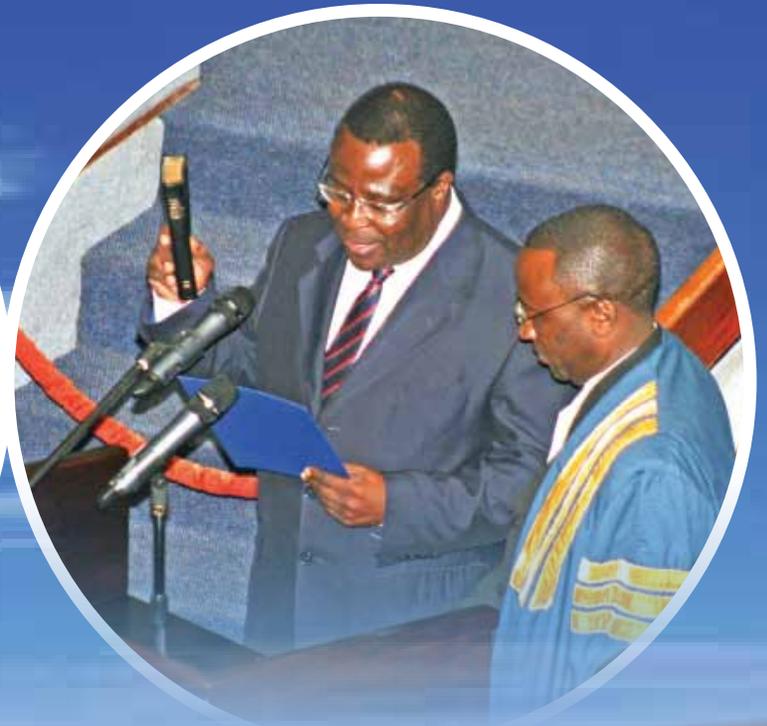


KENYA

# PARLIAMENT

A Publication of Parliament of Kenya Volume 5, Issue 1 April 2013

# The New Dawn





Kenyatta International Conference Centre (KICC), the temporary home of Senate

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## Message from Clerk of Senate



*Jeremiah Nyegenye*

**The Kenya Parliament Magazine (KPM) has been an important outreach tool in helping our unicameral Parliament to communicate, inform and inter-phase with the public on various Parliamentary matters since its inception.**

With the arrival of a bicameral Parliament i.e. the National Assembly and Senate; with a total membership of 418 drawn from diverse categories of the population and regions in Kenya, the demand for knowledge and information will increase significantly.

After the 2013 March 4 General elections, specific aspects of the new bicameral structure have been established and the two Houses are up, operational and geared towards the roll-out of devolved governments. With the inauguration of the 11th Parliament and the rebirth of the Senate on 28th March, 2013, Kenya as a country was reborn in terms of the new devolved governance and the entire Eastern African region and the world will be keenly watching us.

The Constitution of Kenya, 2010 provides in Chapter 8, Art. 96 on the Legislature, the core roles and mandates of the Senate include:-

- To represent the counties and serve to

***It is my expectation that henceforth, the KPM will expand its horizons and give due cognisance to emerging debates and activities from our nascent Senate***

protect the interests of the counties and their government;

- To participate in law-making function of Parliament by considering, debating and approving bills concerning counties;
- To determine the allocation of revenue among counties; as provided in Art.217 and exercise oversight over national revenue allocated to the county governments;
- To participate in the oversight of state officers by considering and determining any resolution to remove the President or Deputy President from office.

Kenyans have high expectations on the delivery of the current Senate which calls for Senators and its Secretariat to work hard and smart to rise to the occasion and ensure they perform their constitutional mandate effectively. To achieve this goal, commitment to duty, team work and professionalism on the part of the staff; and robust, objective, constructive and value-adding deliberations and engagement of Senators in House debates and Committee work will be imperative. In addition, prioritizing matters of national interest and import for the overall development of our country will be essential.

It is my expectation that henceforth, the KPM will expand its horizons and give due cognisance to emerging debates and activities from our nascent Senate to enable Kenyans understand its better the role and mandate especially in as far as safeguarding the interests of the counties and ensuring that the long-cherished dream of devolution succeeds.

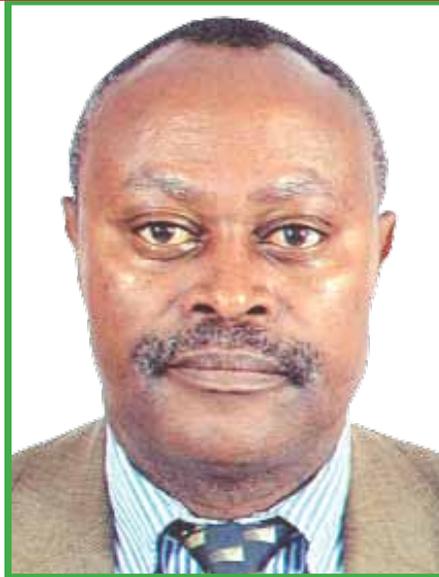
***As we usher in the Eleventh Parliament, we are excited about the prospects of a bicameral legislature for Kenya***

**T**he journey that began in January 2008 and took us through many twists and turns, challenges and victories, has drawn to an end. In the Legislature, this is a time to celebrate the achievements of the Tenth Parliament and gear up to begin another voyage that will take us through uncharted terrain but which we are well ready to travel.

The achievements of the Tenth Parliament were particularly momentous. Parliament played its focal role in ensuring that Kenyans finally got the previously illusive Constitution through a process that though protracted, is worth its honoured place in Kenya's history.

The intricate process of implementing the Constitution of Kenya by enacting various mandatory statutes was successful owing to Members of Parliament who heeded the call of public duty with commitment to ensure that they satisfactorily carried out their constitutional role.

As an institution, while Parliament continued to assert its authority as a sovereign arm of Government, it also undertook to open its doors in an unprecedented manner. For the first time, Parliament inaugurated the live broadcast of house proceedings and also opened up the sittings of its Committees to



*Justin Bundi*

the public. Never before had the Legislature been opened to such public scrutiny initiated by itself. This initiative has served to greatly demystify the operations of Parliament. Indeed, the establishment of the Kenya Parliament Magazine was a key component in this regard.

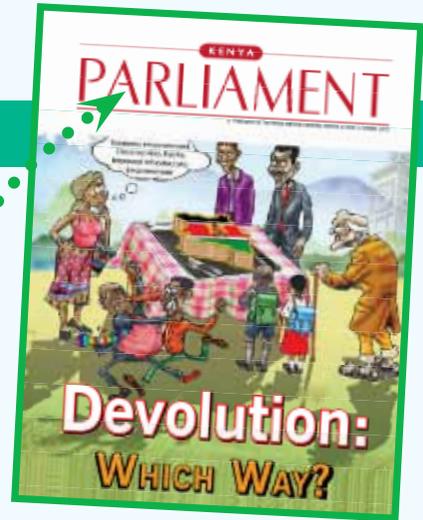
Therefore, it is in commemorating the life of the Tenth Parliament that this issue of the Magazine highlights various milestones achieved during this time. We are grateful for the support we have received from you including the invaluable feedback that has not only helped us keep up but has also helped us improve the publication.

As we usher in the Eleventh Parliament, we are excited about the prospects of a bicameral legislature for Kenya. We will continue to share with you important news about the operations of your Parliament.

Enjoy reading.



# SOME OF OUR PAST ISSUES



The Editorial Team welcomes feedback, articles on topical issues of not more than 1000 words. Your write up should carry your name and location not necessarily for publication but sign of good faith. Where photos are available, these are welcome too.

The Editor reserves the right to edit articles / letters submitted for clarity, space and legal considerations. Send your submissions to: email: [bungemagazine@parliament.go.ke](mailto:bungemagazine@parliament.go.ke) or Clerk of Kenya National Assembly P.O. Box. 41842-00100 GPO Nairobi, Tel: +254 20 2848000 / 2221291, Fax: +254 20 2243694

# The 10<sup>th</sup> PARLIAMENT 2008 - 2012

## A Reflection of its journey and Uniqueness

*By Peter Adika and Stephen Njenga Ruge*

### INTRODUCTION

In the exercise of powers under the old Constitution, the President dissolved the 9th Parliament on October, 22nd, 2007 to pave way for the General Election that was held on December 27th.

The electioneering period and the actual day of voting proceeded peacefully. There were nine presidential candidates, 2548 parliamentary candidates (contesting for 210 single member constituency seats) and 15,332 civic candidates (contesting for 2486 local council seats).

108 political parties sponsored candidates for the most competitive elections in Kenya since independence. The main parties were the Orange Democratic Movement (ODM), whose candidate for the presidential election was Hon Raila Odinga and the Party of National Unity (PNU) whose candidate was the incumbent, Hon Mwai Kibaki and the Orange Democratic Movement-Kenya which sponsored Hon. Kalonzo Musyoka.

Results of the election started trickling in on 28<sup>th</sup> December, and by the end of the day, one of the incumbent's main challengers, going by opinion polls, Hon. Odinga had opened a wide margin in the tallied votes. The ODM had also garnered a substantial number of parliamentary seats in areas that had filed their returns. In the meantime, beginning 29<sup>th</sup> December and reaching a crescendo on 30<sup>th</sup> December, the country



became restless and anxious to know the result of the election and especially the presidential election, which would, if it favored a candidate other than the incumbent, usher in the fourth president of the Republic.

Incidents of violence were reported in a number of areas across the country and claims of vote fraud, particularly in areas that were yet to submit their results, became prevalent. The resultant tension brought the country to a standstill.

On 30<sup>th</sup> December, the ECK and its chair, Mr. Samuel Kivuitu congregated at the ECK media centre located at the Kenyatta International Conference Centre, Nairobi to announce the final tally of the presidential election but was forced to suspend the announcement when agents of candidates who disputed the results of some constituencies, disrupted the exercise.

The ECK went ahead to announce the final results in a separate venue within the KICC. The vote tally released by the ECK for the top three candidates was as follows: Hon. Kibaki- 4,584,721; Hon. Odinga- 4,352,393; Hon. Musyoka-

in favor of the President. The death toll from the violence was estimated at 1,133 people while the cost of the violence to the economy and the damaged property ran into billions of shillings besides displacing an estimated 600,000 people. In exercise of powers conferred by the constitution, the President summoned the first sitting of the 10<sup>th</sup> Parliament on Tuesday, January, 15<sup>th</sup> 2008 at 2.30pm. Pursuant to the Standing Orders, the first business of a new House is the election of Speaker.

Five candidates returned nomination papers for election. The two main parties namely, ODM and PNU sponsored Hon. Kenneth Marende and the incumbent, Hon. Francis ole Kaparo, respectively. For a person to be elected Speaker then, a candidate needed the support of two-thirds of all members of the Assembly (222)-210 elected members and 12 nominated members.

During the first ballot, Hon. Marende obtained 104 votes; Hon. Kaparo had 99 votes while others obtained 4

pattern but after the first ballot where Hon. Farah Maalim obtained 110 votes and Hon. Imanyara secured 94 votes, the latter withdrew from subsequent ballot and hence the candidate with the highest number of votes was declared elected deputy Speaker.

The seating which began at 2.30 pm on Tuesday, January 15<sup>th</sup>, 2008 ended on Wednesday, 16<sup>th</sup> January at 1.20 a.m. setting a record of sorts at the time after some MPs attempted to ask the speaker to stop the swearing in of the President.

## **SALIENT FEATURES OF THE 10TH PARLIAMENT**

### **Death of Members before state opening**

Two members representing Embakasi-Mugabe Were and Ainamoi-Langat who had been sworn-in were fatally gunned down soon after. Other members-five in number-later died due to various causes including a helicopter crash during the term of the Parliament.

### **Women Representation**

As the President noted during the state opening of Parliament on 6<sup>th</sup> March, 2008, the number of lady MPs increased to twenty-one, (15 elected and 6 nominated) a level not attained before. Notwithstanding that they accounted for a mere 9 per cent of the membership, it was marked as a milestone in gender representation

### **Political Parties in the House**

The General election of 2007 was acclaimed to be the most fiercely contested since independence. It culminated into another accolade where 23 political parties were represented in the House.

### **Constitutional overhaul**

The 10th Parliament was inaugurated at the height of an unprecedented national crisis. Many theories and factors were advanced on the causes of the widespread violence and destruction witnessed in the country in December 2007 and January 2008.

Following the crisis, the House was called upon to enact legislation relating

## ***The new dispensation dramatically changed the architecture of governance in the country and impacted on the way parliament operated***

879,905. The chair of the Commission later presented the certificate of election to the President who was sworn-in shortly thereafter to serve as President for a final term of five years.

The declaration of the incumbent as the winner and subsequent swearing-in triggered scenes of violence characterized by killings and extensive destruction of property on allegations that the election had been manipulated

votes. A further ballot was taken with the following results. Hon. Marende-104, Hon. Kaparo- 102 and others 1 vote. The third and final ballot resulted in Marende obtaining 105 votes and Kaparo, 101 votes with 1 spoilt vote. The Clerk declared Hon. Marende duly elected Speaker by majority votes.

The election of Deputy Speaker was expected to follow a similar



➤ to the resultant coalition government and to give effect and implement the agreement on the principles of partnership of the coalition government. Of significance were critical issues identified to address the crisis, reconcile communities and mitigate against future conflicts. These included the Constitution of Kenya Review Act which created the legal framework for the review of the Constitution. The process enabled the creation of the Committee of Experts reworked the draft Constitution of 2005. The draft was presented to the people in a referendum on August 4<sup>th</sup> and eventual promulgation on August 27<sup>th</sup>, 2010 ushering in a new constitutional order.

The new dispensation dramatically changed the architecture of governance in the country and impacted on the way parliament operated. For instance, it provided a schedule of legislations that had to be enacted to implement the constitution together with timelines. As a result, many Bills were presented and to meet the deadlines, the House extended its sittings on several occasions. Consequently, relatively more Bills were considered and passed as follows: - 2008- 17, 2009- 9, 2010- 13, 2011- 39, and 2012- 45. This period witnessed a dramatic increase in the number of Bills sponsored by back benchers as indicated above in bold.

#### Live broadcasting

Following his election, the new Speaker in the acceptance speech submitting himself to the will of the House undertook to take Parliament to the people, no matter the cost. The Speaker also committed himself to progressive reform to, among other things; amend the Standing Orders so as to be in step with and consonance with other modern parliamentary jurisdictions. In particular, he promised to embrace and entrench live coverage of the proceedings of the House. In furtherance of this assurance, live coverage of proceedings commenced in 2008 on both radio and television which was hitherto restricted to selected functions e.g. swearing in ceremony of members, state opening of a new session and presentation of the budget. The Standing Orders were amended in December, 2008 which *inter alia* introduced Prime Minister's question time, reintroduced Committee

on Implementation which was abolished in 1980 and made provision for address to the House by visiting Heads of State and other dignitaries, provided broadcasting regulations and also simplified the petitioning procedure.

#### Refurbished Chamber

Part of the reforms undertaken during the 10<sup>th</sup> Parliament was the refurbishing of the debating chamber. The chamber which was initially used by the House of Representatives was constructed between 1964 and 1965 through the *Harambee* (fundraising) spirit. It later became the chamber of the National Assembly with the merger of the Senate and the House of Representatives in 1966. The refurbished chamber came with certain technological features including digital congress system, electronic voting as well as in-built radio and television broadcasting studios and can accommodate 350 members seated. Of significance is the fact that the seats were fabricated and fitted by Prison Industries affirming the faith of locally made goods. It was officially opened by H.E the President on August 7<sup>th</sup>, 2012.

#### Conclusion

The 10<sup>th</sup> Parliament was inaugurated at the height of grave political and constitutional crisis that threatened the very existence of Kenya as a state. Commentaries have been written appraising the performance of the Parliament and the court of public opinion is still out. The scorecard will, without doubt, make interesting reading. Nevertheless, looking at where the country began at inauguration of Parliament on 15<sup>th</sup> January, 2008 and where it stands now, one may justifiably contend that owing to some of the reforms undertaken over the last five years, the public is better informed on the work of Parliament and its role in governance, which is, to say the least, a welcome development. The House made major decisions through enactment of laws or adoption of resolutions that have fundamental impact on constitutional and political direction that the country is taking. For instance, the National Accord and Reconciliation Act, 2008, the Independent Electoral and Boundaries Commission Act, the Commission on the Implementation

of the Constitution Act, 2010, the Constitution of Kenya (amendment) Act 2008 (that disbanded the then Electoral Commission of Kenya and created an interim constitutional court) as well as several resolutions to approve nomination of persons to public offices (largely in exercise of powers given by the new Constitution).

However, there were instances when decisions made by the House culminated into a public uproar, and

**The new dispensation dramatically changed the architecture of governance in the country and impacted on the way parliament operated**

the passage of the Finance Bill 2012 on 4<sup>th</sup> October, 2012 is a case in point, which raises pertinent questions on the relationship between Parliament and the public, whether they are friends or foes. The scorecard I alluded to earlier will shed light on what the public thinks about this relationship. The sunset days of the current Parliament is and rightly so, a period of reflection, on what it did well, where it didn't and why. The interactions between Parliament and the public over the last five years should serve as the basis upon which measures are taken to align and realign parliamentary operations and policies to the needs and aspirations of the people of Kenya, because at the end of the day, addressing the concerns of and advancing the interests of the people is Parliament's *sine qua non*.





Hon. Kenneth Marende EGH, ACI Arb,  
the Sixth Speaker

# The Coalition Government Gave us a **HARD TIME** as a Parliament

By David Mugonyi

**“I felt like I was being pushed to the end of my tether, that pressure was being brought to bear upon me that really shouldn’t be my baby...”**

**A**s the 10<sup>th</sup> Parliament exits, its Speaker Kenneth Marende says his life would have been a lot easier if the coalition Government resolved its disputes at the executive.

Mr Marende says disputes in the management of coalition affairs really affected the work of the National Assembly as it became the arena of the squabbles and fights.

He says one of his toughest jobs was when he had just been sworn in as the Speaker of the National Assembly and he had to cool tempers and acrimony between MPs allied to PNU and ODM. Attempts by some ODM MPs to stop the swearing in of President Kibaki, however, failed.

Mr Marende had just been elected in a tight and divisive vote (he garnered 105 votes against Francis ole Kaparo’s 101) and the animosity that marked the start of the session would define the life of the National Assembly.

And indeed it did as he recounted how he was left to deal with matters

that were meant to be resolved by the Executive. He was sucked into nearly all disputes of the coalition Government as parliamentary Committees gave little help in resolving issues.

Mr Marende had to agonise over some rulings, which largely originated from the incessant wrangles in the Grand Coalition government.

And what was his most difficult ruling? It was the controversial nominations of the Chief Justice, the Director of Public Prosecutions, the Attorney General and the Controller of budget following the promulgation of the new Constitution.

President Kibaki had nominated Mr Justice Alnashir Visram as Chief Justice, Prof Githu Muigai (Attorney General), lawyer Kioko Kilukumi (Director of Public Prosecutions) and William Kirwa as Controller of Budget, eliciting protest from the ODM side.

