



THE COUNTY ASSEMBLIES FORUM (CAF)

LEGISLATIVE CONFERENCE

Concept Note

1.1 Mandate

The Constitution of Kenya provides for a devolved system of government, which is designed to promote democratic and accountable exercise of power, involve citizens in governance by providing amply for public participation. The 47 County Governments include an Executive and County Assembly. The membership of the County Assembly includes ward representatives elected directly by the people, representatives of special interests, including persons with disability, women, and youth, who are nominated by political parties in proportion to seats garnered at the general election. The Assembly also includes a Speaker, who is an ex-officio member. The County Assembly has the express mandate under Article 185 of the Constitution of Kenya, 2010 of law making, representation, and oversight **over the County Executive Committees and other executive organs.**

The County Assemblies Forum (CAF) was formed in 2014, expanding the membership of the earlier formed County Assemblies Speakers Forum (CASF) to include Members of The County Assemblies.

The primary mandate of CAF is to promote networking and synergy amongst the 47 Assemblies, coordinate intergovernmental relations and enhance good practice in legislative development.

1.2 Governance Structure

There are four main levels in the structure of CAF:

1.2.1 The General Assembly is the supreme organ of CAF and it comprises of the 2,249 Members of the 47 County Assemblies of Kenya and the Governing Council and the Executive Committee undertakes all initiatives and decisions in the best interest of the membership of the general assembly.

1.2.2 The Governing Council is composed of all speakers and two other elected/nominated members from each of the 47 county assemblies. It considers and makes recommendations on the implementation of the policies of the Forum and proper execution of its programs.

1.2.3 The Executive Committee comprising of 20 members whose composition include ten Speakers of county assemblies and Ten members including three Deputy Speakers. The Executive Committee works through 5 sub-committees namely; Inter-Governmental Relations, Legal and Research, Finance and Administration Member Services and Communication.

1.3 Management

The **CAF Secretariat** is headed by a Chief Executive Officer and consists of a team of legislative officers and a finance and administrative department. The team works with a vast array of consultants who provide technical support as needed. The finance and administration sub committee of the executive committee manages the secretariat.

2.0 THE 2016 LEGISLATIVE SUMMIT

The 2016 Legislative Summit, which will be held in May 2016 in Mombasa County marks the third anniversary since the coming into effect of a devolved Government in Kenya. This will be an opportune time to take stock of the success and challenges that have been achieved this far and identifying the challenges within the framework of the principles and practice of the legislative process.

The summit will also provide a platform for development of action plans and *Way Forward* on identified key areas of challenge.

2.1 Theme

The Summit will be anchored on the theme; ***“Deepening Devolution through Representation.”***

2.2 Venue and Dates

The summit is scheduled for 16th -18th May, 2016, in Mombasa County

Preferred venue: Paradise Inn, North Coast, Flamingo Beach Resort, Pride Inn Hotel.

2.3 Objectives

The summit will serve the following objectives:

- 2.3.1 To share outputs and outcomes of their representation, oversight and law making function.
- 2.3.2 To deepen dialogue and shared learning on the role of county legislatures.
- 2.3.3 To develop strategic partnerships with critical stakeholders including citizens, state and non-state actors for legislative development.

2.4 Specific Areas of Coverage at The Legislative Summit-

Eight plenums are proposed as follows:

- 2.4.1 ***Public Participation in the Legislative process***, What is it, What qualifies as adequate participation- standards and best practice; What examples can be shared from The Assemblies; Measures towards reaching a higher standard; Role of Non State Actors.
- 2.4.2 ***Governance and Institutional Capacity of County Assemblies***, An effective County Assembly- Institutional capacity; Academic and conceptual ability particularly for oversight and law making; Incapacity brought about by inadequate resource allocation; Capacity development measures so far and gaps, as well as measures towards addressing these gaps;
- 2.4.3 **Lessons in Inter Governmental Relations**
 - The experience of the county assemblies;
 - The role of The Senate, Independent offices and Constitutional Commissions

- Devolution Jurisprudence; The impact of court rulings on the implementation of devolution- discussion of specific examples
- 2.4.4 **Achieving Equitable Representation in the County Assemblies;** Addressing concerns of marginalization
- Gender Mainstreaming
 - Youth Representation
 - Representation of Persons with Disabilities
 - Role of political parties
- 2.4.5 **Legislating Emerging issues**
Focus on:
- Environment and Natural Resource Management, including Climate Change and the management of extractives
 - Conflict management and countering violent extremism through
 - Addressing alcohol and substance abuse through legislation
- There are proposed three separate plenums for each of the above areas*
- 2.4.6 **Equitable Development and Service Delivery;** The role of the County Assemblies; Accountability and challenges in practice; The process of decision making vis a vis resource allocation for ward development and sectoral activities
- 2.4.7 **Ethics, Integrity and Corruption:** Concerns in the context of devolution; Drivers of corruption; Tackling the challenges; Instituting ethical frameworks in institutions
- 2.4.8 **Constitutional Referendum- The place of County Assemblies**

3.0A Legislative Booth

There will be a booth/ cafe to show case specific best practice examples on oversight, law making and representation through publications, including video footage.

