



PARLIAMENT OF KENYA

THE SENATE

OFFICE OF THE SPEAKER

THE SENATE COUNTY LIAISON OFFICE

A CONCEPT NOTE FOR

THE ESTABLISHMENT OF A SENATE LEGISLATIVE SUMMIT

1. INTRODUCTION

Article 96 of the Constitution mandates the Senate to represent and protect counties and county governments. Further, to ensure the effective and efficient service delivery to the people of Kenya, Article 6(2) of the Constitution obligates governments at the national and county level to conduct their mutual relations based on consultation and cooperation. Pursuant to the above, the Office of the Speaker of the Senate has established the Senate County Liaison Office (CLO) for purposes of facilitating and coordinating effective engagement between the Senate and county governments, of which county assemblies form a critical part, and other institutions relevant to devolution.

In keeping with its constitutional obligation to protect counties and county governments; and, in keeping with the constitutional obligation to conduct its mutual relations on the basis of consultation and co-operation, the Senate, through the Office of the Speaker, has proposed the establishment of the Senate Legislative Summit.

The Senate Legislative Summit as envisioned shall be an annual conference of all Senators and all Members of the County Assemblies across the country, and their staff. The conference is aimed at promoting positive engagement between the Senate, county assemblies and other institutions relevant to devolution; as well as at providing capacity-building and technical assistance to county assemblies with a view to enabling them effectively fulfill their legislative and oversight roles in the devolved system of government. A key component of the Summit shall be the mentorship of both members and staff of the County Assemblies. This will be achieved through various break out meetings at the Summit geared at discussing various topical issues affecting legislatures. In addition to this, county assemblies may evoke the support of the Summit to hold other meetings and trainings for capacity building outside of the annual summit event.

2. OBJECTIVES

The Senate Legislative Summit will be aimed at:

- i. Improving the quality and effectiveness of Kenya's nascent county assemblies;
- ii. Promoting interlinkages and communication between the Senate and county assemblies, and amongst county assemblies;
- iii. Enabling effective tracking of policy and legislative developments in the Senate and the county assemblies;
- iv. To discuss and share experiences among staff and Members on difficult issues arising in the management of legislatures, and,
- v. Ensuring that matters of mutual concern and interest to the Senate and the county assemblies are canvassed to ensure a strong, cohesive voice at the national level.

3. COMPARATIVE ANALYSIS

3.1. United States of America

In the United States, the National Conference of State Legislatures (NCSL) coordinates the Annual Legislative Summit. The NCSL is a bipartisan non-governmental organization that serves the members and staff of state legislatures of the United States. Its mission is to improve the quality and effectiveness of state legislatures; promote policy innovation and communication among state legislatures. The NCSL is governed by an Executive Committee which supervises, controls and directs the conference, its committees and publications as well as implementing the policies and supervising the disbursement of the funds of NCSL. The Executive Committee is made up of legislators from the Council of State Government, legislative staff and ex-officio members.

The NCSL carries out meetings and trainings that are a useful forum for sharpening skills on topical issues in the legislative process and sharing of ideas with colleagues.

NCSL organizes an annual Legislative Summit. The Legislative Summit is the meeting where legislators and legislative staff come together to work on the nation's pressing issues, share experiences and influence policy. After every Summit, the NCSL releases the Legislative Summit Resources for that year. These include PowerPoints, handouts, speaker bios, and audio and video recordings. These resources serve as useful reference material for persons working in legislatures.

3.2 South Africa

The South African Legislative Sector (SALS) is an organization of the Speakers' Forum of South Africa, Parliament and the Provincial Legislatures who resolved to organise as a sector and engage in efforts aimed at asserting the sector against potential threats to its independence. This has been done with due regard to the autonomous nature of the Legislatures. At present the Legislative Sector includes the National Parliament of the Republic of South Africa as well as the nine Provincial Legislatures.

The South African Legislative Sector (SALS) operates in accordance with a formally adopted Memorandum of Understanding. This Memorandum of Understanding (MoU), which was signed by all Speakers of Parliament and Provincial Legislatures in March 2010, outlines the commitment of the institutions to collaborate and cooperate on matters of common interest based on their similar constitutional mandates. This system of cooperative governance takes cognisance of the autonomous nature of the legislative institutions.

SALS focuses on advancing the following policy priorities for the Legislative Sector: Nation building; Building strong legislatures and the legislative sector; Deepening parliamentary democracy; Developing representative democracy; Oversight and accountability, Lawmaking and Public participation; and International relations and cooperation.

