



NATIONAL ASSEMBLY

e-NEWS

ISSUE 001

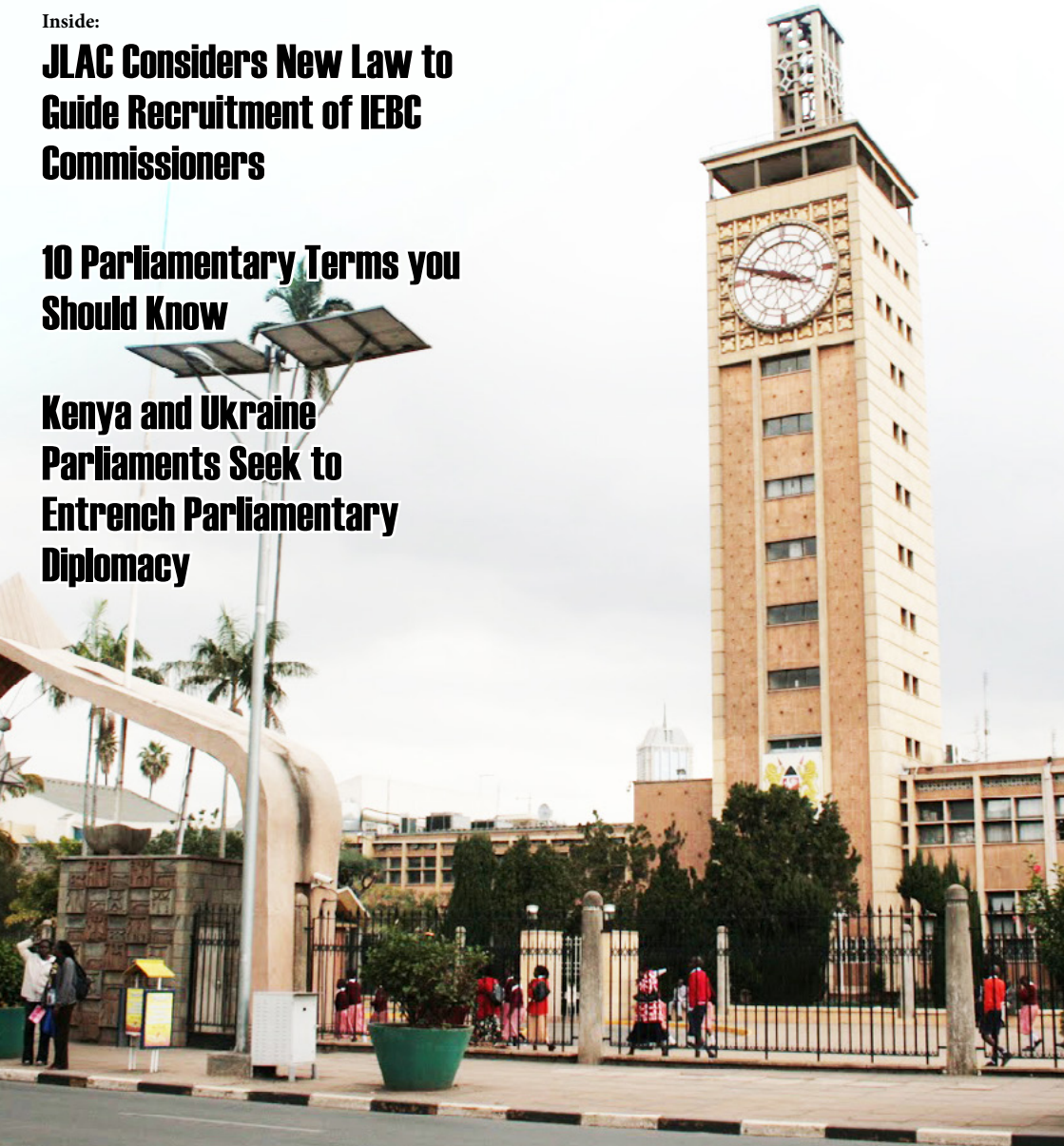
JULY 2019

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Foreword



It is my pleasure to introduce you to this inaugural edition of the National Assembly E-Newsletter (No.001 of 2019).

The unveiling of the National Assembly e-news demonstrates our resolve to publicize the business of the House in order to inform Kenyans on a regular basis on how the Assembly executes its Representation, Legislative, Budgeting and Oversight roles in Plenary, Committees and at the Constituency level in accordance with the provisions of Art. 95 of the Constitution.

In addition, the publication of this newsletter is an initiative that facilitates public participation in the legislative and other activities of the Assembly in conformity with the provisions of Art. 118 of the Constitution.

In this edition, we provide readers with a report on the visit to the Parliament of Ukraine by the Speaker of the National Assembly, Hon. Justin Muturi, M.P. and his delegation during which it was agreed that the two parliaments establish a Kenya-Ukraine Parliamentary Group in order to enhance bilateral engagements. We also detail the consideration of the Independent Electoral and Boundaries Commission (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2019) sponsored by the Member for Baringo North Constituency, Hon. William Cheptum who Chairs the Departmental Committee on Justice and Legal affairs.

