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ELEVENTH PARLIAMENT

NATIONAL ASSEMBLY – THIRD SESSION

Paper laid by  
Hon. (Ds.) Naomi Shabari,  
FGH, MP on 17/2/2016  
(pm)

THE HOUSE BUSINESS COMMITTEE

REPORT OF THE COMMITTEE'S BENCHMARKING VISIT  
TO ROME, ITALY

(NOVEMBER 23<sup>RD</sup> TO 27<sup>TH</sup>, 2015)

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## ABBREVIATIONS

- CoR - Conference of Regions
- EAC - East African Community
- EP - European Parliament
- EU - European Union
- UC - Unified Conference

# 1. PREFACE

## 1.1 INTRODUCTION

**Mr. Speaker Sir,**

The House Business Committee is established under the provisions of Standing Order 171 and is charged with the responsibility of: -

- preparing and , if necessary, from time to time adjusting the Parliamentary Calendar with the approval of the House;
- monitoring and overseeing the implementation of the House Business and programmes;
- implementing the Standing Orders respecting the scheduling or programming of the business of the House and the functioning of the Committees of the House;
- determining the order in which the reports of Committees shall be debated in the House;
- taking decisions and issuing directives and guidelines to prioritize or postpone any business of the House acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be; and
- considering such matters as may from time to time arise, in connection with the business of the House and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or, from time to time by the House.

The Committee is comprised of not less than twenty one and not more than twenty-nine members, besides the House Leadership, nominated by parliamentary parties and approved by the House at the commencement of every Session, reflecting the relative majorities of the seats held by each of the parliamentary parties in the National Assembly and taking into consideration the interests of Independents.

The House Committee is appointed within seven days on assembly of a new House. Each parliamentary party is required to include its Whip into the membership of the



House Business Committee. In the absence of the Speaker, the Deputy Speaker chairs the Committee.

During the 3<sup>rd</sup> session, the House Business Committee consisted of the following Members:

1. The Hon. Justin Muturi, EGH, MP - Chairperson
2. The Hon. Aden Duale, EGH, M.P. - Leader of the Majority Party
3. The Hon. Francis Nyenze, EGH, M.P. - Leader of the Minority Party
4. The Hon. (Dr.) Naomi Shaban, EGH, MP
5. The Hon. Katoo ole Metito, EGH, MGH, M.P.
6. The Hon. Jamleck Kamau, EGH, M.P.
7. The Hon. William Cheptumo, M.P.
8. The Hon. Eng. M. M. Maalim, CBS, M.P.
9. The Hon. David Were, M.P.
10. The Hon. Z. K. Cheruiyot, MGH, M.P.
11. The Hon. Mithika Linturi, M.P.
12. The Hon. John Serut, M.P.
13. The Hon. Cecilia Ngetich, M.P.
14. The Hon. Priscilla Nyokabi, M.P.
15. The Hon. Joyce Emanikor Akai, M.P.
16. The Hon. Johnson Sakaja, M.P.
17. The Hon. Florence Kajuju, MP
18. The Hon. KK Stephen K. Mburu, MP
19. The Hon. (Dr.) Victor K. Munyaka, M.P.
20. The Hon. Rachael Nyamai, M.P.
21. The Hon. Thomas Mwadeghu, M.P.
22. The Hon. Jakoyo Midiwo, MGH, MP
23. The Hon. Jessica Mbalu, M.P.
24. The Hon. Wafula Wamunyinyi, M.P.
25. The Hon. Peter Shehe, M.P.
26. The Hon. Makali Mulu, M.P.
27. The Hon. Dennitah Ghati, M.P.

28. The Hon. Gladys N. Wanga, M.P.
29. The Hon. (Dr.) Susan Musyoka, MP
30. The Hon. Ben Momanyi, MP
31. The Hon. Joash Olum, MP
32. The Hon. Khatib Abdalla Mwashetani, M.P.

## **1.2 Objective of the Visit to Rome**

### **Mr. Speaker, Sir,**

The Leadership of the National Assembly is in the process of reviewing the performance and challenges faced by the National Assembly over the past two years of the first parliament under the dispensation of the Constitution of Kenya 2010. In particular, the leadership was keen on seeking experiences from jurisdictions that have a similar architecture in processing legislation and other business in a bicameral Parliament. The key objective of the visit was to learn from this jurisdiction, ways of addressing procedural and operational challenges in a bicameral setup, while observing the principle of separation of powers among the three independent arms of government.

### **Mr. Speaker, Sir,**

The delegation had a successful visit where it had fruitful deliberations with various institutions in Rome including Non-Governmental Agencies. The institutions visited include: the Conference of the Regions and of Autonomous Provinces, Lazio Region, Constitutional Affairs Committee of the Chamber of Deputies, Constitutional Affairs Committee of the Senate and the Constitutional Court.

