

**KENYA NATIONAL ASSEMBLY
EIGHTH PARLIAMENT – THIRD SESSION**

**WORKSHOP ON THE ROLE, FUNCTIONS
AND OPERATIONS OF SELECT COMMITTEES**

**REPORT OF THE PROCEEDINGS AND
RECOMMENDATIONS**

SAFARI PARK HOTEL – AUGUST 10 AND 11, 1999

PARLIAMENT
OF KENYA
LIBRARY

1.0 INTRODUCTION

In parliamentary democracy, the Committee System assume great importance because Parliament as a body cannot by its very nature, have complete oversight over the Government and the whole gamut of its activities. Modern Legislatures have, therefore, created apart from other devices, committees through which they strive to achieve effective surveillance over the Executive arm of the Government. Committees enable members of the public to participate in the legislative and governance processes by sending memoranda or appearing before committees to air their views on the government and give suggestions on how operations of governing could be improved.

The Kenya National Assembly recognizes the important contribution that committees make to the role and functions of Parliament in the scrutiny of Public Policy and activities. Recent innovation has extended this to Departmental Committees to which most Bills are referred after First Reading. As is the case with all new activities, the National Assembly has encountered a few difficulties and uncertainties in making the committees work effectively, and the need for a Seminar to harmonize the operations of Departmental Committees and other committees was long over due.

Consequently on August 10 and 11, 1999 a Workshop for all Members on the Role, Operations and Functions of Committees was held at Safari Park Hotel, Nairobi. The workshop was attended by 150 Members and was jointly sponsored by the Friedrich Elbert Foundation (FES) and the National Assembly of Kenya. During the Workshop presentations were made by the Speaker of the National Assembly and the Clerk of the National Assembly. The Deputy Speaker made a presentation on behalf of a team of committee chairmen who had visited Canada to familiarize themselves with the Canadian Committee System.

The Workshop came up with Recommendations aimed at streamlining the operations of committees and reinforcing the autonomy and supremacy of Parliament. This report contains the highlights of the presentations and recommendations of the Seminar. The Annex contains the Agenda of the Workshop, the List of Participants in the Plenary and in the Discussion Groups.

2.0 ADDRESS BY THE SPEAKER OF THE NATIONAL ASSEMBLY ON: THE ROLE AND FUNCTIONS OF SELECT COMMITTEE

In his opening remarks, the Speaker said that, Parliament was keen on developing the Committee System and especially the operations of Departmental Committees. He noted that, for that reason, seventeen (17) Members including chairpersons of Committees had made a study tour of Canada to learn how the Committee System operates in Canada. The report on the study tour would be discussed in the Workshop. The Speaker outlined the key functions of Committees, noting that they were an extension of those of the House. Further, he stated that Committees performed those roles which the House in its corporate form could not perform, though Committees were limited to the scope of whatever business the House committed to them. The procedure and practice governing their proceedings was basically the same as in the House. Their recommendations, the Speaker further noted, were supposed to be supported by the evidence adduced.

On types of Select Committees, the Speaker informed the Workshop that the Kenya Parliament had provision for three (3) types, namely; standing, departmental and ad hoc Select Committees, he cited examples of each.

Commenting on privilege, powers and immunities of committees he noted that committees were conferred similar powers, immunities and privileges as the House. On impediments to the operation of committees, the Speaker cited among others, the lack of quorum, inability by Members to master and utilize procedure, inadequate resources, lack of sufficient time for the House to deliberate on Committee report, lack of interest by Members in the work of committees and failure by the Executive to respond to Committee recommendations.

The Speaker noted that the situation could be improved through the provision of adequate funding, adequate and skilled staff and interest by Members for committee work.

In summing up, the Speaker urged Members to familiarize themselves with the parliamentary procedure, especially the Standing Orders which would enable them to appreciate the working of the Select Committees while safeguarding their rights, powers and privileges. The Speaker requested the Members to choose between going to the press and getting nothing done and going to the committees and getting things done but without coverage.

**3. ADDRESS BY THE CLERK OF THE NATIONAL ASSEMBLY
ON: PROCEDURE, PRACTICE AND MANAGEMENT OF
OPERATION OF SELECT COMMITTEES**

The Clerk noted that the procedure, practice and management of operations of Select Committees were dynamic and a creation of parliamentarians to enable them carry out the duty entrusted on them by the electorate. Procedure, he also noted, was unique in that it encompassed privilege meant to enable Members perform their duties without difficulties. The Workshop was informed that though privilege was protective, it entailed responsibility. The procedure of Select Committees was a creation of the House and the House gave room for the necessary elasticity to allow for smooth transaction of the business of the House and committees only through a substantive Motion. The Clerk informed the Workshop that a large portion of Committees procedure remained unexploited and appealed to parliamentarians to acquaint themselves and make use of the existing procedure. On committee operations, the Workshop heard that they included record of minutes/proceedings, contact with strangers, modalities for execution of mandate and format of reports among others. The Clerk

urged Members to work as a team and in his concluding remarks stressed the need for them to be familiar with the operations of Parliament.

4. ADDRESSED BY DEPUTY SPEAKER OF THE NATIONAL ASSEMBLY AND LEADER OF STUDY MISSION ON: CANADIAN PERSPECTIVE OF SELECT COMMITTEES- DELIVERED BY HON. DAVID MWIRARIAN, M.P., DEPUTY HEAD OF STUDY MISSION

The Study Mission noted that committees were a forum through which Private Members contributed to decisions made by the House. Further, they were constituted in such a way as to reflect the House composition encompassing different shades of political opinion. In majority cases, the majority party took the chair, and committee powers were to a large extent similar to those obtaining in Kenya.