ODM leader and Prime Minister Raila Odinga disputed the nominations saying they were arrived at without consultations and thus were unconstitutional. Since

the names had already been forwarded to the National Assembly, the Speaker ruled that the nominations were unconstitutional. But he was not a happy man as he felt that the matter that would have been resolved by the Executive was now left to him.

“I felt like I was being pushed to the end of my tether, that pressure was being brought to bear upon me that really shouldn’t be my baby...and that is one of those that I felt shouldn’t have been left to the Speaker,” he observed.

Although Mr Marende had tactfully delayed giving directions over the issue with a hope that the executive would resolve it, that wasn’t to be. The Parliamentary Committees of Justice and Legal Affairs and that of Finance, Planning and Trade were also split over the issue, complicating the matter further.

“I thought they would be able to come together to resolve the matter but they didn’t and if you watched me as I read that communication, at some point I almost broke down because I recollected what I had to go through in meetings behind the scenes with the president and the PM and how we thought this matter would be resolved amicably and yet it wasn’t and the parliamentary committees didn’t assist me because



# "I was the last check and I had the courage and fortitude to make the decision, I think it was one of those very trying moments for me"

▶▶▶ those committees ought to have come up with decisions that would have just determined the matter one way or the other but instead we had reports emerging that did not quite solve the matter," recounted Marende.

"But well, in a way the law makes me the last stop and perhaps that is just what saved the day. That I was the last check and that I had the courage and fortitude to make the decision, I think it was one of those very trying moments for me," added the Speaker.

The ruling was heavily criticised by the PNU side which accused him of being partisan.

And at the start of his term on January 15, 2008, Marende encountered one the most difficult task of making a ruling on the oath of affirmation that had been contested by ODM MPs, just moments after his election.

"I had just been elected Speaker, I was not prepared for it, I did not quite know what procedure is and what points to refer to, I had no precedents, that matter was completely new and here were members objecting to the form of oath of office that ought to be administered... if I didn't have the presence of mind to make that decision as I did then we were going to plunge this country even into greater crisis," Marende says.

Then Budalang'i MP Ababu Namwamba had caused a stir declining to swear allegiance to President Kibaki and protesting at a move to have the President sworn ahead of him yet his name comes first in the alphabetical order. This dragged the sitting from 2.30pm to about 1.18 am the following day, but Marende then ruled that the oath had to be taken in the form and the manner it was prescribed as that has been the precedent.

"We would have no MPs sworn in, they would therefore have no mandate to be MPs and the effect of that would have

been the president who had been sworn in as president would have had little choice but to dissolve parliament and we would have to call for a by-election," says Marende.

"I think for me that was the hardest decision I had to make because I agonised with my conscience ...you may be aware at that point I had also just been re-elected to represent Emuhaya for the second time so I came from a political stable and yet there was this challenge to now make a decision that would either make or break the Kenyan nation. To me that was the most monumental, perhaps the most difficult," he recalls.

He would later be faced with another challenge of determining who the Leader of Government Business would be after Kibaki nominated Vice President Kalonzo Musyoka to the position as Raila nominated himself. In his ruling he tasked the two government Joint Chief Whips to run the government affairs in Parliament as he appointed himself the Chairman of the House Business Committee as the two principals resolve the impasse.

"There was no unison in the government there was no concurrence, and am glad I made that decision that made the business of Parliament to continue even as the principals sought to find consensus," Marende said during an interview.

"Everybody wanted it (the ruling), from the highest office to intelligence officers, but they could not have their hands on it. They kept on asking, Mr Speaker are you going to agree with the President? But I said I will follow the law," Marende revealed at the farewell party of senior retired parliamentary staff, last December.

Describing his term as tumultuous, the 57 year-old, says his life would have been smoother without the challenges that came with the tenth Parliament. But he is quick to add that it opened up opportunities for him to set

precedents and extend the boundaries of jurisprudence.

"It (my life) would have been softer, look at it this way; during the KANU era how many Kenyans really cared about the Speaker's office, that there is this ruling which keeps us on our toes, that we are seating on tenterhooks waiting for Speaker's ruling, it wasn't there, so I think my life would have easy it would have been a smooth ride, but this one has been tumultuous, it has been trying, it has been fairly difficult," said Marende. Mr Marende describes the 10<sup>th</sup> Parliament as 'the most vibrant and an all-round achiever.'

"The 10<sup>th</sup> Parliament has enacted a very high number of statutes, upwards of 200 pieces of legislation have been passed by the tenth Parliament."

There were also some missed opportunities, which he thought the MPs would have dealt with. These included strengthening the Ethics and Anti-Corruption Commission to fight corruption and failure to push for the expansion of the country's rail transport to spur economic growth.

"The fact that we haven't been able to oversee the EACC vibrant, active and really running after culprits of corruption, I think that's a missed opportunity, it is something I would have really wanted to see done," he said.

As much as there is an expansion of roads, Marende says the railway line has been neglected.

"We have seen the Thika super highway emerge but we have seen the Kenya Railways continue to remain in limbo, if anything deteriorate further, perhaps this is something we should have pushed so that the railway system would have been reinstated to full performance so that we can move goods faster and if anything I think we should have spurred greater economic development," Marende said.





“**KENYANS** Aspired for  
**Devolved Government,**  
the **SENATE** will  
**Safeguard**  
their **Aspirations**”

An Interview with the Pioneer Clerk of the Senate

*By Japhet Muthomi*



*Jeremiah Nyegenye*

**M**r. Jeremiah Nyegenye’s opening statement summarises the critical role the Senate will play in the new constitutional dispensation whose bedrock is the devolved governance structure.

“Kenyans overwhelmingly voted for the new Constitution which introduced devolved governance. The primary mandate of the Senate is to represent the counties and to protect the interests of the counties and their governments thereby giving fruition to the aspirations of the Kenyan people” he says. These words by the pioneer Clerk of the Senate carry heavy significance and are key to an understanding of the role of the Senate in the new-look Parliament.



▶▶ The Clerk of the Senate retraces his public service journey and his interest in parliamentary affairs to long before he joined the Parliamentary Service. Bred under the renowned **'call to duty'** doctrine of the late Dr. Geoffrey Griffin his mentor and the founder of the Starehe Boys' Centre where he undertook both his primary and high school education, Mr. Nyegenye resolved from an early age to pursue a career in the public service.

He fondly remembers Dr. Griffin as having nurtured a spirit of commitment to public service by the advice he gave to his students, now immortalized in the biography *Geoffrey Griffin, Kenya's Champion Beggar*. The late Dr. Griffin memorably said "Our world is full of people who do their duty half-heartedly, grudgingly and poorly. Don't be like them. Whatever is your duty; complete it as fully and perfectly as you possibly can. And when you have finished your own duty, go on to spare some of your own time and talent in service to less fortunate people...."

He heeded this **'call to duty and service'** when he joined the Attorney-General's Chambers upon completion of his legal training and admission to the bar in 1997, at a time when private legal practice and corporate jobs were more attractive options for newly admitted lawyers. At the Attorney-General's Chambers, Mr. Nyegenye specialized in parliamentary affairs, serving as Parliamentary Counsel in the Legislative Drafting Department where he provided legislative services to Government Ministries and Departments, as well as to Parliament itself and in the process made a name for himself as a legislative drafter of repute.

He would later serve as a legislative drafter to Constitution of Kenya Review Commission (CKRC), as joint secretary to the Committee of Eminent Persons on the Review of the Constitution of Kenya and as legislative drafting consultant

for the Kenya Law Reform Commission, among many other governmental and non-governmental organizations. He feels privileged to have been part of the team which drafted the proposed Constitution of Kenya, 2005 and the Constitution of Kenya, 2010 which has significantly reformed the country.

In 1999, Mr. Nyegenye assisted the Hon. Peter Oloo Aringo, then an opposition backbencher to draft a Bill to amend the Constitution to establish a Parliamentary Service Commission and a Parliamentary Service with autonomy from the executive. "I was motivated by the firm belief that the good governance of our country could hardly be secured when the legislature was feeble and shackled to the executive arm of Government. Little would I have known then, that many years later I would be called upon to serve and indeed head the secretariat of the emancipated Parliamentary Service!" he remarks.

Mr. Nyegenye undertook a master of laws degree majoring in Public International Law and in his LLM thesis

international organizations. An advocate of the High Court of Kenya and a Certified Public Secretary, Mr. Nyegenye has also studied legislative drafting at the Institute of Advanced Legal Studies of the University of London, the International Legislative Drafting Institute of the Tulane University, New Orleans and the International Law Institute.

In 2007, Mr. Nyegenye joined the Parliamentary service as the Principal Legal Counsel with the mandate of establishing a fully fledged Legal Service that would free the legislature from dependence on the executive for legal services. His tenure as the head of legal coincided with the tumultuous era of the Grand Coalition Government of the 10th Parliament with its heavy legislative demands on Parliament.

The period witnessed a marked increase in Private Members Bills, legal advisories and speaker's rulings. He successfully led the legal department rising to become the director of legal services

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***"I was motivated by the firm belief that the good governance of our country could hardly be secured when the legislature was feeble and shackled to the executive arm of Government"***

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made the case that the purview of the issues and matters that could be asserted or categorized as belonging to the domestic jurisdiction of sovereign states, to deal with as they considered appropriate was diminishing as more and more territory was being claimed by the international legal system and by

of the National Assembly in 2010. Among the many successes during the period was the hosting of the Inaugural Africa Colloquium of Legal Counsel to Parliaments with Mr. Nyegenye as the inaugural Chairperson. In 2012, Mr. Nyegenye was appointed as the Clerk of the Senate in the first open competitive

recruitment process for a Clerk of Parliament to be undertaken by the Parliamentary Service Commission. In accordance with the Constitution, his appointment was submitted to the National Assembly and was approved on October 11th, 2012.

The Clerk of Senate, who under the Constitution is the Secretary to the Parliamentary Service Commission and its Chief Executive Officer, considers that the dynamics of the 10th Parliament and the challenges which the Grand Coalition Government had to constantly encounter and surmount have set a precedent for the interplay between the 11th Parliament and the executive on one hand and also within the Senate and the National Assembly. "Our people will learn that the in-built tensions among the arms and organs of Government are an integral feature of every modern democracy and that these, when properly managed serve to advance rather than undermine the common good," Mr. Nyegenye adds that while it is the natural tendency for each arm or organ of Government to safeguard its territory or even seek to extend it, the common good is best served when each such arm or organ exercises a measure of restraint and recognizes and respects the constitutional status and mandate of the other or others.

Mr. Nyegenye cannot hide his enthusiasm while speaking on the subject of devolved governance which he considers to have been "at the heart of Kenyans' clamour for a new Constitution" and whose successful implementation "will be the yardstick for determining the success of the constitutional project". In this context, he argues that drawing lessons from the collapse of the **Majimbo** system just after Independence, the centrality of the Senate as the custodian of county governments, to guarantee that they are adequately financed and that their constitutional mandate and jurisdiction is not upset or eroded cannot be gainsaid.

"there is no devolved governance to speak of without robust county governments; and there are no robust county governments without an equally robust and vigilant Senate"

To him, «there is no devolved governance to speak of without robust county governments; and there are no robust county governments without an equally robust and vigilant Senate.» These basic propositions

epitomize the role of the Senate. He is quick to add that even though the legislative role of the Senate is constitutionally limited to matters concerning county governments, the Senate's deliberative role is not so limited and neither is its oversight role. The Senate will therefore play a central and critical role in giving expression to the people's aspirations.

He envisions a «respectful and complementary relationship» between the Senate and the National Assembly but is quick to add that experience world over has shown that as the Houses provide checks and balances against each other, there will occasionally be disagreements. «Happily, the Constitution and the Standing Orders have adequate mechanisms for dealing with disagreements between the two Houses and finding accord.» The important thing is to recognize that both Houses are creatures of the sovereignty of the people and exist to serve their needs.

Mr. Nyegenye appreciates the historical progress of Parliament to its current independent status but is adamant that it is time for it to reform even further and to shift its focus to reflect the aspirations of the people. He envisions a "Senate that resonates with the people and the counties; a Senate that the county governments and the people will identify with and truly feel a part of". To achieve this, Mr. Nyegenye is resolute that there is a need to promote a new culture of «public centeredness» in the Senate secretariat and Parliamentary Service workforce in general. "The Constitution is clear that public institutions belong to the people and they must therefore get the services to which they are entitled. It is the least we can do.»

Mr. Nyegenye adds: "If we believe in our country and if we serve it wholeheartedly, believing that we are the forces of change, then there is nothing we cannot do".

# Both Houses of Parliament will Co-exist Harmoniously

## SAYS NEW CLERK OF NATIONAL ASSEMBLY

*By Japhet Muthomi*



**Mr. Justin Bundi**  
*Clerk of the National Assembly*

**“I have served the government of Kenya all my working life, right from when I left the University of Nairobi in 1981”, is the curt reply from the new Clerk of the National Assembly, Mr. Justin Bundi, when asked about his career journey.**

The soft spoken former Clerk of East African Legislative Assembly (EALA) has replaced Mr. Patrick Gichohi as Clerk of the Nation Assembly after the former Clerk retired on December 18th, 2012 after serving parliament for 33 years.

Born in 1961 in Tharaka Nithi County, Mr. Bundi started his career as a District Officer in the volatile North Eastern region, serving in such districts as Mandera and Garissa before moving to Kisii and Siaya in Western Kenya.

“I served in the North Eastern Province when the area was quite volatile with inter-clan tension and clashes but we were able to diffuse the problem. Having started my career there, I guess it prepared me for the long government service ahead”, he says of his career that was later to take him to Namibia with a team consisting of several other DOs that helped organise and supervise Namibia’s independent elections.

After coming from Namibia, Mr Bundi later worked with the Ministry of Tourism and Wildlife before he was transferred to the National Assembly when Parliament decided to strengthen its secretariat. “We were 12 of us posted to Parliament, including the former Senior Deputy Clerk Mr. Peter C.O. Omollo and the Special Programmes permanent secretary Andrew Mondo. Out of the 12, all left other than Mr. Omollo and I”; he recalls.

Mr. Bundi is quick to point out the significance of the timing of his appointment. “As the first holder of

this position approaching the era of bicameral parliament, I have to say that Kenyans need to brace themselves for a totally new way of doing things in the 11th Parliament”, he says.

The new dawn provides for a two-chamber legislature, county assemblies, the presidential system and how Parliament will be relating to the executive through committees, with no ministers in the chamber and no question time. “Parliament now will be able to put the executive arm to account for its performance, it will even have the mandate to impeach the President and the Deputy President”, he adds.

On the task ahead of ensuring that the Senate and the National Assembly are well facilitated by the staff to meet their mandate, the new Clerk of the Assembly doesn’t mince his words, “I am aware of the stereotype about government service being lethargic and inefficient. What I want to assure Kenyans is that we have molded and continue to strengthen a very efficient Parliamentary secretariat that will be an example of excellence”.

According to him, Parliament will be the linchpin of the three government arms and if the Members of National Assembly and Senators are not well facilitated in their functions, then there is a genuine risk of derailing the government. For that, the Clerk insists that parliamentary staff have to be equal to the task and ensure that that the new parliament hits the ground running.

As part of the preparedness for the new Parliament, Mr. Bundi, who prior to his appointment as Clerk, chaired the Infrastructure Committee of Parliament points at the massive development that the Parliamentary Service Commission has undertaken.

Parliament has been allocated Protection House by the government and the St. John’s Ambulance Building has also been purchased by Parliament. Office space has been leased in Harambee Cooperative Plaza and Ukulima Cooperative House. This is in addition to the expansion of the catering unit that will have an underground parking for 200 cars. The Clerk also revealed that the Senate Chamber is being remodeled into a modern chamber like the National Assembly Chamber and is expected to be completed within six months. He further revealed that a temporary Chamber for the Senate will be located at the Kenyatta International Conference Centre.

Each House will have its rules of procedure for its business and where joint engagement is envisaged, there will be joint rules to ensure that there is no conflict. “We don’t envisage any conflicts to write about, the two houses are serving Kenyans, they share staff and are administered by the same Commission. There will certainly be frequent consultations between the two Speakers and the two Clerks and we expect that Members will be striving to do the best for the country and not for their respective houses”, he said.

The Clerk makes a strong pitch for Kenyans to take advantage of public participation in the legislative process. “The public should realize that their views will count in a stronger way if they package them well and present them to parliamentary committees during public hearings instead of just complaining about laws.





# NEW LOOK PARLIAMENT: A Historical Analysis of bicameralism in the Kenyan Parliament

*By Njenga Njuguna and  
Omweba Shadrack Makokha*

**U**ndoubtedly, one of the paradigm shifts brought about by the enactment of the Constitution of Kenya 2010 is the restructuring of the Kenyan legislature by introducing the Senate.

Historically, Kenya has previously had an experience with a bi-cameral legislature, composed of the Senate and the House of Representatives, thanks to the 1963 Constitution.

To better understand the context, as stipulated under the Constitution, one has to be first familiar with the 1963 Senate in terms of its composition, roles and the intrigues that led to its abolition. The Senate then, was composed of 41 members, representing the 40 Districts and the Nairobi area.

Members were expected to serve on rotational staggered tenures, in such a way that in every election only a specific proportion of Senators were eligible



*Kenya remains a unique case of a unitary state, devolved into a twin national and county governance system that are separate yet interdependent*



House of Representatives, and in case amendments were proposed by the latter, the two Houses had to agree before its assent by the President. Quite curiously, while Senators could hold the Executive arm accountable, they were only allowed to ask questions on behalf of their Districts and not regions.

Afraid of an influential Senate and the desire by the centrists within the Executive to manipulate Parliament in their bid to establish a powerful Presidency, several amendments were introduced to the Constitution. In December 1966, vide the 7<sup>th</sup> Constitutional of Kenya (Amendment)

dominance over the last four decades. In fact, during this period, Parliament's ability to check the Executive was eroded and it was merely transformed into a puppet of the Executive. The centralized system, now without the Senate, ensured that regions which were out of favor with the 'government of the day' remained secluded and had no genuine institution to represent their interests.

Nonetheless, the struggle for a new Constitution that would respect the doctrine of separation of powers and the system of checks and balances ensued

## **While establishing a Bi-Cameral Parliament, the Constitution creates a strong Parliament within a Presidential system of governance**

for elections. This allowed for legislative continuity, shared experience and preservation of institutional memory.

The primary role of establishing the Senate was to protect minority interests (communities) especially in Rift valley and Coast provinces. In addition, given the fact that Kenya then was operating under a devolved Government comprising of regions (**Majimbo**), the Senate was meant to safeguard these region's autonomy and interests.

Similarly, the Senate participated in the legislation function by way of originating any bill except money bills. In the event there was any doubt as to whether a bill was a money bill or not, the matter was referred to the then Supreme Court (**later christened High Court after 1963**) for determination which had the final jurisdiction over the matter.

Notably, bills originating from the Senate would be scrutinized by the

Act, 1966; the Senate was merged with the House of Representatives into one house with 41 new Constituencies being created to accommodate the 41 existing Senators. Regional Governments were equally abolished. This may have somehow later greatly influenced the creation of the Senate in the new constitution.

