

**HARNESSING THE CAPACITIES OF PARLIAMENTARY TRAINING
INSTITUTES (PTIs) FOR ENHANCED PARLIAMENTARY PRACTICES
AND DEMOCRACY IN THE 21ST CENTURY**



*Papers Presented during the Second Annual Global Symposium on
Parliamentary Training Institutes (PTIs) in Mombasa Kenya,
from 23rd to 26th May, 2017*

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**CENTRE FOR PARLIAMENTARY STUDIES
AND TRAINING (CPST) KENYA**

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Foreword

It is a great honour to write a foreword for this publication containing papers on the theme '*Harnessing the Capacities of Parliamentary Training Institutes (PTIs) for Enhanced Parliamentary Practices and Democracy in the 21st Century*'. There has been an upsurge in interest in ensuring that parliamentary training institutes play a role in building the capacities of Members and staff of legislatures to effectively execute their mandates in the governance process.

In recognition of its importance, the Parliament of Kenya with assistance from McGill University, Canada; Agile and Harmonized Assistance for Devolved Institutions (USAID-AHADI) and the Association of European Parliamentarians with Africa (AWEPA) undertook to sponsor and host the Second Annual Global Symposium on Parliamentary Training Institutes from 23rd to 26th May, 2017, in Mombasa, Kenya. The theme of the symposium was '*Harnessing the Capacities of Parliamentary Training Institutes (PTIs) for Enhanced Parliamentary Practices and Democracy in the 21st Century*'.

The main objectives of the symposium were to discuss the following core subject areas: curriculum issues and training for PTIs; the role of PTIs in legislative research services; the role of PTIs in generating legislative and procedural knowledge; the role of PTIs in regional cooperation and parliamentary diplomacy; the linkages between PTIs and academic institutions; and finally, to publish the proceedings of the symposium.

The Parliament of Kenya gratefully acknowledges the contributions made by participants to make the symposium a success. Their strategic locations from Canada, India, Uganda, Zimbabwe and Tanzania as well as representations from the Kenyan Parliament and county assemblies made it possible to draw on experiences from diverse jurisdictions. This publication should, therefore, serve as useful reference information on the theme of harnessing the capacities of PTIs for enhanced parliamentary practices and good governance globally. I wish to express my sincere appreciation to all the participants from the various countries for honoring the Parliament of Kenya and, indeed, the Centre for Parliamentary Studies and Training (CPST) for hosting the Second Annual Global Symposium of PTIs.

From the standpoint of a seasoned parliamentarian, the role of Parliamentary Training Institutes (PTIs) has often been overlooked. However, with the increased parliamentary mandates and complexity of the work of parliamentarians, participatory governance espoused by public participation and the high turnover rates of Members of Parliament observed after elections, it is clear that the roles and mandates of Parliament cannot be realised effectively without well-trained Members and staff.

Indeed, parliaments have been evolving over time on other frontiers, such as parliamentary diplomacy, parliamentary outreach and public participation in legislative business; parliamentary practice and procedure; public policy analysis, evidence use and budget-making to take greater legislative and oversight powers. The contemporary world expects to have well-functioning parliaments that can promote good governance, accountability, transparency, and engender public participation in the decision-making processes. With this in mind, it is my belief that this book is critical in unbundling the crucial role that PTIs must play in developing curricula to address the dynamic nature of institutions and its clientele. The book articulates a framework that will provide a basis for formal agreements between PTIs. The book provides an excellent avenue to examine past and current approaches to the role and mandates of PTIs, lessons learnt and emerging challenges.

Equally, eminent scholars and diplomats shared insights into the ever-present challenge of combining politics with parliamentary democracy and the level of etiquette this demands. To the ever-present resource constraints, this publication challenges PTIs to continue exploring ways of making the institutions self-reliant, according to the experiences shared by the Kenya School of Government (KSG). Collaborations, networking, linkages and possible engagement with non-state actors will go a long way in making this a reality.

The symposium in Mombasa was preceded by the first conference that was held in McGill University, Montreal Canada, in May 2016, in which the Centre for Parliamentary Studies and Training (CPST-Kenya) participated. It is during this occasion that Kenya was honoured to host the second symposium. At the McGill symposium, the idea of coming up with the Association of Parliamentary Training Institutes (APTI) was mooted with the overarching goal of consolidating cooperation among parliaments, academic and research institutions through PTIs for their mutual benefit and sustainability. The APTI initiative was embraced and actualized at the Mombasa Symposium with a recommendation for its formal institutionalization and broadening to include other government training institutions.

Putting together a publication of this nature is not an easy task. Therefore I wish to recognize the CPST Board for its unwavering support and able steering of the process; the heads of the three Services of Parliament, the Clerk of the Senate and Secretary to the PSC, Mr. Jeremiah Nyegenye; the Clerk of the National Assembly, Mr. Michael Rotich Sialai; the Director-General of the Parliamentary Joint Services, Mr. Clement Nyandiere; the Executive Director of the CPST, Professor Nyokabi Kamau, and the dedicated editorial committee comprising of staff from the various directorates of the PSC for their commitment that made the publication possible.

Hon. Justin Muturi, EGH, MP Speaker of the National Assembly and Chairperson, Parliamentary Service Commission

Introduction

Parliamentary Training Institutes (PTIs) are a critical entity for the value addition to Members and staff of parliaments. They play a critical role in strengthening and enhancing the capacities of members and staff in the effective and efficient discharge of their mandates. These roles are clearly articulated in the foundations that have informed the creation of these institutions across parliamentary jurisdictions. Legislative agendas world-over grapple with the issues of good governance and expansion of democracy.

This book is largely based on papers presented during the Second Annual Global Symposium of PTIs, whose main theme was *'Harnessing the Capacities of Parliamentary Training Institutes (PTIs) for Enhanced Parliamentary Practices and Democracy in the 21st Century'* hosted by the Kenyan Centre for Parliamentary Studies and Training (CPST) with support from McGill University, Canada, Agile and Harmonized Assistance for Devolved Institutions (USAID-AHADI) and the European Parliamentarians with Africa (AWEPA) from 23rd to 26th May, 2017, in Mombasa, Kenya.

The objectives of the symposium were to discuss curriculum issues and training for PTIs; the role of PTIs in legislative research services; the role of PTIs in generating legislative and procedural knowledge; the role of PTIs in regional cooperation and parliamentary diplomacy; the linkages between PTIs and academic institutions; and, finally, to publish the proceedings of the symposium.

The conference was attended by more than one hundred (100) participants from Canada, India, Uganda, Tanzania and Zimbabwe; and parliamentary officers from the Kenyan Parliament as well as from county assemblies. Other participants from Kenya included officers from the Kenya School of Government (KSG), the Foreign Service Institute (FSI), the Kenya School of Revenue Administration (KESRA) and the Institute of Diplomacy and International Studies from the University of Nairobi (UoN).

The idea to hold the second symposium has its origins in the first symposium held at McGill University Canada, which was jointly hosted together with the Commonwealth Parliamentary Association (CPA) and facilitated by Prof. Rick Stappenhurst, a world-renowned expert on parliamentary practice and procedure. One of the major outcomes was the realization that although PTIs engage in such conferences, there is hardly any publication of these proceedings. There is, therefore, need for such information to be provided in ready reference form as a publication.

This publication, therefore, represents an effort to meet this need by putting together papers selected from those presented at the symposium across different sub-themes that can be widely circulated. The contributors of these papers allowed leeway – and the CPST is grateful to them for that freedom – which hopefully has resulted in a more lasting and useful contribution to the theme of “*harnessing the capacities of PTIs for enhanced parliamentary practices and good governance.*” The editors accept all responsibility for the errors, in exactitudes and omissions arising from the reworking of the materials provided by the contributors.

This publication is by no means exhaustive; neither can it claim to be authoritative on the theme of “*Harnessing the Capacities of Parliamentary Training Institutes (PTIs) for Enhanced Parliamentary Practices and Democracy.*” Rather, the ideas presented are intended to generate debate on the discourse of entrenching PTI’s as integral components of parliaments across the globe. The publication is organized into five sub-themes designed to capture the broad spectrum of the involvement of PTIs in the process of good governance. The publication reflects the collaborative effort of contributors from Canada, India, Uganda, Tanzania, Kenya and Zimbabwe, being indicative of the breadth and width of the material it covers. The five sub themes are as follows.

The first sub-theme was on Curriculum issues and training for PTIs. Under this theme, two papers delve into curriculum issues where Nyokabi Kamau provides knowledge based on practical experiences of the CPST through her paper on *Developing Curricula for Parliaments: The Case of Kenya’s Centre for Parliamentary Studies and Training.* This paper is further reinforced by the paper by Buchere Philip and Ali AbdulMajid entitled *Community Design Approach to Curriculum Development: Lessons from the Parliamentary Hansard Training Curriculum.* This paper lays emphasis on the use of participatory curriculum development models using the Community design approaches in developing parliamentary courses.

The second sub-theme is on Financing, Mandate and Structure of Parliamentary Training Institutes (PTIs). Here Buchere Philip and wakah George, through their paper, “*Financing Parliamentary Training Institutes In The 21st Century: Reflections From The Kenyan Experience*” provides various models of financing PTIs which remains a critical issue in the future. Josephine Watera from Uganda in her paper entitled, “*Mandates and Financing Structures of Parliamentary Training Institutes (PTIs): Lessons From Uganda Institute of Parliamentary Studies (IPS)*” provides further insights on the theme.

The third sub-theme is on “*The Role of PTIs in Legislative Research and Linkages Between PTIs and Academic Institutions.*” Professor Rick Stapenhurst, Inna Popova-Roche and Pegah Ehsani, in their paper entitled, “*Evidence-Based Programmes for Members of Parliament and Parliamentary Staff*” present a strong case for PTIs to form linkages with academic institutions for quality and relevant training. This argument is further emphasized by Teddy M. Luvisia, in his paper entitled “*Assesment of Factors Limiting Linkage Between Parliamentary Training Institutes and Academic Institutions.*”

The fourth sub-theme is on “*The Role of PTIs in Generating Legislative, Procedural Knowledge and Oversight.*” Under this theme the following three papers are presented: “*Knowledge Management in Parliamentary Practice and Procedures: The Role of PTIs*” by Kilungu Paul Wambua Keli; “*Legislative Oversight as a Critical Component of Peace and Development in Africa*” by Emmanuel J. Mallya; “*Coloniality and Parliamentary Training Institutes’ Quest for Enhanced Legislative Oversight in Zimbabwe*” by Douglas Munemo. In his paper, Munemo raises fundamental epistemological issues in respect to parliamentary studies in Africa.

The fifth Sub-Theme addresses the issue of Legislative oversight, where five papers are presented all addressing various dimensions of oversight. These are the “*Role of Legislative Oversight in Strengthening Devolution: A Case Study on Recruitment of Staff by the County Public Service Boards*” by Isaiah Kiplangat Kirui and Wesley Sigei; “*Strengthening Public Participation Through Training of Legislatures, Parliamentary Staff and Stakeholders: Case of Baringo County*” by Zipporah Koroti, Stanley Kipchumba and Henry Tekeiwa; and finally, “*Critical Evaluation of best Corporate Management Practices in Parliamentary Settings: A Historical Analysis of The Kenyan Parliament using the Management Assessment Framework*” by Martin Masinde and Buchere Philip Brightone.

The last sub-theme is on *The Role of PTIs in Regional Cooperation and Parliamentary Diplomacy.* Maria Nzomo and Patrick Maluki present a strong case for Parliamentary Diplomacy in their paper entitled “*The Role of Academic Institutions in Strengthening Parliaments: The Case of Parliamentary Diplomacy Training.*” This is reinforced by Kalpana Sharma, through her paper entitled “*The Role Of PTIs In Regional Cooperation And Parliamentary Diplomacy*” Finally, Kefa omoti and Martin Mbewa provide further insights into this thematic area through their paper entitled “*A Study of The Role of Parliamentary Training Institutes (PTIs) In Parliamentary Diplomacy: A Case Study of The CPST, Kenya.*”

In a globalised world, members and staff of legislatures require constant preparation for them to cope with the ever-emerging challenges facing them. It is important that by PTIs sharing experiences through this publication, their capacity building initiatives will greatly benefit from sharing and transfer of best practices from the different parliamentary jurisdictions.

Many people and organizations helped in the production of this book and the editors are deeply grateful to all of them. To name but just a few, particularly the Speaker of the National Assembly and Chairperson of the Parliamentary Service Commission of Kenya, Hon. Justin Muturi; the immediate former CPST Board Chairperson and PSC Vice Chairperson, Hon. Senator Beth Mugo; all the CPST Board members, the Clerk of the Senate and Secretary to the PSC, Mr. Jeremiah Nyegenye; the Clerk of the National Assembly, Mr. Michael Rotich Sialai and the members of the Board of Senior Management.

We are also grateful to the Symposium Organizing Committee for the overall logistical support; Ina Popova and Prof. Rick Stappenhurst from McGill University; Waceke Wachira from USAID-AHADI and Ann Nyambura from AWEPA. Finally, we are grateful to the CPST Training Committee members, especially the secretary, Ali Abdulmajid Ahmed, who undertook the task of collating and reviewing all the selected papers from the contributors and also assisted in the compilation and editing of the final manuscript. We also sincerely thank Ms. Mary Wasike for undertaking the initial editorial work on the manuscript and Ms. Maureen Korir (USAID-AHADI) for overseeing the process. Finally, we wish to sincerely acknowledge and thank the PSC internal editorial team that selflessly spent their *Mashujaa Day Weekend* doing the final editing work on the manuscript, comprising of Dr. Phillip Buchere, Mr. Ali Abdulmajid, Mr. Brian Chemining'wa Kiberass and Mr. Joseph Mugeni; assisted by Mr. Henry Leseina. Last but not the least; we are deeply grateful to USAID-AHADI for agreeing to bear the cost of preparation and publication of the book.

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CURRICULUM ISSUES AND TRAINING FOR PARLIAMENTARY TRAINING INSTITUTES (PTIs)

1



Developing Curricula for Parliaments: The Case of Kenya's Centre for Parliamentary Studies and Training

*Professor Nyokabi Kamau, Executive Director,
Centre for Parliamentary Studies and Training (CPST), Kenya*

1. Introduction

One of the key challenges that newly elected parliamentarians encounter is that they are expected to embark on their work of legislation, oversight and representation with little time to fully grasp the multi-faceted and complex tasks ahead of them. Over the years, it has become critical that well-organized and structured capacity building programmes are put in place to help legislators perform their constitutional mandates more effectively. Unlike most other high-level professions and occupations, where one requires certain basic qualifications and expertise, politicians only need to convince the electorate that they are good enough to represent them. As a result, a wide range of persons join the legislature – from those with only basic education to others who may be highly qualified in other professions.

Qualifications and expertise notwithstanding, all legislators are expected to perform complex duties ranging from scrutinizing budget documents to having an appreciable understanding of international policies. It is against this background that there is need for well-organized and structured capacity building initiatives for members and staff of parliaments to assist in the smooth running and execution of the mandate of parliamentarians.

The Kenya's Centre for Parliamentary Studies and Training (CPST) was established by the Parliamentary Service Commission and mandated to prepare modules of training on legislation, representation and the oversight roles of parliament. It was also tasked with carrying out research and production of publications to assist the expansion of parliamentary knowledge in Kenya and beyond. In recognition of the fact that not all expertise can reside in the institution of Parliament, the CPST is expected to collaborate with other institutions with a similar mandate.

This paper, therefore, focuses on the process of curriculum development and the experiences of the CPST in the effort to develop curriculum for members and staff of legislatures.

2.0 Curriculum and Parliamentary Training

2.1 Definition of Curriculum

Curriculum is a difficult concept to define as its interpretation varies according to different schools of thought, pedagogies, political as well as cultural experiences.

Several scholars have come up with definitions that can be grouped into two broad categories; traditional and progressive points of view.

2.1.1 Traditional Point of View

In the early years of the 20th Century, scholars held that curriculum was a body of subjects or subject matter prepared by teachers for students to learn. Curriculum was synonymous with “course of study” and “syllabus”. Hutchins (1936) viewed curriculum as “permanent studies” where elementary education should focus on rules of grammar, reading, rhetoric, logic and mathematics – the 3Rs, as he commonly referred to them. According to him, college education should be grounded in liberal arts; that is. literature, history, philosophy, mathematics and other social science subjects. The student can then proceed to graduate school to pursue an area of specialization (ibid).

Another prominent traditional point of view scholar was Schwab, who pointed out that discipline was the sole source of curriculum. He noted that curriculum should consist only of knowledge that comes from within a discipline. In a typical education system, curriculum is divided into chunks of knowledge or subject areas. In basic education, these can be subjects such as English, Mathematics, Science and Social Studies. In college, discipline may include arts, humanities, social and natural sciences, and languages (Schwab, 1969). Bestor (1956), an essentialist, opined that the mission of the school should be intellectual training in five main areas; these are command of mother tongue and the systematic study of grammar, literature, and writing; mathematics; sciences; history; and foreign language (Bestor, 1956). These traditional arguments emphasize content rather than skills, with a curriculum purely as a written document or a plan of action that helps in accomplishing goals without any specific focus on behaviour change or skills development.

2.1.2 Progressive Point of View

Progressive scholars define curriculum as the total learning experiences of the individual learner (Bilbao, 2008). Dewey (1986), the main proponent of progressivism, argues that reflective thinking in the process of curriculum development is important as it fuses all curricular elements such as aims, goals and objectives; subject matter/content; learning experiences; and evaluation approaches. In his view, thought is not derived from action but tested from application or learning by doing.

Caswell and Campbell (1938) define curriculum as the culmination of all the experiences children and learners gain under the guidance of teachers, instructors and tutors. This definition helps to broaden the concept of curriculum from simply gaining facts on a subject matter and encompasses the width and breadth of the experiences of the learner. The role of a teacher, according to Caswell and Campbell

(ibid), is limited to that of a guide or facilitator. They, however, add that the purpose of all these experiences is to create a sense of discipline in the learner, especially where group activities are involved. In addition, Marsh and Willis (1995) define curriculum as all the experiences in the classroom that are planned and enacted by the teacher, and also learned by the students.

