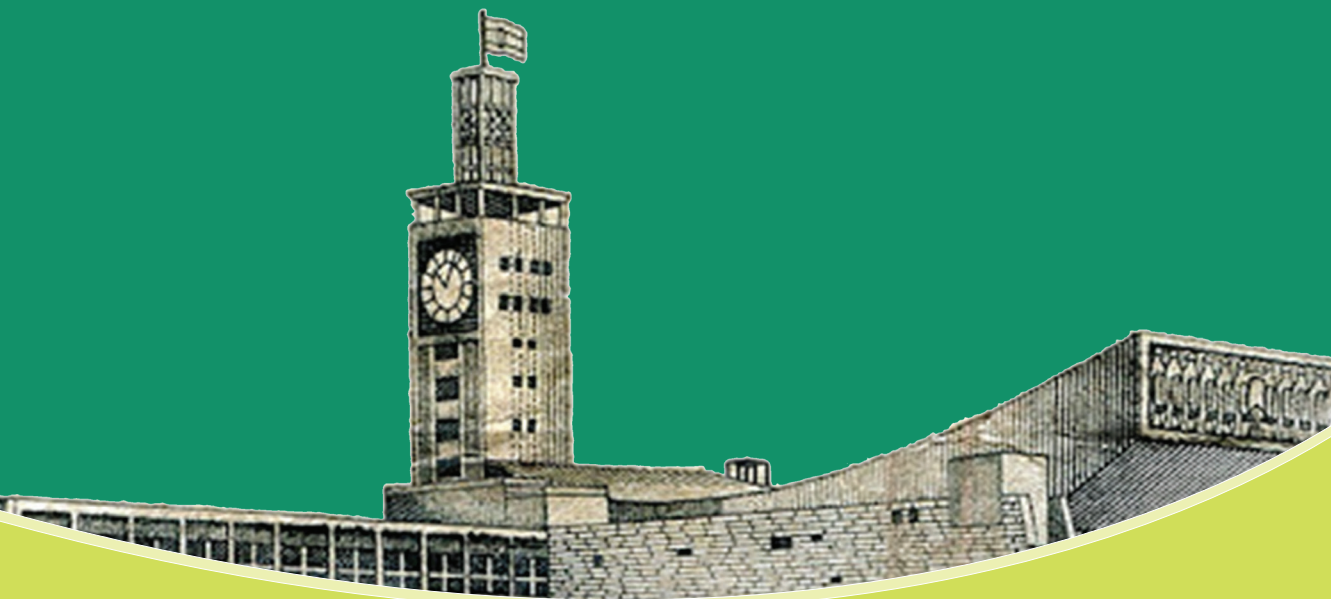




Parliament of Kenya

The National Assembly

The Role of Political Parties and Key Parliamentary Offices



Fact Sheet
No. 33

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This Factsheet on **The Role of Political Parties and Key Parliamentary Offices** is part of the Kenya National Assembly Factsheets Series that are supposed to enhance public understanding, awareness and knowledge of the work of the Assembly and its operations. It is intended to serve as easy guide for ready reference by Members of Parliament, staff and the general public. The information contained here is not exhaustive and readers are advised to refer to the original sources for further information.

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The Role of Political Parties and Key Parliamentary Offices

1.0 Introduction

Political parties are the lifeblood of democratic systems of government worldwide. They transcend virtually all areas of the parliamentary business and decision making, and exert immeasurable influence on its activities. Further, political parties guide in the legislatures dispensation of its constitutional role and mandate in an organized and orderly manner.

The role of political parties in any polity underscores their necessity as institutions of social, economic and political governance. In summary, the functions of political parties include representation of societal interests in legislatures; political socialization and participation; political education and communication; recruitment of political leaders; policy formulation; and working towards national cohesion.

The role political parties and key parliamentary offices play in the Parliament of Kenya has been entrenched in the Constitution. Article 93(1) of the Constitution of Kenya establishes a Parliament which consists of two Houses, the National Assembly and the Senate. Part 3 of Chapter Eight of the Constitution creates Offices of Parliament. The Standing Orders also prescribe the Offices of Parliament.

