



REPUBLIC OF KENYA

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INTERGOVERNMENTAL CONSULTATION FRAMEWORK FOR GENDER SECTOR

1.0 Introduction

The promulgation of the Constitution of Kenya 2010 marked a major milestone in the way the country is governed. It stipulated the dispersal of political power and economic resources from the centre in Nairobi to the grassroots in a process known as devolution. As a result two levels of Governments namely; the National Government and 47 county governments were established following the March 4, 2013, General Election as part of the implementation of devolution. The Constitution of Kenya 2010 in **Article 6 (2)** states that the governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation. In order to give effect to these provisions of the Constitution, Parliament enacted the Intergovernmental Relations Act 2012 whose purpose is to establish a framework for consultation and cooperation between the national and county governments and amongst county governments; and to establish mechanisms for the resolution of intergovernmental disputes pursuant to Articles 6 and 189 of the Constitution, and for connected purposes. The Act established structures that include the national and county governments coordinating summit, the Intergovernmental Relations Technical Committee, Council of Governors and Sectoral Working groups or committees and joint committees or authorities. In line with these legal and constitutional provisions the gender sector wishes to propose the following framework that will guide the consultation and cooperation between the national government and county governments on gender matters.

1.2 Purpose of the framework

The purpose of this framework is to provide a mechanism for consultation and cooperation between the national and county governments on issues of gender equality and women empowerment.

1.3 Objectives of the framework

- a) To facilitate the realization of the objects and principles of devolution provided for under Articles 174 and 175 of the Constitution;
- b) To facilitate co-operation and consultation between the national and the county governments and amongst county governments as provided under Articles 6 and 189 of the Constitution;
- c) To provide a forum for co-coordinating governments' policies, legislation and functions on gender equality and women empowerment;
- d) To provide a forum for joint planning and sector performance monitoring
- e) To provide a forum for sharing and dissemination of necessary data and information on gender equality and women empowerment;
- f) To provide for a forum to discuss the concurrent functions and competencies relating to gender equality and women empowerment at either level of government and make recommendation for transfer;
- g) To Provide a forum for settlement of intergovernmental disputes

2.0 Process of developing the framework

The development of the intergovernmental framework for Gender sector started in June 2017 during an Intergovernmental Forum convened at Enashapai Hotel, Naivasha. During this forum, the State Department of Gender Affairs (SDGA) and the County Executive Committee (CECs) members responsible for Gender from all the 47 counties deliberated on a draft framework which was then left with SDGA and the Council Governors for fine tuning. A committee composed of the Council of Governors (COG) Secretariat and the SDGA was constituted to improve on the draft Naivasha framework. The committee held sessions to discuss and fine tune the draft framework. Finally, the improved framework was presented to the Intergovernmental Forum for gender sector for validation and adoption in January 2019. A mutual agreement for the adoption of the framework by the two levels of Government was signed on 28/01/2019

3.0 Intergovernmental Framework on Gender

The Intergovernmental Framework on Gender has four (4) tiers each with - membership and functions as described below:-

Tier 1: Inter Governmental Forum on Gender

This is the top most organ of this framework brings together the National and County Governments and other partners in the sector. Members of this tier include;

- Cabinet Secretary responsible for matters relating to gender affairs
- Chairperson CoG Committee responsible for gender affairs
- Members of the CoG Committee responsible for gender affairs
- Principal Secretary responsible gender affairs
- The 47 CECs responsible for gender affairs
- National Government Directors in charge of Gender

Ex-officio members

- Gender Sector Development partners
- Principal Secretary responsible for Devolution
- Chairperson Intergovernmental Relations Technical Committee

The functions include;

- Adoption of policy recommendations from the Joint Steering Committee for consideration by the Summit;
- Consultations and cooperation among stakeholders in gender sector;
- Adopt recommendations on unbundling of functions from the steering committee and forward them to the Intergovernmental Relations Technical Committee for consideration.

The Intergovernmental forum for Gender shall meet once a year.

Tier 2: The Joint Gender Steering Committee

This is the policy organ of the framework and shall comprise of not more than 13 members. The members to this committee shall include the following:

- The Cabinet Secretary responsible for gender affairs
- The Chairperson and members of the COG committee responsible for gender
- The Principal Secretary responsible for gender affairs
- The Chair, Vice chair and Secretary of the CECs gender caucus
- A representative of the National Gender and Equality Commission
- Representatives of the Parliamentary Committee responsible for Labor, and Social Welfare
- Representatives of the Senate Committee responsible for Labor and Social Welfare (a male and a female)
- A representative from Intergovernmental Technical Committee.
- Secretary of the Joint Secretariat

The committee shall be Co-chaired by Cabinet Secretary responsible for gender affairs and chair of COG Committee in charge of Gender deputized by Principal Secretary responsible for Gender Affairs and the Chair CECs Gender Caucus.

