



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT- (SECOND SESSION)

THE NATIONAL ASSEMBLY

COMMUNICATION FROM THE CHAIR

COMMUNICATION REGARDING PROPOSED CHANGES TO
HANDLING OF STATEMENTS

Honourable Members, before we conclude with Order No. 7 on Statements, I wish to update you on some recent developments regarding the execution of this Order. Statements have continued to elicit great interest from Members. Last Session, there were over 400 requests for statements. In this Session, within only three weeks of our sittings, we have had over 120 requests for statements, most of which are still awaiting approval.

Honourable Members, you will all agree with me that the manner in which this House has continued to discharge this Order is not only inadequate but also does not meet the acceptable standards of holding the Executive to account. The system of requesting for answers on very important national matters from Chairpersons of Committees has been tested for almost one year now. However, the efficacy of the system is very uncertain. In addition to overloading Committees with duties outside their core mandate, the Chairpersons cannot be held accountable for information given or even on commitments made on the floor of the House.

Honourable Members, it is on this basis that the Procedure and House Rules Committee, under my chairmanship, is conducting a comprehensive review of the usage of Statements. Indeed, a taskforce acting under my guidance met on February 27th to March 1st, 2014 to look into ways of actualizing provisions of Article 153 of the Constitution. Paragraph (3) of the said Article requires Cabinet Secretaries to attend before Committees to answer any questions concerning matters under their competence. On the other hand, paragraph (4) requires Cabinet Secretaries to provide Parliament with full and regular reports concerning matters under their control. It is the view of the Committee that the framers of the Constitution left it to this House to

determine how to actualize these two paragraphs. Without pre-empting the work of the Committee, I wish to inform Honourable Members that the effect of the proposed review to the Standing Orders is to have special sessions of the House to enable Cabinet Secretaries to appear in the House to respond to Members' queries directly. It will also afford the Cabinet Secretaries a forum to explain any aspect of Government policy in addition to those enunciated by the Leader of the Majority Party in the House. For those not responded to on the floor, requests will either be forwarded to the relevant Committee where the Cabinet Secretaries will appear to answer the queries or a written response sought from the concerned Cabinet Secretary.

Honourable Members, the House may wish to note that initial findings by the taskforce have revealed that, although presidential systems do not possess the same procedures for the routine questioning of Ministers as parliamentary ones, such systems have a variety of devices for obtaining responses from Ministers including regular question times. This is the case in Rwanda, Senegal, Chile, Brazil and Philippines, to mention just a few.

Honourable Members, my Committee will be informing you of this new development as soon as the work is concluded and necessary transitional issues finalized. In this regard, Members are invited to make written submissions to the Committee on how to improve Part 10 of the Standing Orders. Since the proposed changes also touch on the functioning of other arms of Government, the Committee will conduct sufficient stakeholder consultations, including engaging the Executive. Finally, when the report is concluded, it will be brought to this House for debate and decision. The changes envisaged are likely to take effect after the first break in this Session. The review envisioned will be in line with my commitment to ensuring that our Standing Orders and operations remain dynamic, true to the spirit of the Constitution and most importantly, responsive to Members' needs. I seek your support in this regard. In the meantime, Members should continue to exercise patience regarding requests for Statements that have been submitted as it is not possible to schedule them as Members may desire.

Thank you!

THE HON. JUSTIN B.N. MUTURI, E.G.H, MP
SPEAKER OF THE NATIONAL ASSEMBLY
March 4, 2014