2.0 Role of Political Parties in Parliament

All political parties represented in Parliament participate in the exercise of political power, whether through participation in government or by performing

the role of opposition. They play an important role in shaping the relationship between the Executive, Judiciary and the Legislature. The roles of political parties in Parliament are clearly outlined in the Standing Orders. These roles include, but are not limited to the following-

2.1 Representation

Political parties speak and act for their supporters in all societal spheres. Representation ensures political accountability. Article 97 and 98 of the Constitution, provides for the representation of special interest groups in Parliament, nominated through the Political Parties according to their proportion of Members in either House.

2.2 Oversight

Article 124 of the Constitution makes provision for the establishment of committees and Standing Orders in the Houses of Parliament. The major role of these committees is to offer oversight on State Organs. In the National Assembly, parties nominate Members into the committees in accordance with their relative proportion of members in the House. In addition, the distinct role of political parties is further affirmed in the National Assembly where Chairpersons of certain financial oversight committees are elected from amongst the members of the party not forming the national government. These are the Public Accounts Committee and the Public Investments Committee. Further, the party not forming the national government also has a majority in the membership of these two committees in addition to its majority in the membership of the newly established Special Funds Accounts Committee.

2.3 Policy Making

Parties, both majority and minority, have a critical role to play in policy formation. The parties participate in translating public opinion into policies and legislations. Party leadership is critical in this process as it influences the legislative process by expressing and agitating for party positions.

2.4 Mobilization

As agents of political mobilization, parties play a pivotal role in the flow of political information which is critical in the legislative process in Parliament. Mobilization in the House, is done by the Party Leadership (party whips, majority and minority party leaders), who rally the Members of Parliament to push for their respective agendas in the National Assembly.

2.5 Political Education

Political parties are avenues where Members of Parliament can be enlightened through nomination to Parliamentary Caucuses, established to inform the Members on various issues including democratic values and norms such as supremacy of the rule of law, equality, justice, responsibility, political liberty and women empowerment.

2.6 Nominating individuals for Public Office and House Committees for House's Approval

Political parties carry out this role in the following ways-

- a) Nomination of Members to Constitutional offices, such-
 - (i) the office of Leader of Majority Party;
 - (ii) the office of the Leader of Minority Party;
 - (iii) the Commission on Revenue Allocation (Art.215)
- b) nomination of Members to the East African Legislative Assembly;
- c) nomination of Members to ad-hoc committees formed to consider issues of national importance; and
- d) nomination of Members to committees in the House, in accordance with their strength in the National Assembly and de-whipping Members from committees (discharges) in circumstances where they do not adhere to their Party's policies as provided for in the National Assembly Standing Orders on criteria for nomination.

2.7 Ensuring Party Discipline and Party Cohesion

Ideally, Members elected or nominated to Parliament by a political party are expected to advance the political party's position in matters before the House or its committees. This is the basis for collegial approach to issues and often determines the voting patterns in the House. Open defiance to a political party's position has consequences that the Party can prefer on a Member. During the term of the 11th Parliament, discharge from Committees was prevalently applied by the Minority Party in the National Assembly as a means of punishing defiance.

2.8 Parliamentary Party Caucuses

Political party caucuses are a convenient way of mobilizing Members of a political party in Parliament. Though not fully entrenched in our Parliament, it is a critical way of getting House legislative business and decision making done, and also a convenient way of resolving voting stalemate in the House.

3.0 Role of Key Political Offices in Parliament

Article 93(1) of the Constitution of Kenya and Parliamentary Service Commission through its Strategic Plan 2008-2018 (*revised 2012*), has established Parliamentary Offices for effective and efficient mechanisms for the co-ordination of the services in view of constitutional changes as a result of Bicameralism.

3.1 Office of the Speaker

Article 106 of the Constitution provides that there shall be a Speaker for each House of Parliament who shall be elected by that House in accordance with the Standing Orders.

The duties, responsibilities and powers of the Office of the Speaker are spelt out in the Constitution, the Parliamentary Powers and Privileges Act, 2017, and the Standing Orders. In discharging his duties, the Speaker

enforces the adherence to the Constitution, the Standing Orders, relevant Statutes, Parliamentary traditions, procedures and practices.