Members of the delegation included:

1. The Hon. (Dr.) Naomi Shaban, EGH, MP – Leader of Delegation;
2. The Hon. Jakoyo Midiwo, MGH, MP;
3. The Hon. Eng. M. M. Maalim, CBS, MP;
4. The Hon. John Serut, MP;
5. The Hon. KK Stephen K. Mburu, MP;
6. The Hon. Khatib Abdalla Mwashetani, MP;
7. The Hon. Alice Wahome, MP;
8. Mr. J.N. Mwangi – Director, Legislative and Procedural Services; and
9. Ms. Getrude Chebet – Clerk Assistant.

### 1.3 Thematic areas of the Study

The delegation focused on various thematic areas during the visit. They include:

- i. Operations and management of bicameralism, especially on the legislative processes in bicameral parliaments;
- ii. The operations and relationship between the executive and the legislature in a parliamentary system of government;
- iii. The management of devolution matters, with particular focus on the place of National Assembly in the relations between National and County Governments; and
- iv. The jurisdictional relationships between the two Houses of Parliament and the regional legislative organs, such as the European Parliament.

### 1.4 Acknowledgement

The Committee wishes to convey its appreciation to the Office of the Speaker and the Clerk of the National Assembly for facilitating the Committee to undertake this important study visit. We also acknowledge and thank the dedicated team of staff from the Kenyan Embassy to Italy for the unwavering support that they gave to the delegation during the period of the visit. The team comprised of:

- i. Mr. Charles Ooko - Second Counsellor;
- ii. Mr. Kahoro Kinaro – First Secretary; and
- iii. Mrs. Lara Leonardo – Interpreter.

**Mr. Speaker Sir,**

It is now my pleasant duty and privilege, on behalf of the members of the delegation to table this report and recommend it to the House for adoption.

SIGN: .....*Shaban*.....

HON. (DR.) NAOMI SHABAN, EGH, MP

LEADER OF DELEGATION

DATE.....*10/2/2016*.....



## **2. BACKGROUND INFORMATION ON THE ITALIAN GOVERNANCE STRUCTURE**

The Republic of Italy is composed of the Municipalities, the Provinces, the Metropolitan Cities, the Regions and the State. Municipalities, provinces, metropolitan cities and regions are autonomous entities having their own statutes, powers and functions in accordance with the principles laid down in the Constitution. Rome is the capital of the Republic. Which was recently granted a special status, which allows more money to be directly used for the wellness of the capital. Its status is regulated by State Law.

### **2.1 The Executive**

The head of state is the President of the Republic. He is elected for seven years in a secret ballot by a two-thirds majority of the Parliament sitting jointly with 58 regional delegates. If after three rounds of voting no candidate can secure a two-thirds majority, then for further rounds a simple majority will suffice.

The Italian President of the Republic heads the armed forces and has powers to veto legislation, disband parliament and call elections. He nominates the senior Government minister, called the President of the Council (equivalent to the British Prime Minister).

The executive power is exercised by the President of the Council who is nominated by the President of the Republic and approved by the Parliament. He appoints the other ministers with the approval of the President of the Republic. The Government ministers make up the Council of Ministers. In Italy, anyone can be appointed a minister, regardless of whether they are a member of the Parliament or a political party.

### **2.2 The Chamber of Deputies**

The lower house in the Italian political system is the Chamber of Deputies (an equivalent of the National Assembly in Kenya). It has 630 members. 617 members are elected by proportional representation from party lists for each of 26 districts.

Another Deputy is elected in the Aosta Valley (a mountainous region in north-western Italy).

A peculiarity of the Italian Parliament is the representation given to Italians who are permanently living abroad (about 2.7 million people). Therefore, in addition to the 618 nationally elected Deputies, there are 12 others elected in four distinct foreign constituencies.

The term of office of Deputies is five years, but the Parliament may be dissolved by the President before then, if it proves impossible to form a stable government. The next election is due in 2018.



The Chamber of Deputies sits in the palace; *Palazzo Montecitorio*.

### 2.3 The Senate

The upper house in the Italian political system is the Senate which has equal legislative rights to the Chamber of Deputies. It has 315 elected members.

