

FACTSHEET

12



PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

Role of Political Parties and Key Parliamentary Offices

2nd Edition

Factsheet No. 12

ROLE OF POLITICAL PARTIES AND KEY
PARLIAMENTARY OFFICES

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Purpose and Acknowledgement

This Factsheet is part of the Kenya National Assembly Factsheets Series that has been developed to enhance public understanding and awareness, and to build knowledge on the work of the Assembly, and its operations. It is intended to serve as a guide for ready reference by Members of Parliament, staff and the 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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FACTSHEET NO. 13

Role of Political Parties and Key Parliamentary Offices



President Uhuru Kenyatta and his running mate Deputy President William Ruto address supporters at a Jubilee Party campaign ahead of the 2017 general elections

1. Introduction

Political parties are an important part of any democratic system of governance. They transcend virtually all areas of parliamentary business and decision making, and exert immeasurable influence on parliamentary activities. In addition, political parties guide in the legislature's performance of its constitutional role and mandate in an organized and orderly manner.

Broadly, 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 constitutional context of the role political parties and key parliamentary officers play in the Parliament of Kenya is set out in Article 93(1) of the Constitution of Kenya (CoK) which establishes a Parliament consisting of two Houses, the National Assembly and the Senate. Further, Part 3 of Chapter Eight of the Constitution creates Offices of Parliament which are also prescribed in the Standing Orders.

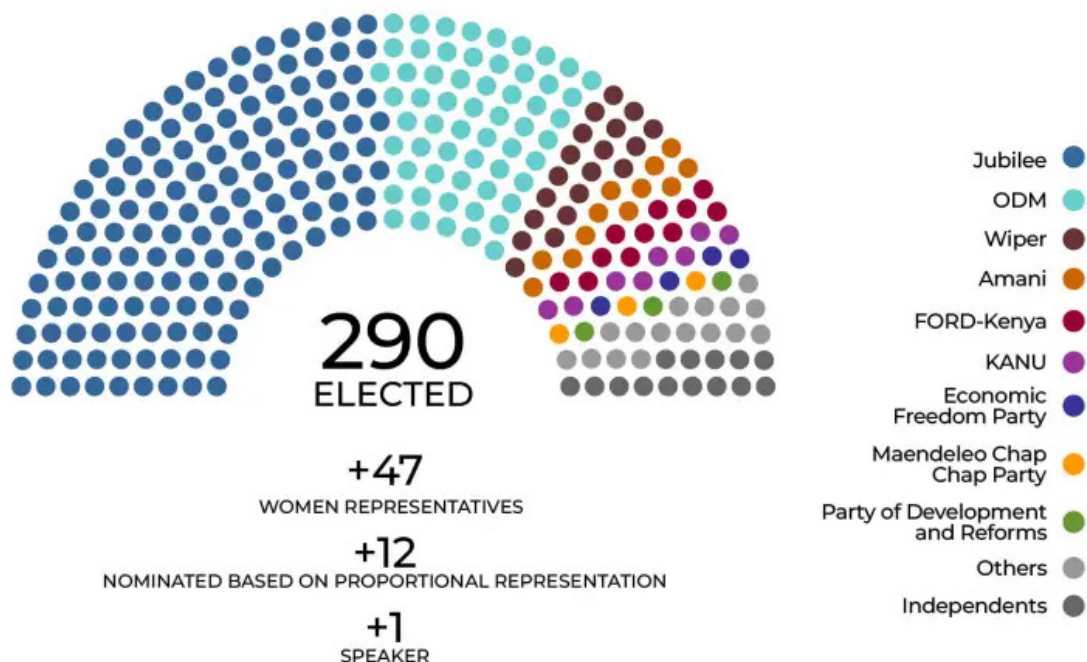
2.0 ROLE OF POLITICAL PARTIES IN PARLIAMENT

All political parties represented in Parliament participate in the exercise of political power by forming the National Executive or exercising checks and balances on the National Executive in the case of the party or parties not forming the National Government. In the repealed Constitution, the party not forming the National Executive was known as the Official Opposition. The 'Opposition' may either be the Majority Party or the Minority Party depending on the number of seats garnered in Parliament following the General Elections and the particular party through which the President has been elected. The role of the party forming the National Executive is to support the Government's legislative agenda in Parliament, whilst the role of the party/parties not forming the National Executive is to provide an alternative point of view as well as to ensure effective checks and balances. Political parties play an important role in shaping the relationship between the Executive, the Judiciary and the Legislature (Parliament).