The functions of the Office of the Speaker include-

1. Directing all activities of the respective House and its Committees and presides over the proceedings of the House under the Rules of Procedure in the Standing Orders of either the Senate or the National Assembly. In case of a joint sitting of the two Houses of Parliament, the Speaker of the National Assembly presides assisted by the Speaker of the Senate.
2. The Speaker is the final authority on all matters touching on the interpretation and application of the practice and procedure of Parliament at all times as provided in the Standing Orders No. 1. In cases where matters are not expressly provided for in the Standing Orders, the Speaker is given the authority to make decisions based on the Constitution, statute laws and the usages, forms, precedents, customs, procedures and traditions of the Parliament of Kenya and other jurisdictions to the extent they are applicable to Kenya.
3. The Speaker has the powers to examine and rule on the admissibility or inadmissibility of motions, Bills, petitions and Committee reports depending on prescribed criteria.
4. Chairing key House Committees that include the House Business Committee in the National Assembly which prepares the Parliamentary Calendar and also determines the daily agenda of the House. The Speaker also is also the Chairperson of the Committee on Appointments, the Parliamentary Powers and Privileges Committee and the Procedure and House Rules Committee.
5. The Parliamentary Powers and Privileges Committee chaired by the Speaker ensures that Members adhere to the code of conduct outlined in the Parliamentary Powers and Privileges Act, 2017 and the Leadership and Integrity Act, thus upholding the dignity of the House.
6. The Speaker is the official representative of the House in its dealings with the Public, the Executive, Judiciary, legislatures in other jurisdictions and other bodies outside Parliament.
7. The Speaker's role in diplomacy and enhancing Parliamentary Relations includes accepting invitations from other Parliaments, hosting visiting delegations of parliamentarians or dignitaries and participating in international meetings of Speakers or Parliamentarians, among others.
8. The Speaker holds membership in a number of Parliamentary Associations and Inter-Parliamentary Groups. These include the Inter-Parliamentary Union (IPU) and the Commonwealth Parliamentary Association (CPA) among others.
9. The Speaker administers the oath of affirmation or allegiance to Members and issues writs for vacant seats.
10. The Speaker is the ultimate administrative head of the institution as the Chair of the Parliamentary Service Commission as mandated by Article 127(2)(a) of the Constitution.

3.2 The Office of the Parliamentary Party Leaders

Article 108 of the Constitution of Kenya provides for Party leaders. It states that-

- (1) There shall be a leader of the majority party and a leader of the minority party
- (2) The leader of the majority party shall be the person who is the leader in the National Assembly of the largest party or coalition of parties.
- (3) The leader of the minority party shall be the person who is the leader in the National Assembly of the second largest party or coalition of parties.

The Constitution is silent on similar positions in the Senate, however, the Senate Standing Orders provide for the positions in a similar manner as



Hon. Adan Duale and Hon. Jakoyo Midiwo consulting

the National Assembly. These Offices of Party Leaders generally deal with party issues within the two Houses of Parliament and whipping of their respective Members of Parliament.

All Party Leaders are assisted by their deputies, that is, the Deputy Leaders of the Majority and Minority Parties and Deputies of the Majority and the Minority Whips.

3.2.1 Leader of the Majority Party

Article 108 of the Constitution provides for the leader of the majority party and a leader of the minority party in the National Assembly. The leader of the majority party is the person who is the leader in the National Assembly of the largest party or coalition of parties.

The role of the Leader of the Majority Party includes-

1. The Leader of Majority Party is effectively the Leader of the Majority Party agenda in the House, with obvious influence over legislative programs of the National Government in the House, scheduling legislation for floor consideration, and assists in planning daily, weekly and annual legislative agendas.
2. Liaising with the Speaker and party whips, and consulting with Members to assess their positions on issues undergoing consideration in the House.
3. Invariably, in a majority party national government, the Leader of Majority Party marshals most state appointments through the vetting and approval processes of the National Assembly.
4. The Leader of Majority Party is the Chairperson of the Committee on Selection and also a Member of the House Business Committee and the Committee on Appointments in the National Assembly. While the Committee on Selection nominates Members into all committees of the House, the Committee House Business Committee prepares the Parliamentary Calendar and determines the daily agenda of the House. The Committee on Appointments vets President's nominees for appointment as Cabinet Secretaries.