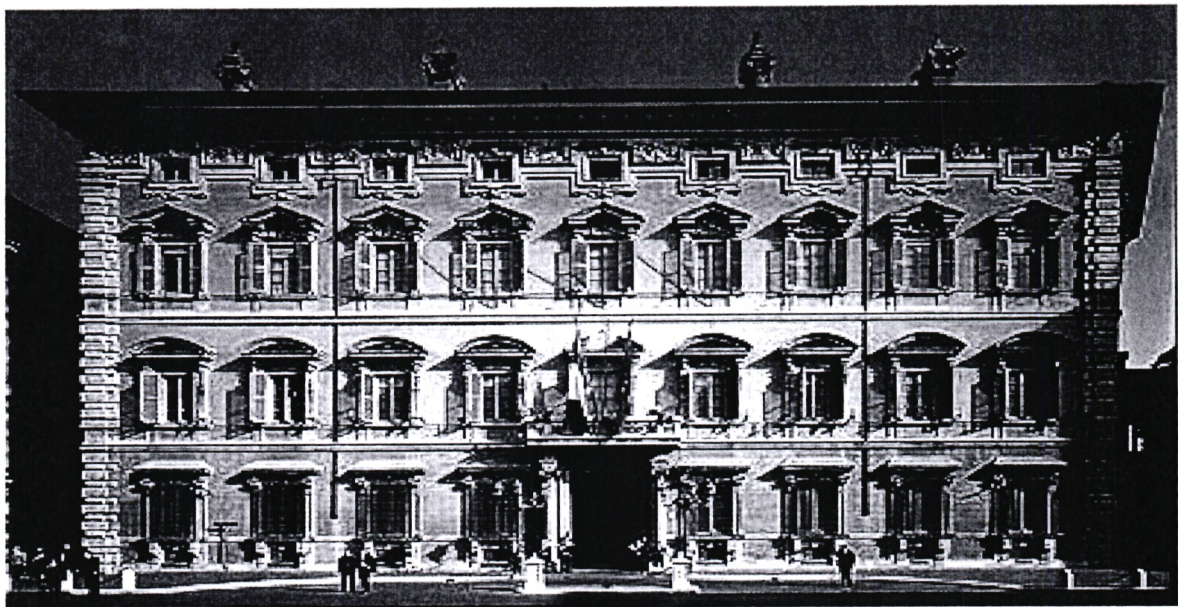
309 members are elected by a system of proportional representation system based upon party lists for the 20 regions of Italy. The minimum age for candidates is 40.



As mentioned earlier, a peculiar oddity of the Italian Parliament is the representation given to Italians abroad. Therefore, in addition to the 309 nationally elected Senators, there are 6 elected in four distinct foreign constituencies.

The term of office of elected Senators is five years,

Besides the 315 elected Senators, the Senate includes former Presidents and 'Senators for life' (no more than five) who are appointed by the President of the Republic according to special constitutional provisions. Currently the appointed senators are a scientist, a leading architect a former premier and a Nobel Peace Prize laureate.



The Senate sits in the palace; *Palazzo Madama*.

The Presidents of the Senate and Chamber (the Speakers) are nominated by parliament.

## 2.4 The Judiciary

The Constitutional Court of Italy is the country's Supreme Court. It is composed of 15 judges: one-third appointed by the President, one-third elected by Parliament, and one-third elected by the ordinary and administrative supreme courts.

## 2.5 Regions

At the local level, Italy is divided into 20 regions headed by Governors, five of which have special powers: Sicily, Sardinia, Valle d'Aosta, Trentino Alto Adige and Friuli Venezia Giulia. These regions, referred to as "Regioni a Statuto Speciale", have more legislative and financial autonomy than the others, due to relevant geographical and cultural specific features outlined in the Italian Constitution.

Regions are further divided into provinces, which are comprised of a city, several towns and villages. Cities, villages and towns are led by mayors and local councils, who are elected directly by citizens.

The Regions have legislative powers in all subject matters (defined by their statutes) and are not expressly covered by State Legislation.

## 3. HIGHLIGHTS OF THE PRESENTATIONS DURING THE VISIT

### 3.1 Meeting with Officials from the Conference of the Regions and the Autonomous Provinces

The Conference of the Regions is a voluntary non-governmental organisation which limits the autonomy of the Regions and ensures that all Regions are represented in decision making and that all decisions agreed upon at the State-Region Conference are implemented.

#### i. Relationship between the National Government and the Regions

**National Government:** keeps exclusive jurisdiction in those matters specifically identified in the Constitution but sets the general principles in those matters where there is concurrent jurisdiction with the Regions. These matters include:

- Foreign Policy and International Relations;
- Immigration;
- Relations of the State with religious groups;
- Defence and armed services;
- Money, savings and financial markets;

- State bodies and Corresponding electoral laws, State referenda and election to the European Parliament;
- State administration;
- Public order and security except local police administration;
- Citizenship, civil status and registry;
- Determination of minimum standards of Civil and social rights that shall be guaranteed throughout the national territory;
- General education standards;
- Electoral legislation, main bodies and functions for municipalities, provinces and metropolitan areas;
- Customs, protection of National Borders and international prophylaxis;
- Weights and measures and time standards;
- Coordination of the statistical and information system (central, regional and local);
- Products of human ingenuity;
- Environment and ecosystem protection; and
- Cultural heritage protection.

**The Regions:** have jurisdiction in every matter which is not explicitly reserved to the State. In matters of concurrent jurisdiction, Regions can legislate within the general principles set by the National Government. These matters include:

- International and EU relations of the Regions;
- Foreign trade;
- Protection and security at work;
- Education except scholastic education and vocational training;
- Professions;
- Scientific and technological research as well as support to innovation in productive sectors;
- Protection of Health;
- Food;
- Sports;
- Civil protection;



- Town planning;
- Civil ports and airports;
- Large scale transport and navigation networks;
- Communications;
- Energy production, transportation and distribution;
- Complementary social welfare;
- Public accounts harmonization, coordination of public finances and taxation system;
- Development of cultural and environmental resources;
- Regional savings bank, rural banks, and credit agencies; and
- Regional land and agricultural credit institutions.