The roles of political parties in Parliament 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. Articles 97 and 98 of the Constitution also provide for the representation of minority groups/persons in Parliament, nominated through the Political Parties according to their proportion of Members in either House.



Infographic of political party representation in The 12th Parliament

2.2 Oversight

Article 124 of the Constitution empowers either House of Parliament to establish committees and make Standing Orders. The major role of committees is to oversight the Executive. Members

are nominated by their parties to committees in accordance with the party's strength in the House. The distinct role of political parties in the nomination to House Committees is expressed in the selection of Chairpersons of the watchdog committees who must be from the party not forming the National Executive.

2.3 Policy Making

Political parties, both majority and minority, have a critical role to play in policy formulation. The parties participate in channeling public opinion into policies and legislations. Party leadership is critical in this process as it influences the legislative process by voicing and agitating for party positions which may be derived from party manifestoes.

2.4 Political 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. Internally, 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 party agenda in Parliament. One of the mechanisms for internal political mobilization is through party caucuses, which are a convenient way of mobilizing Members of a political party in Parliament. Party caucuses are a critical way of getting House legislative business and decision making done, and also a convenient way of resolving voting stalemates in the House. Externally, political parties mobilize the public on key issues such as voter registration.



IEBC Officials conduct voter registration exercise ahead of the 2022 General elections. Political parties play a key role in mobilising the public to register to vote.

2.5 Political Democratization

Article 4 of the Constitution stipulates that Kenya is a multi-party democratic state. As such, the existence of political parties contributes immensely towards the realization of this aspiration.



2.6 Political Education

Political parties are avenues for Members of Parliament to 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. Political parties also undertake civic education on critical matters of national concern such as constitutional review processes.

2.7 Nominating Members to the Parliamentary Service Commission, House Committees and regional Assemblies

Political parties carry out this role in the following ways;

- They nominate Members to the Parliamentary Service Commission;
- They nominate Members to the Chairperson's Panel;
- They nominate Members to Committees in the House, in accordance to their strength in Parliament;
- They nominate Members to ad-hoc committees formed to interject on issues of national importance;
- They nominate Members for election by Parliament to the East African Legislative Assembly;
- They nominate Members to the Pan African Parliament.

2.8 Ensuring party discipline and party cohesion

In a multi-party democracy, Members elected or nominated to Parliament by a political party are obliged to advance the political party 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 position has consequences on the Member, and upon its occurrence, the party hierarchy can prefer various sanctions on a Member such as de-whipping the Member from committee. However, any sanctions taken by a Committee must adhere to fair administrative action in line with Article 47 of the Constitution and Standing Order 176.

3.0 ROLE OF KEY OFFICES IN PARLIAMENT

The Constitution of Kenya, 2010 as well as the Standing Orders of both Houses of Parliament establishes various Parliamentary Offices for effective and efficient management and co-ordination of the affairs of the National Assembly and the Senate.

3.1 Office of the Speaker



Hon. Justin B. Muturi (The Speaker of the National Assembly; 11th - 12th Parliament) presides over a session in Parliament

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 Service Act, 2019, the Powers and Privileges Act, 2013 and the Standing Orders. In discharging his or her duties, the Speaker enforces 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 presiding over the proceedings of the House under the Rules of Procedure in the Standing Orders. In the case of a joint sitting of the two Houses of Parliament, the Speaker of the National Assembly presides and is 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 as provided in Standing Order 1. In cases where matters are not expressly provided for, the Speaker decides based on the Constitution, Statute laws, precedents, customs, procedures and traditions of the Parliament of Kenya and other jurisdictions.
3. The Speaker has the powers to examine and rule on the admissibility or inadmissibility of motions, draft bills, petitions and committee reports depending on set criteria.
4. Chairing the House Business Committee which prepares the Parliamentary Calendar and oversees implementation of House business; the Committee of Privileges which



