



Theme: Effective legislatures for sustainable grassroots development

COMMUNIQUÉ

**THE 2ND LEGISLATIVE SUMMIT HELD BETWEEN 20TH – 24TH MARCH,
2017 AT THE PRIDE INN PARADISE BEACH RESORT AND SPA,
MOMBASA COUNTY**

The Second Legislative Summit was held at the Pride Inn Paradise Resort between 20th and 24th March, 2017.

The Summit, coming just a few months before the General Elections provided an opportunity for assessing the progress made by legislatures towards realizing the devolution dream and evaluating the level of preparedness for the ensuing transition period. It brought together Senators, Members of County Assemblies (MCAs) from across the country, constitutional offices, development partners, representatives from the private sector, civil society, the media and technocrats from the public service, Senate and county assemblies. The participants had the opportunity to share experiences, achievements, challenges and gaps identified by



the legislatures and made proposals on the way forward in line with the theme of the summit , ‘*Effective legislatures for sustainable grassroots development*’.

PREAMBLE

Recognizing that Article 3 (1) of the Constitution of Kenya requires every person to respect, uphold and defend this Constitution;

Aware that Article 1 (3) of the Constitution of Kenya delegates sovereign power to Parliament and the County Assemblies to perform their respective functions under the Constitution;

Affirming that the Senate and county assemblies have a clear constitutional mandate in the devolved system of government to promote democratic and accountable exercise of power;

Recognizing that Article 6 (2) of the Constitution requires the national and county levels to conduct their mutual relations on the basis of consultation and cooperation;

Acknowledging the national values and principles of governance under Article 10 of the Constitution which bind all State organs, State officers, public officers and all citizens

Emphasizing that the mandate of the Senate under Article 96 of the Constitution is to protect the interest of counties and their governments;

Reaffirming the objects and principles of devolved government under Article 174 ad 175 of the Constitution;

Noting that Article 185 of the Constitution vests legislative authority in county assemblies to make any laws that are necessary for, or incidental to, the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule;

Recognizing that public participation is a central principle of democracy required of Parliament and county assemblies under various Articles of the Constitution including Articles 1(2), 10(2), 35, 69(1) (d), 118, 174(c) and (d), 184(1)(c), 196, 201(a) and 232(1)(d);

THE LEGISLATIVE SUMMIT NOW RESOLVES AND RECOMMENDS AS FOLLOWS;

1. *That* the Senate initiates or reviews legislation-

- (1) To provide for alternative dispute resolutions mechanisms in order to mitigate on persistent disputes amongst institutions involved in implementation of devolution;



- (2) To provide for and clarify the procedure and timelines for consideration of reports from the Auditor General to Parliament and County Assemblies

Action: Senate, CAF

2. *That* the Senate fast tracks passage of the following laws-

- (1) The County Pensions Scheme Bill incorporating the views of all stakeholders including county executives and county assemblies;
- (2) The Intergovernmental Relations (Amendment) Bill, 2014 to entrench the Council of County Assemblies in law; and
- (3) The Impeachment Procedure Bill, 2016 to clarify the impeachment process.
- (4) the Public Participation Bill, 2016

Action: Senate

3. *Urges* the National Assembly to fast track consideration of pending legislations concerning counties referred by the Senate to enhance service delivery. They include -

- (1) County Attorneys Bill, 2014
- (2) Office of the County Printer Bill, 2014
- (3) County Public Service Bill

(4) Petition to County Assembly (Procedure) Bill, 2014

(5) Access to Information Bill, 2016

Action: National Assembly

4. *That* County Assemblies initiate legislation to provide for Revenue Collection by counties in line with Article 209 of the Constitution and the Public Finance Management Act

Action: CAF, County Assemblies

5. *Enhance* cooperation and consultation between the Senate, county assemblies and EACC to ensure accountability and transparency in county governments through information sharing

Action: Senate, County Assemblies

6. *That* there should be Continuous Capacity Development for the Members of the County Assemblies to effectively play their oversight role as enshrined in the Constitution

Action: County Assemblies Service Boards, Senate

7. *That* Legislation should be put in place to entrench the membership of the Senate and County Assemblies Forum (CAF) in the Intergovernmental Budget and Economic Council (IBEC).

Action: Senate, CAF, IBEC

8. Amend the Intergovernmental Relations Act to strengthen the Intergovernmental Relations Technical Committee to function as an independent Intergovernmental Relations Commission.

Action: Senate

9. Review of the PFM regulations to provide for counties to amend up from 1 % to 10% of the line budget to ensure that the County Assemblies have control over the Budget.

Action: Senate, County Assemblies, CRA, National Treasury

10. *That* there should be continuous consultation between the Parliament, County Governments, National Government and Development Partners to mainstream the planning, legislation and implementation of Sustainable Development Goals (SDGs) through the development framework at the national and county level.

Action: Senate, County Assemblies, CRA, National Treasury

11. *That* National and County Government budgets are made more inclusive, gender responsive and cater for the needs of the youth and persons living with disabilities.

Action: Controller of Budget, Parliament, County Assemblies, County Executive, National Government

12. *That* infrastructural and financial management concerns such as mileage and office space for nominated Members of County Assemblies need to be urgently addressed to ensure that these do not interfere with legislative business;

Action: County Assemblies, CAF, SRC

13. For an efficient transition, the Senate and County Assembly leadership should agree on a schedule for transition, clearance, handover of offices and government assets and swearing in of new members.

Action: Clerk of the Senate, Clerks of County Assemblies, CAF

14. The Clerk of the Senate and Clerks of County Assemblies should prepare elaborate induction programmes for incoming Senators and Members of County Assembly and ensure a smooth transition;

Action: Clerk of the Senate, Clerks of County Assemblies

15. *That* County Assemblies develop a centralized online depository of all Bills, Acts, Motions passed by the county assemblies since inception pursuant to the requirements of Article 35 of the Constitution on access to information.

Action: CAF, County Assemblies, National Council for Law Reporting

16. Senate and County Assemblies should provide opportunities for peer sharing and benchmarking to increase avenues for information and learning.

Action: Senate, County Assemblies

17. Senators should attend County Assembly sittings periodically to report and consult on the representation of county interests at the national level.

Action: Senate, County Assemblies

18. Parliament, National Government, County Government should take every action possible, including legislation to ensure that the Constitutional two thirds gender principle is met. All political parties should take steps to ensure that the party nomination lists contain 50 % of either gender.

Action: Parliament, National Government, County Government, Political Parties

19. That the Intergovernmental Relations Act be amended to provide for the Intergovernmental Legislative Oversight Council (ILOC) to provide a forum for legislatures to discuss issues of legislation, regulations and policies.

Action: Senate, County Assemblies

DATED	DATED
SIGNED Rt. Hon. Ekwee Ethuro, EGH, EBS, MP Speaker of the Senate	SIGNED Hon. Johnson Osoi Chairman, County Assemblies Forum