During the period under review, the Departmental Committees on Health and Environment carried out inquiries on the state of affairs of Referral Hospitals and a petition against the intended demolition of Seefar Apartments submitted by the Member of Langata Constituency Hon. Nixon Korir M.P. respectively. Furthermore, reports on Motions introduced by Members on the Floor of the House, their intention, date of introduction, debate and adoption are provided in the newsletter. We also provide our readers with a brief on common parliamentary terms used so as to improve their knowledge of the procedures of the Assembly. We also shine light on Public participation as a constitutional requirement and how it is conducted by the Assembly.

Importantly, the first edition carries a tribute to the late Justin Nthiiri Bundi, CBS, retired Clerk of the National Assembly whose tenure in executive government and parliament was lauded by many people who knew him.

Lastly, I hope that your interaction with this first issue will offer insights on how to improve the process of disseminating information to the public and 'take Parliament to the people'. We look forward to getting feedback from you.

Mr. Michael R. Sialai, EBS
Clerk of The National Assembly of Kenya

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JLAC CONSIDERS NEW LAW TO GUIDE RECRUITMENT OF IEBC COMMISSIONERS



The Chairperson of the National Assembly's Departmental Committee on Justice and Legal Affairs (JLAC), Hon. William Cheptumo has sponsored a Bill that seeks to amend the First Schedule to the Independent Electoral and Boundaries Commission Act (No. 9 of 2011). The Bill provides for the establishment of a Selection Panel to oversee the filling of vacant positions in the Independent Electoral and Boundaries Commission (IEBC). The current First Schedule to the Act only provided for the recruitment of the current Commissioners of the IEBC.

The Independent Electoral and Boundaries Commission (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2019) was published on 12th March 2019. It was first read on 9th of May 2019. The Speaker of the National Assembly then committed the Bill to the Departmental Committee on Justice and Legal Affairs for consideration and facilitation of public participation as required under Article 118 of the Constitution of Kenya (2010), and Standing Order No.127. The Committee is then required to present to the House its Report on the Bill within twenty-one days, after receiving the Bill.

The Amendment Bill, proposes that the Selection Panel shall consist of eleven members: Four persons nominated by the Parliamentary Service Commission (ParlSCoM), one person each nominated by the Public Service Commission (PSC), the Ethics

and Anti-corruption Commission (EACC), the Law Society of Kenya (LSK), the National Gender and Equality Commission (NGEC), the Attorney General (AG), the Kenya National Commission on Human Rights (KNCHR), and the Inter-Religious Council of Kenya (IRCK).

THE BILL IN A SNAPSHOT

Bill's Title: The Independent Electoral and Boundaries Commission (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2019)

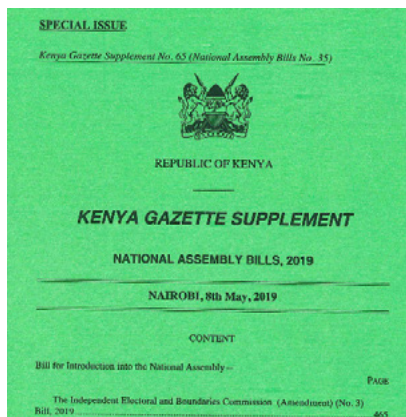
Publication Date: 12th March 2019

First Reading: 9th May 2019

Sponsoring Member: Hon. William Cheptumo

Departmental Committee: Justice and Legal Affairs

Under the existing Schedule, the Selection Panel consists of nine members: Four persons nominated by the ParlSCoM, one person each nominated by the Kenya Conference of Catholic Bishops (KCCB); the National Council of Churches of Kenya (NCCK); the Supreme Council of Kenya Muslims (SCKM); the National Muslim Leaders Forum (NMLF) and the Council of Imams and Preachers of Kenya; the Evangelical Alliance of Kenya; and the Hindu Council of Kenya.



In the Bill, the Clerks of Parliament, and not the ParlSCom, shall provide the secretariat services and facilities required by the selection panel in the performance of its functions.

There are two other Bills that also seek to amend the Independent Electoral and Boundaries Commission Act: The Independent Electoral and Boundaries Commission (Amendment) Bill 2019 (National Assembly Bills No. 24 of 2019) sponsored by Hon. Jude Njomo and the Independent Electoral and Boundaries Commission (Amendment) (No. 2 Bill) (National Assembly Bills No. 30 of 2019) sponsored by Hon. Jeremiah Kioni, Chairperson of the Constitutional Implementation Oversight Committee.