2.2 Types of School Curriculum

Glatthorn (2000) outlines seven types of school curriculum:

- 2.2.1 **Recommended Curriculum:** This is curriculum as prescribed by regulatory authorities. In Kenya this could vary from the Ministry of Education for primary and secondary education to the Commission for University Education (CUE) for universities.
- 2.2.2 **Written Curriculum:** This refers to the syllabus or lesson plan that is written by teachers or curriculum experts. They follow it in the delivery of the curriculum.
- 2.2.3 **Taught Curriculum:** This is about the implementation of the written curriculum. This refers to what is taught or an activity done in the classroom. For example, when teachers give a lecture, initiate group work or ask students to do a laboratory experiment with or without their guidance.
- 2.2.4 **Supported Curriculum:** This refers to instructional materials such as textbooks, audio visual materials, blogs and websites. It also includes playgrounds, zoos, gardens, museums, and real-life objects. It is called supported curriculum because the materials help teachers implement a written curriculum that in turn enables students to become life-long learners.
- 2.2.5 **Assessed Curriculum:** This refers to series of evaluations such as quizzes or mid-term and final exams that students undergo as part of their learning. The tests may be written or other forms such as portfolio and performance-based assessments to establish if the students are progressing or not.
- 2.2.6 **Learned Curriculum:** This refers to a set of learning outcomes students achieve because of going through a certain set of learning experiences. This is basically what students can perform or do either in their cognitive, affective or psychomotor domains. Learning outcomes can be determined by results from assessed curriculum.
- 2.2.7 **Hidden Curriculum:** This refers to the unplanned or unintended effects of the learning process such as the transmission of norms, values, and beliefs conveyed in the classroom and the social environment where the learning is taking place.

From these types of curricula, it is evident that even when not working in a traditional school, as is the case with the CPST, the types still apply. Even in a situation where an issue like assessment would be quite different, at the CPST we have found it useful to find out from our learners through various formal and informal methods if learning has taken place. These assessments, as shown later in this paper, have helped us to continually improve the content and delivery of our curriculum. The hidden curriculum is one area we have learnt a lot, especially regarding the values and norms that trainers bring to the training session. We have also found that choice of training venue is critical in the delivery of the curriculum. Later in the paper, I discuss the ways we have tried to improve to make our training as well-rounded as possible, bearing in mind the nature of our learners.

2.3 Curriculum Development

Curriculum development is defined as a planned, purposeful, progressive, and systematic process to create positive change among those who go through the curriculum (Alvior, 2014). Curricula changes happen each time there are amendments in the context under which it is implemented. Essentially, curriculum development is a continuous, never-ending process that needs to be focused, planned and open-minded if it is expected to produce positive and relevant changes and have an impact on those who experience it.

2.3.1. Models of Curriculum Development

Just as there are diverse definitions for curricula and its types, there are also various models of development. However, scholars advance two dominant models. According to Tyler (1949), four fundamental questions should be considered when developing a curriculum. First, what educational purpose (objective) should the school seek to attain? Two, what educational experiences and content can be provided that are likely to attain these purposes? Three, how can these educational experiences be effectively organized? Four, in terms of evaluation, how can we determine whether these purposes are being attained?

Under each question, Tyler listed a set of procedures to aid the curriculum developer to solve problems. Tyler's rationale, as this method is commonly referred to, continues to be the basis of debate on curriculum development process. Attempts have been made to compare the curriculum development process with a journey (Hall, 1975). In doing so, the list of possible questions has been expanded to include the following questions.

1. Is the journey necessary?
2. Where are we going? (aims and objectives)
3. What road do we take? (subject model)
4. What vehicle shall we drive? (content)

5. How shall we drive the vehicle? (approach to learning)
6. What sort of map shall we provide? (educational technology)
7. Who are our fellow travelers? (other areas of the curriculum and other training institutions)
8. How do we tell whether we are on the right track? (evaluation)
9. How can we tell if we have arrived? (assessment)
10. How do we tell others? (dissemination)
11. What mistakes did we make? (feedback)

Taba (1962) improved on Tyler's model by coming up with a linear, inductive model that emphasizes the involvement of teachers in curriculum development. According to Taba (ibid), teachers/instructors, being the ones closest to students/learners, should oversee curriculum development instead of higher authorities. Taba's model is commonly referred to as the grassroots approach (Läänemets, 2013). She presents seven major steps where teachers have the main input:

1. Needs diagnosis – The teacher starts the process by identifying the needs of the students and the society at large.
2. Objective formulation – After the teacher has identified learning needs, he or she specifies the learning objectives.
3. Selection of learning content to fulfil the learning objectives.
4. Organization of learning content – After selection of the content it must be organized in some type of sequence, bearing in mind factors such as student maturity, achievements and interests.
5. Selection of learning experience – Here the teacher selects the instructional method that will get the students to engage better with the content.
6. Organization of learning activities – Just as content is sequenced and organized, so are the learning activities.
7. Determination of what to evaluate and the means of doing it.

The main difference between Taba's and Tyler's model is the approach to the process of curriculum development. Tyler's model is a deductive, top-down approach that believes the administration should develop the curriculum and the teachers should implement it, while Taba's model is an inductive, bottom-up approach that believes teachers are more aware of students' needs due to their proximity to them. According to Taba, therefore, teachers should develop the curriculum and implement it. Another difference is that Tyler's model focuses on aims, evaluation and control whereas Taba's model is more concerned with the selection of the content and its organization with the aim of providing students with an opportunity to learn with comprehension (Läänemets, 2013).

As noted in this brief review, the focus in much of the literature on curriculum development has been on the more traditional learners'/teachers' environment. I was unable to get any publications that focus on developing curriculum for parliamentarians. In fact, there is very little work done on the issue of capacity building for parliamentarians, which the next section attempts to look at.

3.0 The Centre for Parliamentary Studies and Training (CPST)

3.1 History and Mandate of the CPST

The Kenyan Parliamentary Service Commission (PSC) is an independent commission established under Article 127 of the Constitution of Kenya, 2010. The PSC's mandate is to provide facilities and resources for the efficient and effective functioning of Parliament, constitute offices in the parliamentary service, handle budget matters for Parliament and undertake, singly or jointly with other relevant organizations, programs to promote the ideals of parliamentary democracy. Based on this constitutional mandate, the PSC established the Centre for Parliamentary Studies and Training (CPST) under Legal Notice No.95 of 22nd July, 2011, to facilitate the function of capacity building of members and staff of Parliament and county assemblies. The PSC later expanded the mandate of the CPST to serve other stakeholders who may be interested in gaining an appreciable understanding of Parliament and the parliaments of the East African Community, the Great Lakes Region, Africa and other global parliamentary institutions. Further, in 2015, the PSC sought to host the East African Parliamentary Institute (EAPI) under the auspices of the CPST to provide standardized quality training to legislators in the East African region.

The mandate and functions of CPST, as outlined in the legal notice, requires the centre to conduct courses for the exposition and enhancement of the knowledge, skills and experience of members and staff of Parliament; conduct courses on parliamentary matters or other persons as may be approved by the CPST board; provide directly or in collaboration with other institutions of higher learning, facilities for parliamentary research, studies and training; participate in the preservation and transmission of parliamentary knowledge in Kenya; conduct examinations and grant academic awards as may be necessary; contribute to the effective and efficient execution of the roles and functions of Parliament in democratic governance; and, most notably, to prepare modules of training on legislation, representation and the oversight roles of Parliament in collaboration with other institutions of similar mandate (CPST, 2017).

3.2 The Curriculum Development Process

As noted in 3.1 above, CPST was established to, among other key roles, conduct courses for the exposition and enhancement of the knowledge, skills and experience of members and staff of Parliament. At the time of setting up of CPST, Kenya had a unicameral Parliament and without a devolved system of government.

The 2010 Constitution of Kenya created a bicameral legislature and 47 devolved governments. This resulted in an unprecedented increase in the number of legislators and staff working in Parliament and county assemblies. On average the turnover of members in Kenya stands at about 70 per cent. The year 2013, therefore, saw an entry of over 2,000 new MPs and Members of County Assemblies (MCAs), all of whom required some capacity building on their mandates as legislators. They also needed to be equipped with knowledge of the new government architecture. The problem was not only with members, but also with the large numbers of staff both Parliament and the county assemblies had to employ to support the new legislators. The CPST, being the only Parliamentary Training Institute in the country, was faced with a great challenge of handling this unprecedented requirement for capacity building for members and staff. The CPST embarked on a journey of developing a structured curriculum with the objective of having a standardized way to carry out capacity building to ensure that MPs, MCAs and their staff were properly trained. Curriculum development is a process that has several steps which, according to Oluoch (1982), include information gathering, formulating the curriculum project, planning the curriculum, selection and preparation of materials and equipment, curriculum piloting, curriculum implementation, and curriculum project evaluation. Between 2011 and 2013, the CPST embarked on a process that we hoped would follow some of these steps to develop a suitable curriculum for the members and staff in the post-2010 Constitution era.

The first step was information gathering, which involved getting stakeholders together to obtain information on what areas should be included in the curriculum. The stakeholders included the staff of Parliament, development partners, academia and civil society representatives. At that point the counties were not yet in place, hence they were not part of the stakeholders. Through many stakeholder consultations and workshops, 17 areas were identified as critical for members and staff to carry out their work effectively. This culminated in the development of 17 short courses namely: Parliament and the Constitution; Foundations and Fundamentals of Parliament; Devolution and Bicameralism; Public Finance Management; Parliamentary Practice and Procedures; Parliament, Parliamentary Committees; Political Parties and Lobbying; Parliamentary Administration and Human Resource Management; Parliamentary Hansard; Parliamentary Research and Policy Analysis; Parliamentary Outreach and Public Participation; Parliament

at National and Supra-National Levels; Communication Skills; Language Skills Enhancement- Kiswahili Strategic Leadership, Planning and Management; Ethics, Integrity and Accountability; Legislators in the Promotion of National Interests and Gender Mainstreaming in Parliament

Upon completion of the first draft of the curriculum, we realized that it was blind to issues of gender, youth, minorities and people with disabilities. We approached UN women, who kindly agreed to support the first full review and revision, which ensured that issues of gender, youth, people with disabilities and minority groups were mainstreamed in the content and methods of delivery of the CPST curriculum. Before finalizing, the curriculum was taken through piloting, which included training trainers and trying it out on actual learners to establish how it would be received. Several changes were suggested in the piloting stage and, finally, it was published and ready for roll-out by the end of 2015. This initial curriculum provided a good place for us to roll out structured trainings at a time when most of the trainings on offer, especially to county assemblies were unstructured.

3.3 Development of Curriculum Support Materials

By 2015, it had become evident that the main consumers of the CPST curriculum were the 47 county assemblies. It was important to develop curriculum support materials because in instances where we had several trainers across the country, the content was different depending on each individual trainer's interpretation of the curriculum. We embarked on the next stage of developing curriculum support materials to standardize the delivery of training across the country. The CPST approached the Ford Foundation to support this stage, which would demand a lot of resources and time.

The CPST curriculum was used as a guide in determining the manuals to be developed. The existing 17 short courses were grouped into six broad thematic areas, namely The Constitution, Parliament and Systems of Governance; Law Making and Procedural Matters; Information, Communication, Public Participation and Outreach for the Legislature; Public Finance Management; Human Resources Management and Administration in the Legislatures; and Capacity Building for Legislative Staff: Cross Cutting Issues. A facilitators' guide was added to help standardize the delivery of the courses. The need for this manual was informed by the experiences we had gathered in the two years of implementing the CPST curriculum. We learnt that many trainers who had knowledge on content had major challenges delivering it, especially to the unique adult learners, who are our clients.

A team of subject experts were recruited to work on the content of the manuals. Subsequently, three workshops that brought together these experts and the CPST

officers were conducted at different stages to ensure that we were all on the right track. The first workshop was aimed at developing a guiding philosophy and work plan and providing guidance on the technical and formatting aspects of the manuals. The second workshop was used to share the content of the six manuals and facilitator's guide with the gender and political advisor while the third and last workshop was for validation, where all inputs were incorporated. We made sure that the stakeholders included staff from the Parliamentary Service Commission, members and staff from the county assemblies, subject experts, civil society representatives and development partners.

4.0 Implementing the CPST Curriculum

The next important step was to implement the curriculum. The real test of the effectiveness of a curriculum is its implementation. Several challenges emerged at this stage and lessons were learnt. Oluoch (1982) outlines several steps that need to be taken into consideration at the implementation stage. These steps (which are mainly for the formal school curriculum) include persuading the people (stakeholders) to accept the new curriculum, keeping the public informed (which starts at the try-out stage but needs to continue at the implementation stage), educating the teachers/trainers and the trainer/teacher educator, providing the necessary facilities and equipment to effectively implement the new curriculum, presenting the curriculum, instituting the appropriate assessment methods, and providing continuous support for the implementation. Given that the CPST curriculum was not a formal school one, but one mainly targeting adult learners for continuous professional development, we did not follow the whole process as stipulated. However, we tried as much as we could to ensure that most of the key steps, such as keeping the target informed about it; dissemination – especially of the curriculum support materials and continuous training of trainers – were followed.

At the CPST, we continually carry out pre-training and post-training evaluation of our learners and trainers, which provides us with some basic information on how our trainings influence the learners and trainers. Analysis reports from these evaluations led us to carry out a nationwide learning needs assessment of the members and staff of county assemblies in 2016. The assessment was useful in informing the review of the curriculum and support materials. Based on that assessment, the CPST spearheaded the development of an induction curriculum for the MCAs elected after the 2017 elections. Plans are underway to revise the entire CPST curriculum, considering the lessons learnt in the process that has been described in this paper. In the next section, I outline the challenges and lessons learnt thus far.

4.1 Lack of Sequence

The acquisition and mastery of new knowledge and skills take place in a predictable sequence. However, due to the unique nature in which legislatures operate, it is difficult to offer trainings in a sequential manner since legislators and staff of parliaments do not attend trainings in a sequential form (that is by taking into consideration the previous trainings they have attended). The challenge with lack of sequence is that it may be difficult for the trainers to implement the content when it is not clear what the participants have already learnt. This can be a problem given that the content may be repetitive for some members and it may also present a challenge of assessing the impact of the training when the sequence is not guaranteed. This is a challenge that we may not manage to overcome, but we have learnt that there is a need to develop examinable courses that can be used as a basis for staff promotion. As I write this paper, the Parliamentary Service Commission had approved curriculum for four short examinable promotional courses for staff of Parliament and resolved that similar courses are developed for Members. This will help towards bringing order in our training. The CPST was also requested by the PSC to develop a policy that would guide the training for MPs to allow for better coordinated and sequenced training. The same courses will be adopted for Members and staff of County Assemblies. We hope that with these more structured trainings, at least for staff, we will manage to overcome some of the challenges relating to lack of sequence in training, which is necessary for curriculum implementation.

4.2 Lack of In-House Facilitators

Facilitators/trainers are the most important human resource in the implementation of a curriculum. A sufficient supply of well-trained facilitators is necessary if the implementation of the curriculum is to be effective. The CPST solely relies on facilitators from the Parliamentary Service Commission, other government agencies and private consultants who have expertise in different fields. The officers from the Parliamentary Service Commission are not always readily available since they are mostly engaged in their respective roles of supporting members of Parliament. Due to conflicting roles among the CPST facilitators, they rarely have adequate time to interact with crucial documents such as the curriculum and the training manuals prior to the trainings. Most of them get to see the documents when they are called upon to offer training. We have found this to be a challenge in the quality of our training.

Consequently, the CPST Board, through the Parliamentary Service Commission, has adopted an elaborate staffing structure for the CPST that has an expert in each of the main subjects that we train on at the centre. The goal is to have these subject experts as the course leaders who can also provide the necessary training coordination to each course that we run at the CPST. With this intervention, we hope

that the problem of trainers whose attention is diverted by other conflicting interests will be resolved. Another solution is to provide an opportunity for serving or retired staff of the PSC to serve at the CPST on sabbatical or on short term contracts, where they can dedicate at least a year to research, writing and training. This would help to enhance the quality of the implementation of the CPST curriculum.

4.3 Duration and Timing of Courses

Organizing training for members and staff of Parliament and county assemblies has turned out to be another challenge in the implementation of the CPST curriculum. Given the primacy of House Business, it becomes a challenge to synchronize the CPST Training Calendar to the parliamentary calendar, and this frustrates curriculum implementation efforts. We are in the process of finding a solution to this problem. However, we hope to have CPST training rooms within the Parliamentary Square making the Centre to be more easily accessible to our clientele. With a presence in the city centre, we hope to implement the CPST curriculum through short lunch time and evening sessions or at any time when members and staff can attend. These courses will also be easily available and accessible to staff and MCAs without having to plan for venues outside Nairobi, which sometimes causes challenges in implementation.

4.4 Partnerships and Collaborations

For more efficiency in the implementation of the CPST curriculum, we have formed partnerships and collaborations with academic and research institutions to help us in areas where our capacity is low, such as research, dissemination of information, consultancy and capacity building. Partnerships assist in closing the gap in skills, knowledge, expertise, logistics, and information resource sharing. The CPST has entered into partnerships with the University of Nairobi, Kenya, McGill University in Canada, the United Nations Institute of Training and Research (UNITAR) and the Organization for Social Science Research in Eastern and Southern Africa (OSSREA). The hosting of the Parliamentary Training Institutes (PTI's) symposium was also one of the ways that CPST has embarked on to strengthen existing partnerships and build new ones. One of the outcomes of the symposium in 2017 was the formation of the Global Association of PTIs. Through this association, PTIs will be in a better position to carry out joint research and share experiences and good practices on various matters of training of our unique learners, which will include curriculum development and implementation.

4.5 Using Research to Enhance Parliamentary Curriculum

The initial training programs offered by the CPST were mainly in response to requests from county assemblies. The assemblies were not very clear on what their real needs were and most of these requests were, therefore, not need-driven. Most

of the content in the training that we offered was based on the experiences of the national Parliament. At that time, there was no other baseline information to guide the curriculum and respond specifically to the needs of county assemblies.

After two years of doing what we could and mainly informed by trial and error, we felt that it was time to carry out a national Learning Needs Assessment (LNA) of county assemblies that would then inform the training curriculum, which we would roll out in the second phase of the devolved legislatures. Our initiative for a nationwide learning assessment was supported by our key partner, Agile and Harmonized Assistance to Devolved Institutions (USAID-AHADI). Since USAID-AHADI was supporting 22 of the 47 county assemblies, the 22 became a good representative sample. The broad objective of the nationwide LNA was to get comprehensive learning needs assessment of members of county assemblies and staff whose findings would then inform curriculum development and implementation for the second phase of the county assemblies.

The final report of the LNA was launched at the 2017 global conference of parliamentary training institutes where this paper was presented. I am proud to note that by the time I fully revised this paper, the induction curriculum for the newly elected members of county assemblies, which was heavily informed by the LNA, had been finalized and was used for the induction of almost all the members of county assemblies elected in the August 2017 elections. I am also proud to state that the findings of the LNA will inform curriculum content for all the courses that the CPST will run for staff and members of county assemblies of the second phase of the devolved governments.

5.0 Conclusion

Curriculum development and implementation for parliaments is an area that is yet to be well researched and documented. There definitely exists a gap in this very important aspect of training. We hope that the Association for Parliamentary Training Institutes (APTI) will provide a forum for PTIs to share experiences and challenges of training parliamentarians and staff. These lessons can be used to develop good practices to help improve how parliamentarians are trained. We hope that with better informed and well-structured training for parliamentarians, they will be better placed to carry out the important roles of representation, legislation and oversight for improved governance.