On Committee proceedings, the Workshop heard that they were public and on occasions tabled. All Members were free to attend Sittings of committees to which they were not members and could participate in debates but could not vote or form part of the quorum. The Member also informed the Workshop that each committee had a steering committee composed of the chairmen, vice-chairmen and one other long serving member. Reports of Committees were presented by the Chairman and in his absence any other member mandated by the Committee. Only partisan reports were discussed by the House. Government responses to reports of Committees were restricted to a time frame of one hundred and fifty (150) days.

5. DISCUSSION GROUPS

After receiving the report of the Study Mission to Canada, the Workshop was split into four groups of 35, chosen at random and placed under the leadership of two co-chairmen. The co-chairmen were part of the delegation to Canada. The groups discussed the three addresses in detail for a total of 10 hours and made presentations in a plenary. After presentations, the co-chairmen sat as a committee to harmonize the Observations and Recommendations from the four groups.

The following is the summary of the Observations and Recommendations of the Workshop.

6. SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

OBSERVATIONS

1. General

Prior to making specific observations and recommendations on what should be done to improve the operations of Select Committees, the Workshop observed that:-

The supremacy of Parliament should be upheld and that Parliament should play its rightful constitutional role alongside other arms of State. The Executive should not erode the powers of Parliament. To enable Parliament to become independent and perform its duties effectively, a Parliamentary Service Commission should be put in place before the next budget.

Parliament should prepare and control its own budget.

The integrity and dignity of Members of Parliament should be recognized and protected. Members should be self-respecting in order to attract respect from others.

Members should take their work seriously and work as a team in solving national issues without regard to party, ethnic and other considerations.

2. Membership of Select Committees

It should be made possible for every backbencher to serve in at least one Committee and at most two in order for them to understand Parliamentary Business and participate effectively.

There should be gender balance in the composition of Committees and election of Chairpersons and Vice Chair persons.

Members who are not members of a Committee should be free to attend and present any agenda that is relevant to the Committee.

Such Members will not constitute a quorum and will have no voting right. Nominations to Committees should be done by Party Parliamentary Groups. As has been the practice, Committees should elect a Chair-person from amongst themselves. They should also elect a Vice-Chair-person and Steering Committee comprising the Chair-person, Vice-Chairperson and another member to plan the business of the Committee.

The Chairperson should be empowered to take necessary action to ensure prompt and continued attendance of Sittings of Committees and shall certify to the Accounting Officer the attendance list for the day.

Members who fail to attend three consecutive Sittings without reasonable cause or permission from the Chairperson should be reported to the Speaker under the certificate of the Chairperson for removal from the Committee.

3. Powers of the Committee

- Committees must sit at least once in a Session and all Committees should have sitting programs for a calendar year.
- Committees should make full use of the National Assembly (Powers and Privileges) Act. The Act should be examined in order to make it more effective.

4. Proceedings of the Committee

- The relevant Committee of the House should examine the Standing Orders to make the proceedings of Committees open to the Public and to be televised if possible.
- Members should observe punctuality.
- Committees should determine the issues that should be discussed in Camera.

5. Role and Responsibilities of the Chairperson

- The Chairperson should be truly non-partisan and only vote to break a tie.

6. Committee Staff

- Committees should be provided with at least a Committee Clerk and Research Assistant.
- The Parliamentary Service Commission should be established urgently so that it can acquire from existing government departments and research institutions professional staff to assist Committee staff in their operations.
- The Clerk should prepare a budget and a training program for Committee staff.
- Committees should have offices where Members and parliamentarians can drop messages or consult.

7. Government Responses to Report of Committee

- Government should respond to Reports of Committees within 90 days. The responses should indicate action taken, if any and progress made in the implementation.
- Government should provide quarterly progress reports on the implementation of the Reports of Committees.

8. Scrutiny of the Budgetary Process

- A Sub-committee of the Departmental Committee on Finance, Planning and Trade should be established to deal with budget and estimates.

9. Office of the Controller and Auditor General

This office should be split into two in order for it to function effectively.

9.1. Office of the Controller

The Office of the Controller should have responsibility to approve or reject issues from the Consolidated Fund and should be an office in the Executive.

9.2. Office of the Auditor-General

- The Office should be charged with overall audit of Government Accounts. The occupant of the Office of the Auditor-General should report to Parliament. The Auditor-General should be an officer of Parliament.
- The Auditor-General should produce quarterly reports so that Parliament deals with current issues and not postmortem reports.
- The Auditor-General should have security of tenure.

10. Public Relations Office

The Office of a Public Relations Officer should be established within Parliament in order to inform the Public on important issues, reduce suspicion between Members, the Speaker and the media. The Media should report to a specific office.

RECOMMENDATIONS

Arising from the deliberations and the foregoing Observations, the Workshop recommends as follows:-

- A Parliamentary Service Commission should be established as a matter of urgency so as to strengthen the operations of Parliament and Committees
- A research Division staffed with a variety of professionals/experts and other support staff be established.
- Committees should be provided with adequate human and financial resources and physical facilities in order to carry out their functions.