## ii. **State, Regions and Local Governments: The Current State-of-Play**

The relationship between the State, Regions and Local Governments is governed by regularly held **State-Regions Conferences** (that are called **Unified Conferences**, where Local Governments are also involved).

During these Conferences, official positions and agreements are taken with regard to the decisions or the proposals being adopted / advanced by the National Government (in the form of Legislative Proposal, Ministerial Decree, Legislative Decree, Decree of the President of the Council of Ministers, Decree of the President of the Republic, allocation of funds, etc.)

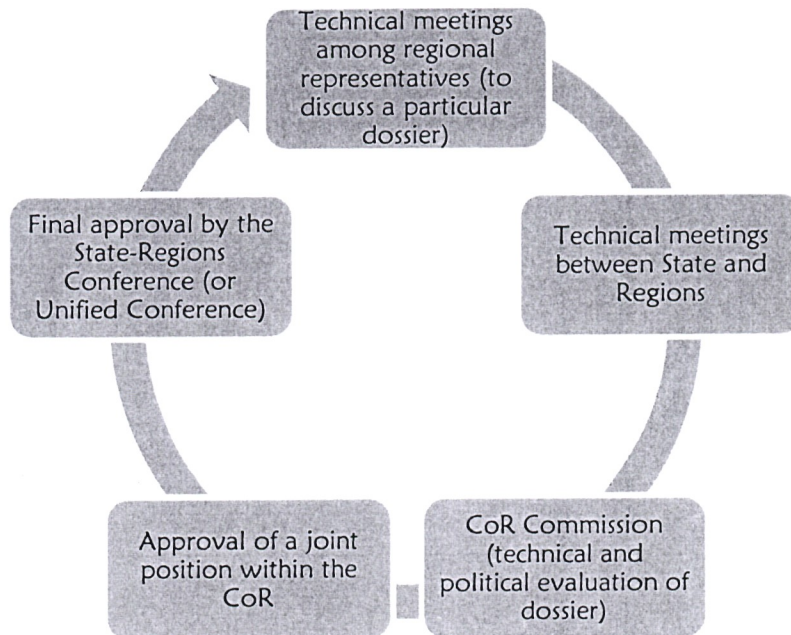
## iii. **Inter-Regional Relationship**

In order to advance their agenda at the State-Region Conference, Regions meet at the Conference of Regions and the Autonomous Provinces every so often (where all the Regional Governors are called to a round-table), the purpose of which is to take joint positions on different issues to be considered during State-Region Conferences.

The Conference of Regions is organized in Thematic Commissions, dealing with different dossiers from a technical and political point of view. First technical meetings are held among regional representatives to discuss a particular dossier. This is

followed by technical meetings between representatives from the State and the Regions then the Conference of Regions conducts a political evaluation of the dossier and approves it jointly. The final approval of the dossier is done by the State-Regions Conference which is also referred to as the Unified Conference.

#### iv. State-Regions Model



Fourteen (14) years after the Constitutional reform a new institutional and governance model was designed. Ten (10) Metropolitan Cities were established to represent a key component of the new multi-level governance model. These metropolitan cities are going to substitute the Provinces once the reform is fully implemented. This implies that all the provinces will be abolished.

### 3.2 Meeting with the Constitutional Affairs Committee of the Chamber of Deputies and the Senate

The Italian Government is in the process of instituting further constitutional reforms. The constitutional reforms are informed by, among others, the need to review the functions of the State and the Regions. The lack of a clear definition of functions



between the State and the Regions has over the years brought about many cases of conflict of roles that have had to be solved by the Constitutional Court.

If passed, the the proposed Constitutional reforms will reduce the functions of the Regions and more functions will be given to the State. According to the proposed Constitutional reform, Regions will have less capacity to legislate on the fundamental functions of Provinces and Metropolitan Cities. Further, Provinces will cede their functions in favor of Regions and Metropolitan Cities.

**a) Some of the Major reforms proposed include:**

**i. Abolition of the Senate**

The senate as constituted currently will be abolished to pave way for an autonomous Senate. This is envisaged to solve the problem of perfect bicameralism where the two Houses of Parliament perform exactly similar functions. With the reform, the Senate will no longer have the same role as the Chamber of Deputies neither will it be entitled to approve Government i.e. the Premier and the Council of Ministers.

**ii. Senate will have limited legislative power**

Currently the legislative process is characterised by a back and forth shuttle between the two Houses until they arrive at a Bill with exactly similar texts. If the Houses realise there is no possibility of an agreement the Bill dies. A bill can originate from either House. Similarly, a Government Bill can be submitted to either House.

The Constitutional reform process seeks to move beyond perfect bicameralism, but the New Senate, or the Representative Chamber of Territorial Institutions (as it will be renamed) will continue to take part in the legislative process in a new way. The consideration of new bills will start at the Chamber of Deputies but after the first reading, will transmit to the Senate for scrutiny.