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Community Design Approach to Curriculum Development: Lessons from the Parliamentary Hansard Training Curriculum

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1.0 Introduction

This Paper sets out to explore how the participatory curriculum development Model has been utilized in the development of the Hansard training programmes at the CPST. The paper draws from four years of experience on how the Hansard Curriculum has evolved from the basic to advanced levels.

‘Hansard ‘is the name given throughout the Commonwealth to the daily printed record of the debates of parliament. Indeed, it is a verbatim transcript of parliamentary sittings and committee hearings. The Hansard Report, otherwise known as The Official Report, as enunciated by a House of Commons Select Committee on Parliamentary Debates in 1907, is

“A full report in the first person, of all speakers alike, a full report being defined as one which, though not strictly verbatim, is substantially the verbatim report, with repetitions and redundancies omitted and with obvious mistakes corrected, but which on the other hand leaves out nothing that adds to the meaning of the speech or illustrates the argument’.” (Erskine May, 2011).”

The publishing of the Hansard Report in Kenya is based on the United Kingdom (UK) model. It is provided for under the Standing Order No.237 and 248 for the Senate and National Assembly respectively, which state

“(1) There shall be published within forty eight hours, a verbatim report of all proceedings of the National Assembly, unless the Speaker is satisfied that this is rendered impossible by some emergency.

(2) Every Member shall have an opportunity to correct the draft verbatim report of his or her contribution, but not so as to alter the substance of what the Member actually said.

(3) Where there is doubt as to the content of the verbatim record of the House, the Speaker shall make a determination.”

1.1 History of the Hansard

From the second half of the 16th Century, the British Parliament prohibited all reporting and publishing of its proceedings. The parliament believed it should deliberate in private and regarded any attempt to publicize its proceedings as a serious punishable offense.

By the late 18th Century, the growing weight of public opinion and the increasingly outspoken attacks in the press persuaded the parliament to relax its stance. In 1803, the House of Commons passed a resolution giving the press the right to enter the public gallery. That same year, William Cobbett, publisher of *Cobbett's Weekly Political Register*, added to his newspaper a supplement entitled *Parliamentary Debates*, which was a reprint of journalists' reports of speeches extracted from other newspapers.

In 1882 that publication was taken over by Cobbett's assistant, Thomas Curson Hansard, son of Luke Hansard, who in 1829 changed the title of the reports to *Hansard Parliamentary Debates*. The Hansard family continued to produce the *Parliamentary Debates* until 1889. It was during the 60 years of the Hansard family's publication that the name 'Hansard' became synonymous with the printed debates.

1.2 Core Functions of the Hansard Department

The Hansard Department is responsible for the production of an accurate, timely and efficient report of the proceedings of Parliament and its committees in the form of the Daily Hansard, Weekly Hansard, Bound Volumes and their uploading on the parliamentary website.

It produces verbatim reports of proceedings of oversight or watchdog committees of the House. However, the department may be called upon to record proceedings of a committee, tribunal or commission where sensitive evidence is under consideration.

In this regard, the Hansard was requested to cover the Judicial Service Commission of Inquiry into Tribal Clashes in 1998, the Electoral Commission of Kenya (ECK) then headed by Justice Zacchaeus Chesoni, and the judicial tribunal formed to investigate the conduct of the first director of the Kenya Anti-Corruption Authority (KACA), Mr. John Harun Mwau, the Goldenberg scandal investigation, among others.

The department also provides services to in-house clients. This includes editing reports from the Office of the Clerk and other departments.

1.3 Importance of Hansard

The importance of the Hansard cannot be gainsaid. This was aptly captured during a presentation made by Mr. Charles Ondigi, the Kenya Senate Deputy Hansard Editor at the Commonwealth Hansard Editors Association (CHEA) Conference in London and Edinburgh on 27th July, 2008, when he said:-

“To influence policy and legislation, you need to get involved. To get involved, you need to be informed. To get informed, you need to get accurate, impartial information from the source. What is the source? The Hansard or the Official Report.”

This leads to the all-important question of; what is the importance of the Hansard in the legislative process? The Hansard transcripts are important in the legislative process for many reasons. First, they record the decisions taken on legislative business (Motions, Votes, Bills, and Amendments). The Report will capture all the processes involved when passing Bills – from First Reading, Second Reading, Committee of the Whole House, Third Reading and Concurrence of the other House, if needed. When a Bill is read a third time and passed accordingly, the Office of the Clerk will prepare votes and proceedings of that day together with a vellum copy; and a copy of the Hansard and then forward them to the Attorney-General for onward transmission to the President for assent. But the Attorney-General must first satisfy himself that the said documents are in agreement. In cases of doubt, they come back to the Hansard to verify any discrepancy, if need be by listening to the audio record of the relevant session(s). Therefore, the Hansard is the definitive record of the proceedings of the assembly and is available on the parliamentary website.

Second, by recording and making available the debates and decisions made on legislation, the Hansard has a role to play in the transparency and accountability of the process to the electorate. It helps the electorate to know how its representatives voted on crucial legislative matters. This can have far-reaching consequences on the elected representatives, especially if they vote for unpopular legislation. The public keenly watches how its representatives conduct their business either in print media or television and radio. This will determine the future career of those representatives, as the electorate will vote out unpopular leaders or leaders who do not represent them well in Parliament. Therefore, leaders must articulate the issues affecting their constituents well.

Third, debates recorded in the Hansard can, in certain circumstances, be used by judges or the Judiciary to interpret legislation. Lord Denning once remarked,

“Not to use the Hansard would be to grope around in the dark for the meaning of an Act without switching the light on.”

This aptly explains the 'spirit' of the law, since it is only from perusing the Hansard Report of the proceedings during debate on a Bill that one can understand the arguments on the Floor that led to its enactment an Act of Parliament. The best case study was during the case of *Pepper v Hart* (1992), which is a landmark decision of the House of Lords on the use of legislative history in statutory interpretation. The court established the principle that when primary legislation is ambiguous, then in certain circumstances, the court may refer to statements made in the House of Commons or House of Lords in an attempt to interpret the meaning of the legislation. Closer home in Kenya, the Judiciary has used Hansard reports in many instances. For example, during the Judicial Commission of Inquiry into the Goldenberg Affair as well as in election petitions to determine whether a certain member of parliament could conduct parliamentary business using either of the official national languages. The Hansard editor will often be summoned to court to present evidence by way of the Hansard

to show whether or not the said representative has made contributions in the House. The election petition against Clement Kungu Waibara is a classical case.

Fourth, in terms of procedure, the House Speaker refers to past Hansard records to make certain decisions, communications or rulings. The presiding officer will refer to communications or rulings made by the previous chairperson when he or she delivers a communication.

Fifth, the presiding officer (the Speaker) can also use the Hansard to discipline members who are disorderly. The term discipline here will mean several things; a member can be asked to apologise to the House for being disorderly or failing to substantiate his allegations even after being given the opportunity to do so. Equally, the presiding officer can ask the member who has been found in breach of privileges of the House to withdraw from the precincts of Parliament for a given period and denied access to even his constituency office. The worst scenario is where a member is named for gross misconduct. The Speaker will refer to the Hansard to see what the member did and this can lead to his suspension or his being named. That is why members say that the Hansard will bear them witness.

Sixth, the Hansard is an important record for posterity as it records policy statements and the government's responses to members' concerns. It offers day-to-day proceedings of Parliament reflecting attitudes to significant issues of the day and the changing values and views of society. This will help future generations to paint a picture of how we live today, and how and why we make certain decisions.

Seventh, the Hansard is a rich source of contemporary history as enumerated by the following quote from the Lok Sabha Secretariat

“Verbatim reports of the proceedings of the Parliament are not a mere narration of Questions, Adjournment Motions, Bills and Resolutions, etc. As a matter of fact, they are a rich source of contemporary history. They provide detailed information on all matters touching the life of the nation and its citizens. They bring to light political, economic and social conditions of even the remotest parts of the country. Besides, they serve as a mirror of the hopes and aspirations, concerns and apprehensions of the nation as voiced by its chosen representatives.” (Lok Sabha Secretariat, 2009)

Eighth, the Hansard can be used as reference material by researchers and educationists, including pupils and students. University students doing their postgraduate studies also rely on the Hansard. It helps them to know how the House, through the chosen representatives and the Government, reacted to a particular matter of public concern. Researchers such as Shamshad Khan, PhD, Postdoctoral Fellow, University of Manitoba, Centre for Global Public, together with the University of Nairobi embarked on a research on HIV/Aids in Kenya in 2010. They wanted to use the Hansard to help them see the decisions taken by the House since independence on matters relating to HIV/Aids and public health in general. They requested the Office of the Clerk of the National Assembly to allow them to use our

parliamentary library for research purposes and to gain access to the past Hansard transcripts. They were advised to use the Hansard reports, which are archived in our website. However, the outcome of their research is yet to be made public.

Ninth, Hansard reports can also be used in the constitution-making process. They are a reliable source of information. Since the demand for constitutional reform right from the Inter-Parties Parliamentary Group (IPPG), the Bomas Draft, the Wako Draft, the Great Rift Valley Constitutional Retreat, the Hansard has been a source of authority and information for all stakeholders involved in constitution-making in Kenya leading to the promulgation of the Constitution of Kenya 2010.

Finally, the Hansard also includes wit and humour. Humour in Parliament makes an interesting subject of study. In parliamentary democracy based on party system, Parliament often functions under great stress and strain and the atmosphere in the House for part of the day remains surcharged. But even in the midst of confrontation, one comes across instances of wit, wisdom and amusing remarks. Most of these are made in a lighter vein and serve as oases, as it were, in the dry desert of verbal duels. None of these exchanges are pre-rehearsed or pre-meditated, and that is precisely why they are so good. They are the products of lively and vivacious minds reacting instantly to a particular situation; words often uttered by persons who could normally claim no particular ability to be witty. Cutting across the party lines or political differences, these crisp observations often serve the purpose of lightening the atmosphere in the House which otherwise could be serious and tension-ridden. Without these, the debate and proceedings of the House would be sterile indeed (Rajya Sabha Secretariat, 1989).

For instance, on 18th April, 2001, Hon. Njehu Gatabaki, who was the then Member of Parliament for Githunguri Constituency and a Member of the Public Accounts Committee stood up to move the Report of the Committee on the Government of Kenya Accounts for the year 1996/1997 where he said:-

*“Mr. Speaker, Sir, I beg to move the following Motion:-
THAT this House adopts the report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1996/1997 laid on the Table of the House on 4th October 2000.”*

I take this very difficult task on behalf of Mr. Kibaki, who is not only the Leader of the Official Opposition in Parliament, but also the man who should be sitting on the other side of the House as the President of the Republic of Kenya had it not been for the rigging of the 1997 General Elections by the KANU Government.

(Laughter)

Mr. Speaker: Order! Order, Mr. Gatabaki! Which part of the Report contains that?

Hon. Members: *The preliminary!*

Mr. Speaker: *Order! We have to be serious. Mr. Gatabaki, you are presenting a report of the House; it is not your report. What you have to speak on behalf of the Committee has to be factual. What part of the Report contains that preposition?*

Hon. Members: *Preamble!*

Mr. Gatabaki: *Mr. Speaker, Sir, every major presentation has a preamble.*

The Assistant Minister, Office of the President (Mr. Haji): *Mr. Speaker, Sir, in view of the behaviour of the hon. Member, i think we should be kind enough to take him to a mental hospital."*

(Parliament of Kenya Hansard Report, 2001)

As much as Hon. Gatabaki was presenting a very serious position about his party leader and the fact that he felt they were rigged out during the last general elections, other hon. Members seized the opportunity to humour the house by making hilarious comments about the location of Hon. Gatabaki's assertions in the Report as being in the preliminary or the preamble.

Further afield, the Indian Parliament has had its share of humour and wit and I cannot complete this section without quoting Shri Piloo Mody, who was one very eminent parliamentarians in the Rajya Sabha in India. A good example was one occasion when the Chairman requested Shri Piloo Mody (rather a fat Member) not to turn his back to the Chair. The Member said that he did not mean any offence. He explained this in good humour that he had certain physical disabilities and one of them was that the eyes are located on one side of my body only. On another occasion when a Member pointed out that Shri Mody was standing with his back to the Chair, Shri Mody again said: You know I am round, I have no back and no front?

Piloo Mody was one of our very eminent parliamentarians, also known for his remarkable sense of humor and he has been quoted many times in the publication *The House Laughs: An Anthology of Wit and Humor in the Rajya Sabha*. Needless to say, wit and humor have gone a long way in easing tensions and lightening the mood in both Houses when situations were volatile and charged.

2.0 Role of the Hansard in Parliamentary Studies

The Hansard will continue to play a critical role in the business of Parliament. It is because of this that the Hansard retains a central role in the curriculum of parliamentary studies. As a curriculum component of parliamentary studies, fundamental questions of what should be taught, who should teach, why it should be taught and the how of the teaching remain critical. Moreover the obtaining global changes such as globalization, advancement in technology and expanded democracy manifested in trends such as bicameralism and devolution spell critical implications to the development of Hansard training programmes. The paper will draw from four years of experience on how the Hansard curriculum has evolved in the Kenyan context from the basic to the advanced levels.

Given the centrality of the Hansard to parliamentary business, a responsive curriculum that is relevant and meets the needs of the House is critical. The Hansard training programs must thus respond to the ever changing needs of the respective parliaments. These changes include the adoption of a new system of parliament, that is bicameralism in the case of Kenya where we have the Senate and the National Assembly, expanded numbers of the legislatures and legislators as evidenced by the emergence of the county assemblies occasioning the rise of 47 county assemblies, and the technological changes that revolve around the creation of e-parliaments (Republic of Kenya, 2010). This includes being alive to new technologies available globally for the Hansard production process and systems. There is an also increased awareness level among citizens of their rights; increased interest and curiosity on the work of Parliament which literally makes the Hansard a window through which the citizens can have a peek into parliaments.

The increased access and use of the internet by the citizenry has led to increased demand for access to the records of parliamentary proceedings. Parliamentarians and staff, journalists and the general public now expect proceedings to be made available in a timely and accurate way. Efficient publication of parliamentary proceedings online has become an important benchmark for evaluating the openness and transparency of a parliament, as well as a tool for enabling participation in the law-making process (UN and IPU, 2014).

2.1 CPST Curriculum Development Model

The Centre of Parliamentary Studies and Training (CPST) utilizes the Participatory Curriculum Development Model (PCDM) to develop its programs. This model provides room for all the stakeholders to participate in the process at different levels. This is informed by the fact that curriculum issues are inextricably linked to current thinking and action on educational concerns and reforms around the world. Similarly, curriculum is at the same time a policy and a technical issue, a process and a product involving a wide range of institutions and actors (Otunga and Buchere, 2002).

Parashar and Rinku (2012) contend that collaboration while designing the curriculum, using the design communities, is approached from two perspectives. The first one is the individual trainer's perspective and the main question is whether collaboration among trainers as design community members leads to more effective trainer development. Trainer's professional development can be characterized as the gain in andragogical content knowledge. This leads to the process of designing curriculum products by trainers; effects of participation in communities and of collaboration among trainers; curricula products as the main outcomes of the design process; and, providing computer-based support by external knowledge support and by knowledge produced and communicated by trainers and learners in the design process.

The second is the community's perspective and the main question is whether results from curriculum and learning research are best implemented through a design project in which trainers take part. Parashar and Rinku (2010) assert that collaboratively designing of curriculum by teachers will lead to closing the gap between theory and practice.

These two perspectives are part of the PCDM model where the CPST utilizes trainers from the Hansard department to develop and deliver Hansard training. Over the years, they have formed a community of Hansard trainers and participants who consume the training. This community of Hansard practitioners is mainly through annual conference of the Association of Hansard Officers of Kenya as well as utilizing technology through sharing relevant information on issues related to Hansard through social media platforms.

The question that arises is what format of courses keeps learners engaged and motivated? Should programs be delivered online, in class or both? Should coaching and/or mentoring be part of such programs? (McGill School of Continuing Studies, 2016). The advent of the internet has increased the demand for access to the records of parliamentary proceedings in text, audio and video formats. Parliamentarians and staff, journalists and the public now expect proceedings to be made available in a timely and accurate way. Efficient publication of parliamentary proceedings online has become an important benchmark for evaluating the openness and transparency of a parliament, as well as a tool for enabling participation in the law-making process (UN and IPU, 2014).

The Hansard is a unique training area considering the processes and tools used. This presents a challenge in terms of curriculum design and training program roll-out. During the development and rolling out of the basic Hansard training, it was easy since most of the training focused on the basics of the "what" and the "how" of Hansard as a profession. The promulgation of the Constitution of Kenya 2010 set in motion devolution that created 47 county governments and county assemblies. Hence the need for training of county assembly staff to support the young legislatures. The challenge, however, was with the development of the curriculum for the intermediate Hansard, where now the need to strike a balance between theory and practice emerged. The challenge was presented by the lack of requisite infrastructure to support a practical, hands-on training on the Hansard production process.

The CPST, having been launched in 2015, is still yearning to develop the requisite infrastructure to ensure it delivers its programs in the best way possible to suit adult learning. Limited resource envelopes demand innovation in the way we deliver our programs, so going forward, the best alternative would be the use of virtual classrooms and online learning where participants are engaged remotely (Belisle Paul, 2016).

The next section of the paper shows the Hansard programs that CPST has developed over the years. They range from Basic Hansard to Intermediate and Advanced programmes.

	Course	Dates	Participants	Venue
1.	Advanced Hansard	5 th – 9 th February 2018	15	Eastland Hotel, Nairobi
2.	Intermediate Hansard	18 th to 22 nd April 2017	12	CPST Grounds, Nairobi
3.	Law Making, Parliamentary Practices and Procedures	20 th to 24 th February 2017	35	Sweet Lake Resort, Naivasha
	Intermediate Hansard	13 th to 17 th December 2016	27	Sawela Lodge, Naivasha
	Law-Making, Legislative Practice and Procedure Training for Uasin Gishu County	30 th October to 4 th November, 2016	21	CPST Grounds, Nairobi
	Hansard, Law making, legislative practices and procedures for County Assembly Staff	September 27 th - 30 th , 2016	11	CPST Grounds, Nairobi
	Report Writing and Minute Taking Training for Marsabit County Assembly	September 19 th - 23 rd , 2016	26	CPST Grounds, Nairobi
4.	Intermediate Hansard	3 rd – 7 th March 2016	39	CPST Grounds, Nairobi
TOTAL TRAINED			194	

(Excerpt from CPST Training Records)

It is important to clarify that this table is not exhaustive in terms of the training that the CPST has conducted for Hansard officers. Data on many of the Basic Hansard Trainings conducted between 2014 and March 2016 could not be obtained by the time of writing and presenting this Paper.

The next section provides the objectives of the three Hansard Courses that were developed using the PCDM Model, after having been informed by the pre and post training evaluations.