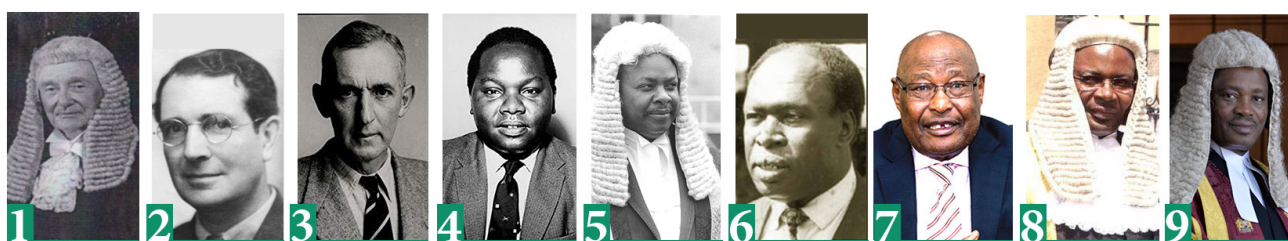
*Hon. Kenneth Marende
(The Speaker of the National Assembly; 10th Parliament)*



*Hon. Francis Ole Kaparo
(The Speaker of the National Assembly; 7th - 9th Parliament)*

deals with matters of privilege, immunities and ethics of Members; the Committee on Appointments which vets nominees for appointment as Cabinet Secretaries; and the Procedure and House Rules Committee which facilitates amendments to rules of procedure contained in the Standing Orders.

5. The Speaker is the official spokesperson/representative of the House in its engagements with the Public, Executive, Judiciary, Parliaments in other jurisdictions and bodies outside Parliament.
6. 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).
7. The Speaker embodies parliamentary diplomacy. The Speaker's role in diplomacy and enhancing Parliamentary Relations includes accepting invitations from other parliaments, hosting visiting delegations of parliamentarians/dignitaries and participating in international meetings of Speakers or Parliamentarians.
8. The Speaker administers the oath of affirmation or allegiance to Members of Parliament and issues writs for vacant seats.
9. The Speaker is the political head of Parliament as the Chair the Parliamentary Service Commission as mandated by the Constitution in Article 127(2)(a).



| No | Speaker | From | To | Name of House | Parliament |
|----|----------------------------------|---|--|---|---|
| 1 | Justice William Kenneth Horne | June 3, 1948 | Oct 4, 1955 | LegCo | 8th and 9th LegCo |
| 2 | Sir William Cavendish-Benticks | Oct 4, 1955 | Mar 1, 1960 | LegCo | 10th & 11th LegCo |
| 3 | Sir Humphrey Slade | Oct 25, 1960 June 7, 1963 Jan 5, 1967 | June 7, 1963 Jan 5, 1967 Feb 6, 1970 | LegCo House of Reps National Assembly | 11th & 12th LegCo 1st Parliament 1st Parliament |
| 4 | Frederick Mbiti Gideon Mati | Feb 6, 1970 | Apr 12, 1988 | National Assembly | 2nd, 3rd, 4th, 5th Parliaments |
| 5 | Moses Kiprono arap Keino | Apr 12, 1988 | May 12, 1991 | National Assembly | 6th Parliament |
| 6 | Prof. J. Kimetet arap Ng'eno | June 11, 1991 | Jan 26, 1993 | National Assembly | 6th & 7th Parliaments |
| 7 | Kausai Francis Xavier ole Kaparo | Jan 26, 1993 | Jan 15, 2008 | National Assembly | 7th, 8th & 9th Parliaments |
| 8 | Kenneth Marende | Jan 15, 2008 | Mar 28, 2013 | National Assembly | 10th Parliament |
| 9 | Justin B.N. Muturi | Mar 28, 2013 | - | National Assembly | 11th & 12th Parliaments |

Holders of The Office of The Speaker of The National Assembly (1948 - 2022)

3.2 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:-

1. Presiding over the sitting of the respective House in the absence of the Speaker as provided for in Article 107(b) of the Constitution. In so doing, the Deputy Speaker assists the Speaker in ensuring that 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
2. Is the Chairperson of Committees and presides over all Committees of the Whole House in accordance with Standing Order 15.
3. Chairs the Liaison Committee which coordinates the operations, policies and mandates of committees.