3.2.2 The Leader of the Minority Party

Standing Order No. 20 provides for the leader of the minority party in the National Assembly. This is the leader of the second largest party or coalition of parties in the National Assembly.

The Leader of the Minority Party is responsible for-

1. Developing and championing the minority position issues and debates of the minority party.
2. Negotiating with the majority party on issues that are of interest to the minority party.
3. The Leader of Majority Party is a Member of the Committee on Selection, the House Business Committee and the Committee on Appointments.
4. Ensures that the National Assembly Standing Order No 174 and 178 is adhered to in the Public Accounts Committee and Public Investments Committee. In this case, the Standing Orders that, should the Majority Party form the National Government, the two committees are chaired by Members of the Minority Party.

3.3 The Office of the Deputy Speaker

Article 106 (b) of the Constitution provides that there shall be a Deputy Speaker for each House of Parliament who shall be elected by that House in accordance with the Standing Orders.

The Deputy Speaker performs the following duties and responsibilities-

- (i) Article 107 (b) of the Constitution provides that the Deputy Speaker of a House of Parliament shall preside over the sitting of that House in the absence of the Speaker.
- (ii) The Deputy Speaker, in accordance with the National Assembly Standing Order No. 15, is the Chairperson of Committee of the Whole House.
- (iii) The Deputy Speaker deputizes the Speaker and assists in ensuring the dignity of Parliament is upheld, its rights and privileges are not abused and generally assists in the interpretation and application of the practices and procedures of Parliament at all times.
- (iv) The Deputy Speaker is also the chairperson of the Liaison Committee, which generally guides and co-ordinates the operations, policies and mandates of all Committees.

3.4 The Office of the Chairpersons Panel

Standing Order 16 of the National Assembly provide for the Chairpersons Panel comprising of four Members respectively appointed by the Speaker at the commencement of every session with the approval of the House. The Members of the Panel are chosen as the first, second, third and fourth Chairpersons of Committees and are entitled to exercise all powers exercisable by the Deputy Speaker in his absence.

3.5 The Majority Whip and the Minority Whip

The Standing Orders provide for a Member designated by a parliamentary party as its party whip for the purposes of the transaction of business in the National Assembly. There are two Chief Whips who are the official office bearers. One represents the majority party and the other represents the largest minority party. The Chief Whips are formally appointed by the Speaker, based on the recommendations of the respective political parties.

In parliamentary traditions and practices, Majority and Minority Whips perform the following roles-

1. Representation of their party's interests and ensuring the discipline of their Members and the effective functioning of their party within the legislature.
2. Ensuring that Members of their respective parties attend to House business promptly.
3. The Chief Whip of the majority party, in consultation with the Chief Whip of the minority party, is responsible for the detailed arrangement of the legislative business.

4.0 The Parliamentary Service Commissioners

Article 127 of the Constitution of Kenya, establishes the Parliamentary Service Commission that consists of ten Commissioners as follows:-

- a) the Speaker of the National Assembly, as chairperson;
- b) a vice-chairperson elected by the Commission from the members appointed under paragraph (c);
- c) seven members appointed by Parliament from among its members of

whom—

- (i) four shall be nominated equally from both Houses by the party or coalition of parties forming the national government, of whom at least two shall be women; and
- (ii) three shall be nominated by the parties not forming the national government, at least one of whom shall be nominated from each House and at least one of whom shall be a woman; and
- d) one man and one woman appointed by Parliament from among persons who are experienced in public affairs, but are not members of Parliament.

Article 127(3) of the Constitution of Kenya provides for the Secretary to the Commission who shall be the Clerk of the Senate.