The net effect has been the erosion of the principle of separation of powers, checks and balances for equitable and democratic governance and distribution of resources. The establishment of the Senate as the principal custodian of the interests of counties and their governments clearly shows Kenya has gone a full circle, politically-speaking.

Kenya has had to operate under this cloud, characterized by Executive

culminating into the enactment of the new constitution in 2010.

The people of Kenya, while drafting the 2010 Constitution, opted to create a Parliament that would accommodate Kenya's diverse interests, ensure full representation, respect and protect the devolved government units (Counties). Indeed, the sovereignty of Parliament emanates from the sovereign power of the people as provided for in Article 1 of the Constitution.

While establishing a Bi-Cameral Parliament, the Constitution creates a strong Parliament within a Presidential system of governance. However, Kenya remains a unique case of a unitary state, devolved into a twin national and county governance system that are separate yet interdependent. In most

▶▶▶ jurisdictions, establishment of a second chamber is always associated with a federal country that is divided into small units, which are either independent or quasi-independent, in which case the Senate serves to protect their interests and autonomy.

The Senate shall comprise of **68 Senators** that is: - **47 elected Senators** representing each of the 47 counties, **16 women nominated by political parties on a pro rata basis of votes won, a man and a woman representing the youth, a man and a woman representing persons with disabilities, and the Speaker.**

The Senate was principally established to protect the interests of Counties and their governments as provided for in **Article 96(1)** of the Constitution.

The Senate shall also participate in the Law making function of Parliament as practically all bills must be considered by both houses. However, the constitution provides some exclusive mandates to either House to initiate certain pieces of legislation. For instance, the Senate is specifically mandated to initiate

a motion on a money bill, but the same must also be presented to the Senate, where amendments can be proposed.

However, depending on the constitutional mandate given to each House, as a Parliament, they must agree on its text and content of a bill before assent by the President. This will certainly improve the quality of legislation and citizen representation.

Notably, if a bill relates to election of members of County assemblies or a county executive or revenue allocation to counties, such a Bill will be considered as a **'Special Bill'** under **Article 111** and may be vetoed by National Assembly through a resolution supported by two-thirds of its members.

Apart from Bills concerning Counties, it is apparent that the Senate shall have limited legislative latitude to consider other legislative proposals originating from the National Assembly. However, the National Assembly shall have unrestricted consideration of all bills.

Apart from legislating, the Senate,

both houses for mediation in accordance with **Article (113)**.

The Senate shall also exercise oversight over national revenue allocated to the County Governments. In the same vein, the Senate shall participate in oversight of state officers by considering and determining any resolution to remove the President or Deputy President in accordance with the procedure set out in Article 145 of the Constitution.

In terms of discharging its duties, the Senate like the National Assembly, shall develop its own Rules of procedure i.e. Standing Orders and practices to govern its conduct. Members will also elect the Speaker and the Deputy Speaker who shall preside during proceedings.

The Constitution further states that in case of a joint sitting of both Houses, the Speaker of the National Assembly shall preside assisted by the Speaker of the Senate. In addition, the Senate may establish Committees pursuant to the provisions of **Article 124** of the Constitution. The Committees shall have powers to summon witnesses for purposes of giving information or providing evidence. The Constitution further emphasizes public access and participation in Senate's proceedings.

**Reflection Points; Matters that needs sensitive consideration**

'Strong' bicameral systems are ones in which the two houses are symmetrical-

their powers are comparable or nearly comparable-and incongruent-their members are elected in significantly different ways.

Traditionally, in most jurisdictions with bicameral legislatures, the Senate serves as the Upper House, while the National Assembly or House of representatives as the lower House, but each with a complementary function. Kenya's new Senate is quite a unique experiment with no equal anywhere in the world.

**There are pertinent issues that will require clarification either by way of legislation, judicial proclamation or administrative action, for avoidance of doubt on the operation of the Senate and any potential conflict with the National Assembly**

and deal with legislations touching on County matters. **Article 96(2)** specifies that the Senate shall consider debate and approve Bills concerning Counties in accordance with **Article 109 to 113**.

In this case, the Senate may be proactive by utilizing Article 109 which allows a Bill concerning a County to originate from the House, but such a bill must also be considered by the other chamber, in this case the National Assembly. The reverse also applies to Money Bills (**Article 114**). Only the National Assembly can initiate

through a resolution shall determine the basis of allocating national revenue among counties annually. In doing so, it shall have to consult with the Commission on Revenue Allocation, County Governors, the Cabinet Secretary on Finance, the public and professional bodies.

A resolution arrived at shall be forwarded to the National Assembly which may adopt, reject or amend. In the event of a rejection or an amendment, the matter shall be referred to a joint committee of



►► Be that as it may, there are certain pertinent issues that will require clarification either by way of legislation, judicial proclamation or administrative action, for avoidance of doubt on the operation of the Senate and any potential conflict with the National Assembly:-

First, in spite of the constitutional provisions that stipulate that both Houses have similar status and perform complementary functions, there are already lingering positions and arguments in the public domain on which house is superior between the Senate and the National Assembly. From the face value, whereas Senators will largely represent a greater population and geographical area (county), hence a greater mandate because of the size of their constituent counties, they will however oversee or have limited legislative mandate in their Senate functions. In fact, with this scenario, Senators powers will be constrained in terms of ability to check most legislation originating from the executive or the National Assembly.

Comparatively, in most jurisdictions which have a bi-cameral legislature, the Senate is always superior or deliberative Chamber. In the long-

term Kenyans will need to hold sober discussions on this issue as there are likely to be operational hiccups once Parliament is constituted, whereas the Senate may be tempted to make attempts to curve its space, the National Assembly may certainly seek to protect its mandate as currently provided in law.

Secondly, on procedural issues, **Article 107 (2)** provides for a joint sitting of the House. It's not explicitly clear, where this joint sitting shall be held, even though this can be dealt with by a resolution of the two chambers. In most traditional bicameral systems, joint sittings are either held in a separate hall or whichever chamber that can accommodate the large number of legislators from both Houses. In India, joint sittings of both **Rajya Sabha** (upper) and **Lok Sabha** are held in a Central Hall. In the USA, joint sittings are held in the House of Representatives, mainly due to space limitation in the Senate and lack of any other suitable venue in the Congress buildings.

This ambiguity extends to the composition of the Parliamentary Service Commission (PSC), such that whereas the Speaker of the National Assembly is a member, the

Senate speaker is not a member. In addition, Article 108 establishes the leader of the majority and minority parties in the National Assembly (while none in the Senate,) without clearly assigning roles to these positions. Perhaps the Rules of Procedure (Standing Orders), revised PSC Act, practices and conventions should address these sticky points in the medium and long-term.

### Conclusion

The re-introduction of the Senate presents Kenya with another great opportunity to recover checks and balances lost immediately after independence. The Senate shall certainly improve the quality of legislation, ensure effective representation and safeguard the interests of Counties. All that is needed is to clear the existing ambiguities and build its legislative and technical capacity, by way of providing modern facilities and effective staff to ensure it delivers quality services to the people.

The Senate is and will remain a testimony and symbol of the clamour for devolution whose object has been to address historical imbalances and unbalanced development and inequality in Kenya.

# Training Centre at the core of Capacity Building for new elected Leaders and Staff



By Serah Kioko

## BACKGROUND

**T**he 10<sup>th</sup> Parliament will go down in history as one that instituted more reforms than any of its predecessors.

Of the key reform initiatives was the taking of a concrete step to address the challenge of capacity development for Members of Parliament, staff, Members and staff of County Assemblies by establishing the Centre for Parliamentary Studies and Training (CPST).

The establishment of the CPST has been in response to Parliament's strategic plan which calls for improved performance. Under this strategic priority, the CPST will play a key role in strengthening the capacity of Members to execute their mandate and enhancing staff performance through appropriate training programmes.

Modern institutions all over the world are setting up their own institutions of learning specially designed to build capacity of their employees in ways that the organizations deem most appropriate and relevant to their needs.

Additionally, real or effective capacity development for any organization ought to be a properly structured and an on-

going process to help the organization address expected and unexpected challenges which calls for exposure to new ideas to sharpen employees' innovativeness and thereby contribute to organizational growth and development. In Kenya, there are examples of such training centres both from the private and the public sector. They include Nation Media Group's Media Lab, the Safaricom Academy which is hosted at Strathmore University, the Bandari College of Kenya Ports Authority, The Kenya Wildlife Service Training Institute (situated in Naivasha), the Kenya Defence College, the Kenya School of Government (formally Kenya Institute of Administration) and Kenya School of Monetary Studies for the Central Bank of Kenya, among others.

Such practice has not been the norm for many Parliaments yet few institutions offer parliamentary training, which is highly specialized. Many parliaments lack properly structured in house training for Hon. Members and staff and much of what is available tends to be reactive, short and *ad hoc*. Such programmes, though tailored to the needs of the moment, lack a long term strategy.

The mission of such courses is usually to induct the target group into the general workings of Parliament and the conduct

of its business. As a result, their forum and content fall short of giving adequate insight and grounding into underlying and latent principles of Parliament and the many facets and components of its work, operational mechanisms and status as a key member of the corporate governing establishment of a state.

Cognisant of the foregoing, the Parliamentary Service Commission, under the stewardship of the Hon. Kenneth Marende as Chairperson, established the CPST, something done by a few other Parliaments who want to ensure the provision of structured training and capacity development for both Members and staff of Parliament.

## THE CPST- A PROFILE

The CPST is an organ of the Parliamentary Service Commission (PARLSCOM) established by a resolution of the Commission on December 08, 2008 and later given the force of law through the publication of the Parliamentary Service (The Centre for Parliamentary Studies and Training) Regulations, 2011.

Prior to the gazettelement of the CPST Regulations and the appointment of the Board, the Centre operated under the provisions of the Commission Resolution of December, 8, 2008 with the policy direction being given by a multi-departmental Steering Committee, appointed by the Clerk of the National Assembly. The day to day operations of The CPST were and still continue to be carried out under the supervision of the Director of the Centre who is the Chief Executive Officer and Secretary to the Board. ➡➡

## ►► Management and Administration Framework

The Parliamentary Service (CPST) Regulations, 2011, vest the management of the Centre in a Board consisting of the following members:-

Three members of the PSC one of whom shall be the chairperson;

The Clerk of the National Assembly;

The Clerk of the Senate;

The Director of the Centre, who is an employee of the PSC and Secretary to the Board, is responsible for the day-to-day management of the affairs and business of the Centre.

### Vision

To be a Centre of Excellence in Parliamentary and Governance Affairs.

### Mission

To enhance the capacity of Honourable Members and staff of Parliament for the effective and efficient execution of the mandate, role and functions of Parliament in democratic governance.

### Key Roles and Functions

- Conduct courses for the exposition and enhancement of the knowledge, skills and experience of Members of Parliament and staff and Members and staff of County Assemblies;
- Conduct courses on parliamentary matters to other persons as may be approved by the Board;
- Provide directly, or in collaboration with other institutions of higher learning, facilities for parliamentary research, studies and training;
- Participate in the preservation and transmission of parliamentary knowledge in Kenya;
- Conduct examinations for, and grant, academic awards as may be necessary;
- Contribute to the effective and efficient execution by Parliament of

its roles and functions in democratic governance;

- Prepare modules for training on legislation, representation and the oversight roles of Parliament, in collaboration with the National Assembly and the Senate, other national or supranational Parliaments, and other centres or institutes executing similar mandates;
- Undertake any other business, which is incidental to the performance of any of the foregoing functions.

### WHAT THE CPST OFFERS

The CPST is a one stop research and skills development centre that provides training and capacity development in parliamentary and governance affairs to Members and staff of Parliaments, government officials and other interested parties. This is done in line with the Curriculum which is based on seven thematic areas, namely:-

**Legislative and Procedural:** for capacity development of Members and staff in the areas of House, Committees and Legal Services.

**Research and Information:** to offer modules for the capacity development of Members and staff in the Library, Research, Public Relations, Media, Clerks and the Hansard services.

**Security, Ceremonial and Precincts Décor:** to offer modules for capacity development relating to security and ceremonial functions for Members and staff of Serjeant-at-Arms, Clerks, Office of the Speaker, for Managers and Office Services.

**Public Finance Management:** to provide modules for Members and the staff relating to Accounts, Budget, Finance, Procurement and Internal Audit.

**Human Resource and Administration:** to offer modules for capacity development for Members and staff relating to Human Resource Management, Human Resource Development, Pensions, Catering, Health

and Recreation.

**Cross-Cutting:** to offer modules for capacity development for Members and staff relating to Gender and gender equality in parliaments, ICT, Language, Diplomacy, Protocol, Customer Care, Planning, Management, Strategic Planning, and Oversight.

**Matters requiring immediate attention:** the Centre is mandated to organize various capacity building events for Members and staff of the national Parliament and County Assemblies in order to equip them with skills and enable them implement relevant sections of Constitution.

### CPST and Training of County Assemblies

The CPST has been mandated to provide training and capacity development to Members of County Assemblies. CPST will work closely with the Departmental Committee on Local Authorities that oversees County Assemblies.

To realise this mandate, CPST has prepared the following materials:-

1. Sketch of the Rules of Procedure (this is a generic template that each County Assembly could adopt but tailor to its specifications);
2. Induction/Orientation material for Members and staff;
3. Proposal on Staffing/Job Descriptions;
4. Model County Assembly; and
5. Handbook for County Assembly.

The Centre has held and will continue to hold consultations with the Transitional Authority, the Ministry of Local Government and other relevant Government agencies in the process of preparing and providing training and other facilitation to the County Governments. The CPST is waiting for the national Parliament and the County Assemblies to designate their staff, after which the Centre will roll out training programmes as appropriate starting with Induction/Orientation.



# ...From a Budget Approving to a Budget Making Legislature

By Martin Masinde

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*Macro model is a logical mathematical framework representing economic relationships that explain how the economy works.*

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**The new constitution has significantly changed the public financial architecture and has given Parliament a more enhanced role in the budget making process.**

This includes the ability to decide on resource mobilization, allocation, monitoring and control. The public finance chapter of the Constitution has endeavored to provide the legal framework on intergovernmental and county fiscal relations in terms of resource mobilization and allocation.

Article 221(4) of the constitution gives Parliament the mandate to review the budget estimates and make its own recommendations before it can approve the budget. Further, the budget committee is tasked to engage in budget processing by giving strategic direction with regard to resource allocation among the three arms of government. As such, the Legislature will require timely, quality and adequate information and data on key macroeconomic variables that affect resource mobilization and allocation and are crucial in shaping policy.

In fulfilling this mandate, the Budget Committee and other House Committees need to be equipped

with evidence backed analysis for their arguments. The Parliamentary Budget Office (PBO) will be the pillar in ensuring that the Parliament moves from a budget approving legislature to a budget making legislature. For this reason, there is need to benchmark best practices with regard to the functioning of Parliamentary Budget Offices.

The PBOM is the first of its kind in Africa. Macro models exist in other Parliaments outside Africa who have established strong budget offices and are now the benchmark of best practices across the world. For instance, the National Budget Office of Korea (NABO) has a well developed macro model that is essential in providing sound policy

advice on matters concerning the economy. Through this tool, NABO is able to provide various analyses that are crucial for evaluating the budget as well as giving policy direction. Others jurisdictions with operational forecasting models include the Canadian Parliamentary Budget Office (PBO) which uses a micro simulation model to estimate the elasticity of their tax revenues. On the other hand, the Congressional Budget Office (CBO) has several stylized models that forecast key macroeconomic variables.

Best practice warrants therefore, that the Kenyan Parliamentary Budget Office be properly equipped with its own model to undertake budget projections



*The Parliamentary Budget Office (PBO) will be the pillar in ensuring that the Parliament moves from a budget approving legislature to a budget making legislature*

▶▶▶ and forecasts, providing alternative scenarios for various macroeconomic variables including options to reduce the budget deficit. The PBOM model has been developed by taking into consideration these efforts made in other jurisdictions.

The macro model is a logical mathematical framework representing economic relationships that explain how the economy works. It summarizes the behavior of economic agents; simplifying the complex reality which is the economy as we know it today including theoretical principals in macroeconomics into a coherent and straightforward analysis.

Does Parliament really need a macro model? One may ask. The answer depends on how relevant Parliament wishes to be in the budget making and policy formulation process. A macro model is crucial for three main reasons; understanding how the economy works, forecasting future economic performance and developing various scenarios for policy formulation.

The economy can be a complex, even confusing place to operate in. With all the gymnastics the shilling was recently performing against foreign currencies, the rise and rise of food and fuel prices and the sudden spike in banks' interest rates, certainly, to a non-economist, these must have been confusing times indeed. With a macro model, economists are able to explain the interaction between these variables and to portray as succinctly as possible, how each variable affected the economy. Going forward, the model can also be used to estimate the impact of economic policies currently being pursued by government as well as developments in the national and global economy on the future economic outlook.

Perhaps the most significant use of the macro model is policy analysis. With the model, Parliament will be able to evaluate a wide range of possible policy packages and the effects of policy changes on the economy and more importantly, the levels of poverty

in the country. This is very important to Members of Parliament who as representatives of the people, are charged with the responsibility of law making as well as policy evaluation and implementation.

Additionally, there is need for an independent institution within the public financial management realm to give an alternative scenario on key macroeconomic assumptions. This is more important with regard to qualitative assumptions which are based on discretion such as the fundamentals driving growth after an election year, absence or presence of drought mitigation measures, impact of political uncertainty on foreign direct investment, among others. The

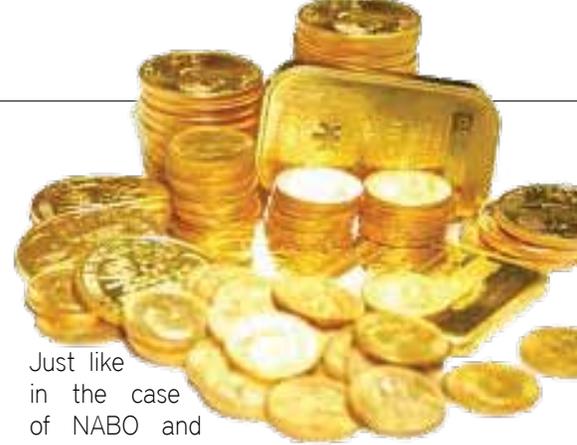
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### A macro model is crucial for three main reasons;

- ◆ Understanding how the economy works
- ◆ Forecasting future economic performance
- ◆ Developing various scenarios for policy formulation.

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importance of an independent and alternative view of the economy and Executive budget will become more apparent in the long term given the powers bestowed upon Parliament to influence resource allocation in the new dispensation. Through the macro model, the Parliamentary Budget Office will be able to offer an alternative scenario that is embedded in solid economic arguments based on the reality on the ground.



Just like in the case of NABO and CBO, the Parliamentary Budget Office endeavors to establish a Budget Institute (BI) which shall comprise of experts/policy makers from the Treasury, academia and professional groups. The Budget Institute (BI) shall provide a platform to exchange ideas that touch on fiscal policy and the economy. The basic purpose is to identify the points of departure and areas of agreement that will form the basis for encouraging convergence in ideas. Overall, this will reduce conflict between the proposed PBO model and other models such as the KIPRA Treasury Macro Model (KTMM), the CBK model, among others. Indeed, the Office is committed to ensuring that there is participation and wider consultation among stakeholders.