QUICK FACTS ABOUT THE BILL

CURRENT FIRST SCHEDULE	FIRST SCHEDULE PROPOSED IN THE BILL
Selection Panel applied only to the first appointment of commissioners under the Act	Selection Panel will apply to appointment of Commissioners as and when vacancies arise
Selection Panel consists of 9 members	Selection Panel will consist of 11 members
<p>Nine members consist of:</p> <ul style="list-style-type: none"> Four persons, being two men and two women, nominated by the Parliamentary Service Commission one person nominated by the Kenya Conference of Catholic Bishops one person nominated by the National Council of Churches of Kenya one person nominated by the Supreme Council of Kenya Muslims, the National Muslim Leaders Forum and the Council of Imams and Preachers of Kenya one person nominated by the Evangelical Alliance of Kenya; and one person nominated by the Hindu Council of Kenya. 	<p>Seven members consist of:</p> <ul style="list-style-type: none"> Four persons, being two men and two women, nominated by the Parliamentary Service Commission One person nominated by the Public Service Commission One person nominated by Ethics and Ethics and Anti-Corruption Commission One person nominated by the Law Society of Kenya One person nominated by the National Gender and Equality Commission One person nominated by the Attorney General One person nominated by the Kenya National Commission on Human Rights One person nominated by the Inter-Religious Council of Kenya
<p>The respective nominating bodies submit names of their nominees to the Parliamentary Service Commission for transmission to the President for appointment.</p> <p>No timelines prescribed.</p>	<p>The respective nominating bodies submit the names of their nominees to the Parliamentary Service Commission for transmission to the President for appointment.</p> <p>This is done within 7 days of the declaration of a vacancy in the office of the chairperson or member of the Commission.</p>
The Parliamentary Service Commission shall provide the secretariat services and facilities required by the selection panel in the performance of its functions.	The Clerks of Parliament shall provide the secretariat services and facilities required by the selection panel in the performance of its functions.

HOUSE COMMITTEE DECRIES THE STATE OF REFERRAL HOSPITALS; CALLS FOR URGENT ACTION



Committee led by Sabina Chege meets to discuss state of referral hospitals

In an effort to streamline the operations of health facilities under the management of National Government, the National Assembly Departmental Committee on Health, chaired by Murang'a County Woman Representative, Hon. Sabina Chege, embarked on an inquiry into the operations of the four major referral hospitals in the country.

During its investigation, the committee established that, finances, staffing challenges, congestion, and a lack of clear guidelines on their operations, have continued to be the greatest impediments to the smooth running of these referral institutions.

In its report tabled before the house on 9th May, 2019, the Committee among other things; recommended for the full autonomy of the Mathari and National Spinal Injury referral hospitals, with improved funding by the government.

While addressing the widespread challenges faced by these hospitals, the committee issued a directive that the State Department of Correctional Services, and the Mathari Hospital review the status of the facility's maximum security wing. At the same time, the Committee further recommended the expansion of the Moi Teaching and Referral Hospital in Eldoret, in order to offer better services to the numerous patients who throng the facility in search of medical services. The expansion of the health institution would also

ensure an improved funding to bridge the facility's budgetary shortfalls.

Additionally, the Committee called on the Ministry of Health, to ensure that Kenyatta National Hospital gets substantive leadership and its budgetary allocation is enhanced. The report also recommended that the National Land Commission and the Kenya Urban Roads Authority immediately compensates the hospital for the land acquired for road construction.

Among other proposals was the suggestion that the National Hospital Insurance Fund (NHIF) and Kenya Medical Supplies Authority (KEMSA), as enablers of Universal Health Coverage (UHC), immediately boost the capacity of these hospitals to support UHC as part of the government's Big Four Agenda items.

Mathari Hospital Run-down

In Mathari Hospital, the Committee found a hospital under perpetual neglect by the Ministry of Health, with its facilities run down and dilapidated. According to the report, it is run as a department of the Ministry, starving it of the autonomy it requires, especially financially, to be well managed.

"As a result of the budgetary constraints, the current hospital infrastructure is dilapidated, run down and does not meet the norms and standards of a referral and teaching facility," the report reads.

Neglected patients, many of whom lack NHIF membership cards also pose a challenge to the smooth operations of this facility. For patients that use the insurer, the NHIF takes inordinately long periods to compensate the hospital.

The committee further noted that Mathari Hospital has an acute staff shortage in all cadres numbering at only 386 staff members against a recommended 1,077. Examples cited include the fact that the hospital operates with only 164 nurses against the required 500 nurses, 11 psychiatrists against a required 20 and only five clinical officers against a required 10.

“Currently, the budgetary allocation for salaries or compensation to employees is Kshs615 million. However, the hospital does not utilize the allocated amount fully as a result of non-exchequer releases,” the report read in part.

The committee also noted the facility has a serious funding problem after its budget was slashed from Kshs.114 million to Kshs. 92 million. This has been worsened by the failure of NHIF to reimburse the hospital Kshs105 million.

The Old and Dilapidated National Spinal Injury Referral Hospital



The committee, in its quest for facts, established that the National Spinal Injury Hospital was built on a small piece of land decades ago, leaving no room for expansion despite the fact that it had been establishment to serve patients from across the East and Central Africa. The hospital has a bed capacity of 35 and at any given time, the beds are always fully occupied, which delays admission for waiting patients, the committee heard.

“The hospital is in an appalling situation, characterized by dilapidated buildings, and no significant expansion since Independence,” States the report.

The facility also has an acute shortage of staff in all cadres coupled with stagnation of staff due for promotion, and this hurts their morale, thus the reluctance to deliver the best services possible. Like in

the case of the Mathari hospital, the hospital is also owed Kshs. 6 million by NHIF from unsettled claims. Most of the equipment is also donated by well-wishers, most of which are now non-operational, due to lack of service contracts that makes it hard and expensive for the hospital to repair the equipment upon damages.

At the spinal injury hospital, the committee further discovered that 40 per cent of patients die or develop more complications two years after being discharged.

“Those who manage to make it to the hospital and later discharged face poor follow-up with high morbidity and mortality. A cross-cutting study (unpublished) showed 40 per cent mortality at two years post-discharge,” noted the report.