4.0 Organization of the Legislative Summit

To achieve the objectives stated above, CAF has designed a program that will ensure that members of the county assemblies are adequately involved in the dialogue; interact positively with one another and with citizens and stakeholders including devolution experts.

One of the uses of the booth will be to show case various outputs depicting the Impact of County Assemblies over the last three years: Tracing impact of specific law making, representation and oversight on social economic development- specific examples from the Counties.

5.0 Structure of The Summit

5.1.1 Administration and Logistics

- Invitations will come from CAF at least one month ahead of the summit dates- CAF Secretariat. This invitation will require that the Assemblies take care of the costs of accommodation, travel and subsistence for the duration of the conference
- Reservation of the conference venue, and contracting of all suppliers and consultants must take place at least two weeks to the event-

- Registration of participants will take place on the morning of Monday 4th April., along clusters.

5.1.2 The Opening Ceremony

On the morning of 4th April, a formal opening ceremony will be held. For this ceremony, CAF is responsible for the design of the opening ceremony, including invitation of Key-note Speakers. The following are suggested:

- President/ Deputy President
- Former Prime Minister
- Speaker of The Senate
- Speaker of The National Assembly
- The Chief Justice
- The CS- Devolution and Planning
- CAF Leadership
- The Chairperson of The Council of Governors
- The Chairperson of The Intergovernmental Technical Committee
- Representative of the Majority and Minority Leaders (Or Governing Council member)
- Leader of the Women Legislators

From there, members will break for lunch and resume for the plenums in the afternoon.

5.1.3 The Plenums on Day One

There will be three concurrent plenums taking at least two hours on the afternoon of the first day of the summit. There will be expert moderators and discussants for each of the plenaries, drawn both from the vast field of experts and from the county assemblies. There will also be a rapporteur assigned to each plenum, whose notes will be used to play back the discussions and resolutions during the closing ceremony of the summit. There will thus be a lead rapporteur for the entire process.

Plenum One: *Public Participation in the Legislative Process*; What is it, What qualifies as adequate participation- standards and best practice; What examples can be shared from The Assemblies; Measures towards reaching a higher standard; Role of Non State Actors

Plenum Two: *Governance and Institutional Capacity of County Assemblies*; An effective County Assembly- Institutional capacity; Academic and conceptual ability particularly for oversight and law making; Incapacity brought about by inadequate resource allocation; Capacity development measures so far and gaps, as well as measures towards addressing these gaps;

Plenum Three: *Achieving Equitable Representation in the County Assemblies*; addressing concerns of marginalization

- Gender Mainstreaming
- Youth Representation
- Representation of Persons with Disabilities
- Role of political parties;

5.1.4 The Plenums on The Morning of Day Two

There will be three concurrent plenums on the morning of day two of the summit. Members and participants will be led into the rooms where the morning plenums will be held. There will be no joint plenary.

Plenum One: Lessons in Inter Governmental Relations

- The experience of the county assemblies;
- The role of The Senate, Independent offices and Constitutional Commissions
- Devolution Jurisprudence; The impact of court rulings on the implementation of devolution- discussion of specific examples

Plenum Two: Equitable Development and Service Delivery; The role of the County Assemblies; Accountability and challenges in practice; The process of decision making vis a vis resource allocation for ward development and sectoral activities.

Plenum Three: Legislating Emerging issues

There will be three different but concurrent discussions as follows:

- Environment and Natural Resource Management, including Climate Change and the management of extractives
- Conflict management and countering violent extremism through legislation
- Addressing alcohol and substance abuse through legislation

There are proposed three separate plenums for each of the above areas- two separate rooms.

This session will run till 1.00 pm

5.1.5 The Plenums on The Afternoon of Day Two

There will be two plenums on the second afternoon of the summit. These will be the final plenums.