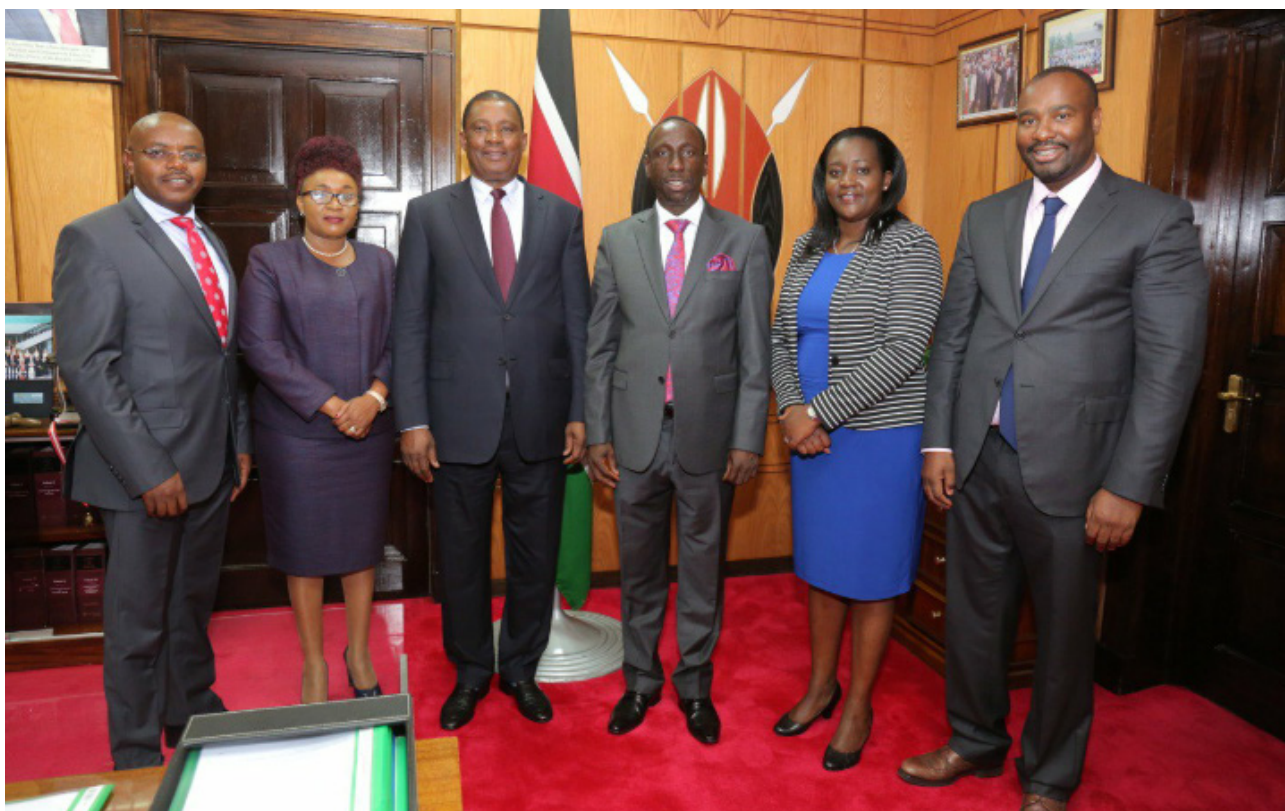
| No | Speaker | From | To | Name of House | Parliament |
|----|----------------------|------|------|-------------------|-----------------------------|
| 1 | Jeremiah Nyaga | 1961 | 1963 | Leg Co | 12 th Leg Co |
| 2 | Fitz De Sousa | 1963 | 1969 | National Assembly | 1st Parliament |
| 3 | Dr. Munyua Waiyaki | 1970 | 1974 | National Assembly | 2 nd Parliament |
| 4 | Jean Marie Seroney | 1975 | 1976 | National Assembly | 3 rd Parliament |
| 5 | James Kabingu Muregi | 1976 | 1979 | National Assembly | 3 rd Parliament |
| 6 | Moses Keino | 1979 | 1983 | National Assembly | 4 th Parliament |
| 7 | Samuel Ng'eny | 1984 | 1988 | National Assembly | 5 th Parliament |
| 8 | Kalonzo Musyoka | 1988 | 1992 | National Assembly | 6 th Parliament |
| 9 | Dr. Bonaya Godana | 1993 | 1997 | National Assembly | 7 th Parliament |
| 10 | Joab Omino | 1998 | 2002 | National Assembly | 8 th Parliament |
| 11 | David Musila | 2003 | 2007 | National Assembly | 9 th Parliament |
| 12 | Farah Maalim | 2008 | 2012 | National Assembly | 10 th Parliament |
| 13 | Dr. Joyce Laboso | 2013 | 2017 | National Assembly | 11 th Parliament |
| 14 | Moses Cheboi | 2017 | 2022 | National Assembly | 12 th Parliament |

