County Executive Member under this Act.

Regulations

46. (1) The County Executive Committee Member shall make regulations generally for better carrying out of the provisions of this Act.

MEMORANDUM OF OBJECTS AND REASONS

This Act capitalizes on the legislative powers of the counties granted by article 185 of the Constitution of Kenya, 2010. The Act is in line with the National Peace Building and Conflict Management draft policy 2011 and Mandera County Peace building and Conflict Management policy, 2023. This Act also exploits the powers of county governments to enter into public partnerships and contracts for purposes of achieving the goals of devolution as stated in Section 6 of the County Governments Act, 2012.

The principal object of this Act is to address implementation gaps in existing peace building and conflict management legal frameworks and guide institution-based interventions in the county. It refocuses efforts and practices towards measures that increase the potential for peaceful coexistence and human security as precursors for sustainable development, a just and peaceful society.

The Act appreciates that insecurity and vicious cycles of conflict constitute the main impediments to economic development in the county. These are compounded by poverty, food insecurity, land and border conflicts, cross-border and transnational crime, climate change and historical marginalization. Recent political and economic developments in the county are changing the nature of conflicts and generating new forms of conflicts associated with devolution, land, mega investments, extractives, terrorism, drugs, and social media, among others. All of these necessitates the need for legally established organs to address peace and conflict.

Since part of the implementation process of peacebuilding and conflict management is undertaken by the organs of the national government, this Act is established to be in harmony with and cooperate with the existing national structures of peace building and conflict management.

PART I (Sections 1- 4) of this Act provides for the preliminary provisions of the Act including the short title and commencement of the Act, interpretations, objects and purposes of the Act, values, principles guiding the organs and persons responsible for the Act.

PART II & III (Sections 5 –11) of the Act deals: identifies Conflict Issues and corridors; Provides for Approaches for Conflict Management;

PART IV (Sections 12- 35) provides for establishment, composition and functions of County Peace Organs.

PART V (Sections 36 – 40) of the Act deals with financial provisions. It relates to peace building financing, bank account and the financial reporting.

PART VI (Sections 41 - 46) of the Act contains miscellaneous provisions. It requires preparation of annual and special reports, cooperation with other organs on peacebuilding and conflict management. It also provides for transition clauses and requirement for making of regulations.

ISSACK DAHIR ABDI,
*Chairperson, Public Service, Community Cohesion and Conflict
Management Committee.*