

REPUBLIC OF KENYA



COUNTY ASSEMBLIES' FORUM (CAF)

## A CONCEPT NOTE FOR THE 5<sup>TH</sup> ANNUAL LEGISLATIVE SUMMIT, 2020

**THEME:** “Legislating for Sustainable Development”

*#Legsum2020*

*#Communities are listening*

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### 1. INTRODUCTION & BACKGROUND

Sustainable development as defined in the Brundtland Report<sup>1</sup> is ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs.’

In 2015, the United Nations General Assembly adopted through UN Resolution 70/1: the 2030 Agenda adopted a set of 17 integrated Sustainable Development Goals (SDGs) with 169 targets as a “blueprint to achieve a better and more sustainable future for all”.

The SDGs were a succession of and the Millennium Development Goals (MDGs) that were operative between 2000 and 2015. These goals contain all three aspects sustainable development, being Social, Economic and Environmental; to ensure sustainability. they were developed with a focus on People, Planet, Prosperity, Peace and Partnership. An emphasis is placed on inclusivity, with the theme of the 2030 Agenda and the SDGs being ‘*Leave no one behind*’.

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<sup>1</sup> [Report of the World Commission on Environment and Development: Our Common Future](#)

These SDGs have a timeline of up to 2030, similar to Kenya's Vision 2030. Vision 2030, launched in June 2008 is Kenya's long-term development blueprint for the country aimed at accelerating sustainable development in Kenya to ensure attainment of economic, social and political development and reaching the status of a "newly-industrialising, middle income country providing a high quality of life to all its citizens in a clean and secure environment"<sup>2</sup> by the year 2030.

However, the SDG's global outlook cannot be a one-size fits all agenda, hence each UN member nation undertook to customize and adopt the goals for national implementation. Kenya adopted and launched the SDGs on 14<sup>th</sup> September 2016. Kenya also developed a Roadmap to Sustainable Development Goals. The State Department of Planning (then under the Ministry of Devolution and Planning and now under the National Treasury and Planning) was mandated to coordinate implementation and monitoring of the SDGs.

The Constitution of Kenya provides for a devolved system of government, which is designed to promote democratic and accountable exercise of power, it provide for both National and County Governments. County Governments have two arms being the County Assemblies and County Executives. The County Assemblies, under Article 185 of the Constitution of Kenya, 2010 have the express mandate to carry out the functions of representation, law making on any of the functions under Schedule 4, which largely correspond with the SDGs, and undertake oversight over the County Executive Committees.

In the various roadmaps developed by Kenya, 2016-2018 and the current one developed in 2018, County Assemblies are identified as key stakeholders and implanting partners. However, their involvement has been minimal.

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<sup>2</sup> <http://vision2030.go.ke/about-vision-2030/>

## 2. RATIONALE FOR THE 5<sup>TH</sup> LEGISLATIVE SUMMIT

The Legislative Summit 2020 will provide an avenue for Kenya Legislatures to critically interrogate their roles in the devolved governance structure, specifically, this year's summit will focus on the role of legislatures in the implementation and localizing of SDGs, issues of local economic development and finding possible solutions and ways on how this can be improved or accelerated at the County level, it will also pay key attention on the Local Economic Development among other current issues in the country and across the globe other topical areas will include the discussion on the Own Source Revenue and how policy makers can support the government in enhancing OSR.

The proposed theme is: *Legislating for Sustainable Development*

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## 3. THE ANNUAL LEGISLATIVE SUMMIT

The County Assemblies Forum [CAF] is the coordinating body of the 47 County Assemblies in Kenya. CAF seeks to institutionalize the law making, representation and oversight capacities for the County Assemblies in Kenya and form linkages with other arms of government. 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.

CAF in partnership with the Senate and other stakeholders in Devolution have been convening annual Legislative Summits since 2016. The summit's main objective was to provide a platform for mutual and collaborative engagement between the senate, county assemblies and other institutions relevant to devolution. The summit was also expected to be a vehicle to identify capacity and technical assistance needs for the legislatures, identify and isolate challenges and make recommendations to surmount the challenges facing the institutions with a view to enabling them to effectively fulfil their constitutional mandate of law making, representation and oversight within the framework of the devolved system of governance.