- All Committees should have a Vice Chairperson elected by the Members and who should be from a different party from that of the Chairperson. All Committees should have a Steering.
- Committee consisting of Chairperson, and Members of Steering Committee should be elected yearly and outgoing officials should be eligible for re-election. The life of Departmental Committees be two years and Members should be eligible for re-appointment.
- Every backbencher should be given a chance to serve in at least one Committee during the life of Parliament. Any Member who absents himself or herself from three consecutive Sittings without reasonable cause shall be replaced.
- Any Member is entitled to attend the deliberations of Committees but such a Member will not count for quorum and will not be allowed to vote. If such a Member wishes specific issues to be on the agenda, the Member should notify the Steering Committee in advance in writing to enable the said Committee to allocate time.
- Provisions should be introduced in the Standing Orders requiring the Government to give urgent response to recommendations of Committees/the House within 90 days and such response should indicate action taken if any. If the government fails to act on the recommendations of the House then, Parliament may impose any sanctions it deems fit which may include refusal to pass the estimates of that particular Ministry or department.
- All Estimates/Budget must be prepared in consultation and involvement of the departmental committee. Any Ministry that does not involve the relevant Departmental Committee in its estimates/budget will have such estimates/budget rejected by Parliament. Quarterly reports on performance of the budget and implementation of projects should be presented to relevant Departmental Committees
- The Constitution should be amended to empower Parliament to vet appointment of senior public officers.

The Office of Controller and Auditor General should be split into two namely:-

- Office of Controller-General and Office of Auditor-General both to be constitutional offices with a limited term and both should report to Parliament.
- The Office of Auditor-General (Corporation) and the Auditor General Should be merged and both offices to report to Parliament.

Parliament should prepare and handle its own budget which shall not be subject to any amendment by the Treasury

The integrity and dignity of Members of Parliament should be recognized and protected. Members should be self respecting in order to attract respect from others.

Members should take work seriously and work as a team in sorting out national issues without regard to party, ethnic and other considerations.

There should be gender balance in composition of committees in election of Chairpersons and Vice Chairpersons.

Nomination to Committees should be done by Party Parliamentary Groups taking into account the interests and qualifications of Members.

The Chairperson should be empowered to take necessary action to ensure prompt and continued attendance of Sittings and shall certify to the Clerk of the House an attendance list of the day.

All Committees should at the beginning of each Session submit a program of work to the Liaison Committee within thirty days of the commencement of the Session.

All Committee Sittings should be open to the public and media subject to the right of the Committee to determine to hear particular evidence in camera.

Committees should make full use of the National Assembly (powers and privileges) Act. The Act should be reviewed to give Parliament adequate powers to deal with contempt of parliament and other offenses.

Chairpersons of Committees should be fully non-partisan and should only vote to break a tie.

There should be a Monitoring and Implementations Committee to follow up the implementing of resolutions of the House.

An Office of the Public Relations Officer should be established in order to inform the public on important issues and reduce suspicion between Members, the Speaker and the Media.

There should be a time frame for *ad hoc* Select Committees.

Standing Orders should be reviewed with a view to giving majority membership of the watchdog committees to the Opposition parties.

All bills should be referred to the relevant Departmental Committees after First Reading subject to exemptions under Standing Orders No. 101 (A) (4). The Committees should report back to Parliament within fourteen days.

Committee Chairpersons should be given the opportunity to Second all Bills.

7. CONCLUDING SESSION

The Speaker of the National Assembly expressed great satisfaction over incisive and illuminating contributions and recommendations that were arrived at by consensus. This he noted, was an indication that Members valued committee work and supported the need to improve their committee system. He once more called on Members to understand their Standing Orders in order to participate effectively in the business of the House and Committees. He informed the Workshop that plans were under way to organize a Workshop to review all the standing orders of the House.

He thanked all Members for availing themselves despite their busy schedule. He also expressed gratitude for their financial support towards the Workshop.

APPENDIX I

KENYA NATIONAL ASSEMBLY EIGHTH PARLIAMENT – THIRD SESSION (1999)

WORKSHOP ON ROLE, FUNCTIONS AND OPERATIONS OF SELECT COMMITTEES – AUGUST 10 AND 11 1999 AT SAFARI PARK HOTEL, NAIROBI

PROGRAMME

TUESDAY, AUGUST 10, 1999

TIME	-	EVENT
9.00 a.m.	-	9.30 A.M. Arrival of Members
9.30 a.m.	-	10.00 a.m. Address and opening of the Workshop – Speaker of the National Assembly
		<u>Subject</u>
		The role and functions of Select Committees
9.45 a.m.	-	10.00 a.m. Tea Break
10.00 a.m.	-	10.30 a.m. Address by the Clerk of the National Assembly.
		<u>Subject</u>
		The procedure, practice and management of Operations of Select Committees.

10.30 a.m. - 11.00 a.m. Address by the Deputy Speaker
(Presentation by the Hon. David Mwiraria,
M.P., Deputy Leader of Study Mission)

Subject

The place and in-put of Select Committees
in governance process; their powers and
mode of operation (the Canadian
perspective)

11.00 a.m. - 12.30 p.m. Discussion Groups

(Discussion Groups to be chaired by
Chairmen of Departmental Committees)

12.30 p.m. - 2.00 p.m. Lunch Break

2.00 p.m. - 4.30 p.m. Discussion Groups continue

4.30 p.m. - 5.00 p.m. Tea Break

END OF THE DAY

WEDNESDAY, AUGUST 11, 1999

9.00 a.m.	-	10.30 a.m.	Discussion Groups
10.30 a.m.	-	11.00 a.m.	Tea Break
11.00 a.m.	-	12.30 p.m.	Reports from Discussion Groups
12.30 p.m.	-	2.00 p.m.	Lunch Break
2.00 p.m.	-	3.30 p.m.	Recommendations
3.30 p.m.	-	4.00 p.m.	Closing Remarks