Holders of The Office of The Deputy Speaker of The National Assembly (1961 - 2022)

3.3 The Office of the Chairperson's Panel

Standing Order 16 of National Assembly provides for a Chairperson's Panel of four members nominated by the Speaker at the commencement of a new Parliament following a General Election with the concurrence of the House.

They are designated 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. The members of the Chairperson's panel are nominated according to relevant party majorities. At least one of them should be of either gender (as far as is practicable). The Speaker may discharge a member of the Chairperson's Panel by giving a notice of the same to the House Business Committee.



Members of The Chairperson's Panel of the National Assembly (12th Parliament)

3.4 The Office of the Party Leaders

Article 108 of the Constitution provides for Party leaders as follows:

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

3.4.1 Leader of the Majority Party

Article 108 of the Constitution provides that “there shall be a leader of the majority party and a leader of the minority party”. 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, under Standing Order 19.

The Leader of the Majority Party therefore:-

1. Is effectively the Leader of Government Business in the House in cases where the Majority Party is the party forming the National Executive. S/he thus marshals legislative programs of Government in the House, scheduling legislation for floor consideration, and helping plan daily, weekly and annual legislative agenda including approval of nominees to state and public offices;
2. Works closely with the Speaker and party whips and consults with Members and other party leaders to build consensus among Members on matters before the House;
3. Is a member of the House Business Committee in accordance to National Assembly Standing Order 171 (1);
4. Chairs the Committee on Selection;
5. Is a member of the Committee on Appointments which considers, for approval by the House, appointments under Article 152(2) of the Constitution.

1.1.1 The Leader of the Minority Party

Standing Order 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, by practice, is responsible for:

1. Championing the minority position on issues and debates.
2. Negotiating with the majority party on issues that are of interest to the minority party.
3. Mobilizing the Minority Party to exercise checks and balances on the Government in cases where the Majority Party is the party forming the National Executive.
4. Marshaling legislative programs and agenda of the National Executive in the House in cases where the Minority Party is the party forming the National Executive.

1.1.2 The Majority Whip and the Minority Whip

By practice, the Majority and Minority Parties designate a Member as its party whip for the purposes of the transaction of business in the National Assembly. The Chief Whips together with their deputies are appointed by the respective parties, following which their appointment is reported to the House by the Speaker.

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

1. Rallying the Members of their party to attend to House business and support the legislative agenda of their party and vote along party lines;
2. Conveying decisions of their party to the Speaker and Chairperson of the Committee on Selection, on various parliamentary matters including nomination of Members to Committees, discharge of Members from Committees, changes in the parliamentary party leadership, among others.

4.0 PARLIAMENTARY SERVICE COMMISSIONERS

Article 127 of the Constitution 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.
- (d) one man and one woman appointed by Parliament from among persons who are experienced in public affairs, but are not Members of Parliament.

The Clerk of the Senate is the Secretary to the Commission.

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

- (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 parliamentary service;
 - (d) undertaking, singly or jointly with other relevant organisations, programmes to promote the ideals of parliamentary democracy; and
 - (e) performing other functions necessary for the well-being of the members and staff of Parliament or as prescribed by national legislation.
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