Plenum One: Ethics, Integrity and Corruption: Concerns in the context of devolution; Drivers of corruption; Tackling the challenges; Instituting ethical frameworks in institutions

Plenum Two: Constitutional Referendum- The position of County Assemblies

5.1.6 The Wind Down Plenary on Day Three

This session is designed as a report back or feedback session that will allow presentation of the summary of discussions and resolutions of each of the plenums. The feedback session will follow a pre-designed structure to enable synthesis and allow for discussions. The session will be led by the lead moderators for each of the themes, supported by their rapporteurs.

The CAF leadership will steer/ chair this session and provide guidance on the plenary session.

5.1.7 The Closing Ceremony

This will be steered by the CAF leadership

6.0 Program

Attached

7.0 Moderating the Sessions during the Summit

These will be experts in the specific areas of discussion. Clear terms of reference will be developed to guide the moderators.

There will also be a session chair from CAF for each of the session.

It is recommended that a panel be formed for each A session to brainstorm on this further is recommended.

PLENUM	SESSION CHAIR	MODERATOR	RAPPORTEUR
1) Public Participation in the Legislative process	TBA	Ciiru Gikonyo and GK Ndungu	Lorraine Bala
2) Governance and Institutional Capacity of County Assemblies	“		
3) Achieving Equitable Representation in the County Assemblies	“	Patrick Gichohi Jeremiah Nyegenye	Ann Nderi
4) Lessons in Inter Governmental Relations	“	Dr. Mutahi Kagwe	Benard Ndungu
5) Equitable Development and Service Delivery;	“	Kariithi Murimi	Elizabeth Maina
6) Legislating Emerging issues	“		
<ul style="list-style-type: none"> Environment and Natural Resource Management, including Climate Change and the management of extractives 		Dr. Collins Odote	Robert Kamau
<ul style="list-style-type: none"> Conflict Management and Countering violent extremism through legislation 		To Be Adviced	Louiza Kaluna
<ul style="list-style-type: none"> Addressing Alcohol and substance abuse through legislation 		Joseph Kaguthi Hon. John Mutotho	Iris Amuto
7) Ethics, Integrity and		John Githingo	Maureen Bwisa

Corruption		Samuel Mbiti (TI) Hon. Abdikadir Sheikh	
8) Constitutional Referendum- The Position of County Assemblies		Hon. James Orengo Hon. Moses Kuria Hon. Asman Kamama Ekuro Okoth Nzamba Gitonga	Gladys Mbai

5.1 Use of Participatory Methods

In identifying tools and methods of facilitating or moderating the sessions during the summit, due attention will be made of the diverse backgrounds and interests of the participants, and the need to generate as much current and accurate information as possible, but also allow for dialogue and recommendations. For this reason, due attention will be paid to the sitting arrangement, use of dynamic and non traditional group discussion methods (a number of dynamic options exist, including the “law of two feet”, the knowledge café, card storming, safari, strategic questioning using Objective, reflective, Interpretational and decisional (ORID) framework, etc.) all of which promote adult learning and participation methods to keep the participants engaged and creative through out

6.0 Expected Participation

- All members of all the 2249 members of the County Assemblies
- The Chief Justice
- Speaker of the Senate
- Speaker of the National Assembly
- All 67 Senators
- All Governors or their Deputies
- The Parliamentary Service Commission
- MoDP
- National Treasury
- CRA
- CoB
- CIC
- KLRC
- IGRTC
- Auditor General
- Government Printer
- Attorney General
- At least two members of The County Executive Committees (CECs)

Professional Bodies

- The LSK

- ICPAK
- KEPSA
- KAM/ Kenya Chambers of Commerce

UN Agencies

- UN-Women
- UNDP

Development Partners

- USAID-AHADI
- IRI
- DFID
- DANIDA
- World Bank
- European Union
- Ford Foundation
- West-Minster Foundation
- Oxfam-GB

Partners

- Lapfund
- Laptrust
- BRITAM
- IDLO
- Safaricom
- Airtel
- Equity Bank
- KCB
- Family Bank
- National Bank
- CFC Stanbic Bank
- Cooperative Bank
- SID
- TISA
- IEA and The Parliamentary Initiatives Network
- IEBC
- CMD
- FESS
- ICJ
- ACT
- Transparency International
- URAIA
- Katiba Institute

7.0 Budget Proposal

A vast array of actors will be approached by CAF to support this summit. The ideal approach would be to identify thematic areas of interest for each of the stakeholders

listed, and to request them to support the conference facility and contracting of experts for these. A budget proposal is attached.

8.0 Expected Results

The following results are expected at the end of the Conference;

- a) Structure established to facilitate closer consultation and enhance a harmonized approach amongst different county assemblies.
- b) Documentation of lessons learnt, experiences and best practices in the County Assemblies.