



COUNTY GOVERNMENTS JOINT COMMITTEE

UGATUZI INITIATIVE

The Ugatuzi Initiative proposes THAT:

DEVOLUTION

Finance

- i) **Equitable sharing of national revenue¹** - the minimum threshold of County Governments' equitable share of revenue be increased from the current 15% of the most recent audited and approved accounts to 45% of the previous year's revenue collected and declared by the exchequer accounts, 5% of which shall be reserved for the special interest groups.
- ii) There shall be a Ward Equitable Development Fund established in every County comprising of 30% of the total County Development Budget.
- iii) **Adherence to the CRA Recommendations** – Parliament should adhere to the technical recommendations regarding the Division of Revenue between the National and County Governments by the CRA. Any deviation by Parliament shall not exceed 3% of the recommendation of the Commission of Revenue Allocation².

¹ This will ensure that County Governments secure the County allocations so that they are based on the exchequer figures of the previous year.

² This is to avoid a stalemate over the division of revenue during the end of the financial year which results into delays in allocation of revenue as experience in the 2019/20 FY.

- iv) **Division of Revenue Bill** - in the event the two Houses fail to agree on the division of revenue Bill, it shall be subjected to the mediation process under the Constitution only once. If mediation fails, then the recommendation by CRA takes effect.

There is need to have timelines within which the two Houses should debate the DoRB upon submission by National Treasury to create enough time in the event mediation fails to yield fruit before the end of the financial year.

- v) **Sharing of revenue from Natural Resources** - there is need to have a revenue sharing framework of revenue derived from natural resources anchored in the Constitution. The County Governments shall be entitled to a minimum of 20% and the Communities a minimum of 10%. County Governments should represent Communities in the signing of the contracts for exploitation.

In line with Article 35 on Access to Information, Communities through the County Governments should be involved in the signing of the contracts. Further, there should be an express provision on Public Participation by the two levels of Government before the contract is signed.

vi) National Treasury- the National Treasury shall be established as an independent office to serve both levels of Government³.

vii) Financial Autonomy of County Assemblies

Establishment of a County Assembly Fund together with the County Revenue Fund. Parliament shall legislate to guarantee financial autonomy of County Assemblies.

Governance

i) Role of the Senate - the Senate should be made the Upper House⁴ in the Bi-Cameral system of Parliament whereas the National Assembly should be the Lower House⁵.

The Senate should also be able to consider all bills including money bills. This will ensure that at any one time, the interests of Counties are protected and no bill is enacted without consideration of both houses.

Establish the office of the Deputy Speaker in the Constitution.

ii) Removal of a County Governor⁶ – the removal of a county governor and a deputy county governor shall only be initiated after confirmation by the Independent Electoral and Boundaries Commission that twenty five percent of registered voters in at least half of the electoral wards in the

³ Collecting taxes for both levels of government but only serving the interests of the National Government. PFM Act provides for the roles as National Government Roles.

⁴ Retain the composition of the Senate as is

⁵ Senate Oversight 47 Governments while National Assembly oversight only one Government Because we are going the parliamentary way

⁶ The CoG will consider the proposal as the same provides for elements of a recall process.

County support the removal⁷ to ensure public participation in the process of impeachment of the Governors in order to understand the view of the public

We also propose that the Senate participates in considering and determining any resolution to remove the Governor and Deputy Governor at an appellate level from office in accordance with Article 181⁸.

- iii) **Removal of a Deputy Governor** - The Council proposes a new section to be included on the removal of a Deputy Governor. These provisions to be borrowed from Articles 149 and 150 of the Constitution which provide for the removal of a Deputy President.

ETHNIC ANTAGONISM & COMPETITION

- i) **Structure of the Executive and Legislature⁹** – have a Parliamentary system of Government at National Level in order to ensure inclusivity by guaranteeing regional diversity. This will also ensure that issues of electoral violence are addressed.

To introduce the following Executive Offices: Prime Minister and two Deputy Prime Ministers. The President and Deputy President shall be elected by universal suffrage

⁷ The registered voters who participated in the election of the Governor must also be consulted in the removal of the Governor. This applies in the recall process of the Members of the County Assembly

⁸ Look at the grounds provided for under Article 181 (are they sufficient)

⁹ The roles of the proposed offices shall be outlined in the bill

while the Prime Minister and the two Deputy Prime Ministers shall be elected by Parliament.

This system should respect gender and ethnic diversity by ensuring that in the appointment of the occupants of these offices the principle of not more than two-thirds gender rule is strictly adhered to and that the occupants do not come from the same ethnic community.

To enhance accountability in the Executive, half of the Cabinet should be Members of Parliament.

Entrench a strong opposition in the Constitution - the leader and deputy leaders of opposition shall be the candidates and running mate respectively who come second in the presidential election and shall sit in the National Assembly. The leader of opposition shall have powers to appoint a shadow cabinet¹⁰ half of which shall be from among members of Parliament.

SAFETY & SECURITY

- i) **Security** – County Governments to be represented in the National Security Council. Presently, County Governments have a minimal role in security through the County Policing Authorities. Since the inception of devolution, there have been Counties that sign MoUs with the National Government on matters related to security. There is need for collaboration and coordination between the two levels of government on security.

¹⁰ The shadow cabinet shall not have any cost implication on the National budget

DIVISIVE ELECTIONS

- i) **Independent Electoral and Boundaries Commission** – establishment of the Independent Electoral and Boundaries Commission devolved into 47 Counties. This will ensure transparent, credible, accountable and robust supervision of elections of the various electoral positions which enhance the confidence of the public in the election process.
- ii) **Elections** –the country to hold two separate elections¹¹ in every election cycle. The National election to come first and thereafter County elections for the positions of Governors, Senators, Members of National Assembly and Members of County Assembly.

¹¹ Look at the Cost implication and Risk of voter apathy