The committee, in its report, also faulted the Kenya Urban Roads Authority and the National Land Commission for hiving off seven acres of the facility’s land worth Kshs. 4.2 billion that was meant for expansion of the hospital, to build a road without compensation.

Over-Stretched Moi Teaching & Referral Hospital

According to the report, the Moi Teaching and Re-



ferral Hospital suffers the burden of serving patients from 21 counties in the rift valley and western regions of the country. According to the report tabled by the Committee on Health, the Eldoret-based hospital serves about 25 million people living in 21 counties in the Western region and beyond.

“Despite a bed capacity of 900, the facility experiences a daily patient workload of 1,500 outpatients and 1,200 inpatients and bed occupancy of 110 per cent. This is because of high patient numbers occasioned by the dual function of the hospital as a referral and as primary healthcare centre,” the report says.

The committee further noted that the MTRH is facing serious cash flow problems caused by waivers and bad debts that stood at Kshs. 828.3 million as at



The Biggest and over-burdened Kenyatta National Referral Hospital

Kenyatta National Hospital, at the time of these investigations, lacked a substantive chairperson of the board, as well as a CEO. The committee observed that the hospital is unduly overstretched and has previously faced several crises, caused by grossly inadequate funding, industrial action, outdated equipment, staff inadequacy and suffers the burden from an almost collapsing county healthcare system.

The report paints a grim picture on KNH which the committee concludes faces “a near crisis” shortfall of 1, 456 medical workers that has greatly undermined services.

January 31, this year. Additionally, the hospital management had recommended writing off Kshs.500 million in collectable debt secured on identity cards and commitment letters since it opened in the year 2000. So far, Kshs.1 billion had been waived as at June 2018, an amount that the committee wants the government to reimburse the facility.

On the flip-side, the hospital has had relative success in staff management, donor partnerships and has a vision for expansion, with just a handful of staff promotions’ challenges, as well as payment gaps.

“Discrimination in payment of practice allowance had resulted in demotivation as student registrars earned more than medical doctors lecturers, who felt that they equally qualify for the allowances paid to doctors working in public hospitals.” said the report.

“The equipment for intrusive surgical procedures was not fit for use and the laser machine had a factory error. Beds in the wards were not proper as they could not prop up patients with certain injuries. The hospital lacked resuscitation equipment and they were not provided with ICT support to make their work easy and error free”, the report reads.

The committee, in its very expansive and detailed report, concludes that KNH is “severely constrained” due to underfunding and overcrowding and this has seen a lack of plant and equipment maintenance and replacement. The facility reportedly treats an average of 2,093 inpatients daily, despite having a bed capacity of 1800, while it treats about 2,500 outpatients daily.

“The hospital is overcrowded due to broken referral systems. The hospital also closed its outpatient clinic that had been previously used to de-congest the main hospital,” Hon. Chege’s committee concludes.



10 PARLIAMENTARY TERMS YOU SHOULD KNOW

1 Legislative Proposal: This is a draft Bill which undergoes a stage called prepublication scrutiny or Budget Committee recommendation, where applicable, before it is published as a Bill.

2 Bill: A Bill is a proposed law introduced in either of the Houses of Parliament after it has been published in the Kenya Gazette. Bills are meant to introduce a new legislation, to amend or repeal existing law(s).

3 Motion: This is a proposal by a Member of Parliament that the National Assembly takes a certain decision on a matter.

4 Order Paper: It is the paper showing the business to be placed before or taken by the House on a particular day, published and circulated by the Clerk.

5 Petition: When one petitions the National Assembly, he or she seeks the intervention of the House to consider the matter and to make resolutions addressing the Petitioner's concerns. This is done through a written prayer.

6 Committee of the whole House: This is a technical term used to refer to when the House resolves itself to consider questions or Bills which the House commits to this committee. All Bills that have received a second reading are referred to a Committee of the Whole and it is during this stage that amendments to the Bill are moved.

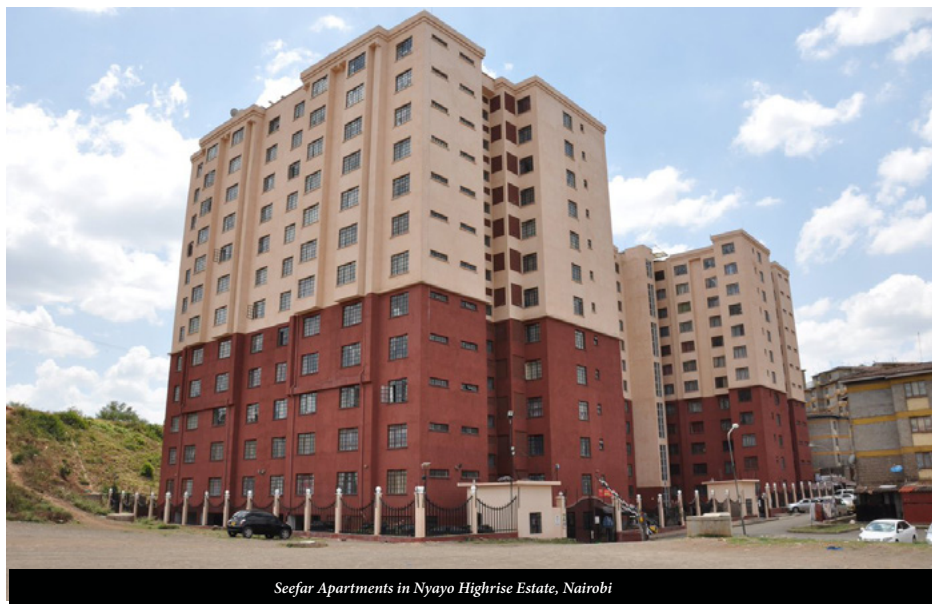
7 Speaker's Rules: These are rules by the Speaker to regulate conduct of Members of the National Assembly and orders regulating admission and conduct of visitors in the precincts of Parliament.