The joint steering committee can co-opt other members on need basis with no voting powers.

The functions of this committee include;

- Generate recommendations on policy matters within the gender sector.
- Provide policy guidance on gender functions.
- Providing regular policy and strategic direction.
- Convening the Intergovernmental Forum on Gender
- Oversee implementation of the resolutions from Intergovernmental Forum
- Convene the sub-sector intergovernmental consultative forum on gender to review and adopt gender progress reports including joint projects and reports.
- Oversee the operations of Joint Gender Secretariat and approve work plans, budgets and all joint projects between the County and National Government.
- To provide direction on critical emerging sectoral and cross sectoral issues;
- To review sector progress on implementation of international and regional obligations which Kenya has subscribed to, for instance the domestication and implementation of the SDGs, specifically goal number 5;
- To ensure the realization of the objectives of the consultation and cooperation mechanisms for the gender sector in Kenya developed and agreed upon by the two levels of government
- Resource mobilization for the Sector
- Solving disputes between the two levels of government emerging from shared functions.

The Joint Gender Steering Committee will meet twice a year.

Tier 3: Joint Gender Secretariat

The Gender Inter-Governmental Steering Committee shall be supported by a Secretariat headed by a Coordinator. The primary objective of the Secretariat will be to implement decisions made by the Steering Committee and the Intergovernmental Forum on Gender and provide secretarial and technical services to the joint steering committee.

Membership will include;

- Head/ Coordinator.
- Technical and administrative staff to be determined by the steering committee

The functions of the secretariat will include;

- Coordinating the implementation of the decisions made by the Joint Intergovernmental Steering Committee and the Intergovernmental Forum on Gender
- To run all operations and attend to matters raised by various structures.
- Overall promotion of Gender Equality and Women Empowerment to ensure that women and men enjoy the equal opportunities, rights and obligations in all spheres of life.
- To follow up on the decisions of the Intergovernmental Forum, Joint gender Sector Steering Committee and Intergovernmental Sector Working Groups.
- To plan and convene meetings for Intergovernmental Forum, Joint gender Sector Steering Committee and intergovernmental Sector Working Groups
- To provide secretariat support to the Intergovernmental Forum, the Joint Gender Sector Steering Committee and the intergovernmental Sector Technical Working Groups
- To develop and circulate approved gender sector reports
- To facilitate awareness raising and capacity building among national and county stakeholders across the sector pertaining to application of intergovernmental governance and partnership principles. This includes facilitation of day-to-day technical linkages between national and county agencies and actors.
- To develop work plans and budgets for activities and operations of the secretariat and submit the same for approval by the steering committee

The joint steering committee shall for the first two years fundraise for the establishment of the secretariat.

Tier 4: Inter governmental County Gender Sector Working Groups

The rationale for this is premised on the need for comprehensive coordinated information flow from the Counties to the joint steering committee for purposes of reshaping national gender priorities, policies and actions.

- Co -chaired by County CEC member responsible for gender affairs and the County Commissioner.
- Membership will include the chief officers in charge of gender, County Directors for gender from the National and County government, County Police Commandants, Judiciary representatives of the ODPP, National Gender and Equality Commission (NGEC), representatives and County National Council for Persons with Disability.
- National Government County Director for Gender shall be the Secretary.

Representative from following organizations shall attend as ex- officio members;

- Development Partners
- Civil Society Organizations,
- Private sector
- Faith Based Organizations