It is now a developed practice that the main summit be preceded by three pre-summit events: Women, PWDs and Youth. These events discuss topical issues relevant to the three groups within the theme of the main event. The resolutions of the three events are ratified in the Annual Legislative Summit and constitute part of the summit resolutions.

Over the past three years, Senate and CAF have held the annual summit in various venues in Mombasa County with varying results. The recent one is the Fourth Annual Legislative Summit, 2019, held in Kisumu County from 15th to 17th April 2019, whose theme was, “*Accelerating Devolution: Assessing the progress and addressing gaps in policy and legislations*”, was organised to consolidate gains made so far and build on experiences from the previous summits. It was also aimed at taking stock of the progress and identify challenges faced under devolved system of governance. It presented an excellent opportunity for the Senate, County Assemblies and stakeholders to constructively dialogue on matters affecting devolution. Experiences were shared, lessons were learnt and commitments made to strengthen implementation of devolution and intergovernmental relations.

### **Legislative Summit, 2020**

The Legislative Summit 2020 will provide an avenue for Kenya Legislatures to critically interrogate their roles in the devolved governance structure, specifically, this year’s summit will focus on the role of legislatures in the implementation and localizing of SDGs, issues of local economic development and finding possible solutions and ways on how this can be improved or accelerated at the County level, it will also pay key attention on the Local Economic Development among other current issues in the country and across the globe other topical areas will include the discussion on the Own Source Revenue and how policy makers can support the government in enhancing OSR.

The proposed theme is; ***Legislating for Sustainable Development***

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#### 4. OBJECTIVES

The main objectives of the Legislative Summit 2019 will be;

- i. To provide a platform for dialogue and propose possible solutions for localizing SDGs.
- ii. To analyse challenges and propose possible solutions in improving local economy.
  - i. To provide a platform for dialogue amongst key actors in devolution to learn and share experiences;
  - ii. Provide a means by Members of the County Assemblies can participate in the localization and implementation of SDGs

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#### 5. OUTCOME

The establishment of the Legislative Summit shall:

- i. Produce a progress report on the status in legislation so far, as a follow up from the previous legislative summits;
- ii. Serve as an opportunity for County Assemblies to share experiences and suggestions for the improvement in Legislations;
- iii. Develop Action Plans and Way Forward on identified key areas of challenge and opportunities.

#### 6. THEMATIC AREAS

The theme and the Summit program will **focus on the following key areas;**

- a) **SDGS and the role of Legislatures**

Kenya is one of the UN Member states that have committed to strive for the Sustainable Development Goals (SDGs), in order to achieve sustainable development for all its citizens. With Kenya's decentralisation into devolved governments now entrenched in the Constitution, the basis for sustainable development is at the counties.

## **Focus on localizing Sustainable Development Goals**

Localizing is the process of taking into account subnational contexts in the achievement of the 2030 Agenda, from the setting of goals and targets, to determining the means of implementation and using indicators to measure and monitor progress.

### ***Why does localizing matter?***

All of the SDGs have targets directly related to the responsibilities of local and regional governments, particularly to their role in delivering basic services.

Localization relates both to: how local and regional governments can support the achievement of the SDGs at national level by means of action carried out from the bottom-up and how the SDGs can provide a framework for local development policy

### **Why are SDGs important to County Governments?**

- i) Provide a shared narrative of sustainable development and help guide the public understands of complex challenges.
- ii) The SDGs provide an integral framework for sustainable development at local level.
- iii) Be involved in the global community. The commitment of County Governments with the global agenda promotes their recognition and legitimation as key actors of the global sustainable development system.
- iv) The recognition of County Governments as key actors for sustainable development enables them to claim for better political and economic frameworks at national level.
- v) Mobilize domestic and international financial resources for local sustainable development.
- vi) Look for capacity building initiatives focusing on the reinforcement of County Governments operative and institutional capacities.
- vii) Reinforce statistical institutions specialized in collecting data at local and regional level.
- viii) Roadmap for decentralized cooperation.