On sustainability of the model, the Parliamentary Budget Office has already been granted a line item in terms of budgetary allocation under the Parliamentary Service Commission Vote. In as much as this line item is factored in for short term training, it is expected that in the future this will be enhanced to facilitate continuous training which is crucial in updating and building capacity for the model. In addition, the Parliamentary Service Commission has recruited additional Budget staff, a number of whom have sound understanding of macroeconomic models. This will form the basis for future capacity and sustainability of the model.

Lastly, the Parliamentary Budget Office envisions that in future, the PBO model will serve as training platform for young and upcoming macroeconomists under existing internship programmes.



# The Role of Parliamentary Diplomacy in **FOREIGN POLICY**

*By Salad Malicha Guyo*

**S**ince independence Kenya National Assembly has played interchanging roles depending with the change of subsequent regimes.

With the ushering of new dispensation, Parliament role has dramatically changed from just legislation, oversight and representation to budget making and vetting public office appointees.

More importantly, Parliament has extended its circle of interest in the foreign field. Issues of foreign policy have frequently

*Foreign policy of a country refers to the course of action designed by a state to achieve its objective in the international arena*

▶▶▶ been subject of discussion, either in committees or during a parliamentary plenary session.

In addition, parliamentary delegations participate in the work of parliamentary assemblies of international organizations such as Inter-Parliamentary union (IPU) and Commonwealth Parliamentary Association (CPA). The potential influence of Kenya National Assembly in the legislative output is very significant within and without borders of the republic of Kenya.

Foreign policy of a country refers to the course of action designed by a state to achieve its objective in the international arena. It is a sum total of country's intention towards other states and non-state actors in the international system. Actors in foreign policy are institutions, individuals or groups that influence behavior in the states relations. Institutional actors are structures or mechanisms of social order and co-operation governing the behavior of a set of individuals within a given community.

The institutional actors in Kenya's foreign policy include the Head of State, Parliament, Ministry of Foreign Affairs, Judiciary and other ministries like the Ministry of Finance, Defence and Trade that are also presumed to be empowered to speak and act on issues of foreign relations that concern specific tasks of their Ministries.

In the formulation and conduct of foreign policy, the Head of State is the top diplomat because he represents the state in the international conferences and summits. The Head of State accredits diplomatic envoys, signs credentials given to the head of diplomatic missions, authorises a delegate to sign treaty on his behalf. In many states-nations, the formulation and implementation of foreign policy begins and ends with the Head of State. The Head of State appoints ambassadors / high commissioners

who represent him in other states with Parliament's approval.

The envoys report directly to the Head of State making him a central figure in the foreign policy formulation, conduct and implementation

Kenya's foreign policy includes;

- (i) Respects for sovereignty and territorial integrity of other states and preservation of national security;
- (ii) Good neighborliness and peaceful co-existence;
- (iii) Peaceful settlement of disputes;
- (iv) Non-interference in the internal affairs of other states;
- (v) Non-alignment and national self interest and
- (vi) Adherence to the charters of the UN and AU

Pursuant to the provision Chapter 8, Article 132 states;

- (2) The President shall nominate and, with the approval of National Assembly, appoint and may dismiss-**
  - (e) High commissioners, ambassadors, diplomatic and consular representatives.**
- (4) The president may-**
  - (d) Declare a state of emergency; and**
  - (e) With the approval of Parliament, declare war.**

Parliament plays a major role in the foreign policy. Some of the key functions of Parliament, with regard to foreign policy, involve proposing, deliberating and deciding about public policy.

Foreign policy is an externalised public policy. The only thing that differentiates them is the territory.

This means that Parliament formulates policies and establishes committees/ structures. This include: Defence and Foreign Relations Committee that oversees the implementation of foreign policy.

Apart from members of executive arm of the government and Judiciary, the Legislature also plays a part in the foreign policy in one way or another. The foreign policy decisions such as ratification of important treaties are sanctioned by the Parliament.

*Contd. on pg. 35...*

***The wider role of the Parliament in the system of a country's foreign policy varies, depending on the historical origins of the country, its political system and the overall position in the international arena***

# RECORD

## By-Elections

### in the Tenth Parliament

*By Esther Kamau*

**T**he 10<sup>th</sup> Parliament goes into the history books as having recorded the highest number of by-elections ever held in the country. These were mainly occasioned by deaths of members and nullification by the courts for various election malpractices.

In total 22 by-elections were held, eight of which followed deaths, one each was due to the resignation of the Speaker Hon Kenneth Marende and another due to a tie of votes.

#### **2008 witnessed Seven by-elections,**

- The results for Wajir North after the General Election produced a tie of votes. A by-election was held on June 11<sup>th</sup>, 2008 where Hon. Mohamed Gabow was elected MP for the area.
- On January 15<sup>th</sup>, 2008, Hon. Marende the then MP for Emuhaya was elected Speaker of the 10<sup>th</sup> Parliament thus the seat for Emuhaya was left vacant. The by-election was held on June 11<sup>th</sup> and Hon Wilber Ottichillo emerged victorious.
- On January 27<sup>th</sup>, 2008, the MP for Embakasi, Hon. Mugabe Were was shot dead by gunmen and a

by-election saw Hon. Ferdinand Waititu elected.

- On January 31<sup>st</sup>, 2008, Hon. David Kimutai Too MP for Ainamoi was shot dead by a policeman. In the 11<sup>th</sup> June by election, Hon. Benjamin Langat was elected the new MP for the area.
- The Election of Hon. Gideon

Konchella MP for Kilgoris was nullified by the courts and a by-election was held on June 11<sup>th</sup> where he recaptured the seat.

- On June 10<sup>th</sup>, 2008, Hon. Kipkalya Kones MP for Bomet and Hon. Lorna Laboso MP for Sotik perished in a plane crash in Enosupukia, Narok district. This occasioned by-elections in the two constituencies on September 26<sup>th</sup>, 2008. Hon. Beatrice Kones captured the seat for Bomet while Hon. Joyce Laboso emerged the winner in Sotik constituency.

**22**  
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In 2009 there were only two by-elections. On March 18<sup>th</sup>, 2009, the election for Hon. Joel Onyancha, MP for Bamachoge was nullified by the courts for election irregularities. Hon. Simon Ogari emerged the winner in the by-election held on August 27<sup>th</sup>, 2009

Hon. Charles Lilechi Lugano MP for Shinyalu passed away on May 4<sup>th</sup>, 2009 after a short illness, a by election was held on 27<sup>th</sup> August 2009 where, Hon. Justus Kizito captured the seat.

**2010 witnessed, six members of Parliament** lose their seats following nullification by the courts after successful petitions. ➡➡



- On January 14th, 2010 parliamentary seat for South Mugirango constituency was declared vacant because, a petition challenging the election of Mr. Omingo Magara was successful. A by-election held on 10th June 2010 saw Hon. Manson Nyamweya triumph.
- Following a court petition filed by a voter in Matuga, Hon. Chirau Ali Makwere lost his parliamentary seat on February 25th, 2010. However, he managed to retain the seat in by-election held on July 12th, 2010, becoming the first MP in the 10th Parliament to successfully defend his seat.
- On May 14th, 2010, the court nullified the election of Hon George Thuo as MP for Juja on grounds of election irregularities. In the by-election held on September 20th, 2010 Hon. William Kabogo Gitau, triumphed.
- The MP for Makadara, Hon. Dick Wathika's election was nullified by the courts and in the by-election Hon. Gideon Kioko Mbuvi captured the seat.
- Hon. Margaret Wanjiru's election as MP for Starehe was reversed following a vote recount held in April 2010 which indicated that Maina Kamanda had won the election. However, she emerged the winner in the by-election, becoming the second MP after Makwere to successfully defend her seat.
- August 12th 2010 saw Wajir South parliamentary seat declared vacant following a court petition challenging the election of Hon. Abdirahman H. Ali by his opponent and in the ensuing by election two

months later, the Opponent, Mr. Mahamud Muhumed Sirat captured the seat.

- Four by-elections were held in the year 2011
- Hon. John Ngata Kariuki, the MP for Kirinyaga Central, became the seventh MP to lose a parliamentary seat in the year 2010 following yet another successful court petition. His seat was declared vacant on November 19th, 2010. He did not

was declared vacant following nullification of the election of Hon. Walter Nyambati on grounds of election anomalies. Hon Nyambati became the fourth MP to reclaim his seat.

The year 2012, the last year of the 10<sup>th</sup> Parliament was not spared of by elections. Three by-elections were occasioned by the deaths of three MPs- John Michuki (Kangema), who died in February due to illness.



*Voters queing in one of the many by elections held during the 10th parliament*

contest the by-election which saw Hon. Joseph Gitari elected.

- Ikolomani MP Boni Khalwale lost his seat in a petition on March 14th, 2011, However in the by election held on 23rd May 2011, Hon. Boni Khalwale reclaimed his seat.
- Mr Simon Mbugua, MP for Kamukunji lost his seat also due to a petition. A by-election followed August 18th, 2011, where Hon. Yusuf Hasan Abdi emerged victorious.
- On August 12th, 2011, the Kitutu Masaba parliamentary seat

Professor George Saitoti, who represented Kajiado North constituency died with Orwa Ojode, who represented Ndhiwa constituency, when their police chopper crashed in Ngong Forest on June 10<sup>th</sup>, 2012.

In the by-elections held on September 17<sup>th</sup>, 2011, Hon Tirus Ngahu, emerged the winner to represent the people of Kangema, Hon. Olesakuda captured Kajiado North and Hon. Agostino Neto captured the Ndhiwa seat for the remainder of the parliamentary term which officially ended on January 14<sup>th</sup>, 2013.



# ASSISTING TRANSITION



By Anne Gathigia Mbataru



*Interim County Governments staff follow 'proceedings' in the National assembly Chamber during a parliamentary session simulation organised by the Centre for Parliamentary Studies and Training as part of their preparedness for county assembly service.*

**I**t is often said that change is as good as a rest, what is not highlighted is that change is a process and it takes time. Organizations are bound to change every now and then especially when the leadership changes.

Parliament is on the threshold of change in accordance with the New Constitution promulgated on August 27th, 2010. With this in mind therefore, it is imperative to remember that transformation will take time.



Transition techniques include involving employees in some decision making



Kurt Lewin, a physicist and social scientist, defined a model for organizational change as far back as 1947. Lewin used an analogy of changing the shape of a block of ice to convey his theory. If you want to change the shape of a block of ice you must first melt it or break down its existing structure.

Once it's unfrozen, it becomes liquid and can be changed by guiding it in any direction you desire. Using a mold, you can cause it to take on a different shape from its original state. Finally, you freeze the liquid within the mold to crystallize it into its new shape.

This is how Kurt Lewin explained his influential three-stage model of organizational change. Here are some key points to consider when thinking about three stages of change (Unfreeze, Change, Freeze).

**Unfreeze:-** This is the basic tendency to seek a situation which has relative safety and feel a sense of control. In establishing themselves employees may attach their sense of identity to their environment. This creates a comfort zone from which any alternatives even with benefits causes discomfort.

Effort may be required to unfreeze and get them moving (Push Methods i.e. use of power and authority) after which pull methods i.e. motivation may be used to keep them going. Unfreezing techniques may be by inspiring the employees to achieve remarkable things, commanding them to move, destabilizing the people who are in their comfort zone and setting goals in order to have objectives at the end of assigned tasks.

**Change:-** The transition/journey from unfreeze to change does not happen overnight: People take time to embrace the new direction and participate proactively in the change. Transition techniques include involving employees in some decision making, giving people space to air their concerns, Re-educating employees by imparting new knowledge/skills and making it easy to get going by putting in mind that these are the first steps.



If you want to change the shape of a block of ice you must first melt it or break down its existing structure



*Interim County Governments Staff are taken through the motion of broadcasting house proceedings at Parliamentary Broadcasting Studios during one of the trainings organised by the Centre for Parliamentary Studies and Training (CPST)*

➤ **Refreezing:-** When change is taking shape and people have embraced the new ways of working, the organization is ready to refreeze and establish stability. This may also be a slow process. The outward signs of the refreeze are a stable organization chart, consistent job descriptions, and so on.

The refreeze stage also needs to help people and the organization internalize or institutionalize the changes. Refreezing techniques may include Burning bridges i.e ensuring there's no turning back, get employees looking into the future by introducing new challenges and reward alignment on seeing desired behaviors.

By recognizing these distinct stages of change, an organization can plan

to implement change more easily. In every organization there are two kinds of people, First, the Change Ready; these are people who are unfrozen and ready to take the next step, this requires

**Time and communication are the two keys to success for the changes to occur**

encouragement to take the first step and are good to go. Secondly, are the frozen; those that are in their own comfort zone and take a long time to let go, such people need a push in order to unfreeze and move on.

Time and communication are the two keys to success for the changes to occur. People need time to understand the changes and they also need to feel highly connected to the organization throughout the transition period. When you are managing change, this can require a great deal of time and effort and hands-on management is usually the best approach. Leadership is also an important aspect especially where a whole organization change is involved. Coaching, counseling and other kinds of support will often be very helpful.

# Mr. President



1. H.E Mwai Kibaki cuts the tape to mark the opening of the refurbished National Assembly Chamber on August 7, 2010
2. H.E Mwai Kibaki presents a copy of the constitution of Kenya that was promulgated at Uhuru Park to speaker and the clerk of National Assembly on August 7, 2010
3. Immediate former Clerk and Senior Deputy Clerk of Kenya National Assembly Mr. Patrick Gichohi and Mr. Peter C.O. Omollo cut a cake during their retirement party. Looking on is the Speaker of 10th Parliament Hon. Kenneth Marende

# Pictorial



1. H.E. Mwai Kibaki logs in logs into the parliamentary electronic voting system in the refurbished chamber after the official opening. Looking on is (former) Speaker of Kenya National Assembly Hon. Kenneth Marende and Clerk of the National Assembly Patrick Gichohi.
2. Senate staff pose for a picture after their very first all Senate staff meeting in preparation of the opening of the House of Senate on Monday, 11th March, 2013.
3. The Sergeant at Arms lead a procession in to the new chamber
4. The Speaker of the 10th Parliament Hon. Kenneth Marende awards a service medal to the retired Clerk of Kenya National Assembly Patrick Gichohi
5. Former Speaker of Kenya National Assembly Hon. Kenneth Marende stands in honour after laying a wreath at the Ninoy Aquino Monument on a visit to Manila Philippines. Accompanying him is Secretary of Energy and Natural Resources of Philippines, Ramon J. P. Paje







1. Senior staff of SUNY and National Assembly with SUNYKenya Junior fellows class of 2012 during induction, March 2012 at Intercon
2. The Clerk of Senate, Mr. Jeremiah Nyegenye (right) engages a group of Kenyans whom a Parliamentary delegation on official visit found performing at Subic Bay Ecotourism Centre, Philippines
3. Immediate former Clerk and Senior Deputy Clerk of Kenya National Assembly Mr. Patrick Gichohi and Mr. Peter C.O. Omollo cut a cake during their retirement party. Looking on is the Speaker of 10th Parliament Hon. Kenneth Marende.

## ***The Role of Parliamentary Diplomacy in Foreign Policy contd. from pg. 25***

▶▶▶ The role of Parliament in the formulation of foreign policy is a quite complex issue. It's the subject of various scientific studies and concerns many other bodies of public life. It can be studied through compensated prisms, within the field of constitutional law, political science, and international relations.

The duties and actions of Parliaments in the foreign area are condensed into what is called **parliamentary diplomacy** and there is no precise definition of this concept. However, its interdisciplinary character makes it easier to approach in two levels of analysis. The first is related to its legal nature and deals with the examination of the institutional competence of regulated Parliament in the area of international relations of the country. The second level, relates to its political nature which refers to the broader political role of Parliaments in the implementation and formulation of a country's foreign policy. If well combine, these two levels, can introduce an initial description of parliamentary diplomacy as the activities carried out by Parliament in international relations, both within the limits of institutional competence and as a central factor of internal political scene.

The wider role of the Parliament in the system of a country's foreign policy varies, depending on the **historical** origins of the country, its **political system** and the overall position in the **international** arena.

A first set of parameters relate to the **form of government** that defines the role and authorities of various institutions. Several authors consider that one-party or authoritarian regimes act in foreign policy in a more or less arbitrary manner, undisturbed by any internal reactions. Some others argue that in democratic regimes the powers of legislators are substantial, since the possibilities of governmental control are wider. However, they add that Parliaments are more vulnerable

to handling foreign affairs, internal pressure of public opinion, the need for transparency, and great influence of the media.

Foreign policy is exercised by the Executive (government), in a way more or less monopolistic, as a remnant of the culture of absolutism and centralism. The political forces agree on foreign policy issues, so that their implementation will be more effective. In addition, Parliament shows its interest through parliamentary control, frequent meetings of familiar watchdogs, departmental, select and ad hoc committees by enhancing the involvement of parliamentarians in foreign affairs.

A significant parameter influences the parliamentary diplomacy and is the essential content of its foreign policy, i.e. **the national priorities and international weight** of country. Of course, countries with a high position in the international community emphasize both on the development of diplomatic services, and the relevant parliamentary committees. This category includes the Kenya, which has developed very strong parliamentary committees to monitor governmental options.

Finally, the intervention and involvement of Parliaments in foreign policy issues occurs at two levels:

(a) At the institutional level, especially in three particular contexts:

- In the legislative process: with the ratification of international treaties and enactment of laws relating to the sovereignty, security, and state security.
- Under the usual parliamentary control: the use of means at their disposal (questions, the plenary, committees, censure).
- Within the broader political role: the holding of meetings and discussions on foreign affairs on various occasions for instance, submission

of program statements, pre-agenda discussion, tabling of a report on foreign and local trips and approval of the budget).

(b) At the diplomatic level: There are three areas of intervention by Parliament:

- In bilateral diplomacy, which aims to strengthen cooperation with other Parliaments and thus to strengthen the ties of people. The development of this sector contributes to the broader strengthening of relations between Kenya and other countries.
- In multilateral diplomacy, through parliamentary delegations, either in parliamentary meetings of international organizations, or in international parliamentary bodies (Inter-Parliamentary Assembly) in conference diplomacy, usually held at the level of Presidents of Parliaments and parliamentary delegations or meet the needs of both bilateral and multilateral diplomacy. Such meetings are regional or international in nature and focus on various range of topics.
- In Kenya meetings, which may resemble those of diplomatic conferences, but have a peculiar character. They operate in a manner more or less institutionalized in practice and in the procedures and practices which was heavily borrowed from the House of Commons in United Kingdom.

Finally, according to the analysis above, we can conclude that contemporary forms of parliamentary diplomacy operate within informal groups, such as inter-parliamentary cooperative or ad hoc inter-parliamentary ones and they will become the sophisticated tools of progress and maturation of inter-parliamentary cooperation in a world that needs to be globalized, above all, interdisciplinary, intercultural but mostly participatory.