Below are the objectives of the courses outlined above:

S.NO.	COURSE	OBJECTIVES By the end of the training, the participant should be able to:-
1	Advanced Hansard	<ol style="list-style-type: none"> 1. Demonstrate effective preparation of Hansard reports using the agreed house style/format and Hansard guide, 2. Produce an Index to the Hansard Report using Ms Word. 3. Effectively manage office politics and work related stress
2	Intermediate Hansard	<ol style="list-style-type: none"> 1. Demonstrate the Hansard Production Process through practical exposure; 2. Demonstrate effective Recording, editing and segmentation of audio of House and committee proceedings; 3. Produce content sheets to the reports in the prescribed format; and 4. Identify challenges faced at work and propose practical solutions.
3	Law Making, Parliamentary Practices and Procedures	<ol style="list-style-type: none"> 1. Explain the concept of sovereignty of the people and the law making process; 2. Discuss the roles played by Parliament and county assemblies in the sphere of legislation, 3. Identify the key changes to the legislature since the promulgation of the Constitution of Kenya 2010, 4. Explain the workings of committees in Parliament; and, 5. Discuss the principle of separation of powers vis-à-vis the <i>sub judice</i> rule.

(Excerpt from CPST Training Records)

Based on the post training evaluation from the basic and intermediate Hansard trainings, the participants recommended the following areas for improvement. Audio typing and editing; Typing, Indexing of Hansard reports, Practical sessions on capturing House procedures; Archival and retrieval of Hansard reports, Editing of Hansard and relevant software to use for this purpose; Parliamentary procedures, advanced Hansard training, Advanced course in editing and management of records, Audio recording and segmentation; phase two of intermediate Hansard training for those who missed in the first round; Hansard editing process; Practical sessions on audio recording, Advanced levels of handling Hansard equipment; and, recording using advanced software such as CS6.

These new areas of interest led to the introduction of Phase 1 of the Advanced Hansard training, which dealt with House procedures and indexing of Hansard reports. This subsequently informed further areas that participants expressed an interest to be trained in. These included attachment to the main Parliament when in session to see theory in practice; joint training for Hansard officers and clerks (both procedure and committee) to resolve problems arising from their common work; exclusive training for technical/audio officers; exclusive one-week practical training on indexing; Phase 2 of the Advanced Hansard training; audio editing and segmentation; and, finally, Advanced course on editing of Hansard reports.

3.0 Conclusion

From the foregoing, it is evident that the CPST has been utilizing the participatory model of curriculum development in creating its training programs. Hansard, being a verbatim report of legislative proceedings, requires specialized training and facilities. Hence the need to invest in new technologies aimed at reaching out to the many Hansard practitioners in the country and region who might not necessarily get the time or the resources to physically attend training. Information and communication technologies have continued to improve even as the global marketplace has made them less costly. ICT has reached the point where it is reasonable to conclude that with the necessary political will, parliaments now have technical options for capturing and reporting their proceedings for their members and the public on a timely basis (UN and IPU, 2014).

Ahmed (2014) avers that only a few digital options have been used to capture and record parliamentary proceedings and these have only been used to a moderate extent. This clearly points to the fact that few technological options are being used, not only in the Hansard training programs, but also in Parliament as well as county assemblies in capturing and recording parliamentary proceedings. Consequently, the Community of Hansard Practitioners and other stakeholders, utilizing the PCDM Model, need to place more emphasis on the use of the latest technological innovations in Hansard production processes as well as training programs.

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**FINANCING,
MANDATE AND
STRUCTURE OF
PARLIAMENTARY
TRAINING
INSTITUTES (PTIS)**

2



Financing Parliamentary Training Institutes in the 21st Century: Reflections from the Kenyan Experience

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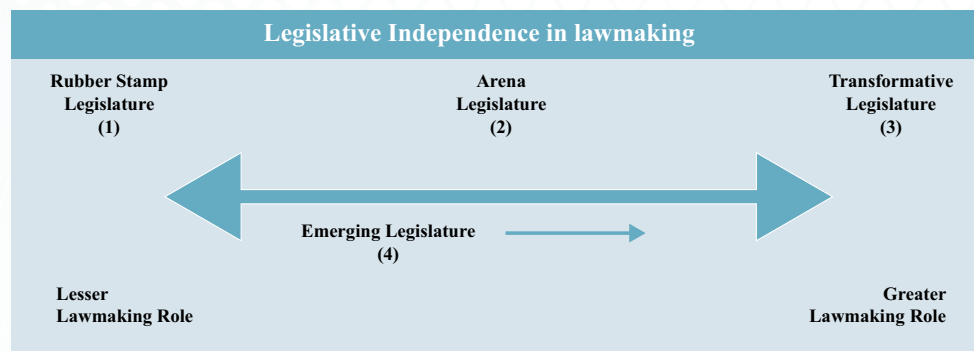
1. Introduction

The quest for legislative training for members and staff of parliaments will continue to be on the rise in the next decade. The demand will be driven by both global and local factors such as increased democratization, demand for good governance, citizen expectations of parliaments to deliver on their constitutional mandates and internal reform processes such as the adoption of bicameralism and devolution in the case of Kenya. These dynamics will place a lot of emphasis on the creation and financing of parliamentary training institutes (PTIs), which are becoming the preferred model of undertaking capacity building for legislatures.

The central questions to be addressed then will include the efficiency of state financing of the PTIs as well as the need to improve the quality of studies offered in the discourse of financing the institutes. Education economists have provided a number of models and their justifications in financing higher education, among them are the bureaucratic, collegial and market models. Given the uniqueness of parliaments and their different levels of autonomy, this paper seeks to examine the relevance of the different models in financing PTIs. The paper will provide suggestions on the ideal model to be used in financing legislative training institutes by drawing from the experiences of the Kenyan case.

2. Types of Parliaments and Levels of Autonomy

Various scholars have classified parliaments in respect of the level of autonomy they enjoy in terms of law making. This classification is depicted in the model below.



Source: CPST (2014) Page: 1

The model attempts to categorize parliaments with regard to their level of independence and the extent to which they exercise power relative to the executive. It identifies four types of parliament: rubber stamp, arena, transformative and emerging legislatures.

Rubber stamp legislatures are the simplest and have less autonomy in law making as well as lower information needs. They are highly dependent on the executive and simply endorse decisions made elsewhere in the political system, usually by parties and/or the executive branch.

Arena legislatures' information needs are greater than those of the rubber stamp ones and they need sufficient internal capacity to organize debate, a committee system adequate for channelling the business of the house and capacity to analyse proposals in order to critically comment on them and make some technical amendments.

The third category is the transformative legislatures, which represent diverse interests. They change policies and budgets proposed by the government and even initiate their own. They have highly complex internal structures and high information needs, and depend on highly trained professional staff.

The fourth type is known as the emerging legislature. These are legislatures that are in the process of changing from one type to another. They are also attempting to exercise greater influence over government policies and carry out their oversight responsibilities more effectively.

3. Financing Models

This section provides an analysis of some of the financing models used in higher education and their relevance to PTIs. Osborn and Gaebler (1992), in their article, 'Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector', contend that the government must be reinvented to be run as a commercial enterprise by combining democratic representation with lessons learned in the marketplace. Pranevičienė and Pūraitė (2010) also advocate a market model in financing higher education. Nafukho, Wawire, and Mungania (2011) also advocate innovative methods of financing adult education in Africa. They argue that managers of adult education should embrace strategic financial management for sustainable financing of these institutes.

Jongbloed (2008) argues that for the classification of funding mechanisms two questions may be used: What is funded by the government? And how is it funded? The first question concerns the funding base for the government allocations to higher education institutions: Are the funds tied to educational outputs and performance, or rather to inputs? The second question relates to the degree of market orientation in the funding arrangements. Whose decisions underlie the observed flow of government funds to higher education institutions, or what drives the system? These questions are pertinent to the analysis of financing PTIs. In order to understand the positions taken by the scholars mentioned above, it is imperative to analyse some of the models that are being used to finance higher education as well as adult education training institutes, where PTIs fit.

Pranevičienė and Pūraitė (2010) identify two types of financing of higher education based on the interaction of the financing sources and the impact of funding subject to the system of higher education. The second classification is based on the addressee of the state funding (the institutional, program financing, and method of financing of the service receiver). Based on these two broad classifications they identify funding models such as bureaucratic, collegial and market financial models. Nafukho (2011) concur with them and broaden the models to include the donor funding model, which is prevalent in the PTI financing, as evident from the parliaments of Zambia, Malawi, Uganda, Ghana and Kenya.

Jongbloed, (2004) further observes that funding of higher education is not an end in itself; it is rather a means to an end; an instrument used by public authorities to affect the behaviour of an agent or an organisation, for example a 'spending unit'. The funder (or 'budget holder') expects the spending unit to work on achieving particular outcomes. As a steering instrument, the funding mechanism is part of the government's toolkit. The toolkit contains four aspects: regulation (rules, laws); funding (subsidies, grants, taxes); public production (provision of goods by government-owned providers); and communication (information, persuasion).

It is evident that financing of PTIs entails a critical examination of governance issues and funding systems as two sides of the same coin.

4. Contextualizing the Models in Legislative Settings

The bureaucratic financing model is where the state fully funds the budget of the higher or adult education institutions. According to Nafukho et al (2011) under this model, institutions of higher learning or adult education are fully funded from state resources. In this case, the state in essence directly influences all the spheres of activity of the higher education institution by way of legal and financial means. This model applies to Kenya's Centre for Parliamentary Studies (CPST), which is fully funded by the Parliamentary Service Commission (PSC). The PSC, through Legal Notice Number 95 of 22nd July 2011 determines the structure, mandate and functions of the CPST. The PSC controls the usage of financial resources. Under this model, the PTIs do not manage their long-term material assets and, in essence, carry out PSC's directives in the field of legislative training. Ideally, this model suits the PTIs operating in legislatures that are classified as rubber stamp, arena, and transformative. The Kenyan case can be classified as a transformative legislature being financed by the bureaucratic model. The BPST of India is the best example of this Model.

One of the advantages of this model is that the PTIs retain their identity as part of parliament. Based on this, they enjoy more benefits, especially in the context of parliaments that make budgets, and are thus assured of stable funding. Parliament also ensures the preparation of the needed experts and can control their numbers. PSC also acquires the tangible possibility and mechanisms to ensure that quality legislative studies are provided by the necessary laws. Thirdly, this model allows parliament to deploy capacity from within, for instance in the areas of budget making, Hansard and law making and procedural issues. Fourthly, through this model, the Kenyan parliament is able to discharge its constitutional mandate under Article 96 of the Constitution, which requires the national government to build the capacity of devolved governments.

According to Pranevičienė and Pūraitė (2010) this model has shortcomings. Firstly, strict and centralized financing limits the autonomy and academic freedom of the institutions in decisions on important issues concerning activities. Secondly, dependence on the political power of the state may lead to politicization of the institutions. It also comes with slow decision-making, because, as a rule, it is regulated governed by numerous bureaucratic procedures. Our argument is that this model is ideal for PTIs that are in the process of establishing themselves as they stand a good chance of enjoying protection from their mother parliaments as they entrench themselves as training institutes.

The collegial model is the second one. It provides for financing of tertiary education institutions through state subsidies. This means the institutes need to attract private funds (by way of payment for tuition, reward for services provided in projects, implementation of scientific research for other economic units, financing of certain programs or scholarships). It also encompasses the right of academic institutions to freely dispose of the resources assigned to them. The structure of the model is based both on the traditional idea of financial dependency of higher education institutions and a trusted relationship between the state and universities (Pranevičienė and Pūraitė, 2010). Although state funding usually comprises a larger part of the institutions' budget, they are granted the right of financial independence, which allows them to decide how and where to effectively spend the acquired resources. Subsidies by the state under this model comprise the budget of the tertiary education institution, the utilization of which is decided at the institutional level of a university senate and/or board.

This model has the advantage of proffering an element of autonomy to the PTIs. However, given the nature of legislative studies and the size of the market, it may not work well in this area. Selected government subsidies and fee charging may be recommended and guided by the respective boards of the PTIs, as is the case for CPST. This model is ideal if the PTI is operating under legislatures that enjoy a bigger law-making role as well as greater independence as an arm of government (transformative legislatures, emerging legislatures) as opposed to those with less autonomy and limited law-making roles (rubber stamp and arena legislatures) CPST(2017).

'Market' is the third model of financing for higher and adult education. According to Nafukho (2011) and Jongbloed, (2008), this model emphasizes funding that is determined by market forces and strengthens the case for relying on markets to make decisions (Jongbloed, 2004). Under this model the institutions of higher learning will compete with other service providers, as dictated by market forces. This model may not work well for PTIs given the specialized nature of their markets. Market failures may greatly affect them. We advocate caution on this model, emphasizing that PTIs must take into account the possibility that market failures could occur and that national interests could be at stake, calling for government regulation. Our view is that the market model, just like the collegial one, should be applied selectively. It should depend on the development status of respective parliaments and whether they are transformative or emerging parliaments CPST (2016).

The fourth model is that of international development partners (donor support). Nafukho et al (2011) posit that national governments in Africa do not commit enough resources to adult education organisations. International donors are usually called upon to try to close the resource gaps. The quest for donor funds was enhanced by the Dakar Framework for Action in 2000, in which donors committed to support any country with a viable plan to be used to achieve education for all by 2015. Donors fund parliament-strengthening programs in Kenya. For example, USAID, through the State University of New York (SUNY), has been running a Parliamentary Strengthening Programme (PSP) program that saw the CPST enjoy donor funding in some of its projects such as curriculum development. Donors and development partners are funding various programs under devolution. USAID is doing this under the Agile and Harmonized Assistance for Devolved Institutions (AHADI).

According to Nafukho (2011), the reasons advocated for seeking donor funds through partnerships include:-

- i. Funds and resources can be more easily mobilised via a partnership arrangement than through the separate efforts of the provider's own funding sources.
- ii. Great benefits are derived from partnerships forged between CBOs and NGOs that have a lot of experience at the grassroots level.
- iii. Partners provide feedback to the government and policymakers because they share common interests.
- iv. Partnership encourages local support for the adult education activities.
- v. Partnership makes it possible for adult education organizations to incorporate local conditions and this introduces variety and flexibility in the programs.

This model appears to be in vogue as far as PTIs are concerned. For CPST, we note that the number of development partners is on the increase, ranging from bilateral development agencies such as the United States Agency for International Development (USAID), the Department for International Development (DFID), SID, the German Technical Cooperation Agency (GTZ) and the Ford Foundation. They tend to focus on specific programs such as curriculum development (CPST, 2015). According to Nafukho (2011), this model requires adoption of strategic financial management by the managers of the PTIs. This requires that they comply with legal and regulatory requirements set out by the donors and the government. Some of these requirements include operating a budget that is approved by the board of directors, ensuring that accurate financial records are kept, ensuring that financial resources are used prudently (carefully and sensibly) in furtherance of the set goals, and conducting periodic reviews to ascertain compliance or non-compliance so that appropriate action can be taken. Similarly in the Kenyan context, this must be in compliance with the Public Finance Management Act 2015 and its attendant regulations.

Financial reports that accurately reflect the financial activities of the PTIs should be maintained. Furthermore, an annual report needs to be prepared. This report contains a statement of the organization's purpose, a financial statement, a description of the goals, the overall program activities, the results achieved within the period, and information about the current board of directors. The policies touch on purchasing procedures, investment, current assets, and internal controls.

5. Conclusion

The paper has analysed various models of financing PTIs and concludes that PTIs initially need the bureaucratic model, but as they develop, they can embrace aspects of the other models depending on the level of autonomy each parliament enjoys. PTIs also need to adopt innovative ways of raising funds. Similarly, PTI managers should ensure that the fundraising is conducted according to the highest ethical standards with regard to solicitation, acceptance, recording, reporting and use of funds. The fundraising activities should be maintained truthfully, accurately, and responsibly. Fundraising costs are limited to a reasonable proportion of the organisation's overall expenditure and are regularly tested for effectiveness. An organisation's fundraising policies need to be consistent with its mission, compatible with its organisational capacity, and respectful of the interests of actual and potential donors. The manager should ensure responsible use of funds for designated purposes. He or she should also make provision for and maintain open, transparent communication channels with donors and other stakeholders, the government included. Nafukho(2011) contends that fundraising practices require PTI managers to ensure that Accurate and truthful fundraising activities that are well organised; discreet management of donor relationships; achieve a balance between publicly recognizing financial contributions and maintaining donor confidentiality when needed; Government requirements on returns are adhered to for public disclosure and are accessible to allow inspection of documents at any time in the organization's offices or on the internet; and written mandatory document retention and periodic destruction policies are adhered to. This includes guidelines for handling electronic files and voicemail, back-up procedures, archiving of documents, and regular checks of the reliability of the system.

Proper models of financing PTIs will remain one of the major issues to be tackled in the context of establishing robust PTIs that are critical to the growth of good governance and democracy.

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Mandates and Financing Structures of Parliamentary Training Institutes (PTIs): Lessons from Uganda Institute of Parliamentary Studies (IPS)

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1. Introduction

Parliament is one of the key institutions of democracy (Tsekpo and Hudson 2009). The Inter-Parliamentary Union (IPU) and the United Nations Development Program's (UNDP) Global Parliamentary Report (2012) emphasize that there are still things that a parliament alone can do and which cannot be replicated by other institutions. First, creation, amendment and approval of laws occur principally through the legislature. Second, parliaments exist to call governments to account for their policies and actions. Third, parliament is the single most important representative institution that aggregates public opinion and makes policy decisions on the basis of what is best for the populace. Nxele (2014) note that when these roles are played effectively, parliament can contribute to effective governance elements, namely state capability, accountability and responsiveness.

However, in practice parliaments in many developing countries are ineffective. The African Governance Report (2005) found that "in terms of enacting laws, debating national issues, checking the activities of the government and in general promoting the welfare of the people, these duties and obligations are rarely performed with efficiency and effectiveness in African countries" (UNECA, 2005). This is owing to the fact that parliaments often "lack the knowledge and skills to do their jobs effectively..." (Hudson and Wren 2007). In addition, it is acknowledged that parliaments continue to lack institutional capacity and resources, and this hinders parliamentarians in performing their functions satisfactorily and adequately.

Johnson and Nakamura (2006) observed that if parliaments are to make a significant contribution to governance, they have to equip themselves to deal with more complex issues. Therefore, the strengthening of parliamentarians and support staff is an important element of work to foster capable, accountable and responsive governance; hence the justification for parliamentary training institutes (PTIs).

This paper provides an insight into parliamentary institutes as the answer to the puzzle of the incapacity of legislatures, with a specific reference to the mandate and financing structure of the Institute of Parliament Studies in Uganda (IPS-U).