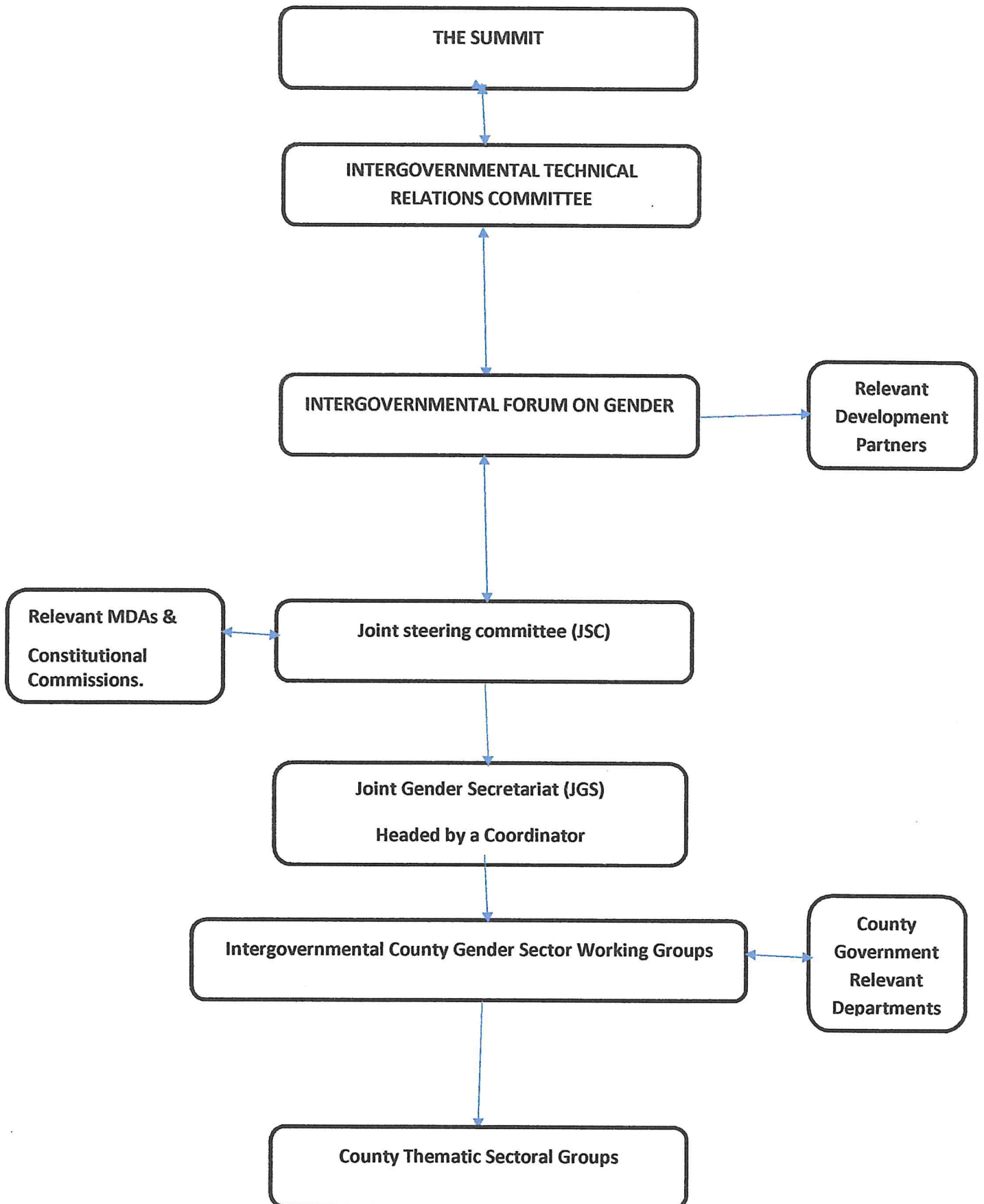
The functions will include;

- Receive and deliberate on annual work plans of each stakeholder for purposes of cooperation and coordination at county level;
- To harmonize gender related activities to avoid duplication in the county;
- To develop joint implementation strategies for similar gender related work;
- To receive and deliberate on progress of joint programs and give recommendation on the improvement of the implementation of such activities/programs;
- Make policy and program recommendations through the steering committee to Intergovernmental forum on Gender;
- Carry out mapping of partners on GEWE areas of work at the county;
- Resource mobilization for gender activities at the county;
- Participate in the planning and implementation of gender related activities/events;
- Partner with relevant departments in formulation and review of gender responsive CIDPs, policies and strategies at the county level;
- Ensure adherence to principles of gender-based budgeting;
- Promote inter-county consultative forums;
- Contribute to joint knowledge management by sharing and documenting best practices in gender sector;
- Establish thematic Sectoral groups such as
 - i. Gender Based Violence.
 - ii. Social Economic Empowerment and financial inclusion.
 - iii. Women in peace building and conflict resolution.
 - iv. Women in leadership and decision making
- Convene quarterly meetings of the CGSWG;

The Intergovernmental County Gender Sector Working Groups mandate will be to deliberate on technical thematic issues that relate to the specific working group at the County level.

The Intergovernmental County Gender Sector Working Groups will be expected to conduct quarterly review meetings for the gender sector working group and submit a quarterly thematic group reports to the Secretariat for deliberation by the Joint Steering Committee. The structural representation of the framework is presented herein.

INTER-GOVERNMENTAL CONSULTATION FRAMEWORK FOR GENDER SECTOR



4.0 Adoption of the Framework

This framework was adopted on 28/01/2019 by Cabinet Secretary for Public Service, Youth and Gender Affairs representing the National Government and the Chairman of the Council of Governors committee for gender representing the County Governments through the signing of a Mutual agreement.