8 Standing Orders: These are rules that govern the procedures of the National Assembly and of its committees.

9 Communication from the Chair: These are messages or rulings by the Speaker on an important matter for the Member's information or on an important question asked by a Member.

10 Mediation: This is a process that occurs when one House of Parliament has rejected amendments passed by the other House and the mediation committee seeks to develop an agreed version of the Bill.

THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TABLES REPORT ON SEEFAR APARTMENTS



Seefar Apartments in Nyayo Highrise Estate, Nairobi

The Departmental Committee on Environment and Natural Resources has recommended that Water Resources Authority (WRA) and National Environment Management Authority (NEMA) indefinitely extend the suspension of demolition orders of Seefar Apartments.

The Committee chaired by the Member for Maara Constituency Hon. Kareke Mbiuki was seized of the matter following a petition by the Member of Parliament for Langata Constituency, Hon. Nixon Korir. The petition was presented to the House on 15th November, 2018. It was subsequently, committed to the Departmental Committee on Environment and Natural Resources for consideration pursuant to Standing Order No.227.

Seefar Apartments consists of a development comprising of 288 residential houses located within Nyayo Highrise Estate along Mbagathi Road in Nairobi.

NEMA issued an Improvement Notice (NEMA/5/4/Vol.II) while WARMA issued Order Serial No. 30366 earmarking the apartments for demolition on the

allegation that they had been constructed on the riparian land along the Nairobi Dam and Ngong River. The Committee was however, informed that this development had been approved by NEMA and WRA prior to its establishment. In spite of this fact, inspectors from NEMA visited the apartments on 12th October, 2018, and issued an Improvement Notice. The Notice required Edermann Property Limited to demolish the structure within 14 days contrary to its earlier admission that the property was not on riparian land.

The petitioners had two prayers for the Departmental Committee. One that the Committee intervenes and causes the stay of the earmarked demolition pending conclusive investigations, and two, that the Committee makes any other order or direction that it deems fit in the circumstances of the matter.

The Committee in a meeting held on 22nd November, 2018, received both oral and written submission from the petitioners, the Cabinet Secretary Ministry of Environment and Forestry and officials from the Ministry of Water and Sanitation. This was followed by an inspection visit to the apartments on 6th

March, 2019 to assess the situation on the ground.

Having reviewed both the oral and written submissions before it, the Committee observed that the notices for demolition issued by NEMA and WRA were wanting since the same entities had given approvals for the construction of the apartments. The Committee also noted that doublespeak by the Government agencies was scaring away investors in real estate in the country.

The Committee observed laxity and lack of diligence among some officers at NEMA and WRA. This observation was informed by the fact that it had taken too long to establish the alleged encroachment on the said riparian zone. They noted that the officers directly involved in the approvals, that were being questioned, ought to take responsibility for this laxity.

Further, the Committee observed that the Government was engaged in erratic demolition of buildings and therefore there was need for a structured, systematic demolition of identified structure. If this was not done, the entire exercise risked being viewed as discriminatory.

The Committee also made other recommendations as follows; one, that NEMA and WRA undertake an audit of all the licenses issued across the country to verify levels of compliance with license conditions, the extent and reasons for causes of non-compliance, if any. This should be done with a view to taking appropriate action against any person whose actions

are established to be inconsistent with the law;

In addition, that the Ministry of Environment and Forestry, the Ministry of Water and Sanitation and the County Government of Nairobi set up a taskforce to undertake comprehensive study on the safety of the Nairobi Dam, its potential and the socio-economic implications of rehabilitating or decommissioning it;

Further, that the Inter-Agency Technical Team commissioned to assess the safety and viability of the dam expedites its report to facilitate further discussion between the home owners and the Government to determine the way forward;