END OF THE WORKSHOP

APPENDIX II ATTENDANCE LIST

1. The Hon. K.F.X. ole Kaparo (Speaker)
2. The Hon. David Musila, M.P.
3. The Hon. Owino Achola, M.P.
4. The Hon. J. B. Munyasia, M.P.
5. The Hon. P.K. Mwangi, M.P.
6. The Hon. G.W. Kapten, M.P.
7. The Hon. E.B. Shill, M.P.
8. The Hon. (Mrs) C.K.M. Ngilu, M.P.
9. The Hon. S.K.A. Rotich, M.P.
10. The Hon. C.G. Mokku, M.P.
11. The Hon. A.M.W. Wafula, M.P.
12. The Hon. F.K. Lagat, M.P.
13. The Hon. M.A. Karauri, M.P.
14. The Hon. M. Anyona, M.P.
15. The Hon. R.K.A. Kitur, M.P.
16. The Hon. A. Affey Mohammed, M.P.
17. The Hon. Dr. A.I. Ali, M.P.
18. The Hon. D.L. Khamasi, M.P.
19. The Hon. J.M. Keriri, M.P.
20. The Hon. P.G. Gitonga, M.P.
21. The Hon. E.K. Maitha, M.P.
22. The Hon. A.M. Noor, M.P.
23. The Hon. E.F. Achuka, M.P.
24. The Hon. J.L. Lotodo, M.P.
25. The Hon. A.A.A. Ekirapa, M.P.
26. The Hon. P. A. Kihara, M.P.
27. The Hon. T.O. Onyango, M.P.
28. The Hon. A.M. Nderitu, M.P.
29. The Hon. P.K. Muiruri, M.P.
30. The Hon. F.M. Kanyauchi, M.P.
31. The Hon. W. Kihoro, M.P.
32. The Hon. F.M. Kiunjuri, M.P.
33. The Hon. P.K. Mwangi, M.P.
34. The Hon. Onesmus M. Mboko, M.P.
35. The Hon. Moses Muhia, M.P.

36. The Hon. Fahim Twaha, M.P.
37. The Hon. A. M. Galgallo, M.P.
38. The Hon. D. Mwiraria, M.P.
39. The Hon. M.L. Mkalla, M.P.
40. The Hon. M. Wamae , M.P.
41. The Hon. G.M. Parpai, M.P.
42. The Hon. Kihara O. Mwangi, M.P.
43. The Hon. K.M. Sang, M.P.
44. The Hon. (Mrs) Z. Kittony, M.P.
45. The Hon. M.M. Galgalo, M.P.
46. The Hon. A.C. Kiptoon, M.P.
47. The Hon. J. K. Ngutu, M.P.
48. The Hon. Y.K. Chanzu, M.P.
49. The Hon. E.K. Sumbeiywo, M.P.
50. The Hon. Anyang Nyong'o, M.P.
51. The Hon. M.Y. Haji, M.P.
52. The Hon. J.N. Toro, M.P.
53. The Hon. A.M. Muchiri, M.P.
54. The Hon. W.C. Morogo, M.P.
55. The Hon. J.M. Munyao, M.P.
56. The Hon. M. K. Waitthaka , M.P.
57. The Hon. Khaniri, M.P.
58. The Hon. Z.M. nyangwara, M.P.
59. The Hon. M. A. Weyrah, M.P.
60. The Hon. G.P.O. Otita, M.P.
61. The Hon. D.S.K, Mwenje, M.P.
62. The Hon. R.M. Maore, M.P.
63. The Hon. D.L. Sankori, M.P.
64. The Hon. J.N. Sinyo, M.P.
65. The Hon. Thirikwa Kamau, M.P.
66. The Hon. Otieno Kajwang', M.P.
67. The Hon. J.K.Ombasa, M.P.
68. The Hon. J.K. Kitonga, M.P.
69. The Hon. Mohammed, M.P.
70. The Hon. Wycliffe Osundwa, M.P.
71. The Hon. Martha Karua, M.P.
72. The Hon. Mohamed Shidiye, M.P.
73. The Hon. Suleiman Kamolleh, M.P.
74. The Hon. Dr. Mukhisa Kituyi, M.P.
75. The Hon. Dr. J.P. Wamukoya, M.P.

76. The Hon. S.K. Ole Ntutu, M.P.
77. The Hon. C.D.K. Kirui, M.P.
78. The Hon. S.R.M. Manga, M.P.
79. The Hon. K.A. Kirwa, M.P.
80. The Hon. J.M. Katuku, M.P.
81. The Hon. J.J. Mugalla, M.P.
82. The Hon. J.K. Kibicho, M.P.
83. The hon. S.M. Amin, M.P.
84. The Hon. J.N.O. Agwenyi, M.P.
85. The Hon. P.O. Aringo, M.P.
86. The Hon. J.T. Arap Leting, M.P.
87. The Hon. J.M. Kuria, M.P.
88. The Hon. F.P. Wambua, M.P.
89. The Hon.H.O. Omamba, M.P.
90. The Hon. M.N. Kombo, M.P.
91. The Hon. L.S. Sifuna, M.P.
92. The Hon. P.O. Odoyo, M.P.
93. The Hon. A.N. Kathangu, M.P.
94. The Hon. Dr. Oburu Oginga, M.P.
95. The Hon. D.E. Ethuro, M.P.
96. The Hon. F.M. Kalulu, M.P.
97. The Hon. R.S. Kajembe, M.P.
98. The Hon. Kochale Robert, M.P.
99. The Hon. P.N. Ndwiga, M.P.
100. The Hon. Muhika Mutahi, M.P.
101. The Hon. Maina Njakwe, M.P.
102. The Hon. Dr. Newton W. Kulundu, M.P.
103. The Hon. Darius M. Mbela, M.P.
104. The Hon.Kiraitu Murungi, M.P.
105. The Hon. S.L. Poghisio, M.P.
106. The Hon.A.M.A. Badawy, M.P.
107. The Hon.E.T. Morogo, M.P.
108. The Hon. I.N. Kariuki, M.P.
109. The Hon. P.K. Kaindi, M.P.
110. The Hon. Mwai Kibaki, M.P.
111. The Hon.W.O. Ayoki, M.P.
112. The Hon. J. K. Sambu, M.P.
113. The Hon. W.R. ole Ntimama, M.P.
114. The Hon. Dr. A.H. Wako, M.P.
115. The Hon. A.T. Sasura, M.P.