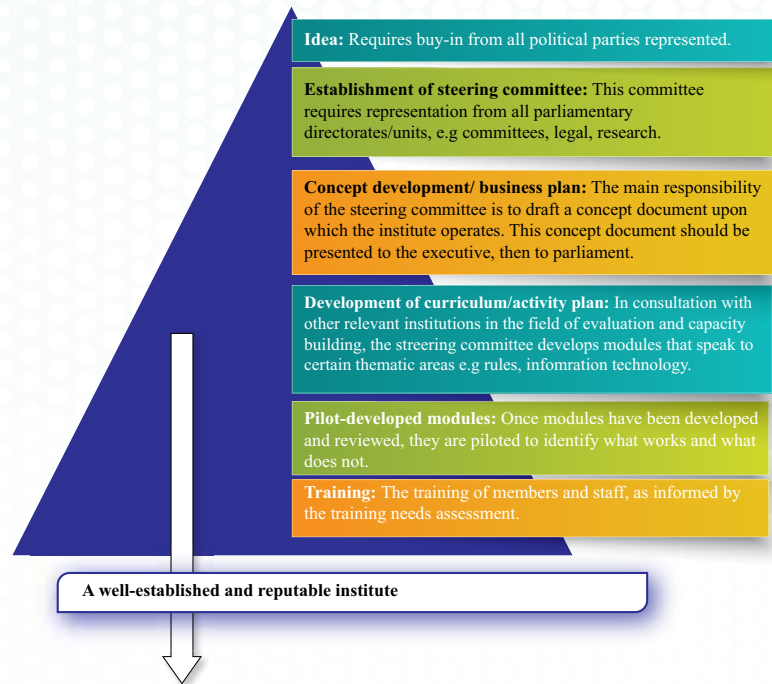
The institute was set up by the Parliamentary Commission as an integral part of the Parliamentary Service in 2012 to provide parliamentarians, parliamentary staff and stakeholders institutionalized opportunities for systematic capacity building in various disciplines of parliamentary processes, management and procedures (Institute of Parliamentary Studies 2015). The author presents lessons that the audience will be inspired to embrace and apply in their unique settings.

2. History and Establishment of the Institute of Parliament Studies in Uganda

No single definition describes parliamentary institutes. In Pakistan, a parliamentary institute is defined as “premier institution, created by an Act of the parliament, to provide legislative, capacity building and public outreach services to members of national and state legislatures (Goraya, 2012). Tsekpo and Hudson (2009) observed that parliamentary strengthening aims to enhance the effectiveness of parliaments through institutional development, building the capacity of parliamentary staff, Members of Parliament (MPs) and committees, and putting in place the nuts and bolts of infrastructure and equipment.

Over time, development partners and the Government of Uganda have invested enormous resources in training both members of parliament and staff. Support has ranged from the provision of equipment to capacity building for MPs, parliamentary staff and Members of Committees, institutional development, working with civil society organisations on the demand side of accountability and political parties, and efforts to strengthen parliament as part of the wider system of emerging democracy (Tsekpo and Hudson, 2009).

According to Tsekpo and Hudson (2009), parliamentary strengthening would be consistent with the Paris Declaration principle of ownership, where a parliament exercises effective leadership over efforts to improve its capacity and performance. For instance through having a strategy for parliamentary development that is respected by donors, along with a program to put it into action. Ownership in parliamentary strengthening implies that it is demanded and responsive to the needs of parliament. The IPS-U is a key symbol of ownership for parliamentary strengthening in Uganda. The process of its establishment is laid down in Figure 1.



Source: Nxele (2014:10)

The expectations of the citizens and constituents on the role of parliament in holding the executive to account for its actions and inactions has been increasing over the past two decades as the country adopts international democratic principles (Porter and Feinstein, 2014). To address this, the parliament of Uganda decided to create the IPS.

The International Foundation for Electoral Systems (IFES, 2005) highlights that training should be geared to providing legislators with the specific skills and knowledge necessary to fulfil their parliamentary functions. Legislators, just like other professionals, need continuing education programs and professional development to keep them updated on emerging democracy and governance trends. Equally important is the need to properly train new or incoming legislators on the constitutional rights and obligations of parliament, internal procedures and order of business and ethics.

The Institute of Parliamentary Studies-Uganda is a dedicated capacity-building unit that was created by the Parliamentary Commission with the mandate of initiating, harmonizing, integrating, rationalizing, programing, monitoring and evaluating training and capacity building initiatives offered to members of parliament (MPs), parliamentary staff and the functional/business units charged with the mandate of helping the parliament and local councils to achieve their mandates.

The IPS-U seeks to enhance the capacity of the parliament of Uganda and that of local councils to effectively perform

Box 1. Services offered by IPS-U to

- Members of Parliament- Provision of knowledge and skills in a wide range of issues pertinent to legislation, oversight and representation.
- Parliamentary Staff- Conducted based on training needs assessment.
- Local Government Councillors- Designed in a demand-driven manner with a view to strengthening the linkages between the national parliament and local government councils.
- Other Parliaments -Training based on standard programs professionally developed in the field of parliamentary processes and management.
- Twinning Arrangements between Parliaments- Facilitates benchmarking and sharing of experiences from different contexts.
- Short-term Trainings for Parliament Stakeholders- Includes the media, NGOs, businesses and government officials. Provides stakeholders with better understanding of the workings and procedures of parliament and enhances stakeholder synergies.
- Conducting Research- To improve the content and delivery of capacity-building programs.
- Internship Opportunities- To build interest of university students in parliamentary systems and processes.

Source: IPS-U, 2012

their functions (oversight, representation and lawmaking) to better contribute to open, collaborative, integrated and participative development of the country (IPS, 2012).

The World Bank's Parliamentary Strengthening Program at the institute proposes three approaches to parliamentary capacity building: individual (MPs)/professional (parliamentary staff); institutional (the whole institution/parliamentary administration/committees/business units); and through regional and global networks of MPs and committees with similar aspirations .

At the institutional level, the IPS-U seeks to support departments, divisions, sections, committees, parliamentary forums, media associations, civil society networks, district councils, sub-county councils and district public accounts committees to develop and strengthen their capacity to deliver on their various mandates. Experience has shown that a strategy that combines all three approaches is adaptive to changing circumstances and needs.

3.1 The Mandate of the Institute to Members of Parliament

Under Article 80 (1.c) of the 1995 Constitution of the Republic of Uganda, members of parliament are required to have a minimum qualification of Uganda Advanced Education Certificate or its equivalent. Owing to the nature of parliamentary work, there is no specific experience required. Members of parliament are expected to represent their people, enact legislation and carry out oversight on various government departments with different mandates. The performance of parliament is further affected by the lack of a policy among political parties on assigning members to committees where they are most qualified.

Another point that undermines the capacity and performance of MPs is the high turnover at elections. While over time MPs try to enhance their academic qualifications, experience and overall competence, most of them are usually not re-elected to the next parliament.

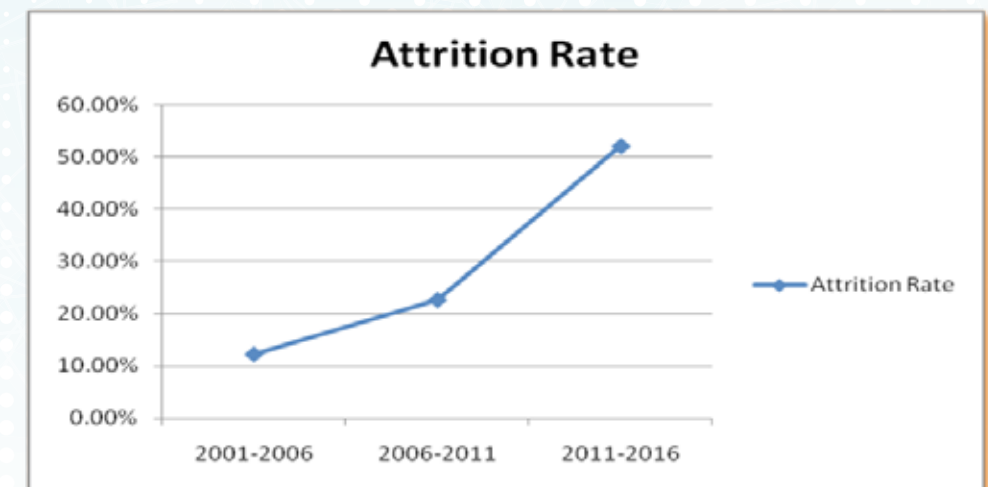
Over the past three election cycles, the attrition rate has been alarming, standing at 22.7 per cent in the 8th Parliament, 52.1 percent in the 9th parliament and 80 percent in the 10th Parliament (Parliamentary Commission, 2016). This trend provides strong justification for devising mechanisms for capacity building.

Table 1 and Figure 2 show the rate of attrition among incumbent MPs.

Sn	Parliament	Period	Total MPs	Number of Incumbent MPs Voted out of Parliament	Attrition Rate
1	7th	2001-2006	302	37	12.3%
2	8th	2006-2011	326	74	22.7 %
3	9th	2011-2016	386	201	52.1 %
4	10th	2016-2021	445	356	80%

Source: Directory of the 9th Parliament of Uganda (2011-2016)

Figure 2: Turnover of Members of the Uganda Parliament



Source: Directory of the 9th Parliament of Uganda (2011-2016)

The graph in Figure 2 shows that the rate at which MPs are voted out has been increasing over the past three elections. Johnson and Nakamura (2006) said members go away with the information, institutional memory and expertise they have acquired, leaving fewer experienced MPs to assist the new ones.

Pellizo (2014:102) observes that parliaments and parliamentarians have in some instances been unable to process information because of the "lack of proper understanding by members of parliament of their role as lawmakers and overseers of government action". Legislators, just like other professionals, need continuing education programs and professional development to keep them updated on emerging democracy and governance trends. Equally important is the need to properly train new or incoming legislators on the constitutional rights and obligations of parliament, internal procedures and order of business, and ethics. (IFES 2005).

3.2 Mandate of the Institute to Committees of Parliament and their Leadership

The 10th Parliament has 445 members who perform their duties of analysis, scrutiny and oversight through the committee system. On average there are 30 members in every committee. Due to the growth of parliament coupled with heightened pressure by constituents for the members to deliver on their constitutional mandate of holding the government accountable, divisibility of the work of parliament has increased tremendously. Training and capacity building for committees is key to meeting this challenge.

The rules of procedure of the 9th Parliament of Uganda (2012) grants the government chief whip and opposition chief whip powers to determine leadership and membership in committees based on numerical strength and interest, without necessarily considering the skills set the members possess (Rule 14 (10c)). Rules 148 (6) and 176 (2) provide the procedure for designating chairpersons and members to standing and sectoral committees respectively. In effect, this implies that the institute has to design specific leadership programs to improve the capacity, ability and competence of chairpersons to effectively manage committee business. Rules 29 (6) and 118 (2) for petitions and Bills respectively provide that when these are referred to committees they must be concluded within 45 days. However, the deadline is rarely complied with. A number of Bills were saved by the 9th Parliament. The failure to meet the set timelines is partly linked to lack of capacity, which the IPS-U is mandated to provide.

3.3 Mandate of the Institute to the Staff of Parliament

The Administration of Parliament Act Cap 257 established the Parliamentary Service and gave it the mandate to recruit, discipline, promote and develop the staff of the Parliamentary Commission. Approximately 400 employees are deployed in the various departments of the service. The departments require different professional disciplines to effectively deliver their mandates. It is important to note that some departments require a mixture of qualifications to effectively deliver on their mandates. These are the departments of research services, finance and administration, Serjeant-at-Arms and Hansard.

It is important to note that a legislature is a unique institution with distinctive functions such as legislative drafting, Bills analysis, policy analysis, parliamentary practices, budget analysis, diplomacy and international relations. This requires the IPS-U to develop tailor-made programmes to address these areas.

Furthermore, Parliament is charged with overseeing the executive arm of the government, which is composed of sectors with a broad range of disciplines such as energy, ICT, oil and gas, gender, engineering, medicine, agriculture, mining, water, social services, finance, accounting and local government.

The IPS-U is mandated to equip the staff with the necessary knowledge and skills to help members of parliament discharge their mandate of oversight. There is a need to profile the disciplines, skills and experience of the staff in the service, with a view to identifying possible training gaps.

3.4 Mandate of the Institute to Local Councils

Among the targeted beneficiaries of the activities of the IPS-U are the local councils. Section 10 of the Local Government Act, Cap 243, establishes district councils. The councils have legislative powers to pass by-laws, influence budgeting and oversee service delivery at local levels. This makes them an extension of the national parliament by function. Currently in Uganda there are 112 districts with another 25 about to be created.

On average a district council has a membership of 22 councillors who are directly elected from sub-counties, women, and representatives of special interest groups. The qualifications for a person to be elected as councillor are provided under Section 116 of the Local Government Act.

It is important to note that there are no minimum academic qualifications for anyone to qualify to be a councillor (Local Government Act, 2007). This means that it is possible to have councillors who have no formal education. The institute will, therefore, be required on some occasions to deliver trainings in the local languages depending on the training needs assessment.

The functions of councillors are provided under Section 30 of the Local Government Act. They include exercising political and executive power and functions, protecting the constitution and laws of Uganda, promoting democratic governance, and ensuring implementation and compliance of government policy (Local Government Act, 2007). Whereas there are no academic qualifications required for councillors, their mandate seems to suggest that a councillor should be a person with a certain level of formal education. This calls for the IPS-U to design and deliver training programs to address this gap.

3.5 Mandate of the Institute to Regional Parliaments

Uganda is a member of the East African Community, which comprises Tanzania, Kenya, Rwanda and Burundi. Currently, the Parliament of Kenya has the Centre for Parliamentary Studies and Training (CPST-K), while the East African Legislative Assembly (EALA) enacted a law to create a regional parliamentary training institute (East African Legislative Assembly, 2011), which was launched on 1st June 2012, in Arusha, Tanzania. The IPS-U works with other institutes in the region to deliver specialised training to the legislatures. IPS-U is a key entry point for other parliaments in the region to learn best practices in parliamentary systems and processes.

4.0 Financing Structures of PTIs

Structures enable organizations to bring together functions, people, and other resources for the purpose of achieving objectives. Financing is an important element in determining the system of higher education—in dimensions such as institutional, qualitative, and accessibility. (Praneviciene and Puraite 2010). Various financing models can be applied to higher education and parliamentary training institutes.

According to Miller et al (2004), there are three types of parliamentary institutes from an organizational point of view:-

1. Internal- Institutes, which are part of parliamentary bureaucracy or administration. Good examples include the Parliamentary Institute in the Czech Republic and the Bureau of Parliamentary Studies and Training (BPST) in India.
2. External Institutes, which are independent and external to parliament. Good examples include the Parliamentary Centre in Canada and the Centre for Legislative Development in the Philippines.
3. Mixed Institutes, which are those that display the features of both internal and external institutes. The best example is the King Prajadhipok Institute in Thailand.

In the ‘bureaucratic’ financing model, tertiary institutions are financed from state resources (Praneviciene and Puraite 2010). This model is characterized by direct state influence on its activities; for example determining its structure and managing its assets and human resource. In relation to the typologies advanced by Miller et al (2004), the bureaucratic model fits well in the internal institutes. This model limits the autonomy of PTIs and may lead to slow decision-making.

In the ‘market’ model, funding is determined by market forces and PTIs make decisions by being in close cooperation with each entity of the higher education service market (Kikutadze and Tabatadze (2016). This model would fit in the external institutes’ category.

The ‘donor’ financing model is based on financing of parliamentary strengthening programs by donors. Kouakou (2013) observes that most capacity building in organizations depends largely on donor support. Organizations, therefore, experience periods of low activity when no funding of projects is implemented. Because of the fact that PTIs have to comply with legal and regulatory requirements set by donors, this model advances dependency and hampers innovation.

The ‘collegial’ financing model applies to the activities of institutions subsidized by the state (Praneviciene and Puraite 2010). They have the right to attract private funds and to freely dispose of the resources available for them. They enjoy a degree of independence and mixed funding approaches (Kikutadze and Tabatadze (2016). This model is ideal for mixed institutes.

Miller et al (2004) recommend the mixed institute approach and mixed financing as such institutes are external and autonomous from any sort of influence, but to a certain extent are linked to parliament and able to satisfy its informational and capacity needs.

4.1 Financing Structures of the IPS-U

Since the elections of 1996, an increasing number of development partners have provided support for parliamentary strengthening in Uganda. The Westminster Foundation for Democracy (WFD) spearheaded the establishment of the institute and, therefore, financed its setting up from 2009 to 2012 (IPS, 2012). Overtime, other partners have joined in and provided financing for the activities of the institute. Key among these is the Democratic Governance Facility and Natural Resource Governance Institute (NRGI). Other development partners have been key in providing non-cash support; for example the Governance Accountability Participation and Performance (GAPP) program of the USAID-DFID, which has been deeply involved in conducting Training of Trainers (ToT) workshops to equip the institute’s resource persons to support the accountability committees of parliament effectively.

The Financial Management and Accountability Program (FINMAP) has been at the centre of financing the institute to design and develop training modules related to public finance management, setting up of a micro-website to facilitate online capacity building programs and providing computers for easy access to online materials.

From the 2013/14 financial year, the financing of the institute has been incorporated in the main budget of the government of Uganda. This is a key step towards institutionalizing the ownership and sustainability of parliamentary strengthening initiatives in Uganda, as illustrated in Figure 4.

For a period of three years (2011-2013), the institute depended 100 per cent on the support of development partners. Over the past three years, the government of Uganda, through the Parliamentary Commission, started offering seed money to facilitate the institutionalization of the institute and has increased its support from zero in 2011-2013 to 10 percent in the financial year 2013/14 and 2014/15, to 60 per cent in 2015/16 and currently 80 percent in 2016/17. In 2015/16, the institute was awarded an independent program line in the budget. This will go along away in boosting financial sustainability.

5.0 Lessons Learnt

Arising from the discussions in this paper, several lessons have been extracted:-

- a) **Convenience:** The provision of training/capacity building services through the IPS is convenient because of the ability to design a course that fits a group schedule in time, duration and location. It allows customization, as modules can be modified to fit exact requirements. Better still; a module can be developed from scratch to fit parliamentary/stakeholder requirements.
- b) **Cost saving:** Accommodation and travel costs are not involved and there is minimal time lost during planning and actual implementation of training programs.
- c) **Ease of Coordination:** Centralization of human resource training through institutes such as the IPS-U is key in the coordination of the operationalisation, execution and documentation of training and capacity building programs.

6.0 Conclusion and Recommendations

The Institute of Parliamentary Studies-Uganda (IPS-U) puts the country at the forefront of parliaments in developing countries, with the parliament asserting ownership over its destiny and the use of resources provided for parliamentary strengthening.