# THE HANSARD

## Oldest Record of the House Bound to Change

By Peter Oscar Nabulindo

**T**he Hansard is the official report of the proceedings and debates of a legislature of the Commonwealth. It is an edited record of all parliamentary debates, votes, Ministerial Statements and oral answers in the House.

In most of the Commonwealth parliament House Committees are routinely covered by the Hansard and especially investigatory committees. The mandate of the Hansard is to provide a verbatim account of day-to-day proceedings of the House or Plenary and also in selected committees. This is accepted as the most authentic record of the House and is referenced to by the Judiciary, Executive and the private publics, interested in parliamentary business.

### Brief History

House proceedings have transformed since Hansard's inception. Parliamentary proceedings were shrouded in secrecy and not for public consumption, reports of proceedings were difficult to locate and invariably incomplete nor accurate representation. It was believed that Hon. Members were bound not to act in the best interest of the country or constituents due to pressure and public scrutiny. This desire to protect the independence of Members from the influence of the electorate meant that no reports of parliamentary proceedings were kept. The publication of anything said in the Chamber was treated as breach of parliamentary privilege and therefore punishable.

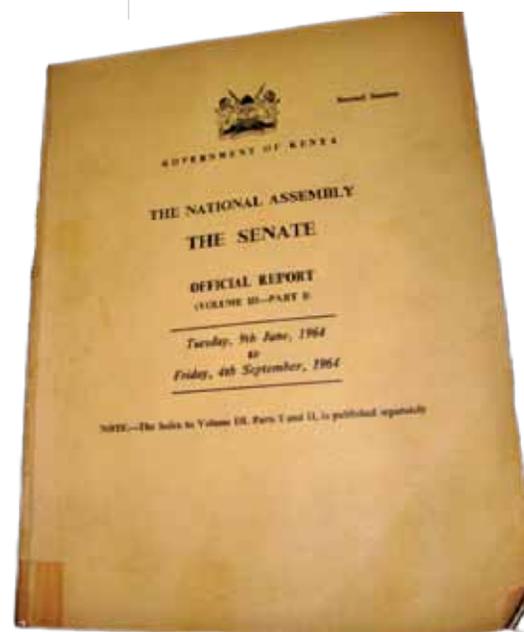
Initially, the records were published by William Cobbett who granted publishing rights to a family company owned by Luke Hansard and his three sons. However,

they soon fell in trouble with the law. Mr. Cobbett and of Hansard's sons Thomas Hansard faced the charges of seditious libel and were imprisoned. Cobbett's financial situation deteriorated and he sold the rights of publishing to Thomas Curson Hansard in 1832. From then the name Hansard appeared in the title page of all copies being produced. In 1909 a Select Committee was established to examine the arrangements for reporting House Proceedings. The Committee recommended the creation of a report with terms of reference which stated that it should be a full report, in the first person, of all Speakers alike. The official report was then born, the name.

Hansard continued to be used. As a result of the Select Committee's recommendation, the operation was taken over by the House of Commons, which appointed its own staff. When Parliament took over the production of the House report, then name Hansard was dropped. It was again brought back in use in 1943 when it was realized that the name Hansard was synonymous with House records. This is because the name had been used for a long time and popularly adopted in Canada and Australia.

### Production Process of the Hansard in the Kenyan Parliament

Kenya a Commonwealth country adopted these procedures and processes in its Parliament at inception and to date. The Hansard recording is common in all the Commonwealth parliaments. In the early years of Independence the production of the Hansard was done in a rudimentary



manner using rudimentary equipment thus making the production a tedious and laborious activity. From the 1950s to the 1980s the transcription of Hansard reports was done using manual typewriters. Production was painfully slow and even performing simple operations like spell check and correction was a challenge. Commonly a spelling mistake could lead to distortion of the report which even necessitated the repeat of the whole exercise.

Going forward, technology and equipment in the Hansard unit was improved and computers introduced, computer software however, was not customized to cater for the specific needs of the Hansard. The software commonly used was MS Dos. This software that was one of the most popular though not as user friendly as Windows 95 and software that has

➤ followed. This software had a myriad of limitations including the inability to switch between multiple running programmers', limited memory and incompatibility with current browsers and internet operations. Nevertheless, Hansard production went on despite these challenges.

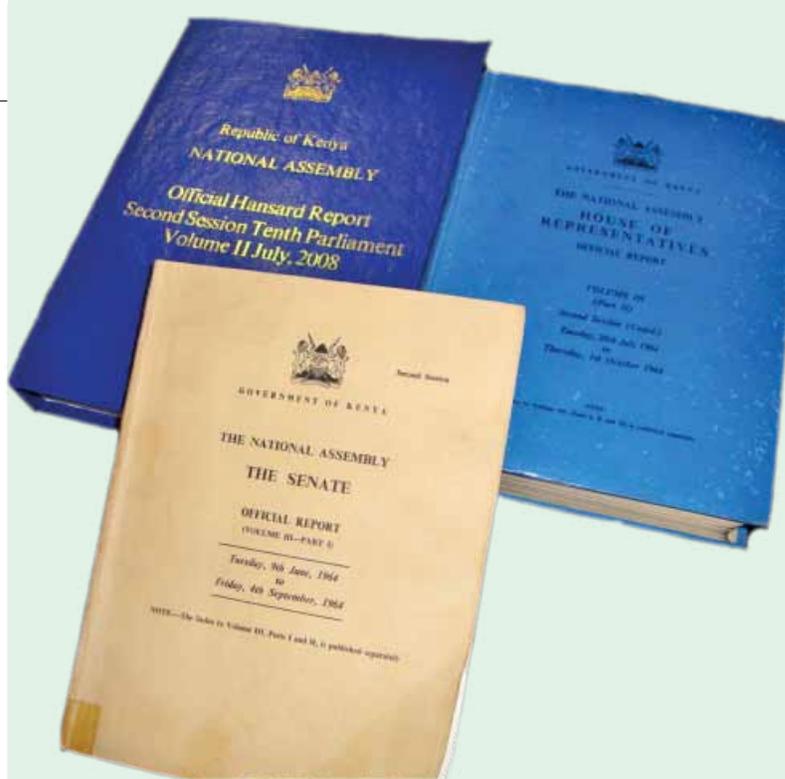
### The Hansard Production

The actual production of the Hansard is a lengthy process incorporating a number of processes and procedures. At the centre of this process is the Reporter. The Reporter is an integral person in the production of the report. The Reporter goes to the Chamber or Committee sessions and physically takes notes on what is actually taking place but cannot otherwise be captured by recording. The Reporter will therefore note the name of the person speaking, who is chairing the session and any incident taking place in the Chamber or Committee session. Remember that all this time, recording is ongoing and is done in segments of ten minutes or fifteen minutes for each Reporter. After the Reporter has taken his/her notes, it is time for transcription. Since time is of essence in the production of the Hansard, the Reporter settles down to transcribe the recorded segment.

A Reporter has to be equipped with audio-typing skills with a typing speed of over 80 words per minute. After transcription, proof-reading and setting of the text to the required house standards incorporating Parliamentary procedures the Reporter may forward his/her work to the Sub-Editor. The Reporter may only forward his text if and only if he is convinced that it's the true record of the proceedings of the session.

The Sub-Editor's responsibility is to go through the transcribed text against the recorded text correcting obvious mistakes, checking the procedures and verifying that it is what the Member said and that the meaning has not been changed. The Sub-Editor may edit the transcripts of two or more Reporters depending on the establishment of the institution. After being satisfied that the transcripts are correct and having inserted the correct procedures, the work is then forwarded to the Senior Editors. Editors are responsible for ensuring that procedures are indicative and correct and there is a flow of text in the transcripts. The edited transcripts are then forwarded to the Mergers who will merge or join them into a complete document for the sittings day or session. The final editing of the whole document is then done by the Hansard Editor. The Hansard Editor, after being satisfied by the Hansard of the day or the week, will forward it for printing.

The above process is an indication that the Hansard is a thoroughly processed document and can boast of accuracy and can be relied upon by the House, the Committees or any client making use of the Hansard services. Further, to enhance the accuracy of the document, the Hansard unit endeavours to ensure that Members who spoke in the House have a chance to correct their speeches but not in a way that will change the content of the speech. The Member is supposed to confirm whether the Hansard given to him is the correct version of what he or she said.



# TOWARDS ENGENDERING KENYA'S LEADERSHIP AND GOVERNANCE SYSTEMS;

## Role of Women Representatives:

By Njenga Njuguna



### INTRODUCTION

**T**he Constitution of Kenya, 2010 significantly expands the role and space of women in leadership and governance. It gives women more opportunities to participate effectively in decision making nationally and in the devolved governance structures. The challenge now is for women aspiring for elective leadership positions to come out and compete with their male counterparts in other electoral spaces besides those set aside for them.

Although Kenya is a leading African state in many respects, it however lags behind others in terms of women's role and position in national leadership and governance. For example, since independence in 1963, the highest number of women legislators (a mere 9% i.e. 22, out of 222, elected and nominated members) ever recorded was in the just dissolved, Tenth parliament. Others states in the region have far higher numbers led by Rwanda with over 50 % of legislators being women.

Under the new dispensation, it is expected that through the expanded role of women in the political and other

leadership arenas, gender perspectives on the challenges facing women and girls will be mainstreamed. Most communities in Kenya are traditionally and historically predominantly patriarchal (a man's word). Thus the constitutional requirement (Article 81(b) that all elective public offices should have at least one-third (30%) of either gender represented in all cadres is expected to progressively address these long held cultural biases that have worked against women over the decades.

The constitution outlaws discrimination in all aspects and provides for equal treatment for all persons irrespective of gender, sex, creed among others.

### WOMEN REPRESENTATIVES

**Article 97 (1)** that provides for the composition and membership of the National Assembly states in **1(b)** that the National Assembly consists of **47 women each elected by the registered voters of the counties; each county constitutes a single member constituency.**

**Article 98** (membership of the Senate) states: `that the senate consists of **16 women members** who shall be nominated by political parties according



The constitution  
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to their proportion of members of the Senate in accordance with Article 90.

Furthermore, **Article 100** provides for Parliament to enact legislation for promotion of representation in parliament of among others marginalized groups; women, youth, persons with disabilities, ethnic and other minorities and marginalized communities.

### **Role of Women Representatives in Parliament**

While these roles are disaggregated or defined as women's they are in real sense the role of every parliamentarian. They are better viewed in the wider arena of the role of Parliament (**Article 94**), the role of the National Assembly (**Article 95**) and the role of the Senate (**Article 96**).

Nevertheless, women leaders have a reason to take an interest and leading role for historical and cultural reasons these roles include but not limited to:-

### **Legislation**

As parliamentarians, women representative in conjunction with other leaders will be responsible for passing laws that would possibly impact on the lives of Kenyans and fellow women in particular, within the confines of the constitutional framework. For example, there is an urgent need to repeal existing laws and outlaw customs and practices that discriminate against women in relation to access to resources, especially land;

Through private or party sponsored motions and bills, women leaders can formulate or advocate policy stances that have the biggest impact on their gender and family friendly-social infrastructures, particularly such as education, health, housing, income etc. Their key concern is to ensure bill analyses are carried out on the impact of various legislations before the two Houses on these social segments;

Besides education, empowering girls and women also involves

the enactment of legislation which guarantees equal access to opportunities and resources. These leaders will have to actively participate or initiate the passage of specific legislation to facilitate the women in all sectors

### **Engendering the Budget**

Their engagement and critical analysis of policy proposal from the executive branch, through relevant parliamentary committees will be a critical factor to ensure critical policy pronouncements by the executive is in tandem with the constitution (bill of rights) and international covenants and agreements Kenya has ratified are effectively implemented bearing a gender-disaggregated programming.

### **Vetting of appointees:**

They will be at the forefront in ensuring appointees to various offices adhere to the one-third gender rule, not only in elective offices but also appointive positions by the executive; Promotion and representation of marginalized groups and minorities among them women, persons with disabilities, the youth, the elderly, ethnic minorities, nationally and within counties;

### **Protection of the constitution, democratic governance and rule of law:**

Ensure that the Constitution and other laws are not violated and everyone is treated equally before the law irrespective of status, respective for the principles of separation of powers, checks and balances among the three arms of government;

Creating pathways and role modeling for girls and other women;

### **Bringing decency and human face to the Kenyan politics:**

Engendering politics. Women, unlike most men always factor in their families in policy and decision-making; Taking active role including leadership

positions in parliamentary committees, especially those dealing with national strategic policy issues such as budget, national security, justice and legal affairs, agriculture, health and housing.

### **Conclusion**

As Kenyans prepare to vote in the March 4, 2013 General Election, Political parties must help to breath more life to the Constitution. Presidential aspirants and their parties should spearhead campaigns for nomination of as many women candidates as possible for various elective posts, and also include many more in the party lists as part of the effort to fulfill the one third gender provision in the constitution.

There is a general trend that shows that in societies and communities where women are appreciated more and take active role in leadership and governance; there is a corresponding rise in economic development, peace and general family well being. Despite the odds against them, many women aspirants must also come forward and seek positions of influence. Development is normally not lineal but progressive involving back and forth spasms. Kenya will be much better, equitable and peaceful nation with more women leaders in positions of influence in leadership and governance. They should never ever give up.

The Parliamentary Service Commission is in the process of expanding the policy and research staff to help members and parliamentary committees carry out their legislative and oversight mandate effectively under the new Presidential system with clear separation of powers. Parliamentary committees will be the key policy and oversight arena in the new dispensation.



# Adoption of

# KENYA VISION 2030 Sessional Paper

a step in the

# RIGHT DIRECTION

By Mugo Kibati

**T**hey say a journey of a thousand miles begins with a single step. In Kenya, the journey towards implementing Vision 2030 has over time continued to epitomize this Chinese wise saying.

The journey towards ensuring the legitimate implementation of Vision 2030 received a much-needed shot in the arm from the National Assembly. Through it, the Kenyan people will believe in, own the Vision, and thus ensure its successful implementation.

Following the tabling of Sessional Paper No. 10 of 2012 on Kenya Vision 2030, Parliament proceeded to decisively debate and unanimously adopt the paper into national policy. The adoption came hot on the heels of the Cabinet approval during its November 22nd, 2012 sitting.

This Sessional Paper will now play a key role in providing a legitimate anchor for Vision 2030 as the country's economic

and national development guiding policy framework and ensure it is sustained up to 2030.

Even more important for me, is the fact that the Sessional Paper adoption has helped deliver Vision2030 to the hands of the public. The adoption of the Sessional Paper by the people's elected representatives means that Vision 2030 is now a people driven development blueprint.

From where I sit, I do salute the Cabinet and Parliament for a job well done in passing Sessional Paper No. 10 of 2012 to pave way for the legislative institutionalisation of Vision 2030. The leadership role played by both President Mwai Kibaki and Prime Minister Raila Odinga is also noteworthy and one that I am very proud to be associated with.

Indeed, with the adoption, Vision 2030 is now a national development



**The adoption of the sessional paper by the legislature in their capacity as the people's representatives now provides the much-needed anchor for Vision 2030 to be a people driven process.**

policy and not just a strategy paper. The adoption of Sessional Paper No. 10 of 2012 effectively paves the way for the sustainable implementation of Vision 2030.

A key tenet of the Vision 2030 is underpinned by the fact that it transcends any government of the day and therefore must be owned by Kenyans of all cultures, races, religions and geographical locations. 

## ***The Hansard contd. from pg. 37***

### **Embracing modern technology**

In its quest to comply with the changes taking place in Kenya and specifically in Parliament, the Hansard Department through the administration of the National Assembly of Kenya has installed a state of the art equipment facilitated by a renowned company; the Jefferson Audio-Visual Systems (JAVS). The system is designed to enable the Reporter view the proceedings of the House from his or her PC. Powerful ultra-modern cameras are installed in the Chamber and Committee Rooms at vantage positions and video pictures stream to the PC where a reporter is able to open his segment and view pictures and listen to the sound. Equipped with the necessary skills and equipment the Reporter is able to transcribe his segment without necessarily having to walk to the Chamber. Therefore, this system has done away with the "shuttle diplomacy". The JAVS system is accompanied by a modern server that is able to store data for years without clogging and even in the unlikely event that the memory is

depleted, the system operators may increase the memory capacity to the required levels.

### **Digital Recording**

Parliamentary documents such as committee reports and texts of debates and hearings are fundamental records of the legislature. These documents must be prepared quickly, efficiently and accurately. They must be distributed easily and then amended, revised and redistributed just as easily. They must be archived effectively to ensure availability and long-term preservation. The Parliament of Kenya has embraced modern digital recording methods that will ensure timely availability of such legislative records is a key ingredient for a more open, transparent and accountable legislature, and therefore a cornerstone of healthy parliamentary democracies.

A number of parliaments have made highly effective use of ICT to provide accurate verbatim accounts of debate in plenary sessions and in committees

on a timely basis, sometimes on the same day and sometimes within a few hours. Others offer text summaries of floor actions in near real time using sophisticated recording and transcription technology.

Overall, there is a lack of understanding regarding the range of technologies being used around the world for recording and publishing parliamentary proceedings; the benefits and drawbacks of each approach; which technology is more appropriate for a specific context, taking into account the income level, disparities as well as language and cultural differences among countries; and what opportunities for bilateral or multi-lateral parliamentary cooperation exist, regardless of the development level of each parliament. All in all the Parliament of Kenya is at the forefront in terms of technological advancement to improve the production of verbatim reports in the plenary, in the committees and in the field.



Buoyed only by the goodwill of the government of the day, the Vision 2030 strategy and policy framework has been in application since the year, 2009 without formal discussion and adoption by Parliament.

Such application and implementation without the much-needed legislative authority has always meant that; though robust, Vision 2030 hitherto lacked the necessary legal framework muscle.

However, the parliamentary adoption of the Sessional paper now opens the doors for further strengthening of the national policy.

Among other steps, we at the Vision 2030 Delivery Secretariat (VDS) shall now move fast to conclude elements such as the drafting of a bill to anchor the policy. The drafting of the bill arises from the need to ring fence Vision 2030 and to ensure the continued implementation of the Vision through successive regimes.

Beyond constitutional alignment, the draft Bill will incorporate elements such as the National Values and Principles of Governance. National Values and Principles of governance as espoused in our constitution remain fundamental ingredients to ensuring the success of Vision 2030.

These values though routinely ignored hold a prime position in our constitution as they provide the preamble to all other articles.

In its core formulation, Vision 2030 focused on the fundamentals of development through the Social, Economic and Political pillars alongside an auxiliary pillar known as the Enablers and Macro Pillar, covering projects, interventions and initiatives whose impact ultimately cuts across all the other three pillars.

From this perspective, the adoption of the sessional paper by the legislature in their

capacity as the people's representatives now provides the much-needed anchor for Vision 2030 to be a people driven process.

The government acknowledges that sustainable development in Kenya can be achieved through good governance; founded on integrity, transparency and accountability. All this, while ensuring non-discrimination and protection of the marginalized, inclusiveness and the respect and upholding of human rights and human dignity for all citizens for the attainment of equality, equity and social justice.

As this journey progresses, I am convinced that the rule of law, the sharing and devolution of power, and democracy shall anchor the participation of the people and every citizen's patriotic pursuit of national unity.