The following collective structures exist to direct and advance the work of the SA Legislative Sector:

- The Speakers' Forum of South Africa
- The Secretaries' Association of the Legislatures of South Africa (SALSA)
- Professional forums of SALSA
- Legislative Sector Support

4. RATIONALE

The establishment of the Senate Legislative Summit shall:

- i. Provide a means by which Senators and Members of the County Assemblies can share experiences, information, and advice on a variety of issues ranging from policy to management;
- ii. Serve as an opportunity for the Senate and county assemblies to network and establish frameworks for flow of information
- iii. Serve as an opportunity for county assemblies to share experiences and suggestions for the improvement of their assemblies drawing on the experience and suggestions from other assemblies
- iv. To enable the Senate and county assemblies canvass issues of mutual interest, especially as pertains to devolution, with the aim of developing positions on highly complex and controversial issues
- v. Improve the quality and effectiveness of county assemblies
- vi. Promote policy innovation and communication among county assemblies
- vii. Ensure a strong and cohesive voice on matters related to decentralized governance at the national level

The Senate Legislative Summit will provide a forum where complex legislative issues affecting counties and national government can be considered and alternatives for addressing them proposed. The Summit will have a secretariat, run jointly by the Senate, County Assemblies Forum and Society of Clerks at the Table. The Secretariat will during the year and significantly through the forum of the Annual Summit assist the Senate and counties in:

1. Raising awareness and opposing unfunded national mandates;
2. Raising awareness and opposing National Government preemption of counties roles;
3. Providing county assemblies with various options for implementing policy solutions through legislation;

4. Discussing the nation's pressing issues, sharing experiences and developing ways of influencing national policy on matters relating to devolution;
5. Reviewing key challenges and gaps in the capacity of staff and members to further the legislative agenda at the national and county level.

It is expected that the Summit will complement the Senate's efforts in capacity building through attachments and trainings. The Summit working through the Secretariat will be able to outsource expertise to the county assemblies throughout the year to deal with the specific capacity building needs for each assembly.

The benefits of such a collaborative platform between the Senate and the county assemblies cannot be overstated. It is only through such interactions that the Senate can be said to effectively carrying out its functions under Article 96, especially its role as the protector of devolution.

6. PROPOSED MEMBERSHIP

The Senate CLO proposes that the Senate Legislative Summit membership be composed of:

- i. The Speaker of the Senate;
- ii. All County Assembly Speakers;
- iii. All Senators;
- iv. All Members of the County Assemblies;
- v. Senate Staff;
- vi. Staff of the county assemblies.
- vii. *Inclusion of members of the National Assembly and legislators from neighboring countries could be considered on application*

7. PARTNERSHIPS

In establishing the Senate Legislative Summit, the Senate, through the Office of the Speaker, shall collaborate with the following recognized institutions:

- i. County Assembly Forum (CAF)
- ii. Society of Clerks at the Table (SOCCAT)
- iii. Intergovernmental Technical Relations Committee
- iv. Ministry of Devolution and Planning
- v. Commission on Revenue Allocation
- vi. Controller of Budget
- vii. Office of the Auditor General
- viii. Development Partners

8. ORGANIZATIONAL STRUCTURE

The Senate CLO proposes that the Senate Legislative Summit be chaired on a rotational basis by a different County Assembly Speaker with the vice-chair position being held by a County Assembly Clerk to ensure a balance between political and staff issues. The Speaker of the Senate, it is proposed, will serve as the patron of the Summit. The Summit will establish committees of staff and members to guide its running and these committees will elect the Chair and Vice Chair of the Summit. The membership of committees will be on a two year basis.

On the issue of frequency, it is proposed that the Senate Legislative Summit be an annual event. This is to ensure that the Summit and its members are kept abreast of all emerging issues and to enable the Summit make meaningful contributions to ongoing debates at the national level. The Summit secretariat will however determine a calendar of events that could include meetings of various staff cadres and trainings on various issues of legislative interest.

9. THE FIRST SENATE LEGISLATIVE SUMMIT

The Senate CLO proposes that the first Senate Legislative Summit be held in **June, 2016.**

This first Summit it is proposed should be funded by the Senate as the initiator but organized jointly with CAF and SOCATT. Other partner institutions will be invited as observers and may be invited to give presentations as determined by the organizing committee of the Conference.

It is recommended that some staff from the National Conference of State Legislatures (NCSL) in the United States of America, from which the model of the Senate Legislative Summit is mainly borrowed, should be invited for this first Summit to provide technical advice on designing the Summit.

The first Summit, it is recommended, will run for the duration of three days with several break out sessions organized by topics of interest and coordinated by various staff teams and where applicable member caucuses.

On each day of the Summit a key plenary session shall be held with an invited speaker making a presentation on a subject of crosscutting interest in the legislative sector. It is proposed however that one of the sessions be a closed-door meeting between the Speaker of the Senate and Members of the County Assemblies to address issues that the legislators from the county assembly deem necessary to bring to the attention of the Speaker of the Senate.

It is proposed that the summit should be open to the public, with a specific focus on inviting legislatures from neighboring countries.

10. BUDGET IMPLICATION

The Senate as the initiator of the conference should provide the funding for this first Legislative Summit. Additional financial support for the Summit will be sought from development partners as well as corporates who will be invited to support the conference. A budget for the summit will be developed by the planning secretariat that will be charged with exploring other avenues for raising additional resources. In future years it is proposed that all members should pay a yearly membership fee for running the Legislative Summit's activities with a special additional fee charged for participation in the annual legislative summit.

11. RESOLUTION

A resolution is being sought from the Senate Board of Management for the following items:

- 1. That an approval is granted to host a Senate Legislative Summit in the year 2016 with the Senate serving as the initiator and sponsor**
- 2. That the Senate County Liaison Office can commence planning preparations for the Legislative Summit**