The institute has registered a lot of progress in terms of its mandate and financing structure. Its core mandate is building the capacity of members, staff and committees of parliament to enable the effective delivery of the house's mandate. The institute takes a mixed structure in terms of typology and financing, under the strategic guidance of the Parliamentary Commission but with an autonomous organisational structure. It has moved from being purely donor-funded to a mainstreamed institution financed under the government budget. The institute should consider the following measures to help in its growth, efficiency and effectiveness.

1. Proper profiling of skills and competences of target groups through training needs analysis is instrumental in identifying gaps, thereby prescribing the right solutions to improve the performance of MPs and staff of legislatures. There is need to continually conduct training needs assessments with a view to identifying, developing, and implementing courses, seminars and workshops that support the current and evolving professional, technical and contemporary training needs of members and staff of parliament and local councils that are linked to the functional areas of the operations. This is especially important after elections when there are significant changes in the composition of committees.

2. Efficiency and effectiveness of operations are important in realising value for money for the resources committed to training activities. The institute should continually assess appropriate venues (site certifications, mobile training teams, eLearning training) for delivering the courses that meet the needs of the department.
3. Designing and regularly reviewing a training calendar: Delivery of training by the IPS-U has, so far, not followed a systematic arrangement or plan of action. The IPS-U continues to rely on requests from individual departments, committees, governance offices and the office of the speaker. This hampers smooth planning and delivery of training and calls for the developing of a training calendar to target the parliament's recess period for better planning and higher response rate by target groups. The legal framework and set-up of the IPS-U will be critical to its relevance to parliament. As observed by Nxele (2014:12), a legal regulation is a critical component of the proper functioning of a parliament institute. Legal regulations provide a framework for governance, structure and functioning, as is the case with the Centre for Parliamentary Studies and Training in Kenya and the Nigeria Institute of Legislative Studies, which were established by legal instruments and an Act of parliament respectively. The Parliament of Uganda is in the process of developing a legal framework for the institute.
4. Continuing networking, partnership and collaboration with other stakeholders in an effort to become a training clearing house for parliament and exploring partnering options with sites or institutions that have training capabilities that meet program needs is key in creating diversity for training content and trainers. The design of effective training delivery methods is a prerequisite to enabling realization of training outcomes.

Developing of a financing strategy that should be majorly from domestic sources, in line with Paris Declaration principles, is important. This will ensure availability of consistent

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THE ROLE OF PTIS IN LEGISLATIVE RESEARCH AND LINKAGES BETWEEN PTIS AND ACADEMIC INSTITUTIONS

3



Evidence-Based Programmes for Members of Parliament and Parliamentary Staff

Prof. Rick Stapenhurst, Inna Popova-Roche and Pegah Ehsani - McGill University

Introduction

Parliaments perform three functions: oversight, representation, and lawmaking. Governance reflects how state power is exercised based on four pillars: accountability, transparency, participation, and the rule of law. Parliament crucially holds the executive arm of government accountable for meeting countries' development objectives and as a representative institution, engages with the media, civil society, and citizens, to achieve open, collaborative, and accountable government (O'Brien, Stapenhurst, and Prater, 2012).

All that to say, as Lord Philip Norton (1993) wrote, parliament *matters*. Research shows that effective parliaments enhance democracy, increase government accountability, reduce corruption, encourage peace and development, and generally promote good governance and socio-economic development (Stapenhurst and Zamanuel, forthcoming). The backbone of effective parliaments is effective people – both members of parliament (MPs) and parliamentary staff, who support the performance of parliaments' primary functions. To strengthen the institutional capacity of parliament, the technical skills of both MPs and staff must be enhanced (O'Brien, Stapenhurst, and Prater, 2012). Indeed, effective parliamentary strengthening programmes will consider training for both staff and MPs.

Parliamentary staff are the 'corporate memory' of parliament, and newly elected parliamentarians often begin their jobs with little to no formal training, particularly in small states with few MPs where the need for skilled parliamentarians is greatest but the training opportunities virtually non-existent (Stapenhurst and Zamanuel, forthcoming). From the early 2000s, research has been conducted by the World Bank and the Commonwealth Parliamentary Association (CPA), among others, on parliamentary best practices that need to be reflected in professional development programmes for MPs and staff. Traditionally, training programmes for MPs and staff lacked coherence and were usually delivered on an *ad hoc* basis. Their reliance on face-to-face teaching resulted in inequitable access to training, and was not always inclusive for other languages, parliamentary systems, or smaller countries (Pozer, 2012).

Correspondingly, between 2008 and 2010 the World Bank undertook a capacity enhancement review of its own training programmes and identified two challenges: sustainability and scalability (Pozer, 2012). Further research and consultations, including focus groups, led to the development of McGill University's evidence-based programmes for MPs and parliamentary staff. These innovative programmes prioritize sustainability, adaptability, and scalability.

This article will examine McGill University's approach to design and delivery of parliamentary programmes. First, there will be an examination of the 'old way' of delivering parliamentary training. Next, there will be an overview of recent evidence and research underlining the need for a new approach. This then leads to the development of McGill's parliamentary professional development programmes, which address diversity of parliamentary contexts and go beyond traditional face-to-face *ad hoc* training by embracing sound adult learning principles, experience-based learning strategies and pedagogical approaches. Finally, there will be a discussion of results and feedback from past participants of McGill's professional development programmes.

The Old Way

The 'Old Way' of developing training programmes for parliamentary staff was based on 'first principles' and archetype parliaments. First principles are the fundamentals underlying governance, and speak to the values with which these systems were designed to embody and promote. Training programmes would often begin with an examination of parliamentary practices in different countries, often large and developed, as a point of reference. In Commonwealth countries, this usually involved using Australia, Canada, or the United Kingdom as the archetypes, and recommending the adoption of successful processes, procedures and models to other countries. This 'one size fits all' approach, however, is inadequate. Evidence suggests different sets of critical factors, varying from region to region, that shape the issues and functioning of different parliaments. Thus, learning about the first principles underlying parliament of one country or area is not sufficient since these do not necessarily translate entirely to the context of other countries or regions.

An example of this considers Public Accounts Committees (PAC) in the Pacific region. The historical purpose of a PAC is to oversee whether public funds were spent according to the purpose for which the funds were appropriated. In doing so, PACs relied exclusively on the examination of the reports of the auditor general. The common practice was not – and in many countries still is not – to examine budget estimates. Traditionally, 'best practice' suggests that the chairperson of a PAC should be from the opposition, as it was believed that this would help avoid capture of the committee by the ruling party (Stapenhurst, Pelizzo and Jacobs, 2014). It was also believed that the ideal size of a PAC was around 11 members, as more (and less) than that would reduce committee efficiency (McGee, 2002).

However, Pacific PACs differ significantly from the archetypal PAC. Some, like those in Samoa, the Solomon Islands, and Tuvalu, examine budget estimates as well as government spending, while others have the power to launch their own inquiries (Stapenhurst and Larsen, 2018). Research shows that, contrary to common belief, the number of MPs on the PAC has a strong negative effect on committee outputs: PACs with fewer members are more productive than those with more members.

Research also counterintuitively demonstrates that committees with opposition chairs hold fewer hearings and produce fewer reports than those chaired by a ruling party member (Stapenhurst and Larsen, 2018). This shows that best PAC practices are not universal—and a comparison of Pacific PACs with PACs in other regions of the world demonstrates that effectiveness is highly region-specific (Stapenhurst and Larsen, 2018).

Another example considers Mali. It seemed obvious to visiting Canadian experts why, some years ago, Mali's government lacked accountability—there was no auditor general. However, this occurs because Mali has a French, and not a Westminster system of oversight. Although the relationship with the auditor general is an essential dimension of PAC powers, responsibilities, and functions, this dimension is less important for a country with a different system like Mali.

An excessive focus on first principles is also problematic when it comes to developing new solutions for government oversight. Indonesia, Morocco, Thailand and Tunisia recently established PACs despite having governance systems quite unlike the British Westminster system.

There are key differences in legislative oversight of the budget process between countries with Westminster and non-Westminster systems. PACs in the United Kingdom play a strong *ex post* function but are not strong in coordinating with the finance committee, while France's finance committees, for example, have both *ex ante* and *ex post* functions. Recent evidence shows that France scores highest on oversight, but that other francophone countries such as Morocco and Tunisia, do not score as well, and Thailand and Indonesia score particularly poorly (Stapenhurst and Imbau, 2017 and Stapenhurst, Eboutou and Jacobs (unpublished). This is not entirely a matter of systems: in 2001, France updated laws to expand the role of legislative oversight, but many francophone countries did not update their financial laws (Stapenhurst and Imbeau, 2017); perhaps updating their institutional framework along the lines of France would be more successful than copying parts of the Westminster system. In both Indonesia and Thailand, the grafting of a quintessentially Westminster institution onto presidential systems of governance was even less successful and the PACs were abolished. Hence, it is critical to have a clear, research-based understanding of the context of countries before making recommendations on how to improve parliamentary oversight, rather than solely rely on first principles and systemic generalizations.

The issue of the relevance of traditional parliamentary training programmes in different regions is evident, and yet many training programmes still try to fit that one size to all. They are often condensed to the global common denominator and lack the adaptability and flexibility required by practitioners. Further, a World Bank report (2008) found substantial overlap between courses and programmes offered by various organizations. As one African committee clerk stated: “[foreign organizations] all offer the same thing: four or five days intensive training, going over the same materials as the others use” (Stapenhurst and Zamanuel, 2018).

A New Model for Evidence-Based Parliamentary Programmes

An evidence-based training programme is one in which research is not only used to complement the curriculum, it actually drives the programme content. An evidence-based programme begins with a large, overarching and cross-country study that acts as an overview of different parliamentary systems and issues. This is important because it helps distance archetypal parliaments and first principles from the focus of training and instead emphasizes the empirical realities of parliaments around the world. Subsequently, country-specific research can be undertaken to consider whether or not ‘good practice’ from elsewhere is likely to fit with the country's particular socio-political and historical context. Such research can highlight important differences such as institutional strengths and regional needs. Finally, the two types of research can be combined and integrated into the training programmes. This approach centers experience and practicality as opposed to ‘one-size fits all’. While both theory and practice are important, this approach centers on experience and practicality and allows the programme to be tailored to participants' own experiences and needs.

A good example of applying the evidence-based approach is the way McGill's parliamentary training programme explores the key issues facing parliamentary oversight of extractive industries. Over the past 10 years, some African countries, such as Rwanda, Namibia, Senegal, Burkina Faso and Togo, have made considerable progress in curbing corruption while others, including Ghana, Angola, Uganda and Malawi, have fallen behind. Research undertaken by Olaore and Stapenhurst (unpublished) examines how parliamentary oversight can reduce corruption in the mining industry and looks at Ghana, Burkina Faso, and Tanzania in particular. The research concludes that some of the challenges to curbing corruption are the lack of implementation of existing laws and regulations, weak institutional capacity of legislators and legislatures, and lack of political will to confront the culture of corruption. Using research based on key informant interviews and focus groups allows a better understanding of the difficulties of parliamentary oversight of extractive industries and corruption on a country-level scale. Research findings are directly integrated into the McGill programme to help build parliamentary capacity to curb corruption (Olaore and Stapenhurst, unpublished).

Programme Development

After the initial development of parliamentary training programmes in the 2000s, the World Bank Institute (WBI) undertook a comprehensive capacity review to manage the demand for those programmes in the face of declining aid budgets. The review identified two challenges to supporting parliaments globally: sustainability and scalability. Resulting recommendations included using new technology such as online modules to scale up training to achieve sustainable capacity building. It was also proposed that there be a multi-organization approach to parliamentary staff training to help reduce overlap and duplication (Pozer, 2012).

The capacity review confirmed the demand for advanced and practical professional-level programmes that reflected the needs and interests of parliamentary staff and MPs.

To develop such advanced programmes, the WBI engaged in further widespread consultations at the annual Society of Clerks at the Table meetings, and the Association of Secretaries General of Francophone Parliaments (ASGPF). A survey was sent out to 150 clerks/secretaries general from the Commonwealth and La Francophonie to obtain feedback on existing programmes within different parliamentary jurisdictions. Information was sought on the use of and experience with web-based online courses, as well as initial reactions to a proposed university-level parliamentary training programmes. In 2009, the CPA and World Bank convened a study group in Dhaka in which participants reviewed the results of the questionnaire and made additional recommendations (Stapenhurst and Pozer, 2012).

The outcome of these consultations was a clearly expressed need to focus on three aspects necessary for an evidence-based parliamentary staff training programmes: it must be adaptable, accessible, and unique (Stapenhurst and Pozer, 2012).

Adaptable

Adaptable means the programmes must have a strong core content, yet be structured in a way that allows for changes and growth: curriculum, delivery, and admission requirements should be able to evolve to meet the needs of parliaments. The programmes should also be created to be accessible to participants from both Commonwealth and non-Commonwealth countries alike, and other groups, like the staff of the executive and judicial branches of government, to participate (Stapenhurst and Pozer, 2012).

Accessible

Online learning is cost-effective, convenient, and flexible (Stapenhurst and Pozer, 2012). It also resolves equity issues, allowing all levels of staffers from countries all over the world to have access to these training programmes (Pozer, 2012). The survey indicated that all levels of staff, including chamber of committee procedural staff, administrative staff involved in corporate governance, and research staff from parliamentary libraries and political caucuses, would benefit from the programme. To ensure strong academic standards, a bachelor's degree or equivalent work experience and a highly selective administrative process should be used in the admission process (Stapenhurst and Pozer, 2012). There was also the acknowledgement that MPs and staff have conflicting goals and require similar, but distinct training programmes (Stapenhurst and Pozer, 2012).

Unique

A unique approach to parliamentary capacity building programmes combines theory, research, practice and blended delivery format. It was recommended that “there should be face-to-face and web-based online learning components, and possibly videoconferencing. The program should not compete with existing training programs” (Stapenhurst and

Pozer, 2012). The study group conducted during the consultation process also advised that curriculum must focus on the local needs of participants. The programme must also include a practical facet, allowing for greater participant agency, and the ability to address regional and local concerns. A mentorship program would allow participants to discuss issues of importance to their legislatures with experienced practitioners (Pozer, 2012).

With all these concerns in mind, the World Bank and CPA collaborated with McGill University to design a comprehensive professional development programme for English-speaking countries and with Laval University for French-speaking countries.

Beyond Training

Designing a comprehensive professional development programme, which would truly help build the capacity of diverse parliamentary staff and MPs globally, required going beyond training. Whilst good training is critical, it mostly addresses the acquisition of specific skills necessary to tackle immediate tasks according to specific standards, procedures and rules. Training is often a one-dimensional and one-directional delivery of information, and is normally accomplished with a short-term objective, whereas learning is a multi-dimensional, long-term developmental process. It involves building an individual's capacity to deal with complex, unpredictable future challenges and situations. Meaningful and transformational learning “encourages cognitive complexity – in other words, learning that changes not just *what* people know but *how* they know” (Taylor, 2006).

Hence, to help prepare and sustain parliamentary institutions for the challenges of tomorrow, McGill's professional development programmes for parliamentary staff and MPs are designed to promote critical thinking and reflection, encourage participants to exchange ideas and challenge assumptions, and translate newly acquired knowledge into action. The programmes' objective is not to merely provide more information or train participants on a specific parliamentary procedure, but to enable them to develop new perspectives and make their own meaning by building on their prior knowledge and experiences, as well as that of their peers from other parliaments. Learning is not about remembering something new, but about reflecting on past experiences and discovering the ways in which previous experiences relate to what is being taught in order to achieve meaningful learning (Taylor, 2006).

Designed with Adult Learners in Mind

Parliamentary staff and MPs participating in McGill's professional development programmes are adult learners who come from various cultural and educational backgrounds and have different levels of professional experience. According to the adult learning theory (andragogy) developed by a well-known American educator, Malcolm Knowles, adults learn differently from children (pedagogy). Adults are mature, self-directed human beings whose accumulated experience (including mistakes) provides the basis for learning. Adults have an internal motivation to learn and are most interested in learning that has an immediate relevance and impact on their job or personal life. They prefer problem-centered rather than

subject-centered learning and like to discover knowledge for themselves without depending on others (Knowles, 1984). Learning that translates into change and action occurs only when adult learners get the opportunity to experience learning through the four phases of the learning cycle: experience, reflection on and analysis of experience, constructing learning by forming one's own conclusions about the links between concepts, and planning for effective action.

McGill's professional development programmes are designed keeping in mind that "overarching objective of adult learning is not to simply master the content of specific courses, but to understand that knowledge is not given or gotten, but constructed; the ability to take perspective on one's own beliefs; and the realization that learning and development are worthy life-long goals" (Taylor, 2006). Programme participants are given the opportunity to create connections between the content being taught and their own professional experiences, allowing them to seek new meaning through new constructions of knowledge.

Experience-based Learning Activities

Adult learners are motivated to learn and apply what they learn when concepts and activities are relevant, practical and contextualized. To promote meaningful non-veridical learning, programme instructors rely on experience-based learning strategies and activities that call on prior knowledge or experience such as making use of narrative and writing-to-learn, as well as critical reflection and open-ended problem discussions that question assumptions and premises.

Participant presentations (narratives) as well as in-class and online discussions are some of the key components to McGill's programmes, which allow participants to revisit and share their experiences and engage in self-examination. "Such construction of narratives with peers and instructor is another important factor in the learning that ensues" (Taylor, 2006), because "narratives allow us to combine – in conscious memory – our knowledge, sensations, feeling and behaviors supporting underlying neural network integration" (Cozolino, 2002). McGill programme participants often report that discussions with their peers are some of their most valuable learning experiences.

The writing-to-learn approach is another form of narrative, which is used in the programme through written assignments, online discussions, and the final research paper at the end of each course. Writing is a powerful tool for self-discovery and reflection as it allows one to describe and capture thought in a more precise and concrete form and is a further step in to the "process of integration, ... assessment and recalibration of perception" (Taylor, 2006). Some course assignments require students to write about and explain the way their parliaments function. On the surface this may seem like a basic activity, yet encouraging students to write all the things they implicitly know about their parliament can help make implicit assumptions explicit and help participants re-evaluate their assumptions, approaches and beliefs.

Discussions of open-ended problems and real-life case studies with many possible solutions are used to promote non-veridical learning. Veridical learning (predominant across many education systems) focuses on how to get the right answers to problems constructed to guide to a single answer (Taylor, 2006). However, this is not the case when it comes to real-life situations, particularly in a parliamentary context, where there is a need to consider many variables and multiple perspectives. These require reflection and adaptive decision-making.

To encourage transformational learning, McGill's programmes emphasize "meaning making based on discourse and critical reflection, which involves questioning the very assumptions or premises that created a particular situation as a problem" (Taylor, 2006). Such reflective learning depends on discovering and challenging one's own and others' assumptions as a step in establishing new meaning perspectives. These new perspectives can lead to more than just a reframing of current ideas; they foster qualitatively more complex ways of understanding and knowing (Kegan, 2000).