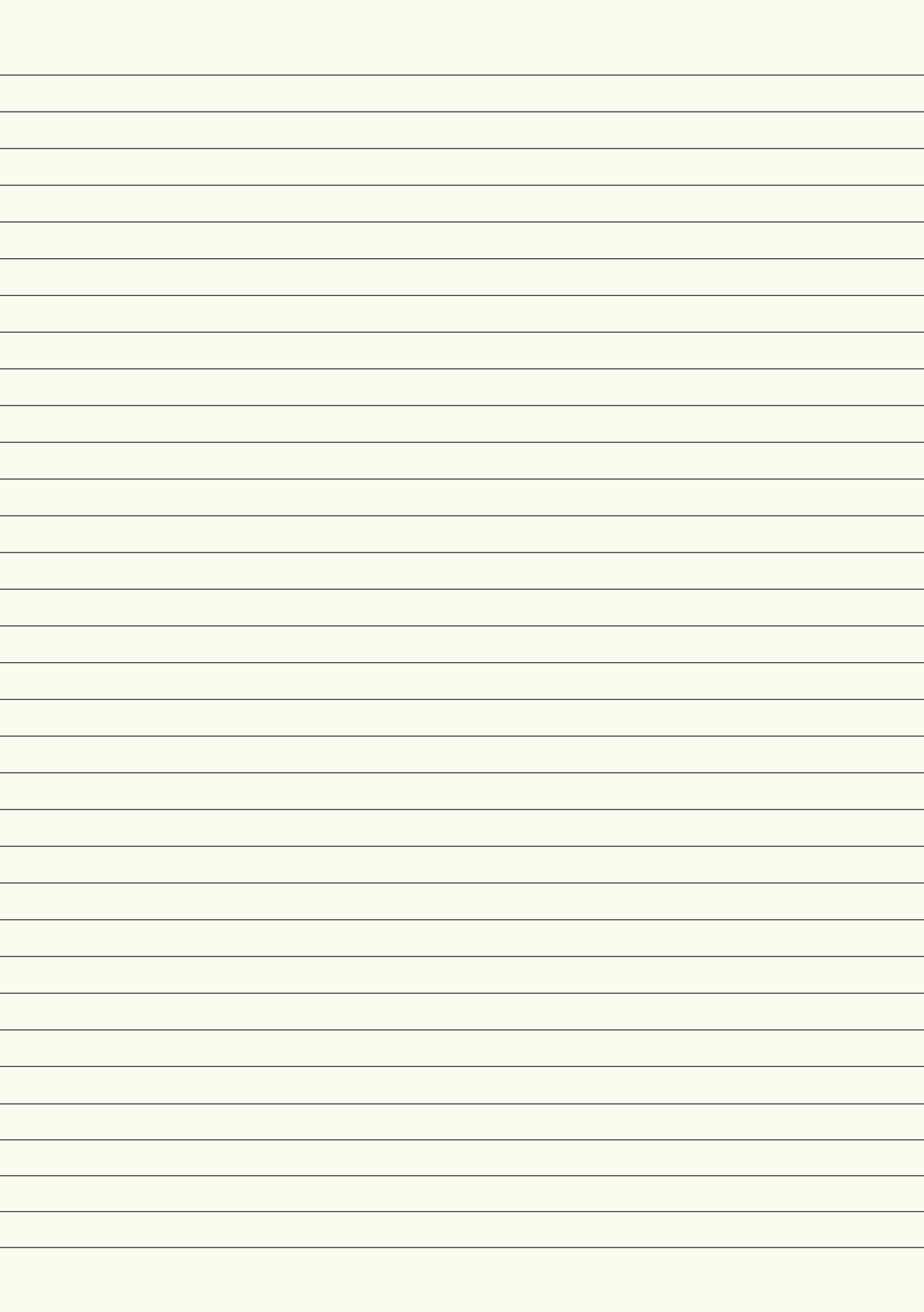
The mission of the Parliamentary Service Commission is to efficiently and effectively fulfill its constitutional function in a representative system of government by holding and ensuring the autonomous status of Parliament in its corporate relationship with other arms of the Government.

The Commission is responsible for the following as provided for in Article 127(6) of the Constitution of Kenya: -

- a) providing services and facilities to ensure the efficient and effective functioning of Parliament;
- b) constituting offices in the parliamentary service, and appointing and supervising office holders;
- c) preparing annual estimates of expenditure of the parliamentary service and submitting them to the National Assembly for approval, and exercising budgetary control over the service;
- d) undertaking, singly or jointly with other relevant organisations, programmes to promote the ideals of parliamentary democracy; and
- e) performing other functions—
- f) (i) necessary for the well-being of the members and staff of Parliament; or
- g) prescribed by national legislation.

References

Republic of Kenya (2010). Constitution of Kenya. Government Printer, Nairobi.
Parliamentary Service Commission (2012). The National Assembly Standing Orders.





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