116. The Hon. E.N. Magara, M.P.
117. The Hon. J.M. Kiyonga, M.P.
118. The Hon. K.M. Muriuki, M.P.
119. The Hon. P.S. Shitanda, M.P.
120. The Hon. S.R. Shakombo, M.P.
121. The Hon. G.O. Ngure, M.P.
122. The Hon. (Mrs) T.J. Seii, M.P.
123. The Hon. G.M.A. Ochilo, M.P.
124. The Hon. G. Imanyara, M.P.
125. The Hon. J.A.B Orengo, M.P.
126. The Hon. F.T.O. Ngumo, M.P.
127. The Hon. (Ms) M. Mwachai, M.P.
128. The Hon. K.M.C. Wamwalwa, M.P.
129. The Hon. Njehu Gatabaki, M.P.
130. The Hon. Dr. P.A. Awiti, M.P.
131. The Hon. Mwangi Githiomi, M.P.
132. The Hon. J.M. Kikuyu, M.P.
133. The Hon. D.M. Manyara, M.P.
134. The Hon. David Kombe, M.P.
135. The Hon. Basil M. Mwakiringo, M.P.

APPENDIX III

DISCUSSION GROUPS

DISCUSSION GROUP ONE IN JAMBO ROOM

CHAIRMEN	-	Hon. David Musila, M.P. Hon. Owino Achola, M.P.
SECRETARIAT	-	Mr. J.N. Mwangi Mr. S.N. Ruge
HANDSARD	-	Ms Gladys Ingoyi

MEMBERS

1. The Hon. J.B. Munyasia, M.P.
2. The Hon. P.K. Mwangi, M.P.
3. The Hon. G. Kapten, M.P.
4. The Hon. E.B. Shill, M.P.
5. The Hon. (Mrs) C.K.M. Ngilu, M.P.
6. The Hon. S.K.A. Rotich, M.P.
7. The Hon. C.G. Mokku, M.P.
8. The Hon. A.M.W. Wafula, M.P.
9. The Hon. F.K. Lagat, M.P.
10. The Hon. M.A. Karauri, M.P.
11. The Hon. George Anyona, M.P.
12. The Hon. R.K.A. Kitur, M.P.
13. The Hon. Alfey A. mohammed, M.P.
14. The Hon. Dr. A.I. Ali, M.P.
15. The Hon. D.L. Khamasi, M.P.
16. The Hon. J.M. Keriri, M.P.
17. The Hon. P.G. Gitonga, M.P.
18. The Hon. E.K. Maitha, M.P.

19. The Hon. A.M. Noor, M.P.
20. The Hon. E.K. Maitha, M.P.
21. The Hon. J.L. Lotodo, M.P.
22. The Hon. A.A.A. Ekirapa, M.P.
23. The Hon. P.A. Kihara, M.P.
24. The Hon. T.O. Onyango, M.P.
25. The Hon. A.M. Nderitu, M.P.
26. The Hon. P.K. Muiruri, M.P.
27. The Hon. F.N. Kanyauchi, M.P.
28. The Hon. W. Kihoro, M.P.
29. The Hon. F.M. Kiunjuri, M.P.
30. The Hon. P.K. Mwangi, M.P.
31. The Hon. Onesmus M. mboko, M.P.
32. The Hon. Fahim Twaha, M.P.
33. The Hon. Mohammed A. Galgalo, M.P.

DISCUSSION GROUP TWO IN MT KENYA 'B' ROOM

CHAIRMEN - The Hon. D. Mwiraria, M.P.
- The Hon. Simeon Mkalla, M.P.

SECRETARIAT - Mr. J.N. Bundi
Mrs F. A Abonyo

HANDSARD - Ms Wanbui Njoroge

MEMBERS

1. The Hon. M. Wamae, M.P.
2. The Hon. G.M. Parpai, M.P.
3. The Hon. Kihara Mwangi, M.P.
4. The Hon. K.M. Sang, M.P.
5. The Hon. (Mrs) Z. Kittony, M.P.
6. The Hon. M.M. Galgalo, M.P.