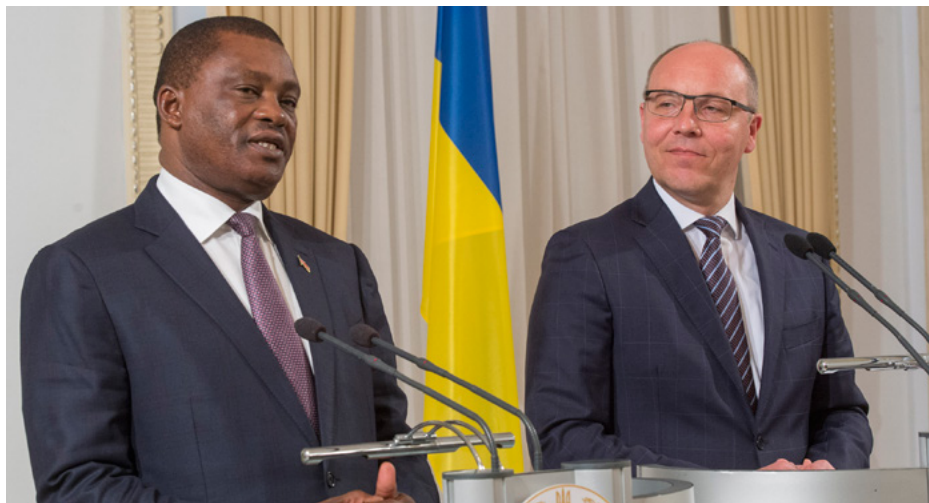
Additionally, that the Ministry of Water and Sanitation and the Ministry of Environment and Forestry spearheads consultations with the Ministry of Lands and Ministry of Agriculture to harmonize the definition of the riparian land. Subsequently, they are to submit an amendment to Parliament for consideration and enactment;

Moreover, that the Government adopts a harmonized position relating to the principles and processes of demolition so as assure the investors that the exercise is being undertaken in a manner that is not discriminatory;

Finally, that the Ministry of Water and Sanitation expedites the installation of sewer line/facilities under the Nairobi Regeneration Programme to mitigate the pollution of Nairobi Dam by effluent from the neighboring residential areas.



KENYA AND UKRAINE PARLIAMENTS SEEK TO ENTRENCH PARLIAMENTARY DIPLOMACY



Speaker Muturi and his Ukraine counterpart, H.E. Andriy Parubiy address the media shortly after holding bilateral talks at the Verkhovna Rada (Parliament of Ukraine)

Kenya and Ukraine are set for high level Parliamentary engagements, following an agreement by the respective heads of the two legislatures towards enhanced Parliamentary collaboration and sharing of experiences with regard to Parliamentary practices and procedures.

During a bilateral meeting when he visited Ukraine mid-May, the Speaker of the National Assembly, Hon. Justin Muturi and his host counterpart, Chairperson of the Verkhovna Rada (Speaker of the Parliament of Ukraine), H.E. Mr. Andriy Parubiy, underscored the place of Parliamentary engagement in advancing bilateral relations in modern diplomacy. In this regard, the two agreed to the establishment of a Kenya-Ukraine Parliamentary Group, as the first step towards enhancing their bilateral engagements.

The two further noted that Parliaments world over have a crucial role in advancing their respective national interests at the international arena, adding that Legislators hold the highest degree of legitimacy as they represent people from all walks of life. They observed that increased inter-parliamentary interactions would facilitate the development of cooperation in the political, social, economic, humanitarian and other areas of mutual interest.

Mr. Parubiy thanked Kenya for her continued stance in recognizing the territorial integrity of Ukraine in the international fora, adding that Ukraine regards Kenya as a strategic partner in her bid to earn a foothold in Africa. Kenya was among the first African countries that Kyiv established bilateral relations with, soon after Ukraine's independence in 1991. Although Kenya is yet to establish a Mission in Kyiv, Ukraine currently has a mission in Nairobi and an honorary consulate in Mombasa city.

On his Part, Speaker Muturi, accentuated that Kenya has immense veneration for the right of a people to self-determination as a cardinal principle in modern international law, adding that the government of Kenya adheres to the principle of respect for territorial integrity of other nations.

On Parliamentary collaboration, Speaker Muturi noted that the National Assembly of Kenya would be interested in tapping from the Ukrainian Parliamentary unique budget making model and as well as from their progressive taxation regime, both forming part of the Ukraine's Public Finance Management reforms, that Kyiv has made a key priority.

“ Mr. Speaker, I have seen an impressive report of



Speaker Hon Justin Muturi signs the visitors book at the Ukraine Parliament

the Members of the Budget and Appropriations Committee who in March 2017, visited the Parliament of Ukraine on a study tour, and I hope that the Departmental Committee on Finance and National Planning could undertake a similar tour to study your very progressive Public Finance Management system”, Speaker Muturi observed.

Speaker Muturi who was in Ukraine on a 4-day visit on the invitation of Mr. Parubiy also held meetings with the Prime Minister of Ukraine, H.E. Mr. Volodymyr Groysman, and the Minister of Foreign Affairs, H.E. Mr. Pavlo Klimkin.

Mr. Volodymyr Groysman, challenged Kenya to seek more areas of economic collaboration so to address the current trade balance which currently stands at under \$70 Million. He noted that despite Ukraine having established relations with Kenya in 1990m there had been little economic collaboration and urged for the employment of deliberate efforts to enhance the existing relations.

“I am happy Mr. Speaker that you came to visit Kyiv. I wish to invite your government at the highest trade policy development level to Kyiv to share with us your rules of business and the existing opportunities in trade”, he urged. He further appealed to Kenya to establish a fully-fledged mission in Kyiv so as to facilitate the fostering of the envisaged economic collaboration.

On his part, Speaker Muturi noted that Ukraine has created a niche in the Agriculture sector which Kenya would be keen to tap into in her bid to address food insecurity in the country. He further noted that collaboration between the two countries’ Parliamentary Committees on Agriculture would help generate

the necessary knowledge transfer for the realization of better Agricultural Policies.