***Mr Mugo Kibati is the Director General, Vision 2030 Delivery Board. dg@vision2030.go.ke***



Some of Kenyan Women Parliamentarians in Kenya Women Parliamentary Association (KEWOPA)

# Women Parliamentarians Moving Legislation in the 10th Parliament

*Peter Oscar Nabulindo*

**Since 1969 when Kenya registered her first woman representative, the level of representation of women legislators has been increasing steadily with the 10th Parliament recording the highest number ever.**

Out of the 222 Members of Parliament, 22 are women; 16 being elected and 6 nominated. This represents about 9.8 per cent of the total number of Members in the House. This percentage falls short of United Nations target of 30 per cent representation of women in politics. The low representation of women in our Parliament is indicative of the limited decision-making opportunities available for women to be able to articulate issues affecting women and Kenyans in general. Since women represent an important constituency in this country in politics and also considering the population trends place them at a vintage position,

it is baffling to note that the level of representation is still low.

## **The United Nations Target**

In 1997, the member States of the Southern African Development Community (SADC) adopted a declaration on Gender and Development that required each country to achieve the target of at least 30 per cent women representation in decision-making portfolios by the year 2005. This was in resonance to the target set by

the UN. Unfortunately, most of this has proved to be a tall order for most African countries because only three countries have achieved this target. These are Mozambique, Rwanda and South Africa. However the most successful country in matters of women representation is Rwanda. Rwanda has recorded tremendous strides and achievements in terms of women representation. This is a big achievement considering that the country is still recovering from a horrifying genocide that shook the whole world to its core. Nevertheless,



“The 10th Parliament has spearheaded the greatest reforms in the history of Kenya by overseeing the writing of the Constitution and the passage of the relevant legislation to facilitate implementation of the Constitution as stated in the Constitution itself

➡➡ it has become the a leading country in the region and in the whole world on its gender parity index which now stands at 56 per cent women representation in Parliament. Although this country has achieved this record breaking achievement, some theorists or writers like Christopher Kayumba, University of Gothenburg Sweden attribute this rare phenomenon in African to the genocide of 1994. The devastating genocide almost wiped out men from the face of Rwanda. As a result there was a vacuum in all sectors including politics and leadership. Automatically women took up position to guide the broken society. This gave them the chance to put forth gender issues and embarked on a campaign to embrace gender equity instead of tribal equity.

Kenya like many African countries is still struggling with the issue of women representation and gender equity. The 9 per cent representation of women in Parliament is far much below par. This is largely due to the fact that politics in Kenya are not friendly or favourable to women. Women in politics encounter major challenges in their quest for political leadership. Since Independence, it has been an uphill task for the womenfolk to climb the ladder of leadership in this country. The major challenges encountered by the women politicians are attitudinal, cultural and structural.

These emanate out of our cultural backgrounds which are patriarchal in nature and hence encompass numerous gender stereotypes. Another challenge is economic disparity. Many cultures view the work of raising children as that of women with men being assigned minimal roles in the home. In Kenya just like many African countries, women who venture into politics often have to perform both duties. In work places, for women to gain positions of authority, they have to be over-qualified to be noticed. This means that the society perceives women to be “not as good as men” for some positions. That is why in most cases

women achievers are referred to as “she is like a man”.

### **The new dispensation**

The promulgation of the Constitution on 27th August, 2010 has opened up a whole new world for women and leadership in this country. The new Constitution gives women more opportunities to participate effectively in decision making nationally and in the devolved governance structures. A full implementation of the Constitution will be realized after the next General Elections. This country will witness a

***Kenya like many African countries is still struggling with the issue of women representation and gender equity***

phenomenon never experienced before. The elections will open doors to extensive political participation by women in various leadership positions. Chapter 7, Article 81(b) of the Constitution provides that “not more than two-thirds of the members of elective bodies shall be of the same gender”. This provision is expected to radically and dramatically change the leadership of this country forever. The political representation of women will never be the same. Therefore, problems of representation in key government bodies will become a thing of the past. Kenya is a largely patriarchal society

where women issues were initially handled by men on behalf of women. Women leadership across the country had never been warmly embraced despite the level of enlightenment in the modern Kenya.

As envisaged in the new Constitution, there are numerous benefits for women of Kenya in terms of representation in all spheres. Apart from job opportunities and elective positions, women can now own land. This is just one of the many benefits that will be realized as the Constitution is implemented. Currently, the one-third gender rule has been implemented in almost all the Commissions and other constitutional bodies including the Supreme Court, the Commission on Revenue Allocation (CRA), the Commission for the Implementation of the Constitution (CIC) and the Salaries and Remuneration Commission among others.

Parliament of Kenya is one of the institutions that will realize major achievements in the representation of women and other disadvantaged groups like the disabled. The National Assembly will have 290 elected Members, 47 Female County Representatives and 12 nominated Members. This brings the total to 349. The Senate will be made up of one person elected from each county as well 21 nominated Members including at least 16 women, two Members representing young people, a woman and a man, two Members representing people with disability, a man and a woman, and the Speaker.

The Constitution, under Chapter 8, also commits political parties to ensure that for every three party members presented to vie for political office, one must be a woman and if she fails to be elected, a woman must be nominated by the party. As foreseen and as intended, the percentage of representation of women and other special groups is expected to increase tremendously to adhere to the United Nations requirement of at least 30 per cent representation. ➡➡

## ► Achievements of the 10th Parliament

As we look forward to the new dispensation, it is prudent to take stock of the achievements of women legislators in the 10th Parliament. The 10th Parliament, for the first time since Independence, has registered the highest number of women legislators ever. Although the percentage is far much lower than the UN target, these legislators proved all their critics wrong when they embarked on their mission of legislation. Since the acrimonious swearing in of the Members of the 10th Parliament on 15th January, 2008, women legislators have surpassed all expectations in the performance of their duties of legislation, representation and oversight in all sectors through Committees and in the Plenary. Despite the fact that under representation is a major hindrance to the women in terms of articulating various legislative agenda for women and for their constituents, most women legislators have performed above average and their achievements are unprecedented in the history of Kenyan Parliament. Therefore, it is astonishing that despite the outstanding performance exhibited by women legislators over the years, few women make to Parliament.

These are the women legislators of the 10th Parliament:-

- 1 **Hon. Linah Jebii Kilimo** - MP, Marakwet East
- 2 **Hon. Sophia Abdi Noor** - Nominated MP
- 3 **Hon. Cecily Mbarire** - MP, Runyenjes
- 4 **Hon. Peris Chepchumba** - MP, Eldoret South
- 5 **Hon. Shakila Abdallah** - Nominated MP
- 6 **Hon. Rachael Shebesh** - Nominated MP
- 7 **Hon. Martha Karua** - MP, Gichugu
- 8 **Hon. Charity Ngilu** - MP, Kitui Central
- 9 **Hon. Dr. Naomi Shaban** - MP, Taveta
- 10 **Hon. Amina Abdalla** - Nominated MP
- 11 **Hon. Esther Murungi** - Nyeri Town
- 12 **Hon. Dr. Sally Kosgei** - MP, Aldai
- 13 **Hon. Elizabeth Ongoro** - MP, Kasarani
- 14 **Hon. Beatrice Kones** - MP, Bomet
- 15 **Hon. Bishop Margaret Wanjiru** - MP, Starehe
- 16 **Hon. Wavinya Ndeti** - MP, Kathiani
- 17 **Hon. Prof. Hellen Sambili** - MP, Mogotio
- 18 **Hon. Maison Leshomo** - Nominated MP
- 19 **Hon. Joyce Laboso** - MP, Sotik
- 20 **Hon. Millie Odhiambo-Mabona** - Nominated MP

21 **Hon. Prof. Margaret Kamar** - MP, Eldoret East

22 **Hon. Beth Mugo** - MP, Dagoretti

*\*Names not in any particular order\**

The 10th Parliament has spearheaded the greatest reforms in the history of Kenya by overseeing the writing of the Constitution and the passage of the relevant legislation to facilitate implementation of the Constitution as stated in the Constitution itself. In the centre of these pompous and noble activity bestowed upon the 10th parliament, were women legislators. The contribution of these legislators cannot go unnoticed especially considering that most of them made outstanding and critical contribution to the Constitution all levels. Kenyans will remember that while in Naivasha, during the debate on the Constitution, women legislators burnt the midnight oil, just to make sure that clauses touching on women, children, youths and other disadvantaged groups are given utmost significance in the Constitution. This objective was achieved.

Here are some of the achievements of women legislators in the 10th Parliament in terms of Bills and Motions.

- **The National Authority for the Campaign Against Alcohol and Drug Abuse Act, 2012**  
- Hon. Amina Abdalla
- **Prohibition of Female Genital Mutilation Act, 2011** Hon. Kapondi on behalf of KEWOPA
- **Public Benefits Organization Bill, 2012**  
- Hon. Sophia Abdi Noor
- **The Social Assistance Bill, 2012**  
- Dr. Joyce Laboso
- **The Breastmilk Substitutes (Regulation and Control) Bill, 2012** - Hon. Beth Mugo
- **The Statutory Instruments Bill, 2011**  
- Hon. Amina Abdalla
- **The Ratification of Treaties Bill, 2011**  
- Hon. Millie Odhiambo
- **The Counter-Trafficking in Persons Bill 2010**  
- Hon. Millie Odhiambo

The Women parliamentarians in Kenya belong to an association called the Kenya Women Parliamentary Association (KEWOPA) which was formed in 2001 by the women Parliamentary who were in Parliament then to solidify their voices and consolidate their influence on

Parliamentary business and also address various issues affecting women. Since its inception KEWOPA has made tangible gains and these are just but a few of them:-

- 2008/2012 – Gender mainstreamed the Standing Orders of Parliament;
- Gender responsive Budgeting Guidebook for Parliament
- Successfully lobbied on the establishment of the Parliamentary Committee on Equal Opportunities and developed its 2009 Strategic Plan.

## Women Leadership in Parliament

### 2008-2010: Speaker's Panel

- Hon. Prof. Margaret Kamar

### 2010-2012: Speaker's Panel

- Hon. Dr. Joyce Laboso

### 2012: Labour and Social Welfare Committee

- Hon. Sophia Abdi Noor - Chairperson

### 2012: Lands and Natural Resources

- Hon. Peris Chepchumba - Chairperson

### 2012: Committee on Delegated Legislation

- Hon. Amina Abdalla - Chairperson

### 2012: Committee on Implementation

- Hon. Joyce Laboso - Vice Chair

### 2012: Constitutional Implementation Oversight Committee

- Hon. Millie Odhiambo-Mabona - Chair

### 2012: Catering Committee

- Hon. Shakila Abdalla - Vice Chair

## Conclusion

If the National Assembly is to be seen to exist as a useful tool for spearheading unbiased advance in the human structures, systems, processes and procedures then there has to be an attempt towards an effective gender responsive distribution and sustenance of the inherent opportunities.

The fact that there is high number of women in Parliament today shows that Kenya is headed towards the right direction of embracing women leadership and governance. It is also important to note that Kenyans generally have come of age and now do appreciate women in leadership and in the near future, we might be witnessing unprecedented scenarios in Kenya like the election of a woman to the presidency.

# Women Make a Mark in Parliament as the numbers increase

By James Ginono

**K**enya's struggle for constitutional reforms has its roots in the desire to correct deficiencies in its post-independence governance framework which was premised upon the highly centralised system started in the colonial days and which restated the discriminatory policies of colonial government.

It favoured certain sectors of the economy while undermining others through policy and legislation. In keeping with the dominant centralized development model of the time, the state situated itself as the main agent of development.

The question that critics of devolution in Kenya pose is if the people of Kenya are ready to live in harmony and share

resources in peace without squabbling due to ethnic persuasions and as a result of political dominance by a few elites.

Most wonder if devolution will also mean decentralized ethnicity by ensuring that clannism becomes the next frontier in the devolution agenda. It would also mean transfer of inefficiencies from the national level and the risk of replicating national elite capture of devolved levels.

A consequent question would be whether the shift from the mega corruption of the national elite to the multiplied loci of the petty corruption of sub-national elites represents a net saving or cost for service delivery.

Among the more prominent arguments for devolution – indeed, for decentralization

in general – is the issue of efficiency: the expectation that decentralizing functions to the lowest feasible level of decision making and implementation will optimize information flows and reduce transaction costs.

Thus, a decision to devolve is often based on the failure of central government to deliver, such as in revenue collection or in service delivery. Devolution has further been seen as an avenue to democratic deepening within an enterprise, with constitutional or legal boundaries diminishing friction with the centre that could otherwise undermine the enterprise.

And since Kenya was one of the most centralized states in the world until the promulgation of the Kenya 2010



*FIDA Kenya KEWOPA MPs Training*

▶▶▶ Constitution. It had an executive with the greatest concentrations of power. This feature was a legacy of colonialism and therefore not suitable for a country with such diversity.

Centralization resulted in the neglect of the problems of many communities and regions. This system was characterized by the unwillingness and inability to exploit economic opportunities in many parts of the country and the exclusion of many groups from the participation in and benefits of state policies.

This system aggravated the country's ethnic and social tensions because it is widely perceived that the benefits of development have gone largely to communities affiliated to the President. In this way the centralized state hampered both nation building and economic development because wealth distribution is closely correlated with social distinctions that stratify people, communities and nations into groups that dominate and those that are dominated.

These patterns of domination persisted because economic and social differences have been reinforced by the overt and covert use of power by elites. The Elites have protected their interests in subtle ways by exclusionary practices in marriage and kinship systems, aggressive political manipulation and explicit use of violence.

Such overlapping political, social, cultural and economic inequalities have stifled mobility. They have been hard to break because they are so closely tied to the ordinary business of life. They are perpetuated by the elite, and often internalized by the marginalized and the oppressed groups, making it difficult for the poor to find their way out of poverty.

Inequality traps can thus be rather stable, tending to persist over generations. Indeed, while devolution – and federalism – can respond to heightened ethnic differences, it is important to recognize its limitations as a solution that contains, rather than eliminates, diversity. Further,

since the demands for delivering the traditional Bill of Rights in national constitutions often require extraordinary outlays, devolved governments can be superior to national ones in providing the means with which to secure the rights and interests of social minorities and marginalized groups. The measure offers a sustainable means, even if only implicitly so, of providing affirmative action or positive discrimination for such marginalized groups.

Therefore Devolution opens up possibilities and opportunities; it will alter the structures of power and decision making, and disperse power. But by itself it will not change the circumstances of most Kenyans. The details must be carefully designed, relying on professional advice in the best interests of the people and not the interests of the politicians. It will be necessary to so design the structures that national and regional governments and leaders will be compelled to greater openness and accountability. Devolution will also require changes in people's attitudes towards others, and other communities, a new style of leadership and greater engagement in public affairs on the part of the people.

Further the critics argue whether devolution will help the country to achieve the Millennium Development Goals and vision 2030 and if the policy of devolution falls in the ambits of the Country's Vision 2030. According to the World Bank (1989, pp. 71-2) there are four arguments in favour of devolution, namely:

- The first is based on the assumption that the demand for local public services varies from place to place. Only decentralized provision of local services will adjust to the multifaceted demands;
- Second is efficiency. It can be argued that locally financed and produced services will cost less;
- The third is of a political nature. Local government is an important training ground for democracy. Stronger regional or local governments can control the tendency of central

- government to become all powerful and
- The fourth and last could be called institutional. Co-ordination at the local level is necessary and local public services cannot and would not be treated independently. Local government can co-ordinate these services much more easily than a national government would.

However, through devolved systems of governance a second tier of government has been introduced where the local populace will directly participate in prioritization of developmental agenda in their locality and this participation will inform equitable distribution and utilization of funds in the local level leading into the pursuit of long-term prosperity. Institutions and policies that promote a level playing field where all members of society have similar chances to become socially active, politically influential and economically productive thereby contributing to sustainable growth and development will be achieved.

Therefore greater equity is thus doubly good for poverty reduction and minimizing structural conflicts; through potential beneficial effects on aggregate long-run development and through greater opportunities for poorer groups within the society. And so Chapter 11, parts of Chapter 12 and the Fourth Schedule, the CoK 2010 is true to the theory and empirical evidence of good devolution frameworks. First, it is founded on the supreme law of the land. Second, the Constitution is clear on relative roles of the different levels of government, and on the assignment of expenditure and revenue. The emphasis on equity is critical for Kenyans to appreciate the structural changes that must occur in budgets, for example, if the very ambitious but nonetheless timely Bill of Rights is to be fully achieved. Therefore devolution will only be meaningful in terms of addressing the Kenyan conflict if these principles are injected into and nurtured within county governments.

# Pre-Retirement Anxiety Parliament's Interventions

By Meshack Ogoma

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*Giving retirees monetary assistance alone might not solve their problems because they may not have necessary skills and strategies of managing resources*

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**I**t's quite common these days for retirees to flit between paid, and part time work during retirement. And, some people find that they are not quite ready to give work up completely. The word Retirement sounds so wonderful and far off before one retires, but after retirement, reality hits home.

When one is in his or her early 20s, you tend to think that retirement age is still far away. Of course when one sees fellow colleagues boarding the **Kenya National Assembly Flagged Bus**, heading to the Centre for Parliamentary Studies and Training (**CPST**) at Karen, Nairobi, for the retirement preparatory workshops, one tends to wonder what a destination.

It should be an awakening call for us who still see ourselves as young to start planning for the same. It is inevitable and we ought to start planning and preparing for the eventuality when the time comes.

When approaching the retirement age, more often than not, that is the time when you suddenly realize that you need more time. Besides, you can't imagine not doing what you have been doing; you would probably be lost without

your writing that constantly defines and affirms every day what you are. So what are the little things you can do to leave a little mark after leaving this wonderful place? The answer is start planning for your retirement now.

If you conduct a survey even in Parliament it will show you that many would like to work even after their retirement age has reached. It is a given fact that many have occasionally rushed to **The Speaker**, **The Clerk** and the **Commissioners** requesting for an extension of a year or so. For most of us, our lives have really evolved along **Parliament** corridors, we have rubbed shoulders with the mighty in the Country, some of us have never changed jobs, leave alone employer. There is always fear of leaving a place you have identified as your second home for years.

It's funny, those who are 30 or 40 years would tell you, if I could retire, I would do this or that not understanding the dilemma of those whose time to retire has come. Many people panic when retirement comes; some get depressed when they fathom that they will not go to their place of work.

Retirement, although necessary and unavoidable, comes with multiplicity of problems-frustration, anxiety and job security deprivation. Giving retirees monetary assistance alone might not solve their problems because they may not have necessary skills and strategies of managing resources. Counseling and education are the only safe ways to get retiring workers out of the pre-retirement problems.

We should take time to study the world outside our working environment and start planning early on what we wish to do once we retire. Failing to plan early will be like planning to fail.

**The Parliamentary Service Commission** has taken seriously education and counseling for those about to retire. The Training includes financial skills on how to manage pension and preparing them psychologically before exiting employment.

And for those who are retiring. Please do always know that retirement is a journey, not a destination.