Annex 1: Summary of structures and functions

NO.	TIER	CORE FUNCTION	MEMBERSHIP
1.	Intergovernmental Forum on Gender	<p>Adopt policy recommendations from steering committee for consideration by the Summit.</p> <p>Consultations and cooperation among stakeholders in Gender</p> <p>Adopt recommendations on un bundling of functions from the steering committee and forward them to the Intergovernmental relations technical committee for consideration</p>	<p>Cabinet secretary responsible for gender affairs</p> <p>Chairperson CoG Committee responsible for Gender.</p> <p>Members of the CoG Committee responsible for Gender.</p> <p>Principal Secretary for State Department of Gender Affairs</p> <p>47CECs in charge of Gender.</p> <p>National Government Directors in charge of Gender.</p> <p>Others as ex-officio members.</p> <ul style="list-style-type: none"> ● Gender Development partners ● PS State Department of Devolution ● IGRTC Chairperson
2.	The Joint Gender Steering Committee	<p>Provide policy and strategic guidance on gender matters</p> <p>Oversee the implementation of resolutions of the intergovernmental forum on gender</p> <p>Plan and convene the intergovernmental forum on gender</p>	<p>The Cabinet Secretary responsible for Gender Affairs</p> <p>The Chairperson and members of the COG committee responsible for gender</p> <p>The PS responsible for Gender Affairs</p> <p>The Chair, Vice chair and Secretary of the CECs gender caucus</p> <p>A representative of NGEC</p> <p>Representatives of the Parliamentary Committee responsible for labor, (a man and a woman)</p> <p>Representatives of the Senate Committee responsible for labor, (a man and a woman)</p> <p>A representative from</p>

			Intergovernmental Technical Committee. Secretary of the Joint Secretariat
3.	Joint Gender Secretariat	<p>Implementation of the decisions made by the Joint Intergovernmental Steering Committee and the intergovernmental forum on gender</p> <p>To follow up on the decisions of the Intergovernmental Forum, Joint gender Sector Steering Committee and intergovernmental Sector Working Groups.</p> <p>To plan and convene meetings for Intergovernmental Forum, Joint gender Sector Steering Committee and intergovernmental Sector Working Groups</p> <p>To provide secretariat support to the Intergovernmental Forum, the Joint Gender Sector Steering Committee and the intergovernmental Sector Technical Working Groups</p>	<p>Head/ Coordinator.</p> <p>Technical and administrative staff to be determined by the steering committee</p>
4.	Intergovernmental County Gender Sector Working Groups	<p>To harmonize gender related activities to avoid duplication in the field</p> <p>To develop joint implementation strategies for similar gender related work</p> <p>Make policy and program recommendations through the steering committee to Intergovernmental forum on Gender.</p> <p>Lobby for funding/resource mobilization for gender activities at the county</p>	<p>CECs for gender, chief officers in charge of gender, County Commissioner, County directors from National and County government for gender, County Police Commandants, Judiciary representatives of the ODPP, representatives and County National Council for persons with disability officer.</p> <p>Representative from following organizations shall attend as ex-officio members ;</p> <ul style="list-style-type: none"> ● civil society, ● private sector ● Faith Based Organizations



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MUTUAL AGREEMENT FOR THE INTERGOVERNMENTAL FORUM FOR GENDER

As between the Ministry of Public Service, Youth and Gender Affairs (MOPYGA) and Council of Governors (COG)

Parties agree: -

1. That there shall be the establishment of an Intergovernmental forum on gender, the purpose of this forum will be to adopt policy recommendations for consideration by the Summit.
2. That there shall be the establishment of a joint Intergovernmental Steering Committee that shall provide overall policy guidance on gender issues. This will encompass implementation of the resolutions of the Intergovernmental forum on gender, and undertake all planning for the Intergovernmental forum. The joint intergovernmental steering committee shall also undertake resource mobilization for all gender activities.
3. That there shall be the establishment of the joint gender secretariat responsible for the implementation of the decisions made by the joint Intergovernmental Steering Committee and the intergovernmental forum on gender. The joint gender secretariat will also be responsible for provision of secretarial support and actualising decisions of the Intergovernmental Forum, joint gender Sector Steering Committee and intergovernmental Sector Working Groups. This will include but not limited to; planning and convening meetings for Intergovernmental Forum, joint gender sector steering committee and Intergovernmental sector working groups.
4. That there shall be Intergovernmental County sector working groups, responsible for coordination and implementation of gender programs at County level, resource mobilization for gender activities, and policy recommendations for consideration by the joint intergovernmental steering committee.

This mutual agreement will become effective on the date of execution by the parties.

By execution hereof, the parties agree that they have read and understood the provisions outlined in the framework;

Sign: *Nkosia*.....

Date: *28.11.2019*.....

Signed by: *Prof Margaret Kebo*

Title: Cabinet Secretary, Ministry of Public Service, Youth and Gender Affairs

Sign: *[Signature]*.....

Date: *28/01/2019*.....

Signed By: *H.E. Prof. Paul chepkwony*

Title: Chair of the Gender Committee, Council of Governors