Speaker Muturi further invited Ukraine to explore the importation of Kenyan coffee, tea and flowers terming them as among the best exports Kenya offers to the rest of the world. Terming Kenya as the gateway to East and Central Africa, Speaker Muturi extolled the huge market that the region possesses for Ukraine investors, and urged them to seek investment in irrigation for a guaranteed return on investment.

On his part, the Minister of Foreign Affairs, H.E. Mr. Pavlo Klimkin, who had visited Kenya in 2018, also urged for increased trade between the two countries, noting that in the future it would be important to explore the development of a bilateral aviation agreement with an aim to promote direct flights between the two countries. Ukraine’s national airline, the Ukraine International Airlines has a fleet size of Kenya Airways and is a member of the Sky Team.

He further implored upon Kenya to establish a more permanent representation in Kyiv, noting that it would help to foster closer ties as well as open up other ways of collaboration between the two countries. Currently, Kenya is represented in Kyiv by the country’s mission in Moscow Russia, although Kenya has an honorary consulate run by Dr. Anatolina A. Kovalenko.

Speaker Muturi was accompanied by MPs, Hon. (Dr.) Rachael Nyamai, Hon. Andrew Mwandime, Hon. Moses Kirima, Hon. Jane Njiru, the Clerk of the National Assembly, Mr. Michael Sialai and the chargé d’affaires in charge of Kenya’s Mission in Moscow, Ms. Winnie Mbala.

THE PLACE OF THE CITIZENRY IN THE LEGISLATIVE PROCESS



(Above and below) The Justice and Legal Affairs Committee during a public hearing in Wajir East with regard to the Constitution of Kenya (Amendment) Bill 2018 on the Two-Thirds Gender Principle.

Public participation is the engagement of the public in the legislative process and other business of the National Assembly and its Committees as contained in Article 118 of the Constitution and giving full consideration to public input in decision making. The National Assembly usually seeks for public views when considering bills, vetting of nominees to various positions, budget process, when considering petitions and inquiries etc.

IMPORTANCE OF PUBLIC PARTICIPATION

Public participation helps in:

1. Informing the public through provision of information which will help them understand issues, options and solutions;
2. Collaborating with the public in order to come up with the best decision;
3. Getting public opinion and information especially from stakeholders on legislation and other business being considered by the National Assembly;
4. Empowering the public by making them feel part of the decisions taken by the National Assembly.



How the National Assembly conducts public participation

To actualise public participation in the National Assembly, Committees try their best to get opinions on issues under consideration from as many members of the public as possible.

Standing Order 127 (3) provides that the Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism, including inviting submis-

sion of memoranda; holding public hearings; consulting relevant stakeholders in a sector; and consulting experts on technical subjects. The Departmental Committee is required under Standing Order 127 (3A), to take into account the views and recommendations of the public in its report to the House.

In most cases, an advertisement seeking for information from the public is placed in at least two newspapers of countrywide circulation. In addition, information is sought from stakeholders who are directly affected by the business under consideration through letters. Once memoranda are received from members of the public, they may be invited to appear before the Committee to provide additional information. In other cases, Committees also hold public hearings in areas that are likely to be affected by certain issues under consideration in order to seek for the locals' views on the matter.

It is important to note that several stakeholders may give their views on a particular matter. However, it is not a guarantee that a stakeholder's view will be

taken although the National Assembly, through its Committees puts their views into consideration when making their decision. There are times when the Committees adopt the stakeholder's views in totality, partly or rejects them in totality.

What is the way forward?

Through public participation, the National Assembly has been able to make better decisions that are easily implementable because of the additional information obtained from public input. Public participation has also given members of the public a way through which they can air their views and be heard.

In conclusion, members of the public can participate in the business of the National Assembly through petitions or attend any meeting of a Committee of the National Assembly except in circumstances determined by the Speaker as provided for in Articles 119 and 118(2) of the Constitution of Kenya and Standing Orders 220 and 198 of the National Assembly respectively.



Community baraza on public participation in the oil exploration activities in Lokichar, Turkana.

BRIEF ON MOTIONS



1. On formulation and implementation of a policy on recruitment and remuneration of Village Elders

Mover/Sponsor: Member for Tharaka Constituency (Hon. Gitonga Mungara)

Notice of motion given on: 28th February 2019

Debate & Adoption: 27th March 2019; 3rd April 2019

Purpose/Intent of the Motion

The motion sought to urge the Government to provide a stipend/honorarium to village elders who support the National Government administrators in carrying out duties in the grassroots. This was premised on the knowledge that though village elders are not employees of the government, they play a critical role in supporting the local administration in governance through the established national government coordination structures.

Background

The National Government Administration under the Ministry of Interior & Coordination of National Government is tasked with the duty to, among other things, oversee implementation of government projects, conflict prevention and resolution, security management etcetera. In carrying out this mandate, the Ministry has cascaded National Government Administration Officers from the national/regional to the sub-location level. The region is overseen by the Regional Coordinator with the County, Sub-County,

Ward, Location and Sub-locations headed by County Commissioners, Deputy County Commissioner, Assistant County Commissioners, Chiefs and Assistant Chiefs respectively. Assistant chiefs are however assisted by 'voluntary' village elders who help in the administration of these units.