The Senate will be free to choose whether to examine or not, the bills transmitted. The bill can be determined, within 10 days, at the request of one third of its members. When the decision is taken, the examination ends with the approval of the

amendments proposed, and the Chamber of Deputies will then decide whether to include them or not in its final approval.

However, an enhanced procedure is envisaged for the laws that are meant to protect the national interest in matters that concern Regions. In such a case, the Chamber can modify the Senate's proposals with an absolute majority.

### **iii. The Senate will have an oversight role**

The reform, if passed, will provide the senate an enhanced oversight role since it will no longer elect the Government and hence will not necessarily share its ideals. It will also play an oversight role in the application of state laws as well as express opinions on the appointments made by the Government.

Further, the new Senate will act as a link between the State and the European Union. It will be able to supervise the implementation of European Union's resolutions by the State. This will in turn enhance the relations between Italy and other EU countries.

### **iv. The composition of the Senate will change**

The reform envisages the New Senate as an elected body composed of, at most, 100 members: 95 elected by the local bodies and 5 appointed by the President of the Republic (the latter will be in office for seven, non-renewable years).

A majority of the current Senators are in agreement that its time the Senate is reformed. According the Constitutional Affairs Committee of the Senate, the reform is welcome especially since it has come at a time when there's too much legislation and little or no monitoring. In as far as the citizens are concerned, the referendum would provide them a moment to exercise their democratic right.

### **b) Other Reforms**

The legislative power of the National Government would be increased in that some competencies that were under the jurisdiction of the Regions will be returned to the National Government.

A supremacy clause would be introduced where the National Government can make laws that are under the jurisdiction of the Regional Government if the State deems the subject is of interest to the people.

**c) Why a referendum?**

A popular vote was necessary to pass the reforms hence the decision by the Government to put the reform to a referendum. Parliament has been able to reform the Constitution previously through conference laws and legislation decree. However, in this case, a wider consensus was needed.

### **3.3 Meeting with the President of the Italian Constitutional Court**

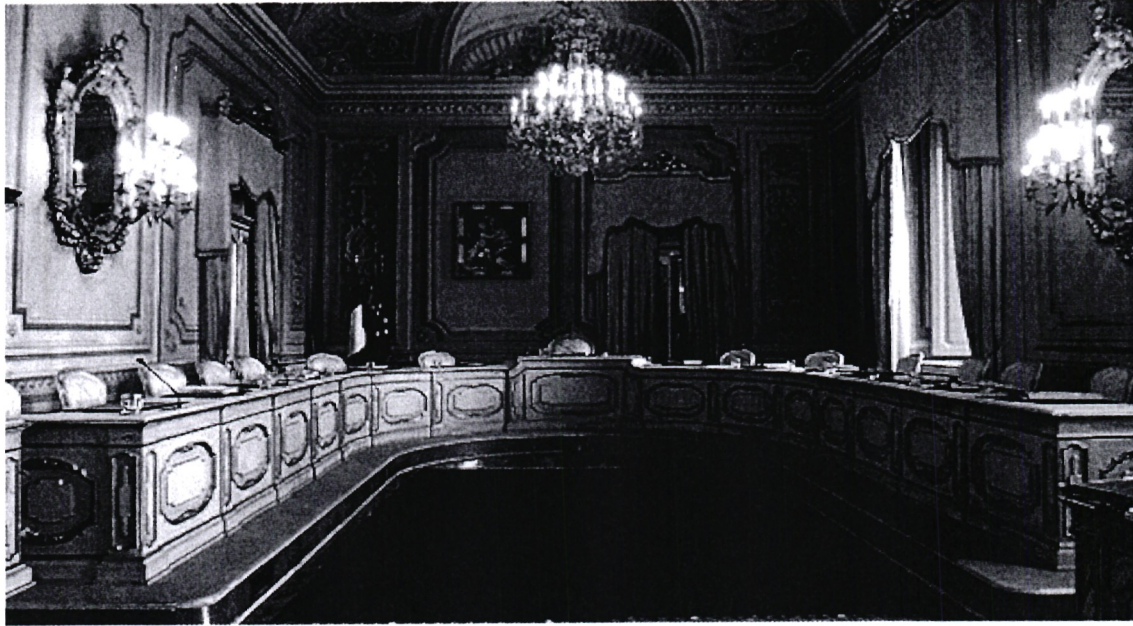
**a) Composition of the Italian Constitutional Court**

The Italian Constitutional Court is composed of the President who is chosen from the Court by its own members for a term of three years and fifteen (15) judges five (5) of whom are chosen by Parliament in an ordinary session, five (5) are appointed by the President and five (5) are elected by the ordinary and administrative supreme courts for a term of nine (9) years.

**b) The Role of the Italian Constitutional Court**

- i. The main role of the Constitutional Court is to review the Constitutionality of laws. The Court rules on controversies or disputes regarding the constitutional legitimacy of the laws and acts having the force of law issued by the State and the Regions.
- ii. The Court also oversees the constitutional enactment of State or regional law in order to ensure that the regulations contained in these documents do not have substantial mistakes. Further, the State as well as the Regional Committees can prevent the enactment of Regional Laws viewed to be unconstitutional by presenting the case before the Constitutional Court.





