



COUNCIL OF GOVERNORS

PRESS STATEMENT: ISSUES EMERGING FROM THE EXTRAORDINARY COUNCIL OF GOVERNORS MEETINGS HELD ON 19TH FEBRUARY, 2015

Members of the Press,

Citizens,

Today, the 19th February 2015, the Council of Governors held an Extraordinary Council meeting to deliberate on the nascent, but urgent, issues affecting devolution. We have had the opportunity to consider several matters that are of interest to County Governments, as enumerated below:

On the Judiciary:

The Council of Governors would like to appreciate the Judiciary for its support for the Constitution and the devolved system of government. This notwithstanding, we note that the Judiciary must continue to protect its integrity by maintaining high standards of judicial independence and impartiality. Noting the constant attacks forged against the success of devolution, the Judiciary must exercise outstanding courage in protecting the devolved system from legislative and political sabotage. The courts as the ultimate arbiters in all disputed matters must rise up to their mandate and ensure that the legitimacy of County Governments is preserved, now and in future.

On matters Health:

The Council of Governors would like to clarify its position with respect to the recently procured health equipment by the Ministry of Health. We express concern over the imposition of Memoranda of Understanding on health equipment that was procured without the consultation of County Governments. The Fourth Schedule of the Constitution has very clearly

assigned the county health services function to the County Governments. In this regard, the Ministry cannot take over the provision of certain medical equipment in county facilities without dialogue with the intended beneficiaries. This is tantamount to gross violation of the Constitution. The proposed MOUs should be reviewed to ensure that they conform to the spirit of the Constitution. Further, the principal contract between the Ministry and the equipment Providers must be availed so that all counties interrogate the same to ensure the principles of constitutionalism have been respected therein.

Despite the above, let it be clear that counties are not against provision of medical equipment to the counties. Our primary concerns are that County Governments must be informed on all the provisions of the parent contract. The issue of costs must also be clarified and the needs of counties must be factored before the signing of the agreements by County Governments.

On the Roads Equipment:

The Transition Authority (TA) has been carrying out a verification exercise on the serviceability of the roads equipment to be handed over to the counties as per the agreed ratio of 80:20. A preliminary finding of the TA reveals that most of the equipment are completely grounded or out of service and therefore will not be useful to the counties in any way.

The Council of Governors is of the view that all equipment, in their current state and whichever regions they are situate, must be released to counties immediately and thereafter the Council of Governors shall consult with the relevant National Government institutions for the servicing of the grounded equipment.

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