Though writing-to-learn, co-construction of narratives, and various self-reflective activities can encourage awareness and growth, learning experiences such as these are most effective when they take place within a supportive relationship (Taylor, 2006). Therefore, one-on-one mentorship was introduced as an integral and unique part of McGill's programme for parliamentary staff. At the beginning of the parliamentary staff programme, each participant is assigned to a mentor (one of the programme instructors), who accompanies, encourages, motivates, and guides the mentee throughout the duration of the programme and beyond.

All the aforementioned adult learning principles and experience-based learning strategies have been considered when developing McGill's two programmes: The Professional Development Certificate (PDC) in Parliamentary Management for staff, and the Professional Development Certificate in Parliamentary Governance for MPs.

Programme Details

The PDC in Parliamentary Management comprises 180 hours, corresponding to 18 continuing education units, and includes a one-week intensive face-to-face residency course in Montreal or elsewhere (in 2018, the residency was held in Kenya), followed by five online courses. They are: Parliamentary Research and IT, Corporate Management of Parliament I, Corporate Management of Parliament II, Parliamentary Committees and Public Financial Management.

Since 2012, over 150 participants with parliamentary experience ranging from five to 20 years from over 40 countries have completed the programme for parliamentary staff.

In 2017, McGill University launched the PDC in Parliamentary Governance for newly elected MPs from small jurisdictions of the Commonwealth. This blended programme of 130 hours (13 continuing education units) is sponsored by the Commonwealth

Parliamentary Association and also includes both online and in-class components. Courses in this programme are: Introduction to Commonwealth Parliamentary Governance (online), Contemporary Issues in Parliamentary Governance (in class), Advanced Commonwealth Parliamentary Governance (online), and Parliamentary Communications (online).

Twenty-three MPs from around the Commonwealth, including from the Northwest Territories and Nova Scotia in Canada, the Caribbean and Pacific, and from British islands including the Isle of Man, Guernsey and Jersey, attended the programme last year.

Feedback

Participants of both programmes believe they broaden knowledge and enhance skills; offer access to experts, resources and tools; allow them to share best practices and network with peers from other parliaments; and help obtain a relevant professional qualification from one of the top universities in the world. The opportunity to exchange diverse experiences, tap into undocumented tacit knowledge of experienced parliamentarians, and meld theory and practice are other programme features greatly appreciated by participants.

As intended, the programmes enabled participants to translate their learning and new ideas into action. In a follow-up survey of parliamentary staff programme participants conducted in 2017, all participants reported being able to apply what they learned in the programme to their work in parliament. Some improvements implemented by programme participants in their parliaments have been: handling of investigative hearings and reporting back to the parliament; creating a structure for the committee secretariat division; implementing data sharing systems and public engagement initiatives like a virtual tour of the assembly; Improving quality of research work; introducing a code of conduct for parliamentary staff; building new links between parliamentary committees and researchers; developing a draft communications strategy for the national assembly; introducing an orientation/training programme for new directors at the assembly, which has since been extended to managers and supervisors; and improving parliamentary standing committee work and secretarial support services to the member of parliament.

In their own words, participants describe the programme as a “rich source of inspiration,” enabling them to “learn from world-class professionals and access experiences in other parliaments that are not documented elsewhere”. Participants enjoyed sharing experiences that “opened new horizons for us to make our parliamentary practices more innovative”, and were pleased with “brilliant moderators and wonderful mentors [who] made this programme excellent and more effective”. Overall, they said the programme “introduces and reinforces best practices, new ideas and alternate ways of thinking. The result is change in parliamentary institutions and service improvements to MPs and citizens”.

Conclusion

This article discussed the ‘Old Way’ of developing parliamentary training programmes, their challenges and shortcomings. It explained the research and consultative process, as well as key considerations, in the development of new training programmes by the World Bank and the CPA that led to the launch of McGill’s professional development programmes for parliamentary staff and MPs. McGill’s use of sound adult learning principles and experience-based learning strategies was explained, followed by an overview of the positive feedback from past participants and examples of positive changes inspired by the programme.

We would like to conclude this article with the following quotes, which perfectly reflect the philosophy of McGill’s approach to professional development: “If you become aware that something is in a certain way, then you also become aware that it could be in some other way” (Marton and Booth, 1997). Adults in whom such awareness develops are likely to be less reactive and more considerate in personal, workplace, and political decisions, as well as better able to adapt to changing circumstances. They are also better able to recognize the need for more just, humane, and equitable economic and social structures. In short, they are prone to be more deliberate, responsible, and competent in working toward the health of the commons (Taylor, 2006).

To learn more about McGill’s parliamentary professional development programmes, please visit www.mcgill.ca/scs-parliament.

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Assessment of Factors Limiting Linkage between Parliamentary Training Institutes and Academic Institutions

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1.0 Introduction

Parliaments play a crucial role in a country's governance systems. Parliaments are primarily responsible for lawmaking, public participation, oversight, and representation (Hudson, 2007). Legislation is about developing laws that create a legal framework in a country, while oversight is about keeping an eye on the activities of the executive (Hudson, 2007). In representation, parliament focuses on the opinions, concerns and preferences of the voters, that is, about public participation. If the role of parliament is implemented effectively, it can influence the governance elements of responsiveness, state capability, and accountability.

Parliaments in most African countries have been considered ineffective in performing their mandates and roles (Hudson, 2007). According to Hudson (2007, p.4), this has been partly attributed to the fact that parliamentarians in some instances "lack the knowledge and skills to do their jobs effectively...." It is also recognized that parliaments in most cases lack resources and capacity, and this hinders parliamentarians from delivering their roles effectively. Strengthening and developing the capacity of parliamentarians is crucial in improving the performance of parliaments in carrying out their functions of law making, public participation, and oversight.

Strengthening the capacity of parliamentarians and their support staff is vital in promoting capable, responsive and accountable governance. According to Hudson (2007), this is founded on the premise that a parliament that is effective is significant in promoting democracy and responsible governance. In addition, capacity building and training need to be directed toward providing parliamentarians with the required skills to fulfill their duties. According to the International Foundation for Electoral Systems (IFES) Parliamentary Tool Kit (2005), there is a need to provide parliamentarians with continual education and training programmes and professional development to keep them updated on emerging governance and democratic trends. This is equally significant for new and returning or incoming staff and parliamentarians.

The existing literature indicates that parliaments often lack the institutional capacity to perform their roles effectively and hence become ineffective (Hudson, 2007). Parliamentary training institutes have been considered as a solution to the challenge of poor parliamentary performance in many countries. To this end, the purpose of this paper is to understand the factors that limit the linkage between parliamentary training institutes and other academic institutions. This purpose is achieved by reviewing literature to offer recommendations to try to help parliamentary training institutes (PTIs) and academic institutions to establish

effective linkages to improve the performance of the PTIs. The literature review was guided by two main objectives:

1. To review the factors limiting linkage between parliamentary training institutes and academic institutions with particular focus on developing countries.
2. To provide solutions and recommendations to improve academic and parliamentary training institutions' linkage, and offer suggestions for future research.

2.0 Literature Review

This section examines literature on factors that limit the linkage between parliamentary training institutes and other academic institutions. The section begins by examining the meaning of parliamentary training institutes and other academic institutions. This is followed by examining literature on why a link between these institutions is important and the theories behind it. The last part of the review focuses on factors that limit the linkage between the parliamentary training institutes and other academic institutions, and possible recommendations to resolve this challenge.

2.1 Parliamentary Training and Academic Institutions

There is no single accepted definition of a parliamentary training institute. According to Goraya, (2012) in Pakistan, a parliamentary institution is defined as “a premier institution, created by an Act of the parliament, to provide legislative, research, capacity building and public outreach services to members of national and state legislatures”. In that country, the institution was developed to ensure capacity building and quality research for parliamentarians and staff. In Canada, it is defined as “an independent (non-governmental organization) NGO originally established to provide contract research for committees within the Canadian House of Commons” (Miller, Pelizzo and Stapenhurst, 2004). In South Africa it is defined as “a membership-based non-governmental organization which serves as a cross-party parliamentary forum” (Parliamentary Institute of South Africa, 2012) as cited in Nxele, Phakathi, Dima and Mpondi, (2012). According to Session (2011) in Cambodia it is defined as “a new independent parliamentary support institution based in the senate compound of the Cambodian Parliament”.

These definitions show that parliamentary training institutions are different from one country to another, but they all are driven by one common function of offering support and providing information and training to parliamentarians and their staff.

According to Hudson (2007), parliamentary institutes were developed for the purpose of solving the problem of weak libraries in parliaments. Miller et al (2004) say that although institutes can be developed to compensate for the weakness in parliamentary libraries, their functions and roles are much broader when compared to those of the libraries. There are three main parliamentary institutes from an organizational point of view. First are the internal institutes, which function as part of the administration of the parliament. Second are the external institutes, which are independent and exist externally from the parliament. Third

are the mixed institutes, which have the features of both internal and external institutions (Miller et al., 2004). The last type is considered to be the best because it is not influenced in providing suitable solutions and is linked to the parliament to cater for capacity and informational needs.

An academic institution is defined as one that is committed to research and granting of certificates and degrees. There are three main types of academic institutions: primary schools, secondary schools, and advanced educational institutions- also referred to as tertiary or schools for higher education (Paradeise, 2016). Primary schools are attended by children for compulsory education, which is referred to as elementary or primary education. In many Commonwealth nations the term primary school is preferred. In North America, the term elementary school is preferred. Secondary school is the final stage of compulsory schooling. It comes after primary education and is varied in different countries (Paradeise, 2016). The third level in education is the advanced institutions or tertiary schools, which offer higher education. It includes undergraduate and postgraduate education, while training and vocational education after secondary school is considered further education. Tertiary education can further be broken down depending on the type of specialization it offers, such as school of law and school of medicine. In this paper, tertiary institutions are selected because they are in a good position to work with parliamentary training institutes due to the type of education they offer and their specialization. In addition, unlike secondary and primary schools, tertiary institutions are not limited by age and have better findings and advanced education that touches on different areas in the society.

2.2 Academic Institution Linkages

The collaboration between industry and universities is considered significant for developing skills through education and training. This linkage is vital in the adoption and acquisition of knowledge. The benefits of linkages in education are wide-reaching. They help in coordinating the research and development agenda and to avoid duplication. In addition, it is one way of stimulating private development and investment. It helps in exploiting synergies and complements technological and scientific capabilities. The linkage between universities industry has promoted the relevance of research and increased labor mobility between different sectors. The benefits of these linkages to universities and other higher education institutions are evident in most developing countries. For instance, an investigation that was done in Colombia and Chile indicated that linkages with universities substantially increased the firms' propensity to introduce new products and develop patents (Marotta, BlomandThorn, 2007).

Academic institutions are taken as economic engines that positively affect different areas, including the legislature. Considering their primary role of creating knowledge, they are expected to remain competitive. According to Harley (2003), academic institutions' approach of pedagogy is not enough. Another research by Gumport and Syndman (2002) reveals that academic institutions can change their structures to remain stable and easily adapt to change.

Tertiary academic institutions respond to competition in different ways, and implementing linkages through partnership programmes is one of them.

According to Glacova (2008), linkage between tertiary institutions and industry is a significant collaborative effort of partners. The institutions can share their resources to attain mutual goals and promote competitiveness. Conversely, Bramwell and Wolfe (2005) say that tertiary institutions have become chief actors in the knowledge-driven economy and are increasingly viewed as key drivers of innovation. This goal is made possible through partnerships with other sectors. The growing relationship between universities and different sectors is not only linked to the need to develop closer ties, it is also stimulated by political, social, and economic and technological factors. For example, Feller (1997) noted that government support for such partnerships has declined, yet the global competitiveness in science-based knowledge is calling for this type of relationship. It is clear that collaboration between tertiary institutions and other sectors is a trend that cannot be avoided because of the numerous and significant benefits for the partners.

The types of linkages between academic institutions and other sectors are determined by the scope, objectives, and institutional arrangement. These linkages can be grouped into three: high relationships, medium/mobility, and low/transfer. The categories are further explained in Table 1 below.

Table 1: Types of Linkages Academic Institutions (Higher Institutions) have with Other Sectors

High	Research Service	Inter-organizational plans to pursue collaborative research and development such as joint projects.
	Research Services	Research-related activities are given to the university and the institutional/industrial clients, including contracts in research, consultation, certification, testing, prototype development, and consulting.
	Shared Infrastructure	Industry institution can use equipment and labs and other technologies.
Medium/ mobility	Academic Entrepreneurship	Development and commercial exploitation for technologies invented by academicians.
	Human Resource Transfer and Training	Internship programmes, training of employees, and postgraduate training for participants.
Low	Intellectual Property Commercialization	The university can transfer its patents to firms.
	Scientific Publications	Using scientific knowledge in the industry.
	Informal Interaction	Development of social relationships such as social networks, meetings, and conferences.

Source Perkmann and Walsh (2007, as cited in Guimon, 2013).

The table indicates that there are different ways in which institutions of high learning can interact. These range from very high to low depending on the degree of interaction or linkages.

Linkage is motivated by different factors. First, the linkage process is successful when it supports the motivations and missions of the two partners. For example, universities' collaboration with certain sectors is aimed at improving teaching, increasing access to funds, enhancing their reputation, and gaining access to empirical data. For other sectors such as firms, linkage is aimed at gaining access to technology knowledge, both tacit and patent; having access to the pool of workers; offering training for future workers; having access to facilities and equipment; and obtaining access to funding. In addition, the linkage is motivated by the need to reduce risk in the costs that come with research and development, and influence the general teaching and research in universities.

2.3 Parliamentary Linkages Framework

Partnerships in higher education and other sectors can be understood by the multiple theory framework in which two or more theories are combined to explain a research phenomenon and propose the link between various disciplines and create a holistic conceptual approach. This framework argues that a given theoretical framework takes a leading position in explaining propositions illustrating the collaboration dynamics. In this paper, two frameworks are selected - inter-organization and Polsby. The inter-organization framework considers the economic, social, and political circumstances that create the need for collaboration and for institutions to achieve common goals (Holmes, 1981).

Kurbatov (2008) considers an educational partnership to be an inter-organizational collectivity. In this case, organizations work together in relation to their own mechanisms and rules. The practice of academic collaboration is developed through the inter-organizational process and networks and particular management techniques. As a unit of analysis, the collaboration between parliamentary training institutes and academic institutions creates a new mini-organization that can work together. The inter-organizational theory highlights the fact that systems working together need to be ready for change and to encourage full participation. In addition, this theory says changes influence collaborative development among organizations (Nikitin, 2008). This theory is vital for the partnership between parliamentary training institutes and academic institutions when examining factors that limit their relationship. The inter-organizational theory justifies the relationship between parliamentary training institutes and academic institutions as a way of promoting the performance of these organizations.

The legislatures are different when considered from the perspective of the political and national context in which they function and their structure. In examining legislatures' linkages, the most frequently used framework is Polsby, which was developed by Robinson. In this framework, the different levels of legislatures' activities are identified, as well as the need for information (Greenstein and Polsby, 1975 as cited in Guimon, 2013). Using this model, four types of legislatures are identified - rubber stamp, emerging, arena, and transformative (Guimon, 2013). In most developing countries such as Kenya and Tanzania,

the legislatures can be categorized as emerging because their democratic history is relatively brief (Guimon, 2013).

This means that the focus of this paper, which is based on developing countries, will be limited by scarcity of studies in this area. To compensate for this limitation, the author focuses on different studies on the linkages between academic institutions (tertiary) and other sectors (industry), which are largely covered but with little direct focus on parliamentary training institutes. Literature indicates that the establishment of parliamentary training institutes is a relatively young phenomenon that originated from mature democracies (Nxele, Phakathi, Duma, Mpondi, 2012). Developing countries such as Pakistan and India have adopted this and hence developed well-established parliamentary institutes that are recognized globally. In African countries such as Nigeria, Mozambique, Ghana, Uganda and Kenya, parliamentary institutes have been developed in the hope of strengthening the young democracies (Stapenhurst, 2004). However, despite these trends there is lack of documented evidence for best practices relating to the development and functioning of the parliamentary institutes. As a result, the existing trend seems to be to imitate or try to learn from other parliaments' institutes that are successful.

The trend has resulted in Kenya and Uganda developing the Centre for Parliamentary Studies and Training (CPST) and the Institute for Parliamentary Studies (IPS) respectively. Representatives from these countries travel to countries with well-established parliamentary institutes in Asia and Europe to learn from them (Nxele, 2012). However, these representatives' visits have led to the conclusion that "there are no best practices relating to the management and establishment of parliamentary institutes" (Okumu, 2012; Mwambua, 2012).

2.4 Factors Limiting the Linkage Between Parliamentary Training Institutes and Academic Institutions

Partnerships between academic institutions and other sectors began to grow from the late 1970s, despite their long history in ancient Greece (Powers, Powers, Betz and Aslanian, 1988). This change has been associated with the value that comes with collaboration (Soter, 1993; Campbell and Slaughter, 1999). Even though the main reason higher education institutions get into such partnership is for financial aid, there are other significant reasons. First, collaborating offers the two organizations an opportunity for consultation and increase of scholarship funding (Jacobson, 2001). From the corporate university paradigm, collaboration between an educational institution and another sector is one way for a company to develop programmes to train employees, depending on its organizational needs. In this case, an organization can develop its own programmes and link up with a higher education institution to implement them (Meistr, 2001). Linkages between higher education institutions and other organisations such as the military and high schools are well documented. The benefits of linkages between academic institutions and other sectors are limited by several factors.

It has been noted in literature that collaboration is not easy. According to Trubowitz and Longo (1997), collaboration is not a smooth process. It requires certain skills on the part of the participants, and also persistence and consistence. The partnership is not automatic and is often exposed to threats. Similarly, Fullan (1999) argues that most schools have abandoned such connections because of threats such as rigid hierarchical bureaucracies from the external environment. The authors observe that there is a need to have an understanding on the aim of the collaboration and a mutual strategy and vision for every strategy. This indicates the need for organizations to determine what works or does not work in order to overcome the complexities of the partnership (Hasslen et al, 2001). Examining factors that limit collaboration and what facilitates it, Hasslen, Bacharach, Rotto, and Fribey (2001) established a typology for barriers and facilitators. This was developed based on Kubartov (2008), Hasslen et al (2001) research findings and reports about the main obstacles to and facilitators of academic collaboration. Below is a summary of the obstacles to academic collaboration from this typology.

Table 2: Obstacles to Academic Institutions' Linkages

Obstacle	
i.	Lack of a strong initial action, whether formal or informal dialogue.
ii.	Insufficient time, human, and financial capacity.
iii.	Multiple expectations and foci when establishing goals, leading to creation of many goals.
iv.	Participants having self-driven goals.
v.	The cultural differences between the two institutions.
vi.	Unclear communication and instructions from authoritarian decision-making.
vii.	General philosophical differences in relation to teaching and learning, and methodologies.
viii.	Lack of understanding of the main responsibilities between the parties.
ix.	Failure to address conflict effectively.
x.	Suspicion, mistrust, partners' lack of understanding and uncertainty about projects.
xi.	Orders from 'upstairs' for personal benefit.
xii.	Unwillingness in implementing project results and hiding mistakes from critics.
xiii.	Lack of self-motivation to make differences in projects.
xiv.	Neglecting lifelong learning, which can be a foundation for improvement.