Whereas all these officers are remunerated by the government, village elders are not. It is for this reason that the motion sought to urge the government to consider stipends/appreciations for these largely volunteer administrators.

During the debate on the motion, Members appreciated the traditional/cultural role that these elders continue to do similar to the traditional court elders who would sit around the local kings/chiefs to advise and guide in decision making.

Proposed Action and Way forward

The motion proposes that a mechanism be established for identification of these village elders who will have specific terms of reference. Additionally, the elders be required to observe strict rules of engagements which are currently not in place. It is further proposed that they be paid a stipend for their involvement in the local administration.

With the motion having been adopted, the resolution was forwarded to the Ministry of Interior & Coordination of National Government for consideration and implementation.



2. Exploitation of Customers through Unfair Charges by Passenger Service Vehicles (PSV)

Mover: Member for Kimilili Constituency (Hon. Didmus Wekesa Barasa)

Notice of motion given on: 27th February 2019

Debate & Adoption: 6th March 2019; 13th March 2019;

Purpose/Intent of the Motion

The motion sought to move the House to resolve that the Government develops and implements regulations prescribing the amount of fare to be charged by PSVs for their services to protect customers from exploitation and volatility of the PSV.

Background

Public transport serves a majority of commuters in Kenya with an estimated 70% of Nairobi's four million residents relying on some nearly 20,000 privately owned mini-buses as their main mode of transportation. Commuters in country have often complained of being overcharged when it rains, at rush hour, during occasions like holidays or whenever some roads are closed to motorists. This has made planning difficult as the prices are dependent on the whims of the operators. Whereas the National Transport and Safety Authority has the mandate of overseeing the sector, operations have largely been left to the operators in the hope that the sector will self-regulate within the largely liberal market arena. It has however been noted that the sector continue to work in an uncoordinated manner with fares varying even within the same route. It is for this reason that the motion resolved that the Government immediately

develops and implements regulations prescribing the amount of fare to be charged by PSVs for their services to protect customers from exploitation and volatility of the PSV.

Whereas some Members were for the self-regulation of the sector, most Members were sympathetic of the situation faced by commuters in the country.

Proposed Action and Way forward

With the motion having been adopted, it is expected that the relevant agencies of the government will immediately embark on the implementation of the House resolution.

3. Waiving of cost of treatment for deceased patients in public hospitals

Mover/Sponsor: Member for Nyalı Constituency (Hon. Mohamed Ali)

Notice of motion given on: 13th February 2019

Debate & Adoption: 20th February 2019; 27th February 2019;

Purpose/Intent of the Motion

Recognizing the high cost of healthcare especially to the majority citizens who use public health facilities, the motion sought to waive all cost for patients who die while receiving treatment in public hospitals. The motion, largely debated in Kiswahili, received great support from Members.

Background

Article 43 of the Constitution gives every citizen the right to the best attainable health standards which

include the right to health care and right to emergency treatment. Whereas this is so, instances of denial of treatment due to affordability have been reported over time. Cases of denial of admission or withholding of bodies of deceased persons due to lack of payment have continued to rise. It is for this reason that the motion sought, in the first instance, to ensure that all persons who die during treatment are not unduly held due to non-payment of fees. Once implemented, the government will be bound to waive all fees accumulated during hospitalization of a deceased patient.

Way-forward

The motion has since been forwarded to the Ministry of Health for operationalization and implementation.

4. Development and implementation of a mandatory and examinable curriculum on road safety for pupils and students in primary and secondary schools in the country

Proposer/Sponsor: Member for South Mugirango Constituency (Hon. Silvanus Osoro)

Notice of motion given on: 13th February 2019

Debate & Adoption: Awaiting debate

Purpose/Intent

This motion seeks to compel the National Transport and Safety Authority to develop and implement a

mandatory and examinable curriculum on road safety for pupils and students in primary and secondary schools in the country. This is premised on the need to ensure that road safety education is cascaded to lowest level aware of the increasing number of traffic fatalities. It is expected that with clear understanding of road usage among school children in the country, cases of traffic accidents, especially involving pedestrians will be minimized.

Background

On average, road traffic accidents in the country cause an estimated 3,000 deaths annually with many other casualties injured and/or maimed. This places Kenya among countries with the highest road fatalities in the world. Additionally, it is estimated that the cost to the economy from road traffic accidents is in excess of Kshs. 300 billion annually according to the National Transport Safety Authority (NTSA) Road Safety Status Report 2015. It is on this basis that the motion seeks to complement the existing legislative and regulatory measures for implementation and enforcement of road safety guidelines. Indeed, section 4(2) of the National Transport and Safety Act mandates the NTSA to develop and implement road safety strategies and to facilitate the education of members of the public on road safety.

The motion is awaiting debate.



RIP

Rest In Peace

**TRIBUTE TO MR. JUSTIN BUNDI,
IMMEDIATE FORMER CLERK OF
THE NATIONAL ASSEMBLY**

A distinguished public servant, Mr. Bundi led an illustrious career in the public service. He started his career in the Provincial Administration as a District Officer before he joined Parliament where he rose through the ranks to the position of Clerk, National Assembly, which he served with utmost dedication before his retirement in March, 2017.

He will be remembered for initiating great reforms during the transition from a unicameral establishment to a bicameral Parliament and also for his outstanding service as the Clerk of the East African Assembly.





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