KP

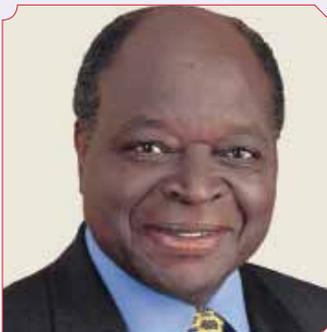
# Members of 10th Parliament

**O**n this historical moment of ushering in the 11th Parliament, we take the opportunity to pay great tribute and farewell to the men and women of the 10th Parliament; the house had the historical privilege of passing the Constitution of Kenya 2010 and facilitative legislations.

We also take the opportunity to welcome the 11th Parliament, the pioneer Parliament in the new constitutional dispensation.

The following were the serving members at the conclusion of the 10th Parliament.

In the next issue, we bring you a pull out of all Senators and National Assembly Members making the 11th Parliament.



*Kibaki Mwai  
OTHAYA*



*Yusuf H. Abdi  
KAMUKUNJI*



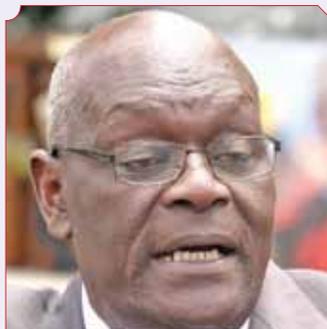
*Kariuki Wanjiru Magaret  
STAREHE*



*Odinga Amolo Raila  
LANG'ATA*



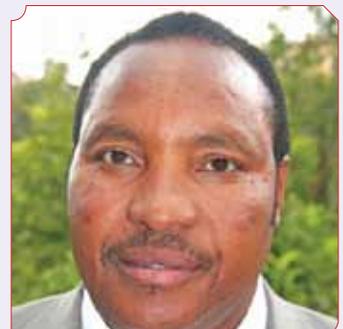
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MAKADARA*



*Gumo Omulo Frederick  
WESTLANDS*

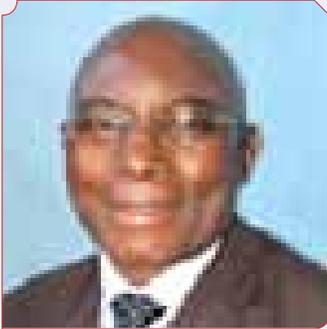


*Ongoro Elizabeth  
KASARANI*



*Waititu Ferdinand  
EMBAKASI*

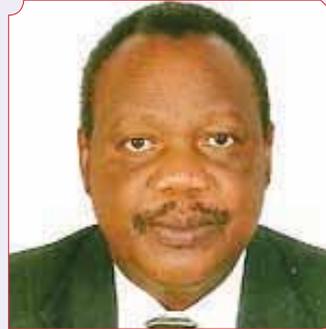
# Members of 10th Parliament



*Gunda Fondo Benedict  
BAHARI*



*Kambi Kazungu Samuel  
KALOLENI*



*Baya S. Francis  
GANZE*



*Mung'aro M. Gideon  
MALINDI*



*Jeffah Kingi Amason  
MAGARINI*



*Mungatana B. Danson  
GARSEN*



*Godhana G. Dhadho  
GALOLE*



*Nuh Nassir Abdi  
BURA*



*Abuchiaba A. Mohammed  
LAMU EAST*



*Twaha Fahim Yasin  
LAMU WEST*



*Shaban Namsi Naomi  
TAVETA*



*Mwadeghu Thomas  
WUNDANYI*



*Mwatela Calist Andrew  
MWATATE*



*Mwakulegwa M. Danson  
VOI*



*Duale Aden Bare  
DUJIS*

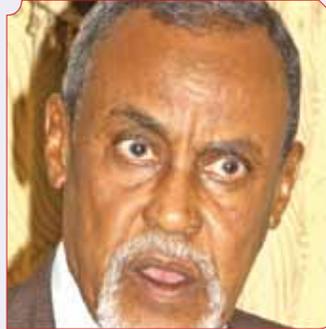


*Maalim Farah  
LAGDERA*

# Members of 10th Parliament



**Sugow Aden Ahmed**  
**FAFI**



**Haji Mohamed Yusuf**  
**IJARA**



**Mohamed H. Gabbow**  
**WAJIR NORTH**



**Keynan Adan**  
**WAJIR WEST**



**Mohamed E. Ibrahim**  
**WAJIR EAST**



**Sirat Mohamed**  
**WAJIR SOUTH**



**Mohamed M. Maalim**  
**MANDERA WEST**



**Abdikadir M. Hussein**  
**MANDERA CENTRAL**



**Ali Hussein Mohamed**  
**MANDERA EAST**



**Ali Mohamed Mohamud**  
**MOYALE**



**Ganya Chachu Francis**  
**NORTH HORR**



**Lekuton Joseph**  
**LAISAMIS**



**Sasura Tarry Hussein**  
**SAKU**



**Kuti Abdi Mohamed**  
**ISIOLO NORTH**



**Ali Bahari Abdul**  
**ISIOLO SOUTH**



**Linturi Mithika Franklin**  
**IGEMBE SOUTH**

# Members of 10th Parliament



***M'Mithiaru Ntoitha***  
**IGEMBE NORTH**



***Kilemi Valerian Mwiria***  
**TIGANIA WEST**



***Munya G. Peter***  
**TIGANIA EAST**



***Ruteere Muriuki Silas***  
**NORTH IMENTI**



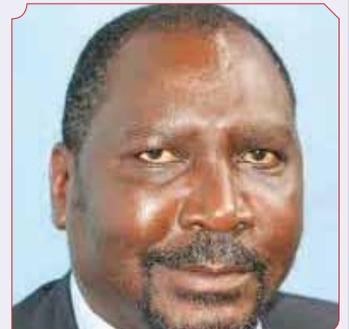
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**CENTRAL IMENTI**



***Murungi Kiraitu***  
**SOUTH IMENTI**



***Mbiuki Kareke Japhet***  
**NITHI**



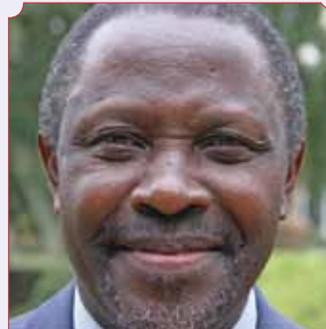
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**THARAKA**



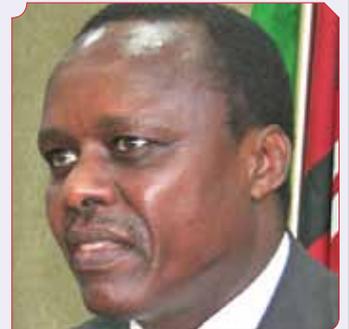
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**MANYATTA**



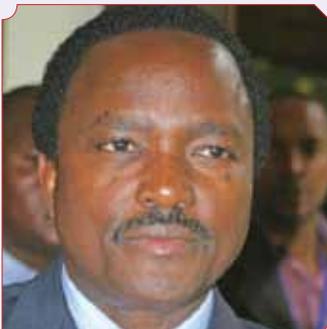
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**RUNYENJES**



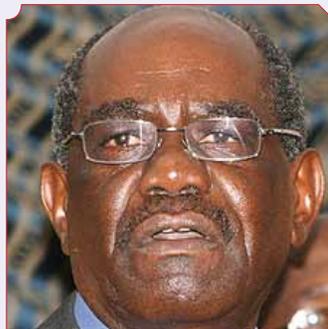
***Musyimi Mutava***  
**GACHOKA**



***Kivuti M. Lenny***  
**SIKAKO**



***Musyoka S. Kalonzo***  
**MWINGI NORTH**



***Musila David***  
**MWINGI SOUTH**



***Nyamai M. Charles***  
**KITUI WEST**



***Ngilu Kaluki Charity***  
**KITUI CENTRAL**

# Members of 10th Parliament



**Kilonzo K. Julius  
MUTITO**



**Muoki Mulatya Isaac  
KITUI SOUTH**



**Mbai Itwiku Benson  
MASINGA**



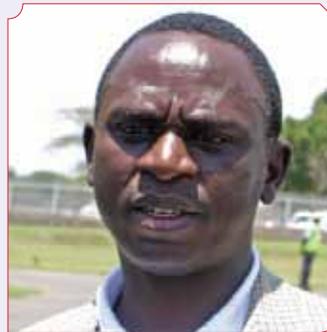
**Kilonzo Mutavi Charles  
YATTA**



**Muthama N. Johnson  
KANGUNDO**



**Ndeti Wavinya  
KATHIANI**



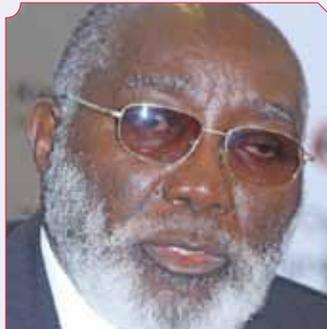
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**Muoki Mutua Daniel  
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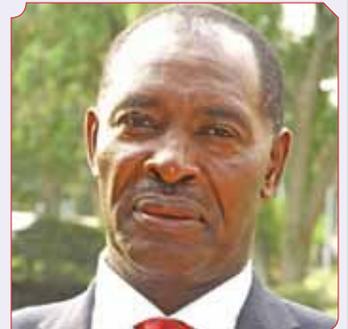
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KILOME**



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KAITI**



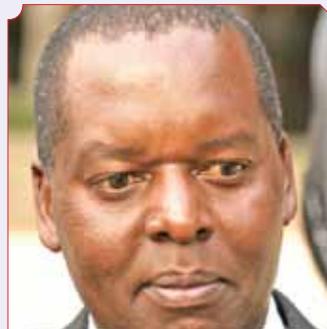
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**Kaloki Kyalo Philip  
KIBWEZI**



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KINANGOP**



**Kimunya M. Amos  
KIPIPIRI**



**Mureithi K. Erastus  
OL KALOU**

# Members of 10th Parliament



**Kioni N. Jeremiah  
NDARAGWA**



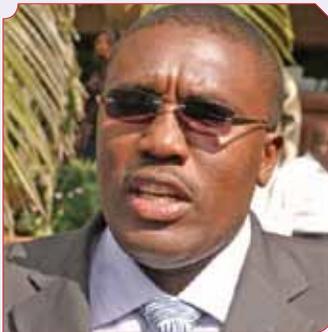
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TETU**



**Warugongo Nemesyus  
KIENI**



**Maina M. Ephraim  
MATHIRA**



**Kabando wa Kabando  
MUKURWEINI**



**Mathenge Murugi Esther  
NYERI TOWN**



**Gitau Njuguna Peter  
MWEA**



**Karua W. Martha  
GICHUGU**



**Githae N. Robinson  
NDIA**



**Gitari G. Joseph  
K IRINYAGA CENTRAL**



**Tiras Ngahu  
KANGEMA**



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MATHIOYA**



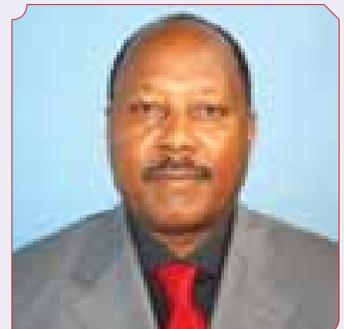
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KIHARU**



**Kamau I. Jamleck  
KIGUMO**



**Mbau P. Elias  
MARAGWA**



**Kamau M. James  
KANDARA**

# Members of 10th Parliament



**Kenneth Peter  
GATANGA**



**Kenyatta Uhuru  
GATUNDU SOUTH**



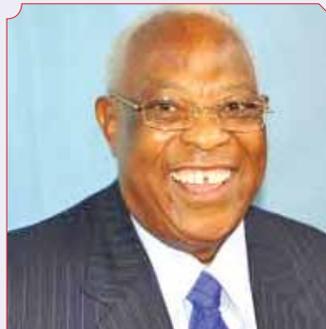
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GATUNDU NORTH**



**Kabogo William  
JUJA**



**Baiya Njoroge Peter  
GITHUNGURI**



**Githunguri M. Stanley  
KIAMBAA**



**Nguyai N. Lewis  
KIKUYU**



**Mwathi M. Peter  
LIMURU**



**Mwaura K. David  
LARI**



**Munyes K. John  
TURKANA NORTH**



**Ethuro Ekwee David  
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**Nanok Koli Josephat  
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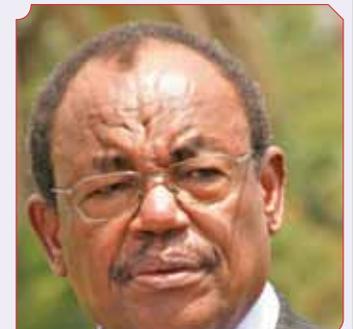
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**Murgor Julius  
KAPENGURIA**



**Litole Mwortiny Wilson  
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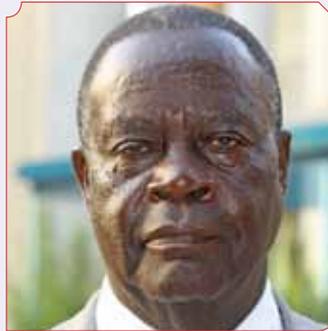


**Lesirma S. Simeon  
SAMBURU WEST**

# Members of 10th Parliament



**Letimalo L. Raphael**  
**SAMBURU EAST**



**Wekesa M. Noah**  
**KWANZA**



**Wamalwa L. Eugene**  
**SABOTI**



**Kutuny S. Joshua**  
**CHERANGANY**



**Ruto S. William**  
**ELDORET NORTH**



**Kamar J. Margaret**  
**ELDORET EAST**



**Chepchumba Peris**  
**ELDORET SOUTH**



**Kilimo J. Linah**  
**MARAKWET EAST**



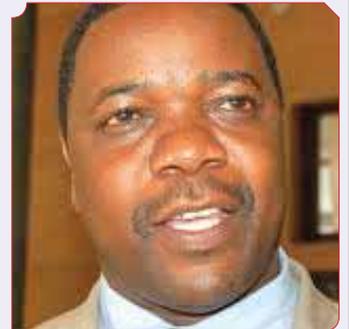
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**MARAKWET WEST**



**Chepkitony K. Lucas**  
**KEIYO NORTH**



**Kiptanui K. Jackson**  
**KEIYO SOUTH**



**Koech K. David**  
**MOSOP**



**Kosgei J. Sally**  
**ALDAI**



**Lagat K. Elijah**  
**EMGWEN**



**Kosgey K. Henry**  
**TINDERET**



**Kamama A. Asman**  
**BARINGO EAST**

# Members of 10th Parliament



**Kipkorir C. William**  
**BARINGO NORTH**



**Mwaita K. Sammy**  
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**Sambili J. Hellen**  
**MOGOTIO**



**Lessonet K. Moses**  
**ELDAMA RAVINE**



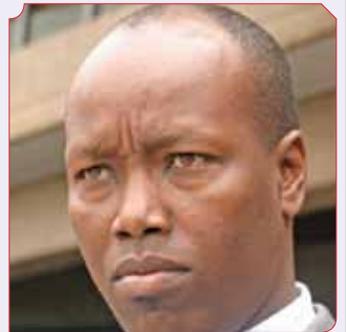
**Muriithi Nderitu**  
**LAIKIPIA WEST**



**Kiunjuri M. Festus**  
**LAIKIPIA EAST**



**Mututho N. John**  
**NAIVASHA**



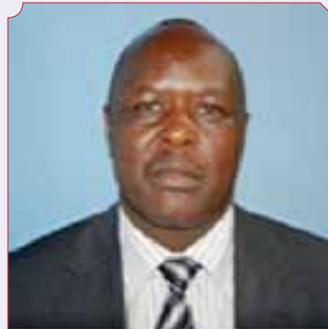
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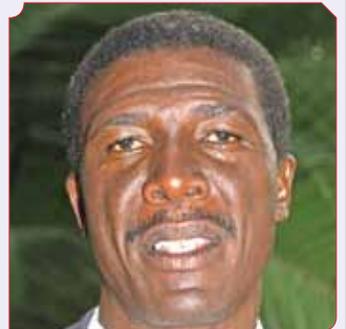
**Cheruiyot K. Zakayo**  
**KURESOI**



**Kiuna N. Joseph**  
**MOLO**



**Kigen K. Luka**  
**RONGAI**



**Gaichuihie R. Nelson**  
**SUBUKIA**



**Konchellah S. Gideon**  
**KILGORIS**



**Ntimama ole William**  
**NAROK NORTH**



**Nkoidila ole Lankas**  
**NAROK SOUTH**



**Balala Najib Mohamed**  
**MVITA**

# Members of 10th Parliament



*Nkaiserry K. Joseph*  
**KAJIADO CENTRAL**



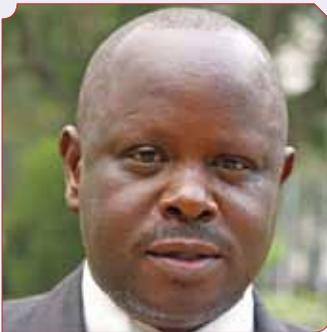
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**KAJIADO SOUTH**



*Kones C. Beatrice*  
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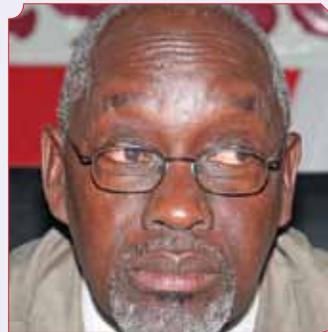
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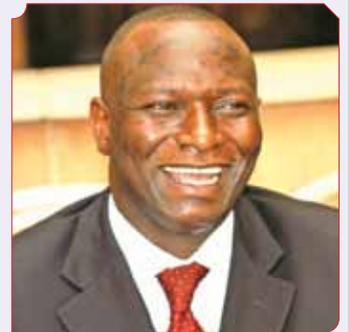
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**CHEPALUNGU**



*Laboso J. Cheron*  
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*Bett Franklin*  
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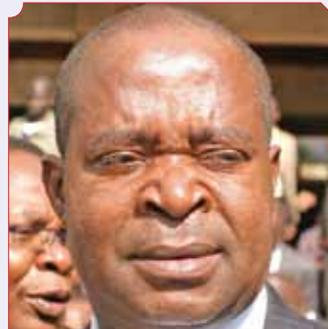
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*Magerer J. Langat*  
**KIPKELION**



*Langat K. Benjamin*  
**AINAMOI**



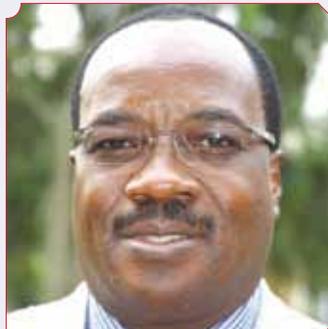
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*Jirongo S. Cyrus*  
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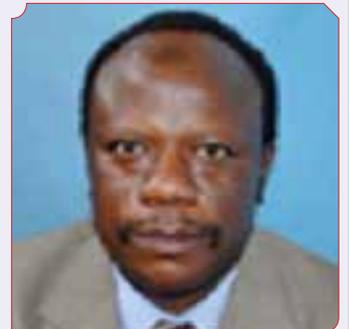
*Washiali J. Benjamin*  
**MUMIAS**



