



EXECUTIVE OFFICE OF THE PRESIDENT
CHIEF OF STAFF AND HEAD OF THE PUBLIC SERVICE

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OP/CAB.1/23

Ref. No.
and date

STATE HOUSE
P.O. Box 40530-00100
Nairobi, Kenya

February 6, 2023

**The Attorney General
All Cabinet Secretaries**

RE: LEGAL DISPUTES BETWEEN GOVERNMENT AGENCIES

In order to further secure efficient and coordinated dispatch of government business, and moderate the utilisation of limited resources, all Ministries, Departments and Agencies are required to be mindful of the guidance previously issued, to withdraw any legal disputes filed in courts and tribunals, between themselves and other public entities. Such disputes are to be referred to mediation by this office, supported by the Office of the Attorney General.

Administrative Tribunals are public entities falling within this ambit, as they are established to supervise and by extension, audit the administrative decisions of executive bodies. For the avoidance, Ministries, Departments and Agencies should not instigate, but may defend legal proceedings challenging the determinations of Administrative Tribunals supervising their functions.

Further, privately instituted cases in which state agencies find themselves on opposing sides, should similarly be referred to this office for guidance prior to filing of substantive defences, to mitigate the risk of proliferation of proxy suits.

We wish to particularly highlight cases challenging assessments by the Kenya Revenue Authority (KRA). Agencies are required to expedite the resolution of any disputed assessments, and where necessary refer the same for arbitration as guided herein. The Authority is directed to henceforth cease the freezing of public entity bank accounts, unless as a last resort, and only after exhaustion of negotiations as guided by this office.



Felix K. Koskei
Chief of Staff and Head of the Public Service

Copy to: **All Principal Secretaries**