



COUNCIL OF GOVERNORS



THE SENATE

COMMUNIQUÉ AT THE END OF THE CONSULTATIVE MEETING BETWEEN THE COUNCIL OF GOVERNORS AND THE SENATE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES HELD ON 23RD OCTOBER, 2020.

Preamble

The Council of Governors together with the Senate Standing committee on Agriculture, Livestock and Fisheries have today, 23rd October, 2020 held a consultative meeting to deliberate on issues affecting the Agriculture sector.

The meeting involved candid and objective discussions on challenges that have affected the sector since the onset of devolution. It has been noted with great concern that the Ministry of Agriculture has continued to develop legislative and regulatory framework in the sector without any involvement of County Governments. Further, the

Ministry has deliberately fragmented the Cooperative Societies rather than taking an approach to strengthen them.

Having inherited a sector that was ailing counties have continued to experience a myriad of challenges which include budgetary constraints, excess food imports, and lack of data to support Agriculture since research in the agriculture sector is dead.

After exhaustive deliberations, the meeting made the following resolutions that are aimed at protecting devolution.

Resolutions

- 1. THAT** the Council of Governors and the Senate shall undertake a legal review of all laws in the agriculture sector to ensure conformity with the Constitution. Henceforth, the Senate shall not consider any Bills concerning county governments developed without proper and meaningful consultation and involvement of County Governments.
- 2. THAT** we shall initiate a legislative review within 6 months of all the laws in the sector enacted prior to the promulgation of the Constitution with a view to amend or repeal some of the laws that create National Government parastatals which are undertaking devolved functions.

3. **THAT** County Governments shall allocate at least 10% of their annual budget to undertake implementation of the agricultural functions in the counties.
4. **THAT** no National Budget shall be passed without at least 10% of allocation to the agriculture sector.
5. **THAT** the Council of Governors hereby notifies Development Partners that programmes and projects that are not discussed and agreed upon with the Counties will not be implemented in any county. All the Development Partners therefore must directly involve the County Governments through the Council of Governors in the development and implementation of any agricultural related programmes and projects in the counties.
6. **THAT** we shall engage in a National dialogue with the National Government, Parliament and Kenyans to discuss challenges facing the sector and provide solutions.
7. **THAT** the Senate shall summon the Cabinet Secretary of Agriculture to elaborate the policy framework that is being applied to undertake the ongoing agricultural reforms by the Ministry.
8. **THAT** we hereby declare a dispute on the understanding and interpretation of the devolved functions between the two levels of Government. We shall therefore take the necessary action to explore alternative dispute resolution and if need be we shall take legal action.

9. **THAT** we shall engage the National Government to ensure that resources for devolved functions are transferred to County Governments and not included as a vote in the Ministry of Agriculture budget.
10. **THAT** we propose that the 2013 Report of the Presidential Taskforce on Parastatal Reforms (the Abdikadir taskforce report) be presented to the President and released for immediate implementation.
11. **THAT** we shall engage the National Government to ensure that they invest in research and development in the agriculture sector as this is their primary mandate. This will support Counties with relevant research findings to use in implementing their functions and by that, transform the sector and the economy.
12. **THAT** the National Government shall ensure that County Governments are engaged through the Office of the Governor and the Council of Governors to ensure proper consultation during development of policies and legislations on devolved functions.
13. **THAT** we shall engage the Ministry of Agriculture, Presidential Task Force on coffee reforms and Parliament to review the implementation of the Coffee General Regulations 2019 and the Coffee Exchange Regulations 2020 to start its commencement on 1st November 2020 as opposed to 1st July 2021.
14. **THAT** with immediate effect, the Ministry of Agriculture and Capital Markets Authority shall ensure that the requirement of the

one million US Dollar bank guarantee is no longer a requirement to the farmers in coffee trading their coffee.

15. **THAT** Coffee growing Counties shall continue to support their farmers to increase their productivity as they push to increase the yield to the farmers.
16. **THAT** County Governments shall assist farmers to undertake direct marketing of farm produce effective 1st November, 2020.
17. **THAT** the Senate Standing committee on Agriculture, Livestock and Fisheries together with the Council of Governors jointly reject in toto the gazettelement of Sugar and Tea regulations for lack of compliance with the Constitution.
18. **THAT** we have resolved to reject over legislation in the agriculture sector.
19. **THAT** we shall have thematic conferences to address challenges in the various sub sectors in agriculture including but not limited to livestock, crops and fisheries.
20. That the Council of Governors and the senate commit to fight the cartels in the agrculture sector
21. **THAT** Senate shall work closely with the Council of Governors and will continue to defend Counties objectively while exercising its oversight role without compromise.

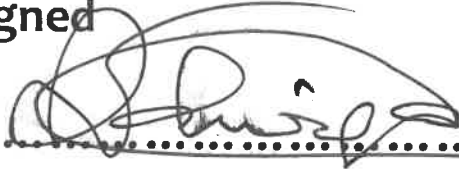
Signed



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H.E Hon Muthomi Njuki

Chairman, Agriculture
Committee, Council of
Governors

Signed



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Hon. Sen. Njeru Ndwiga

Chairperson, Senate Standing
committee on Agriculture,
Livestock and Fisheries

Date: 23RD OCTOBER 2020
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Chairman - COG.