## What County Governments can do?

- i) Integrating SDGs into the CIDPs, ADPs and other county policies
- ii) Allocating funds for implementation and reporting on SDGs at county level
- iii) Oversight the implementation of SDGs at county level
- ~~i)iv)~~ Empowering citizens to monitor the Agenda (the highest level of participation)
- ~~ii)v)~~ Empowering citizens to be involved in the implementation
- ~~iii)vi)~~ Building a sense of ownership of the Agenda among citizens
- ~~iv)vii)~~ Engaging citizens with the 2030 Agenda
- ~~v)~~ Providing information (the lowest level of participation)

The 5<sup>th</sup> Legislative Summit will therefore provide an avenue to assess the level of implementation of the SDGs, and the role of counties in accelerating the achievement of these goals. Legislators will focus on the goals that correspond with devolved functions under the Fourth schedule of the Constitution of Kenya. These include:

- SDG 2 on ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture
- SDG 3 on health and well-being for all
- SDG 6 on ensuring access to clean water and sanitation
- SDG 13 on Climate action (mitigating climate change and its impacts) – link to SDG 7 on clean energy
- SDG 16 on peace, justice and strong institutions that are accountable; and
- SDG 17 on partnerships to achieve sustainable development in Kenya

In recognition of the fact that the 17 Goals are integrated and therefore the achievement of each goal is dependent on progress on the other goals, the summit will identify key actions that county governments can undertake to accelerate achievement of the goals.

*There are three dimensions of sustainable development namely: Social development; Economic development; and Environmental protection, which were highly considered in the formulation of SDGs.*

This particular thematic area would be categorised into different sessions, where the major areas will be discussed in general plenary sessions and other will be discussed in breakout sessions where expertise would be invited to make presentations. These breakout sessions shall have participants of between 30-50 where in-depth discussions would be conducted. The session would attract interest partners, stakeholders and members. The session can also be on invite only basis. The program will be designed to outline these areas. This would cover the first two days of the Summit.

Panellists will comprise representatives from the State Department of Planning, CoG, UN agencies, UCLG, County Assemblies

- [Refer to the indicators under all 17 SDGs](#)

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#### **b) Local Economic Development**

Local Economic Development (LED) offers county governments, the private and not-for-profit sectors, and local communities the opportunity to work together to improve the local economy through creation of better conditions for economic growth and employment generation. The purpose of local economic development (LED) is to build up the economic capacity of a local area to improve its economic future and the quality of life for all. It is a process by which public, business and non-governmental sector partners work collectively to In order for Local Economic Development (LED) to be effective, there need to identify and consider the community's economic strengths, weaknesses, opportunities and threats, and agree a shared strategy, develop policies, legislations and other legal frameworks to support the Strategies identified to strengthen LEDs.

#### **c) Enhancement of County Own Source Revenue**

Article 209 (1) of the Constitution mandates the national government to impose taxes and charges relating to income tax, Value Added Tax (VAT), custom duties and other duties on import and export goods, and excise tax. Article 209 (2) empower county governments to impose taxes and charges that include: property tax, entertainment tax

and any other tax that is authorised by an Act of Parliament. Further, under Part II of the Fourth Schedule of the Constitution, counties may also levy charges for services provided for under the devolved functions. This has to be supported by a relevant legislation of the county assemblies.

Article 207 of the Constitution provides for the establishment of a revenue fund for each county government, where money raised or received by or on behalf of the county government shall be paid, except money reasonably excluded by an Act of Parliament. Section 104 of the PFM Act, 2012 further provides for the responsibilities and powers of the County Treasury inter alia, mobilising resources for funding the budgetary requirements of the county government and putting in place mechanisms to raise revenues and resources.

The discussions in this session will revolve around;

- Capacity strengthening of County governments
- Sources of revenue for County Governments
- Policies and legislations available

#### **d) East African Community (EAC) Integration**

As a member of the East African Community, Kenya is party to various protocols and treaties, touching majorly on trade and migration. It has been noted however, that there is low level of sensitization on the obligations and benefits arising from these treaties & protocols, which translates into policies and legislations at county level that are at conflict with East African Integration.