*Zonga Mbwana Omar*  
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*Mwakwere Ali Chirau*  
**MATUGA**



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# Members of 10th Parliament



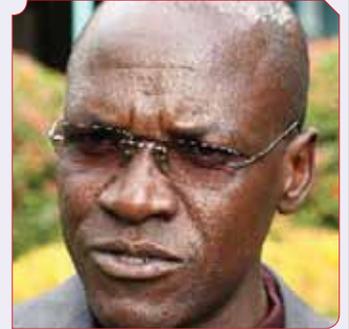
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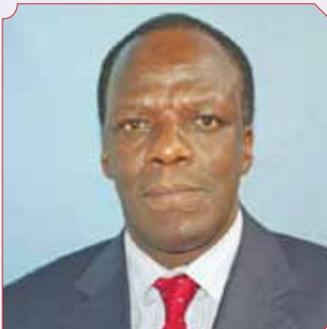
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LURAMBI*



*Kizito M. Justus  
SHINYALU*



*Khalwale Boni  
IKOLOMANI*



*Oparanya A. Wycliffe  
BUTERE*



*Akula B. Evans  
KHWISERO*



*Ottichilo K. Wilbur  
EMUHAYA*



*Mudavadi Musalia  
SABATIA*



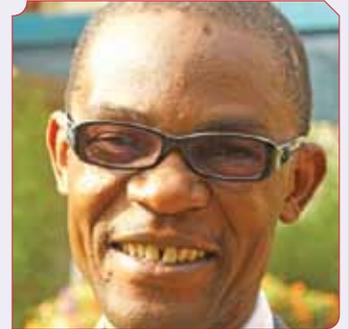
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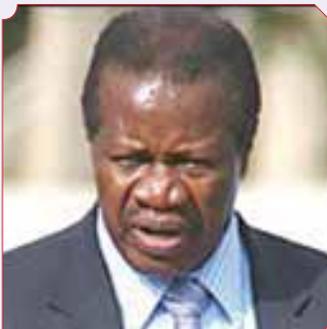
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*Kapondi C. Fred  
MT. ELGON*



*Simiyu D. Eseli  
KIMILILI*



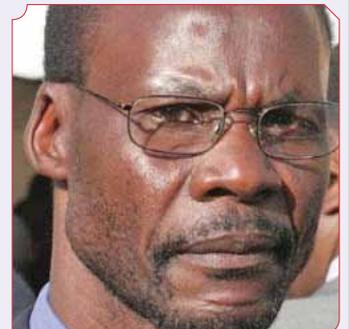
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*Wetangula M. Moses  
SIRISIA*



*Khang'ati Alfred  
KANDUYI*

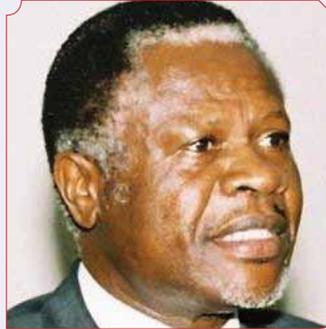


*Bifwoli W. Sylvester  
BUMULA*

# Members of 10th Parliament



*Ojaamongson O. Sospeter*  
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*Okemo Chris*  
**NAMBALE**



*Odhiambo B. Alfred*  
**BUTULA**



*Otuoma N. Paul*  
**FUNYULA**



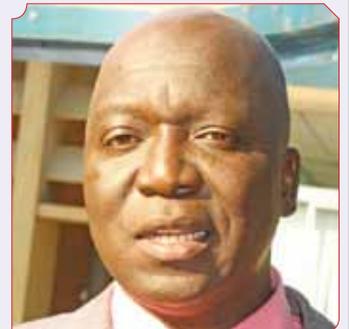
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**UGENYA**



*Yinda O. Edwin*  
**ALEGO-USONGA**



*Midiwo J. Washington*  
**GEM**



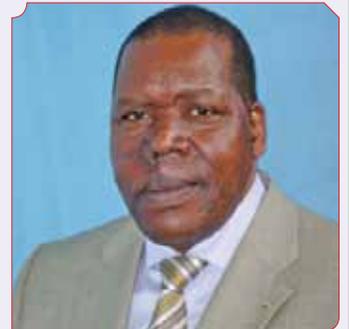
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*Gumbo O. Nicholas*  
**RARIEDA**



*Ahmed Shakeel A. Shabbir*  
**KISUMU TOWN EAST**



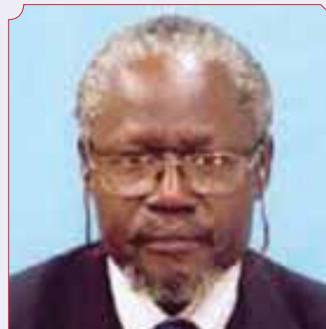
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*Anyang' Nyong'o*  
**KISUMU RURAL**



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*Olweny A. Patrick*  
**MUHORONI**

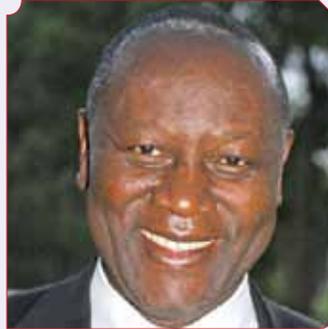


*Anyango O. Pollyns*  
**NYAKACH**

# Members of 10th Parliament



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*Rege K. James*  
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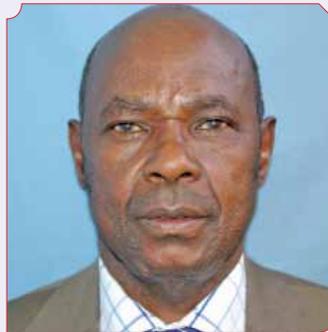
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*Neto O. Agostinho*  
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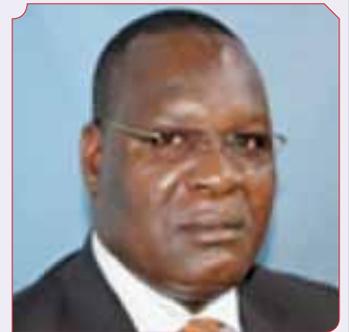
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*Omollo O. Cyprian*  
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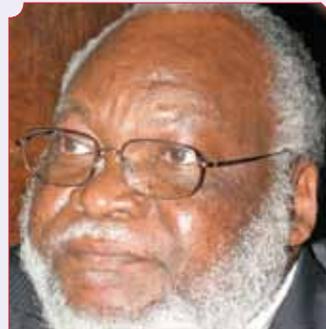
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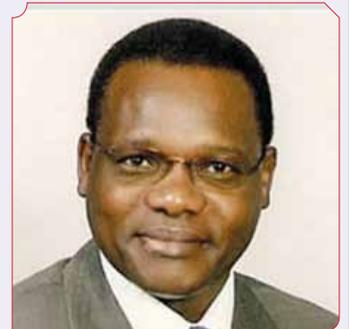
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*Ng'ongo J. Mbadi*  
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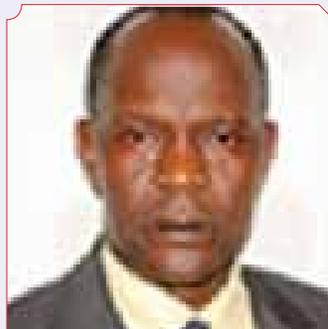
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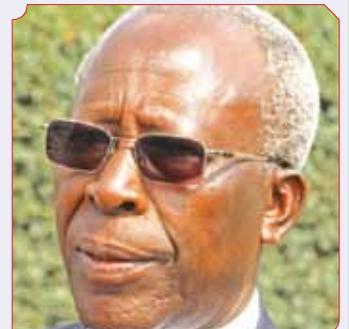
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*Ogari Simon*  
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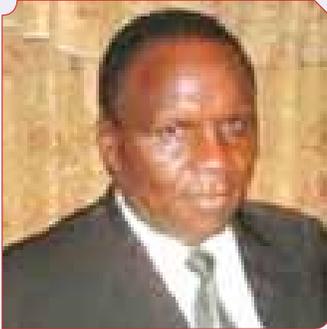


*Obure M. Christopher*  
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*Ongeri K. Samson*  
**NYARIBARI MASABA**

# Members of 10th Parliament



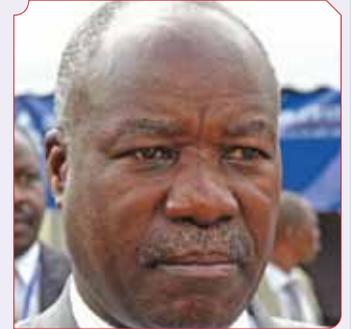
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**NYARIBARI CHACHE**



**Onyonka M. Richard**  
**KITUTU CHACHE**



**Nyambati O. Walter**  
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**Gesami O. James**  
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**NORTH MUGIRANGO/  
BORABU**



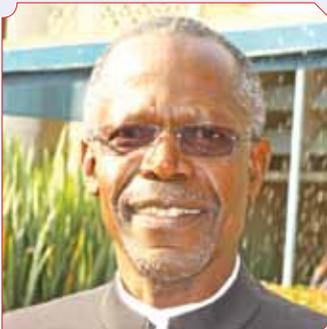
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**NOMINATED**



**Abdallah Amina**  
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**Affey Mohamed Abdi**  
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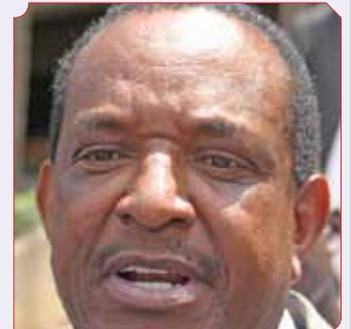
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**NOMINATED**



**Maison Leshomo**  
**NOMINATED**



**Noor A. Sophia**  
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**Nyagah Joseph**  
**NOMINATED**



**Nyamweya O. George**  
**NOMINATED**



**Odhiambo-Mabona Millie**  
**NOMINATED**



**Shebesh W. Rachel**  
**NOMINATED**



**Sirma C. Musa**  
**NOMINATED**

# Members of 10th Parliament



*Mugo W. Beth  
DAGORETTI*



*Kajembe S. Ramadhan  
CHANGAMWE*



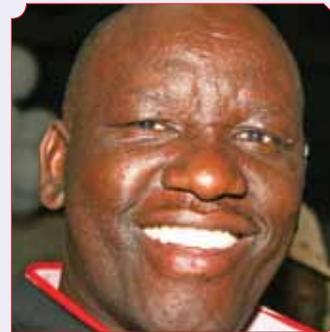
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*Mwahima M. Mwalimu  
LIKONI*



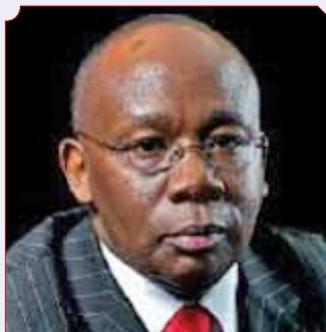
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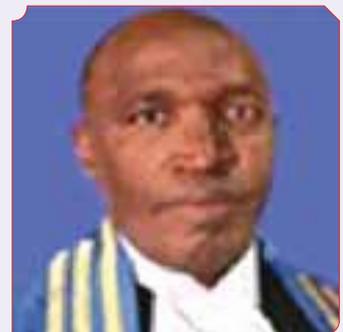
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KAJIADO NORTH*



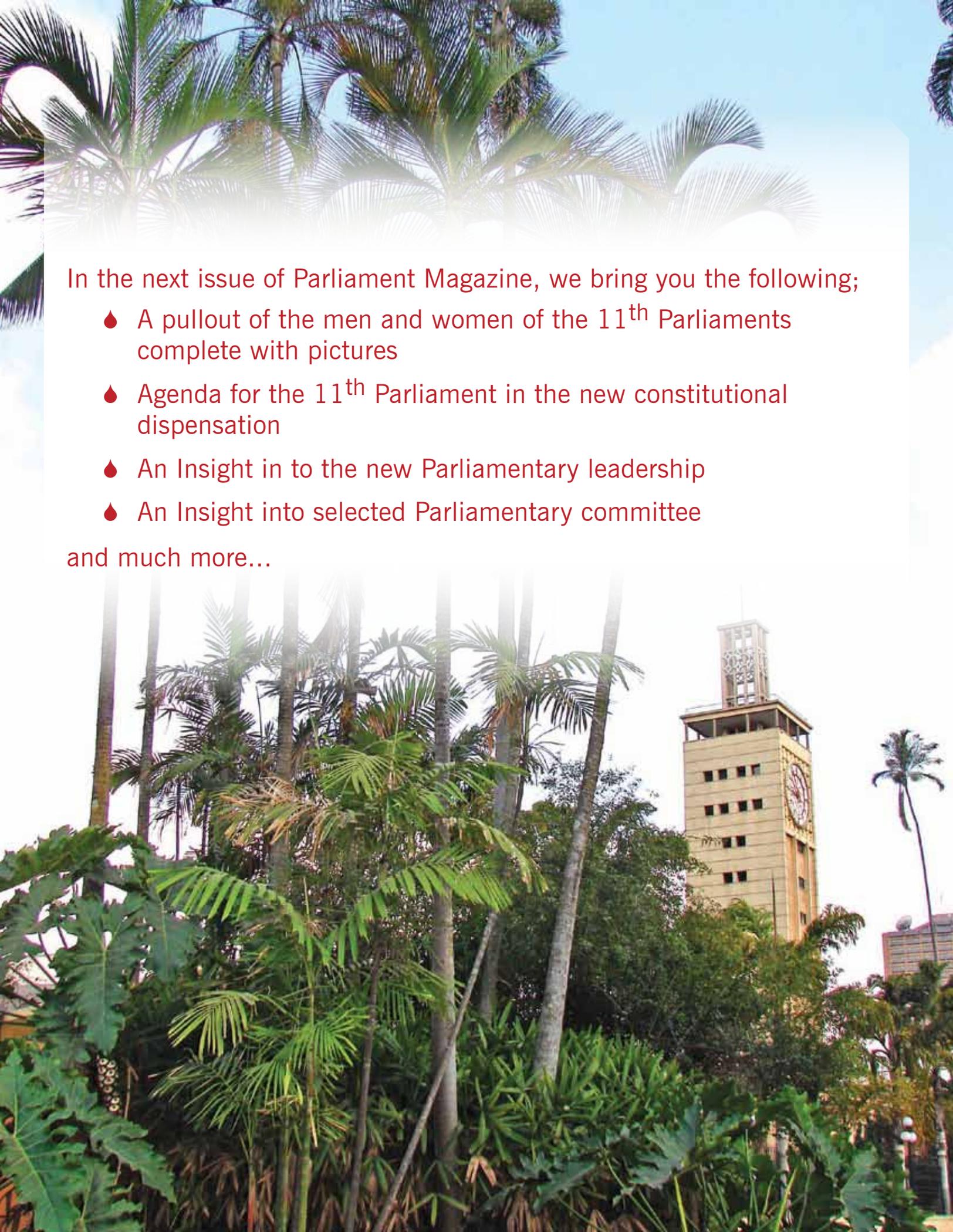
*Marende O. Kenneth  
SPEAKER  
EX-OFFICIO MEMBER*



*Muigai Githu  
ATTORNEY GENERAL  
EX-OFFICIO MEMBER*



*Gichohi G. Patrick  
CLERK OF THE  
NATIONAL ASSEMBLY*

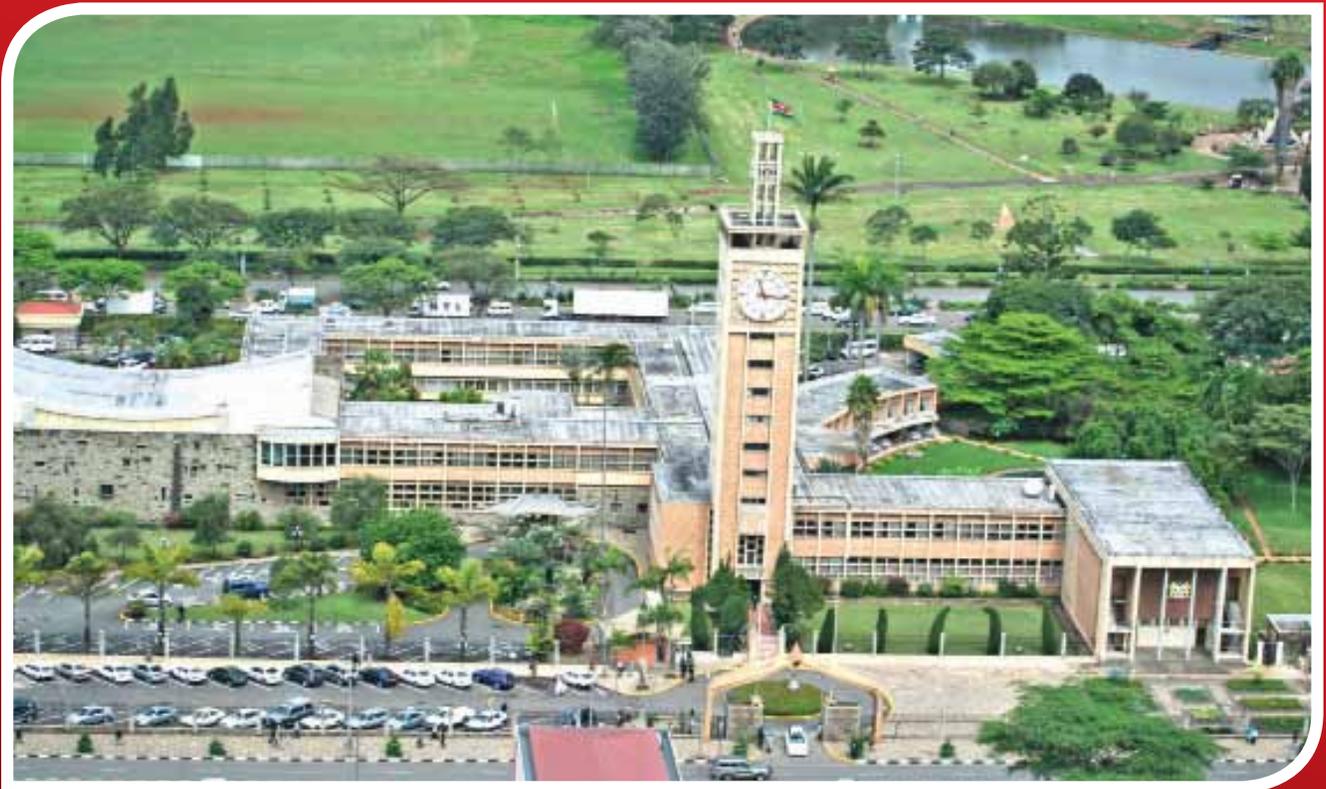


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- ◆ A pullout of the men and women of the 11<sup>th</sup> Parliaments complete with pictures
- ◆ Agenda for the 11<sup>th</sup> Parliament in the new constitutional dispensation
- ◆ An Insight in to the new Parliamentary leadership
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