A view of the Constitutional Court's *Salla delle Udienze*.

- iii. The National Council of Magistrates can also ask the Constitutional Court to examine the constitutionality of a law passed by the assemblies. The Court has the power to stop the implementation of a law only once it has been passed except those laws relating to elections, which can be stopped before their passage.
- iv. The Constitutional Court also considers cases brought to its attention by judges when there's a case pending determination and there's need to apply a statute whose constitutionality is in question.
- v. The Court is also charged with the responsibility of passing judgement on the permissibility of any referendum requested for the total or partial abrogation of a law or an act having the force of law of the State.
- vi. Regarding cases arising out of separation of powers, the Court is called upon to arbitrate among organs of government when those organs claim that the powers assigned to them by the Constitution have been encroached upon by another arm of government. The Italian Constitution is designed to ensure that an arbitral body impartially applies the rule governing the allocation of powers, such disputes have also been entrusted to the Constitutional Court.

- vii. Finally the Constitutional Court adjudicates criminal charges against the Head of State or Members of the Government for crimes committed in the course of the exercise of their functions.



Members of the Kenyan delegation with Mr. Alessandro Criscuolo, President of the Italian Constitutional Court when they paid him a courtesy call

### c) The Court and Legislative Discretion

Seldom are cases where Parliament makes a questionable legislation which if a judge is called upon to apply, they would have to refer it to the Court for a review of its constitutionality. Should there be such circumstances, the Court must strike a delicate balance between its duty to engage in judicial review (to guarantee observance of constitutional principles even against the wishes of parliamentary majority), and respect of legislature's right to make political choices which it considers to be in the best interests of the country, and which the Court has no right to obstruct even if it considers them unwise.

The Constitutional Court is autonomous in the sense that it has the power to adopt regulations that govern its internal operations.



### **3.4 Meeting with Officials of the Lazio Region**

Lazio, just like all the other Regions, is autonomous and has legislative powers in every matter which is not expressly attributed to the State. In matters of concurrent jurisdiction, the State only sets fundamental principles by which the Region Legislates.

The autonomy of Lazio is to the extent that it can have bilateral relations with other countries in the sense that it can receive and send delegations to other countries with the approval of the Ministry of Foreign Affairs.

The Region can exchange ideas and best practice with other countries. However, decisions regarding grants and funding is decided at the national level.

#### **a) Information about the Main Sectors in Lazio**

##### **i. Social and economic context of Lazio**

Lazio is the second largest region in Italy in terms of wealth produced (11.4% of domestic GDP) and one of the largest in the EU (1.3% of EU GDP). Regional per capita GDP (EUR 31,697) is over EUR 5000 higher than the national figure.

Lazio has a population of 5,870,451, of whom 48% are men and 52% women. The region covers an area of 17,232 km<sup>2</sup> and it includes 378 municipalities in 5 provinces. The regional capital, Rome, has a population of 2,863,322, 49% of the regional total.

Between 2007 and 2014, Lazio's foreign exports grew from EUR 13.5 to EUR 18.3 billion, a rise of 35.8% compared to a much more contained increase of 9.1% for Italy as a whole.

The top three export sectors are:

1. Chemical-pharmaceutical, 10 billion (54%)
2. Electronics, 1.4 billion (8%)
3. Automotive, 1.3 billion (8%)

## **ii. Regional production system**

Lazio region is home to major IT, pharmaceutical and telecommunications companies active on foreign markets, with 741 multinationals employing almost 150,000 people. It has more than 2,277 companies with foreign shareholdings.

Lazio was home to more than 628,000 companies in 2014, over 10% of the national total. Growth was particularly significant at 1.8%, which is higher than the national average of 0.5%.

Almost half of Lazio companies (46.3%) operate in the services sector which accounts for 37.2% of the service industry of Italy.

This is followed by commerce (Lazio 26.4%, Italy 25.6%), construction (Lazio 14% , Italy 14.3%), agriculture (Lazio 7%, Italy 12.7%) and industry (Lazio 6,3%, Italy 10.2%).

## **iii. Regional specialisations**

### **Aerospace**

Lazio is one of Europe's leading centres of aerospace excellence, with a turnover of EUR 5 billion, EUR 1.1 billion of exports, 250 companies and 30,000 employees.

In terms of industrial capabilities, the region contains aerospace companies of international excellence in the fields of electronics, sensors, avionics, components and innovative materials, "space" and applications and satellite services that play a leadership role.

The region also boasts of:

- i. 10 major Research Institutes/Bodies (ASI, CNR, ENEA, CSM, ESA-ESRIN, INFN, INAF, INGV, CAA, RSV);
- ii. 4 Science and Technology Parks;
- iii. 5 universities with 4 Faculties of Engineering, 12 departments and 30 higher education university programmes; and
- iv. 3,000 university professors, researchers and other specialists involved in aerospace research.