The 5<sup>th</sup> Legislative Summit will therefore provide an avenue for sensitization, and for legislators to evaluate their role in East African Integration.

#### **e) Human based approach to development**

The 2030 Agenda is grounded in international human rights norms and principles of non-discrimination and equal access, participation, accountability and access to the rule of law, and transparency. This should resonate perfectly with the Kenyan Development plans; Vision 2030, Big Four agenda, County Integrated Development Plans (CIDP) amongst others.

The Summit will provide an opportunity for members to be sensitized on the importance of implementing commitment a rights-based approach to development cooperation, encompassing all human rights.

This will include the HRBA to budgeting and resource allocation, reporting frameworks and tools of oversight to ensure that no one is left behind.

- Special-interest groups
- Marginalised groups
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#### **f) Discussions on Constitutional Amendments**

The amendment of the Constitution is provided for under Article 255, 256 and 257 of the Constitution. The articles provide for the amendment of the Constitution by way of parliamentary initiative or popular initiative.

With the on-going discussions on the constitutional review the Summit will provide a platform to further interrogate the matter with an aim of finding a way forward on the position of County Assemblies and the voice of *Mwanachi*.

- Procedures and thresholds
- Strengthen & protecting devolution
- Impact on economy
- The voice of the mwananchi

## **7. ORGANIZATIONAL STRUCTURE**

To achieve the objectives stated above, the summit is designed to ensure that Members of the County Assemblies and their respective staff are adequately involved in the discourse, interact positively among themselves and with other stakeholders essential to the process of implementing devolution. In order to bring out inclusivity and diversity, also actively participating in the summit will include International and Regional Experts, Speakers of the East African Region, devolution experts, policy & legal analysts, academics, experts in governance specifically decentralization, development partners as well all the institutions involved in devolution implementation.

Attendees to the summit will be drawn from governmental and non-state sectors to include: representatives from National Government, County Governments and their officials, independent offices, constitutional commissions, civil society organizations, academia & think tanks, the media, religious institutions, professional bodies, private sector practitioners and other associations. The program will be designed to ensure there is meaningful participation by all together with facilitating the exchange of ideas and learning.

Planning of the Summit will be through a multi-agency planning, technical and steering committees, spearheaded by the County Assemblies Forum. The committees will be meeting regularly to review progress to ensure delivery of a successful 5<sup>th</sup> Legislative Summit.

## **8. THE LEGISLATIVE SUMMIT PROGRAMME**

The Main Legislative Summit will be held for three days. Each day shall cover at most three thematic areas identified above through presentations and panel discussions on the subject matter through plenums. There will be expert moderators and discussants for each of the plenaries, drawn from the vast field of experts, the Senate and 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.

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.

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

## **9. DATE AND VENUE**

The Legislative Summit, 2020 is proposed to be held on **9th – 11th June , 2020** in **Nakuru County**.

## **10. PRE-CONFERENCE ACTIVITIES**

There will be activities that will be held as build up to the main conference as follows;

### **a) Pre-summits on Gender, Youth and People Living With Disability**

The Constitution has placed a lot of emphasis on gender representation at all levels of leadership and there has been a lot of debate on this. The youth also play a key role in the current and future economy of the country. PWDs are equal members of the society and are not to be discriminated in any way.

The pre-summits on these special groups will review progress made in implementation of the resolutions of the previous Summits and develop new action areas in line with the theme of the Summit for consideration during the Summit. These Pre-summits will be

held two months prior to the Summit in February, 2020. *Concept notes are provided separately.*

#### 11. **OUTPUT**

At the end of the Summit, a *joint communiqué* will be prepared outlining the resolutions of the deliberations. The resolutions will be geared to further strengthen the position of legislatures in Kenya within the context of the devolved system of government. Further, the communiqué will adopt a drafting formula that captures actionable resolutions containing a logical action points and an accountability plan for implementation by respective institutions.

#### 12. **BUDGET IMPLICATION**

Financial support for the Summit will be sought from development partners as well as corporates who will be invited to support the Summit. A budget for the Summit will be developed by the planning secretariat that will be charged with exploring other avenues for raising additional resources.

[Budget attached](#)