7. The Hon. A.C. Kiptoon, M.P.
8. The Hon. J.K. Ngutu, M.P.
9. The Hon. Y.K. Chanzu, M.P.
10. The Hon. E.K. Sumbeiywo, M.P.
11. The Hon. Anyang Nyong'o, M.P.
12. The Hon. M.Y. Haji, M.P.
13. The Hon. J.N. Toro, M.P.
14. The Hon. A.M. Muchiri, M.P.
15. The Hon. W.C. Morogo, M.P.
16. The Hon. J.M. Munyao, M.P.
17. The Hon. M.K. Waithaka, M.P.
18. The Hon. Khaniri, M.P.
19. The Hon. Z.M. Nyangwara, M.P.
20. The Hon. A.K. Weirah, M.P.
21. The Hon. G.P.O., Otitia, M.P.
22. The Hon. D.S.K. Mwenje, M.P.
23. The Hon. R.M. Maore, M.P.
24. The Hon. D.L. Sankori, M.P.
25. The Hon. J.N. Sinyo, M.P.
26. The Hon. Thirikwa Kamau, M.P.
27. The Hon. Otieno Kajwang', M.P.
28. The Hon. J.K. Ombasa, M.P.
29. The Hon. J.M. Kitonga, M.P.
30. The Hon. Mohammed Affey, M.P.

**DISCUSSION GROUP THREE
IN MT. KENYA 'A' ROOM**

CHAIRPERSONS - **Hon. Wycliffe W. Osundwa, M.P.**

- **Hon. Martha W. Karua, M.P.**

SECRETARIAT - **Miss Christine Mwambua**

- **Miss Mary Chesire**

HANSARD - **Mr. Tom Ongalo**

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2. The Hon. Suleiman Kamolleh, M.P.
3. The Hon. (Dr.) Mukhisa Kituyi, M.P.
4. The Hon. (Dr.) J.P. Wamukoya, M.P.
5. The Hon. S.K. Ole Ntutu, M.P.
6. The Hon. C.D.K. Kirui, M.P.
7. The Hon. S.R.M. Managa, M.P.
8. The Hon. K.A. Kirwa, M.P.
9. The Hon. J.M. Katuku, M.P.
10. The Hon. J.J. Mugalla, M.P.
11. The Hon. J.K. Kibicho, M.P.
12. The Hon. S.M. Amin, M.P.
13. The Hon. J.N.L. Agwenyi, M.P.
14. The Hon. P.O. Aringo, M.P.
15. The Hon. J. T. Leting, M.P.
16. The Hon. J.M. Kuria, M.P.
17. The Hon. F.P. Wambua, M.P.
18. The Hon. H.O. Omamba, M.P.
19. The Hon. M.N. Kombo, M.P.
20. The Hon. L.S. Sifuna, M.P.
21. The Hon. P.O. Odoyo, M.P.
22. The Hon. A.N. Kathangu, M.P.
23. The Hon. (Dr.) Oburu Odinga, M.P.

- 24. The Hon. D.E. Ethuro, M.P.
- 25. The Hon. F. M. Kalulu, M.P.
- 26. The Hon. R.S. Kajembe, M.P.
- 27. The Hon. R. Kochale, M.P.
- 28. The Hon. P.N. Ndwiga, M.P.
- 29. The Hon. Muhika Mutahi, M.P.
- 30. The Hon. Maina Njakwe, M.P.

**DISCUSSION GROUP FOUR
IN MT. KENYA 'D' ROOM**

CHAIRMEN - **The Hon. Newton W. Kalundu, M.P.**

- The Hon. Darius M.L. Mbela, M.P.

SECRETARIAT - Miss Anita A.K. Thurairira

- Mr. Andrew K. Mwendwa

HANDSAD - Mr. Kimani Wanyoko

MEMBERS

- 1. The Hon. Kiraitu Murungi, M.P.
- 2. The Hon. S.L Poghio, M.P.
- 3. The Hon. A.M.A., Badawy, M.P.
- 4. The Hon. E.T. Morogo, M.P.
- 5. The Hon. I.N. Karuki, M.P.
- 6. The Hon. P.K. Kaindi, M.P.
- 7. The Hon. Mwai Kibaki, M.P.
- 8. The Hon. W.O. Ayoki, M.P.,
- 9. The Hon. J.K. Sambu, M.P.
- 10. The Hon. W.R. Ole Ntimama, M.P.
- 11. The Hon. Dr. A.H. Wako, M.P.
- 12. The Hon. A.T. Sasura, M.P.
- 13. The Hon. E.N. Magara, M.P.
- 14. The Hon. J.M. Kiyonga, M.P.
- 15. The Hon. K.M. Muriuki, M.P.

16. The Hon. P.S. Shitanda, M.P.
17. The Hon. S.R. Shakombo, M.P.
18. The Hon. G.O. Ngure, M.P.
19. The Hon. (Mrs) T. J. Seii, M.P.
20. The Hon. G.M.A. Ochilo, M.P.
21. The Hon. G. Imanyara, M.P.
22. The Hon. J.A.B. Orenge, M.P.
23. The Hon. F.F.O. Ngumo, M.P.
24. The Hon. (Ms) M. Mwachai, M.P.
25. The Hon. M.C.K. Wamalwa, M.P.
26. The Hon. Njehu Gatabaki, M.P.
27. The Hon. P.A. Awiti, M.P.
28. The Hon. M. Githiomi, M.P.
29. The Hon. J. M. Kikuyu, M.P.
30. The Hon. D.M. Manyara, M.P.
31. The Hon. David N. Kombe, M.P.
32. The Hon. Basil M.Mwakiringo, M.P.

REPORTS OF THE PROCEEDINGS AND RECOMMENDATIONS OF THE DISCUSSION GROUPS

DISCUSSION GROUP ONE

The Group considered the three papers presented in the morning, which were:-

- (i) The Role and Functions of Select Committees, by the Speaker of the National Assembly.
- (ii) The Procedure, Practice and Management of Operations of Select Committees, by the Clerk of the National Assembly.
- (iii) The Place and in-pu of Select Committees in the governance process, their powers and mode of operation (the Canadian perspective), by the Leader of the Study Mission.