## Life Sciences

The regional bioscience industrial system comprises 230 companies with 18,000 employees and EUR 8 billion of exports.

The region also has:

- Over 10,000 specialists involved in basic and applied research (25% of the national total)
- 8 universities (6 public and 2 private) with scientific departments of biomedicine
- 13 public research bodies
- 3 European Research Institutes
- 10 major private research centres
- 46% of Italy's institutes, clinics and university hospitals

The main Life Sciences sectors are:

- “biotechnology/pharmaceutical”
- “biomedical/medical devices”
- “computer science applied to biomedicine and the social and health care services”
- “wellness/wellbeing”

## Cultural and tourism industry

Lazio, with the presence of Rome, boasts the most important cultural heritage in the world. Indeed, the region is one of the main international and domestic tourism destinations, with about **20 million tourists a year**.

According to UNESCO, more than **50% of Italy's historic and artistic heritage** is located in Lazio.

The region's cultural production system features:

- 102 state owned museums, monuments and archaeological sites

- 65 municipal and provincial museums
- Over 1,800 businesses in the Cultural Heritage sector
- More than 30,000 businesses linked to cultural tourism
- 9 universities (5 public and 4 private)
- 4 central institutes of the Ministry of Heritage and Culture and Tourism (MiBACT)
- 3 primary research organizations (ENEA, CNR and INFN)
- Over 1,400 public researchers in humanities and sciences

Lazio's production sector is specialized in the development of knowledge, products and services connected to the various stages of the value chain, from knowledge, diagnostics, conservation and restoration to the appreciation, enjoyment and management of cultural heritage.

### **Digital Creative Industries**

The creative industries, despite lacking an official definition, are active in a long list of creative areas, such as: Film, Video and Photography; TV and Radio; Music and Entertainment; Advertising; Design and Architecture; Fashion; Publishing; Arts and Crafts; Gambling and Betting.

Lazio is a key economic area, particularly in a number of audiovisual sectors. Indeed Lazio produces 80% of the national total and including the ICT industry employs almost 120,000 people. According to figures from the ECO (European Cluster Observatory), Lazio is in sixth place among European regions in terms of employment.

Lazio is home to the major national TV broadcasters and most TV series made by the Italian film industry.

### **Agriculture**

Lazio's food and agriculture system represents 5% of the national total with an **annual turnover of 6.3 billion**, 3% of the total wealth of the entire regional economy.



Lazio is home to over **3,400 businesses** employing almost 17,000 people, with **exports of EUR 550 million**.

The region's food and agriculture industry has a wide range of high quality of products, a strong link with the territory and with cultural heritage, high safety standards, and revenue growth since 2013.

The region also hosts important **logistics platforms** such as the Rome Agrifood Centre (**CAR**), and The Fondi Fruit and Vegetable Market (**MOF**) that makes Lazio an important source of food products.

### **Fashion**

In Lazio, the textile, clothing and fashion industry occupies a significant position and boasts excellent quality. One need only think of the importance of Rome in high fashion; the city of Rome is, in fact, the seat of the best international houses of couture.

Its territory and vast resource of creativity within the sphere of fashion, art and design represent a great potential for Italian fashion in terms of image, industrial resources, creativity and culture.

There are 2000 companies in the textile and clothing sector in Lazio that employ almost 7 thousand people.

Exports of textile and clothing products amounted to almost 642 million euros in 2014, or a growth of +7% over 2013.

### **Design furnishings**

The segment of design furnishings encompasses a multitude of significant types of production in the regional territory.

In fact, within the production chain there is a concentration of companies specialising in the manufacture, cutting and finishing of ornamental stones as well as stones for building, with two production centres pertaining to Roman travertine and Korean pearl marble.



Also relevant is the production of ceramics, with specialisations in tableware and sanitary fixtures.

There are 4,500 companies in the sector of design furnishings in Lazio that employ almost 15 thousand people.

### **Green Economy**

The sector of green economy is in sharp expansion across Italy and especially in the region of Lazio.

Lazio ranks in fourth place in the national classification, at approximately 27 thousand companies that invested in green technological products (8% of the national total) between 2008 and 2013.

In addition, Lazio is the seat of the largest national and multinational companies in the utility sector, such as Enel, Eni, Terna, RTR Rete Rinnovabile, with thousands of specialists employed in their technical departments.

These are combined with the very extensive and often cross-sectorial chain of companies engaged in technological development and industrial application, with specific expertise in Engineering & Construction (E&C), Technology & Licensing and Energy & Ventures systems for intelligent, integrated water, waste and hydrocarbon management (Oil & Gas, Petrochemicals, Fertilizers), plants and energy networks.

## **4. THE DELEGATION'S OBSERVATIONS FROM THE VISIT**

- i. Regarding operations and management of bicameralism, especially the legislative process, the Committee established that the Italian Parliament practices perfect bicameralism where the two Houses of Parliament perform exactly similar functions. Their legislative process is characterised by a back and forth shuttle between the two Houses until they arrive at a Bill with exactly similar texts. If the Houses realize there is no possibility of an agreement the Bill dies. This, the Committee thought was a long and tedious process.
- ii. Concerning the operations and relationship between the executive and the legislature, it was established that in the Italian experience, the President is

elected by a two-thirds majority of the Parliament sitting jointly with 58 regional delegates. If after three rounds of voting no candidate can secure a two-thirds majority, then for further rounds a simple majority would suffice. The President of the Republic has powers to veto legislation, disband Parliament and call elections.

- iii. Pertaining the management of devolution matters, with particular focus on the place of Parliament in the relations between National and County Governments, the delegation learnt that the National Government keeps exclusive jurisdiction in those matters specifically identified in the Constitution, but sets the general principles in those matters where there is concurrent jurisdiction with the Regions. The Regions (equivalent to County Governments) on the other hand, have jurisdiction in every matter which is not explicitly reserved to the State. In matters of concurrent jurisdiction, Regions can legislate within the general principles set by the National Government.
- iv. Italy has an autonomous Constitutional Court whose main role is to review the Constitutionality of laws. The Court rules on controversies or disputes regarding the constitutional legitimacy of the laws and acts having the force of law issued by the State and the Regions.

There exists a unique relationship between the roles of the Constitutional Court of Italy and the legislations passed by Parliament. Though seldom, there are cases where Parliament makes legislation whose constitutionality is in question which if a judge is called upon to apply, they would have to refer it to the Court for a review.

In such circumstances, the Court strikes a delicate balance between its duty to engage in judicial review (to guarantee observance of constitutional principles even against the wishes of parliamentary majority), and respect of legislature's right to make political choices which it considers to be in the best interests of the country, and which the Court has no right to obstruct even if it considers them unwise. It should be noted, however, that for such a situation to arise,

there must be a pending case in which a judge needs to apply the law in question.

- v. Regarding the composition of the Italian Parliament, the delegation learnt that the Italian Parliament includes a representation given to Italians who are permanently living abroad (about 2.7 million people). Therefore, in addition to the nationally elected Members, there are twelve (12) other Deputies and six (6) Senators elected in four distinct foreign constituencies.
- vi. As regards the jurisdictional relationships between the two Houses of Parliament and the EP, there are seventy-three (73) elected members from Italy at the European Parliament. Twenty-eight (28) of these representatives are Members of EU's **European Economic & Social Committee** which is an advisory body representing employers, workers and other interest groups. The body is consulted on proposed laws regarding possible changes to work and social situations in member countries.

Italy also has twenty-four (24) representatives in the **Committee of the Regions**, the EU's assembly of regional and local representatives. This advisory body is consulted on proposed laws, to ensure the laws take account of the views from each region of the EU.

Government ministers meet regularly at the Council of the EU to adopt EU laws and coordinate policies. Council meetings are regularly attended by representatives from the Italian Government, depending on the policy area being addressed.

If the proposed constitutional reforms are passed, the new Senate will act as a link between the State and the European Union. It will be able to supervise the implementation of European Union's resolutions by the State. This is envisaged to enhance the relations between Italy and other EU countries.





## 5. RECOMMENDATIONS

- i. There's need to enhance the relationship between the National Assembly and the Judiciary to ensure that while the Judiciary retains its autonomy in determining the constitutionality of laws enacted, the respect of the legislature's right to make political choices which it considers to be in the best interests of the country legislations is upheld, even in cases where constitutionality of the legislations passed is in question.
- ii. Considering the tedious system in law making that characterises perfect bicameralism, there's need for the two Houses of Parliament to review their respective roles as provided for in the constitution to ensure that resources and time is not lost while carrying out parallel processes.
- iii. Given the great number of Kenyans living abroad(estimated to be about 3 Million Kenyans according to the 2014 Kenya Diaspora Policy), and whose contribution to the Kenyan economy in form of diaspora remittance and technology transfer is immense, this report recommends that the National Assembly considers amending the law to accord representation to the Diaspora constituency.
- iv. Every life of Parliament witnesses the pre-mature retirement of members of Parliament, who lose seats, but whose contributions in that life of Parliament has been tremendous. There are also retirees in other sectors of public service who have made outstanding contributions in their areas of service and their experience and knowledge remains an invaluable asset to Parliament. In this light, this report recommends that Parliament considers a provision for nomination of such citizens in either Houses Parliament so that they may continue to enrich the legislative role of Parliament.
- v. In view of inadequate capacity for the County Assemblies to enact laws that are devoid of contravention of their mandate, this report recommends that the National Parliament develops a guidance in form of general principles that will guide how County Assemblies make laws that are constitutional and within their mandate.





- vi. As regards the jurisdictional relationships between Parliament and Regional Blocs such as the EAC, there is need for Kenya to nominate representatives who possess vast knowledge and experience in the area of economic integration to ensure that they advance the views of the country at the regional level.

SIGN: .....*Shaban*.....

HON. (DR.) NAOMI SHABAN, EGH, MP  
LEADER OF DELEGATION

DATE.....*10/2/2016*.....