After thorough scrutiny of the presentations and giving consideration to experiences from other Parliaments, the Group came up with the following observations/recommendations.

1. Membership of Committees

A mechanism should be formulated to enable Members indicate the committees they would wish to nerve.

A Selection Committee should be established. This committee would then consider on which committees to place Members, taking into consideration their profession, skills, interest and experience.

The nomination/selection of Members to committees should also reflect party representation in the House.

After the Selection Committee has nominated the Members, a substantive Motion on the membership of committees should be presented to the House for adoption.

In addition there should be a reserve list of possible nominees in case a vacancy arises in a committee.

Members of Departmental Committees should serve for a Session though a Member could be re-appointed.

2. Participation by other Members of Parliament

The Group resolved that the Standing Orders should be amended in order to allow any Member of Parliament and including Ministers and Assistant Ministers to participate in the committee proceedings, save from voting, moving motion or constituting quorum.

3. Public hearing

The Group recommended that all sitting of committees should be open to the public and the Media unless the committees resolves to hear particular evidence in camera.

4. Provision of adequate basic services for Committees

The Group was in agreement with the recommendation made by the Members who visited Canada that, basic facilities such as adequate committee rooms, financial resources, especially research need to be provided to all committees.

In this regard the Group was of the view that the rehabilitation of Continental Building should be expedited in order to get enough committee rooms.

Further, the Group felt that committees should be involved in the preparation of their programs and budget.

5. Election of Vice Chairman

Sub-Committees.

The Group was in agreement that committees should be required by the Standing Orders to have a Vice Chairman.

As regards steering Sub-Committees the Group recommended that the Standing Orders be amended to provide for establishing of sub committees.

6. Government Responses to Committee Reports

This issue was discussed at length and the Group finally recommended that:-

- The Government should respond to committees reports within 3 months.
- Minister should ensure that recommendations falling under their Ministry are implemented.

The Group made the following recommendations:-

7. Parliamentary Functional Structure

Departmental Committees should be involved in the preparations of Estimates by the Minister.

The treasury should discuss Estimates of Expenditure, before the budget, with the Departmental Committee of Finance.

Quarterly reports on the performance of the budget and implementation of projects should be presented to various Departmental Committees.

8. Office of the Controller and Auditor-General

The Committee made the following recommendations:-

- The Office of the Controller
- The Office of the Auditor-General

The Office of the Auditor-General (Corporations) should be constitutionally established.

Parliament should fix a period for which each of the three officers would occupy the office (for instance 10 years).

All the three offices should be under the purview of Parliament.

The three offices should have security of tenure.

The Controller would be required to report to Parliament on any irregularities on quarterly basis.

In addition, the Committee resolved that, in order for the current Controller and Auditor-General to up-date the Government Accounts, he should engage external auditors as provided in the Exchequer and Audit Act.

9. Parliamentary Functional Structure

The Group was of the view that, this issue will be taken care of after the establishment of the Parliamentary Service Commission.

10. Lack of Quorum and Lack of General Interest in work of Parliament

The Group recommended that:-

There should be adequate notice for sittings of Committees.

A weekly or monthly schedule of Committee sittings should be prepared.

Adequate and permanent secretariat should be attached to all Committees.

Nominations into committees should be done in consultation with members as earlier recommended.

A mechanism to replace Members, for instance, a Member missing three consecutive sittings should be replaced.

If quorum is not realized within 45 minutes the sittings should be called off.

Any Member who will have come for a sitting before it has been called off should be paid Attendance Allowance.

11. Powers of the Committee

Committee should be empowered to deal with any witnesses, including Ministers, who fail to appear when summoned.

12. Monitoring/Implementation Committee

A Monitoring/Implementation Committee should be established in order to follow up; resolutions of the House.

13. Committal of Bills to Departmental Committees

The Group recommended that all the Bills should be committed to the Departmental Committees after the First Reading except as provided under S.O 101 (a) 4.

The report of Departmental Committees on Bills should form the basis of debate in the House.

The reporting time of Departmental Committees on Bills should be increased to 14 days.

14. Public Accounts and Public Investments Committees

The Group strongly recommended that the composition of these two Committees should revert to what it was before the amendments of Standing orders in 1997.

DISCUSSION GROUP TWO

Before the Committee embarked on specific recommendations on what should be done to make committees' function better, the Group observed that:

1. The supremacy of Parliament should upheld and that Parliament should play its rightful constitutional role alongside other arms of state.

The Executive should not erode the powers of Parliament. To enable Parliament to become independent and to perform its duties effectively, a Parliamentary Service Commission should be put in place before the next budget.

2. Parliament should prepare and control its own budget.
3. The integrity and dignity of Members of Parliament should be recognized and protected. Members should be self-respecting in order to attract respect from others.

4. Members should take their work seriously and work as a team in solving national issues without regard to party, ethnic and other considerations.

After the above general observation, the Group considered the report on the Canadian experience and made the following recommendations on steps to be taken to improve committee operations.

Committee Membership

- ◆ It should be made possible for every backbencher to serve in at least one Committee and at most two Committees in order for them to understand Parliamentary business and participate effectively.
- ◆ There should be gender balance in Committee membership and election of Chairman and Vice Chairman.
- ◆ Members who are not members of a Committee should be free to attend and present any agenda that is relevant to the Committee.

Such Members will not constitute a quorum and will have no voting right.

- ◆ Nomination to Committees should be done by Party Parliamentary Groups.
- ◆ The Chairman should be empowered to take necessary action to ensure prompt and continued attendance of Committee sittings and shall certify for the Accounting Officer the attendance list for the day.
- ◆ Members who fail to attend three consecutive sittings without reasonable cause or permission from the chairman should be reported to the Speaker under the certificate of the chairman for removal from the Committee

Powers of the Committees

Committees must sit at least once in a Session and all committees should have a sitting program for a calendar year.

- Committees should make full use of the National Assembly (Powers and Privileges) Act. The Act should be examined in order to make it more effective.

Proceedings of the Committee

The relevant Committee of the House should examine the Standing Orders to make the Committee proceedings open to the public and televised if possible.

- Members should observe punctuality.
- Committee would determine issues that should be discussed in camera.

Role and Responsibility of the Chairman

- The Chairman shall be truly non-partisan and only vote when --- breaking a tie.

Committee Staff

- ◆ Committees should be provided with at least a Committee Clerk and Research Assistant.
- ◆ The Parliamentary Service Commission should be established urgently so that it can acquire from existing government departments and research institutions professional staff to assist committees in their operations.
- ◆ The Clerk to prepare a budget and a training program for Committee staff.
- ◆ Committees should have offices where Members and strangers can drop messages or consult.

Government Responses to Committee Reports

- ◆ Government should respond to Committee reports within 180 days. The responses should indicate action taken, ;if any and progress made in the implementation.
- ◆ Government should provide quarterly progress reports on the implementation of the Committee reports.

Scrutiny of the Budgetary Process

- ◆ A sub-Committee of the Committee on Finance, Planning and Trade to be established to deal with budget and estimates.

Office of the Controller and Auditor General

To be split into two in order for it to function effectively.

Office of the Controller

The Office should be charged with overall audit of Government accounts. The occupant of the office of the Auditor-General should report to Parliament, as is the practice in other commonwealth Parliaments. The Auditor-General should be an officer of Parliament.

The Auditor-General should produce quarterly reports so that Parliament deals with current issues and not postmortem reports.

The Auditor-General should have security of tenure.

Public Relations Officer

A Public Relations Office should be established to inform the public on important issues, reduce suspicion between Members, the Speaker and the press. The Press should report to a specific officer instead of roaming around.

DISCUSSION GROUP FOUR

1. Committee Membership

There is a problem of membership especially from the ruling party which has a small number of backbenchers. This has resulted in the party having its members in many committees hence contributing to lack of quorum.

It was suggested that the ruling party could consider conceding some of its committee slots to the minority parties.

II Agenda

The Group pointed out the problem of who generates the agenda.

- ◆ Some Members felt that on some occasions the parliamentary staff have failed to call Sittings even after being requested to do so.
- ◆ The Speaker assured the Members that committees will always sit so long as there is an issue to discuss.
- ◆ In addition, it was suggested that committees should schedule or program their activities for whole year. This will eliminate the problem of lack of agenda.
- ◆ In connection to this issue, it was suggested that provision be made to enable other Members attend and participate in the committee proceedings save for voting, forming of Quorum or generation of agenda. However, such Members will not be eligible for the sitting allowance.

Powers of Committees

- ◆ Members pointed out that on many occasions. Ministers have not taken the work of the committees seriously and sometimes have failed to attend scheduled sittings.
- ◆ Ministers must take committee work seriously. The National Assembly (Powers and Privileges) Act is clear on this.

- ◆ It was pointed out that the term “witness” is sometimes confusing because of its court room connotation and the word “summons” should be used more often
- ◆ It was felt that the committees have not utilized professionals fully and those who have appeared have had vested interests as stakeholders.

Committee Staff

- ◆ The issue of professional training and competence of Committee Clerk was raised. In response the Clerk of the National Assembly pointed out that intensive training programs have been designed to equip the Clerks with the requisite skills.
- ◆ It was felt that the envisaged Parliamentary Service Commission would enable Parliament to recruit professional staff, as it will be in a position to remunerate them adequately.
- ◆ It was strongly emphasized that the basis for successful parliamentary operations whether in general or in committee will depend on the existence of a Parliamentary Service Commission.
- ◆ The establishment of a Research Division is very crucial and the Committee recommends that it should be established as soon as possible.
- ◆ Lack of Committee facilities such as rooms and equipment has also hampered Committee operations.
- ◆ The Clerk responded by assuring the Members that the Continental Building currently under rehabilitation is scheduled to be ready by July, 2000.

Committee Witness

- ◆ The National Assembly (Powers and Privileges) Act should be amended to cater for stiff penalties for those who fail to heed to committee summons.

- ◆ Parliament should be empowered to prosecute where the judicial system fails to comply with committee recommendations.
- ◆ Committees should conduct their proceedings in public to deter some of the frequent occurrences of misappropriation of public funds.

Committee Reports

- ◆ The Government should be allowed a maximum of 120 days to implement committee recommendations, but each case should be given a time frame
- ◆ By the proposed Implementation Committee.
- ◆ Chairmen of the Committees should be accorded twenty (20) minutes to contribute during debate on a Ministry under the committee's purview.
- ◆ Committees should establish steering committees with a membership of three for the purposes of guiding committee operations.

Quorum

- ◆ It was pointed out that, this is one of the most serious problems effecting all committees of Parliament.
- ◆ It was recommended that, where a member misses three consecutive sittings without apology, then the Member should be removed.
- ◆ Committee Chairmen should ensure that Members do not merely make technical appearances and where necessary they should be mandated to veto Sitting Allowances payable to such Members.

Liaison Committee

- ◆ It was recommended that, the committee sits at least once a month to chart out the programmed of activities of the other Committees.