Source: Hasslen et al, 2001.

Kubartov (2008) and Hasslen et al (2001) say that partners acquire knowledge and expertise in the process of sharing a vision, which is the glory of partnership. To ensure that the partnership is productive, it is vital to have appropriate funding, establish the vision jointly, ensure honesty in communication, and recognize tensions along the way. The obstacles outlined in the typology above were not deeply examined. They were general and not specific to the different linkages in education. For this reason, the author saw the need to consider these factors from the point of view of a linkage between parliamentary training institutes and academic or higher education institutions. Taking a deeper look at all the factors may require a lot of time and hence the need to examine a few of them depending on the relationship context. Considering the context of emerging parliamentary training institutes in developing countries, the author seeks to assess three main factors limiting collaboration for these institutions -inadequate funding, lack of formal agreements between parliamentary training institutes and academic institutions, and limited scope or poorly-resourced activities. This is significant as a reference and background for future studies.

2.4.1 Inadequate Funding

Availability of funds will determine the success of linkage activity or any other function undertaken by the institutions. Funds will be required for activities such as carrying out projects and research and payment of personnel (Hasslen et al., 2001).

In some countries, for example Pakistan, parliamentary institutes are autonomous. They are self-funded, conduct objective research, and are independent. However, in other developing countries such as Kenya and Uganda, the institutes are not autonomous. They receive funding from the government or from intergovernmental relationships between partners and countries. Kenya's Centre for Parliamentary Services and Training (CPST) is semi-autonomous and is answerable to the Parliamentary Service Commission, which depends on government funding (Mwambua, 2012). The funding has been declining in recent years, leading to a need for partnerships with other institutions. The traditional reliance on government financial support has been found to strain viable projects. Considering that parliamentary institutes are an emerging area in developing countries, it is common to find that most institutes have not set aside funds for linkages (Nxele et al., 2012). For those that do, the funds are often not enough.

2.4.2 Formal Agreements

Partnerships between academia and parliamentary training institutes can be either formal or informal. Formal partnerships can come with arrangements such as liaison offices, technologies and other infrastructure to facilitate interaction (Lundvall, 2009). In a formal interaction, the partners may come up with dedicated posts, leadership, clear strategic direction, and policies to govern the linkages (Kruss, 2008). Conversely, informal arrangements can include stakeholder meetings to revise curriculum or guest lectures.

Even though there is no single systematic procedure to determine how linkages between academic institutions and other sectors should be organized, three models are considered significant in understanding academia-government-industry linkages:

The national systems of innovation (NIS) framework considers innovation to be a collective process that a firm carries out in a larger system involving other firms, research centers, universities, other actors, and government agencies, and not in isolation (Goransson and Brindnius, 2011). This model considers all aspects of the institutional structure and economy of a country that influence development, diffusion, and the innovations use. According to Goransson and Brundenius (2011), this model emerged from Christopher Freeman's analysis of the rise of Japan.

The triple helix model, developed in 1997 by Etzkowitz and Leydesdorff, which viewed product innovation to be a result of the interaction of three significant factors -government, industry and academia. According to this model, academia's focus is on the development of institutional interface structures that cover technology transfer, institutional transfer office, technology incubators and promoting entrepreneurship through various incentives and policies (Etzkowitz, 2008).

The mode 2 knowledge production model views innovation in the context of an interdisciplinary approach. Here, knowledge is produced from the interaction of organizational diversity (Goransson and Brundenius, 2011).

According to all three models, the linkages require clear interaction between the involved institutions. This calls for proper agreements to enable the collaboration to achieve its objectives. This can be achieved through formal agreements.

Formal agreements in academia linkages are considered to be one way of promoting good practices during the collaboration process. Such agreements make it possible for the parties involved to consider different issues in advance, issues that, if not addressed, can hinder the relationship. The agreements require openness so that the parties can make it clear what they want. Formal agreements also consider other best practices such as who should be involved and the distribution of rights, helping to avoid any future conflicts (European Communities, 2007).

Lack of formal agreements has been identified as one of the major obstacles to the success of some partnerships (Hasslen et al, 2001; Kurbatov, 2008). In countries such as Canada and Ukraine, where there are successful linkages involving parliamentary institutions, formal relations are highly promoted to ensure the active participation of the players (Hasslen et al., 2001). In addition, parliamentary training institutes are expected to be guided by a sound legal framework. This can be achieved through formal agreements that are clear and comprehensive (Nxele et al, 2012)

In developing countries, linkages between parliamentary institutes and other academic institutions is still in the infancy stages. The parliamentary institutions are mostly focused on benchmarking initiatives, particularly from developed countries, to improve their performance. In addition, as an emerging area, there are not enough known linkages to provide evidence on how such agreements can promote success of such connections. Much

of the focus is on informal agreements, which are not long-term. Lack of formal agreements can also be attached to inadequate funding because these agreements require commitment of resources.

2.4.3 Limited Scope/Poorly Resourced Parliamentary House Committee Activities

The functions of parliament are well achieved through committees, which help save time during the process of decision-making (Nxele, 2012). The committees normally have representation from different areas or units such as research and legal. The size of the committee is determined by the number of departments involved. Parliamentary committees are involved in decisions in relation to parliamentary training institutes. However, the activities of committees and their scope are limited. Typically, committees become effective when they are permanent and have a high level of independence, are small and have the right expert staff (Hagelund and Goddard, 2015).

The success of the development of linkages between parliamentary training institutes and academic institutions can be affected by the activities and scope of the parliamentary committee in charge. As mentioned earlier, if the committee does not have experts, its decisions are likely to be unreliable. In addition, the committees' activities and decisions may be criticised due to a number of shortfalls. One is that the committee may not be independence and can instead be excessively partisan. This could encourage a culture of making decisions according to the wishes of party members and not one driven by the desire for improvement (Liaison Committee, 2000 as cited in Hagelund and Goddard, 2015). Therefore, parliamentary committees can be a hindrance to decisions that can favour linkage programmes.

3.0 Conclusion and Recommendations

3.1 Conclusion

It is evident that parliamentary institutes are key in strengthening parliaments in both developing and developed countries. The institutes are still young in the maturing democracies of developing countries and hence need different initiatives, including linkages with other academic institutions, to become strong. Parliamentary training institutes are a new and emerging area in developing countries. They rely on knowledge from developed democracies to succeed, yet there are no specifically agreed guidelines on how parliamentary institutes can be made more effective. Linkages with academia are among the most successful ways to help partners improve their performance (Marotta, Blom and Thorn, 2007).

Academic linkages have numerous benefits (Marotta, Blom and Thorn, 2007; Guimon, 2013). The main one is that they provide a way for acquiring financial help and sharing human resources and experiences (Nxele et al, 2012). For the benefits to be realized, effective linkages are required. The review indicates that there are different obstacles to the success of linkages. Hasslen, Bacharach, Rotto, and Fribey (2001) identify 25 obstacles to the success of linkages between academic institutions and other sectors. However, these obstacles were not examined deeply. Three factors were examined in the context of linkages between parliamentary training institutes and other academic institutions: inadequate

funding, limited scope or poorly resourced parliamentary house committee activities, and lack of formal agreements with partners.

Lack of formal agreements was found to be a major challenge to the success of parliamentary institutes as they rely on the government, which may interfere with their independence (Nxele et al, 2012). Inadequate funding limits the parliamentary training institutes' ability to adopt formal agreements with other academic institutions as such pacts require strong commitment and resources (Lundvall, 2009; Kruss, 2008). Parliamentary house committees are poorly resourced and their scope is limited. This can be attributed to the finding that parliamentary institutes are still an emerging area in developing countries (IFES, 2005). Therefore, for linkages between parliamentary training institutes and academic institutions to succeed, several obstacles that limit this collaboration need to be addressed.

3.2 Recommendations

The suggestions provided in this section are aimed at addressing the three factors limiting collaboration between parliamentary institutes and academic institutions. In the study by Hasslen et al (2001), the authors come up with a typology on the obstacles that hinder academic collaboration and recommendations on how these can be solved. First, to manage the problem of inadequate funds, parliamentary institutes need to find alternative sources apart from the government. According to Mwambua (2012), increased reliance on the government is a threat to these institutions. Some of the alternative sources can be non-governmental organizations interested in improving governance. The legislators should also aim to increase funding allocation to parliamentary institutes by adopting legislation that supports this.

Third, to increase the chances of success for the linkages, the managers of the parliamentary institutes should aim to establish formal rather than informal agreements. Even though informal agreements are cheaper, they lack the capability of commitment in a partnership. Formal agreements also encourage consideration of best practices in ensuring the success of the goals and mission of the linkage (European Communities, 2007).

It is also recommended that the parliamentary committee given the function of setting up linkages should be a permanent one to help increase its scope. The committee should also include more experts with experience in dealing with linkages and avoid being dominated by politicians who may only be driven by their party agendas. Third, the committee should be independent to reduce the influence of external sources (Hagelund and Goddard, 2015).

Future researchers should focus on the factors limiting linkages between parliamentary training institutes and other educational institutions; to what extent should PTIs link up with academic institutions and what values should these institutions possess to adequately address the needs of PTIs. This area has limited studies and the ones that exist focus on linkages between academic institutions and industry. This is a new area, especially in developing countries, and hence need to be covered further, especially to expound on the many other factors that limit linkage apart from the three discussed in this paper.

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THE ROLE OF PTIS IN GENERATING LEGISLATIVE, PROCEDURAL KNOWLEDGE AND OVERSIGHT

4



Knowledge Management in Parliamentary Practice and Procedures: The Role of Parliamentary Training Institutes

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1. Introduction

Legislatures are key institutions in policy making and direction in any country; they are entities that should be at the forefront to generate necessity for efficient and innovative activities to serve citizens and communities. They are institutions that should show exemplary work with the overall purpose being to improve the quality of life for citizens. It is for this reason that parliament's preparedness to react swiftly, as a decision-maker, to societal change and efficient attendance to its basic duties, requires continual knowledge management development.

According to Riitta Suurla et al (2002), in an expert organization like parliament, knowledge is, above all, the individual's competence, expertise and experience. Knowledge management objectives should therefore be tied to cooperation between the individual experts and the organizations, and to sharing and dissemination of knowledge. An important point to be considered in legislative environments is the efficient and user-oriented exploitation of knowledge.

According to Petter Gottschalk (2007), within all working environments, individuals and groups face knowledge coordination problems. The knowledge needed to diagnose and solve a problem or make an appropriate decision may exist, but information about its existence or location may not be available to the individual or group. Once appropriate sources of knowledge have been located, and usually after solving coordination problems, such information may be sticky and contextualized and may not be easily transferable.

Despite these impediments, this paper believes that the delivery of services in parliaments can be greatly improved if experts were to adopt knowledge management practices that are firmly integrated into parliamentary practice and procedures. Legislative experts should further be encouraged and motivated to actively generate, manage and share knowledge and information. It is, therefore, suggested that parliaments and assemblies, in partnership with parliamentary training institutes, introduce knowledge management practices and integrate them effectively to improve parliamentary practices and procedures, which are predominantly based on tradition, precedence and experience.

2. Statement of the Problem

The World Economic Forum (2007) declares knowledge management to be a fundamental source of wealth creation, supplementing industrial capital and land. The World Bank (2001) also views knowledge management as representing a management modernization challenge for the public sector and involves adapting classical management tools in a way that systematically promotes knowledge sharing. The sharing of knowledge in organizations or

departments is one of the fundamental functions of any information management program. It is the contention of the World Bank that countries are anxious to integrate knowledge management programs in the public sector but lack the experience or knowledge to do so.

Ondari(2009) argues that discrepancy of knowledge flows through the Kenyan civil service is an everyday occurrence. The author claims that nobody seems to account for the knowledge that Kenyan civil servants require for present and future needs, how to acquire that knowledge, the kind of knowledge that individual employees in the civil service possess and how to share such knowledge with others. Nobody seems to know who in the Kenyan civil service needs what knowledge, when, and how such knowledge should be delivered. Further, it appears to this author that those in top-level management in the Kenyan civil service are not aware that knowledge can be generated within the various departments of the government. They also do not seem to realize that some knowledge that is required is already owned by employees of the various government departments.

The world is presently a knowledge society. In a knowledge society, the basic economic resource is no longer capital or natural resources, or even labour; it is knowledge. The World Economic Forum(2007) opines that knowledge is now recognized as a resource that is at par with other economic resources. It should, therefore, be managed and planned for systematically, just like any other economic resource.

Ondari (2009) contends that there is an urgent need to consider how it should be managed effectively in the Kenyan civil service and those of other sub-Saharan African countries to enable quality government service delivery. The author argues that knowledge management can enable governments in the region to achieve competitive advantage in the increasingly knowledge-based global economy. He says many factors contribute to poor delivery of government services in Kenya and other countries in the sub-Saharan African region. Lack of knowledge management and, subsequently, a low level of knowledge and information sharing in government institutions have been identified as the prime contributors to poor service delivery. In recent years, it has been invariably suggested that knowledge management can drastically improve this situation.

Legislatures, being institutions that largely depend on tradition, precedent and experience, could immensely benefit by adopting knowledge management. This is a discipline that is basically anchored on people, processes and the sharing of experiences and lessons learned in institutional activities.

There has not been much research and scholarly works on the adoption of knowledge management in legislative environments and, therefore, this paper will put in a case why parliaments and assemblies, in partnership with Parliamentary Training Institutes (PTIs), need to bring in knowledge management as a key discipline to support their operations.

3. Research Objective

The purpose of this paper is to review knowledge management as a discipline and why it should be implemented in parliamentary environments. The specific objective is to put in a case for training and capacity building on the development and implementation of knowledge management to enhance legislative practices and procedures.

The paper gives recommendations on the involvement of PTIs in building the capacity of legislative experts through empowering them to embrace knowledge management with a view to solving problems associated with parliamentary work planning, shaping their focus on internal information services and the needs of elected leaders as well as their assistants and eventually the striking of a balance between the use of technology and the development of social relationships and networking as a means of learning together to enhance creativity and innovation in legislative environments.

4. Research Questions

The paper sought to answer the questions

- i. How can knowledge management be used to empower legislative experts in view of parliamentary work planning?
- ii. How can training in knowledge management shape the focus of legislative experts on legislatures' internal information services?
- iii. How can training in knowledge management assist legislative experts strike a balance between the use of technology and the development of social relationships and networking as a means of learning together to enhance creativity and innovation?

5. Conceptual Framework

Garud and Kumaraswamy (2005) describe knowledge as an important organizational resource. Unlike other inert organizational resources, the application of existing knowledge has the potential to generate new knowledge. Not only can knowledge be replenished, it can also be combined and recombined to generate new knowledge. Once created, knowledge can be articulated, shared, stored, and re-contextualized to yield options for the future. For these reasons, knowledge has the potential to be applied across time and space to yield increasing returns.

Gottschalk (2007) is of the opinion that knowledge is a renewable, reusable, and accumulating resource of value to the organization when applied in the production of products and services. The author argues that knowledge cannot be stored in computers; it can only be stored in the human brain. Knowledge is what a knower knows and, therefore, there is no knowledge without someone knowing it.

5.1 Knowledge Management

Kankanhalli and Wei (2005) define knowledge management as a systemic and organizationally specified process for acquiring, organizing, and communicating knowledge of employees so that other employees may make use of it to be more effective and productive in their work.

Knowledge management can be misconstrued as just another name for information management and, therefore, not a separate discipline with a unique body of knowledge. Therefore, it is important to describe the attributes that are necessary and sufficient to constitute knowledge management both as a discipline and as a field of practice that can be distinguished from others. Dalkir(2005) points to major attributes of knowledge management and relates this to the fact that it deals with knowledge as well as information. The author argues that knowledge is a more subjective way of knowing and is typically based on experiential or individual values, perceptions, and experience. The author gives popular examples to distinguish data from information, and from knowledge. These include:-

Data, which are letters and numbers without meaning. They are independent, isolated measurements, characters, numerical characters, and symbols.

Information, which is data included in a context that makes sense. For example, 40 degrees can have different meanings depending on the context. There can be a medical or geographical context. If a person has 40 degrees Celsius in fever, that is quite serious. If a city is located 40 degrees north, we know that it is far from south. Information is data that makes sense because it can be understood correctly. People turn data into information by organizing it into some unit of analysis, for example dates or customers. Information is data endowed with relevance and purpose.

Knowledge, which is information combined with experience, context, interpretation, and reflection. Knowledge is a renewable resource that can be used over and over again, and that accumulates in an organization through use and combination with employees' experience. Humans have knowledge; knowledge cannot exist outside the heads of individuals in an organization.

Information becomes knowledge when it enters the human brain. This knowledge transforms into information again when it is articulated and communicated to others. Information is an explicit representation of knowledge, which can be both truth and lies, perspectives and concepts, judgments and expectations. Knowledge is used to receive information by analysing, understanding and evaluating; by combining, prioritizing, and decision-making; and by planning, implementing, and controlling.

Scholars have identified two major categories of knowledge. Grover and Davenport (2001) make a distinction between explicit and tacit knowledge, saying that explicit knowledge can be expressed in words and numbers and shared in the form of data, scientific formulae, specifications and manuals. This kind of knowledge can be readily transmitted between individuals, both formally and systematically. On the other hand, tacit knowledge is highly personal and hard to formalize, making it difficult to communicate or share with others. Subjective insights, intuitions, and hunches fall into this category of knowledge. Tacit knowledge is deeply rooted in an individual's actions and experiences as well as in the ideals, values, or emotions he or she embraces. Tacit knowledge is embedded in the human brain and cannot be expressed easily, while explicit knowledge can be easily codified.

5.2 The Knowledge Conversion Process

The process of managing knowledge must inter-play between bridging tacit and explicit knowledge. The fathers of knowledge management, Nonaka and Takeuchi (1995) proposed a theory based on four modes of knowledge creation: *socialization* (from tacit knowledge to tacit knowledge); *externalization* (from tacit knowledge to explicit knowledge); *combination* (from explicit knowledge to explicit knowledge); and *internalization* (from explicit knowledge to tacit knowledge). According to the authors, joining explicit and tacit knowledge manifests itself as the above four modes that can be presented as the SECI knowledge conversion process model. Each of the four modes can also be analysed as a process.

6. Knowledge Society

One cannot adequately talk about the concept of knowledge management without mentioning the emerging issues and paradigm shift occasioned by the move to a global information and knowledge economy. According to the World Bank (2001), economic growth can be increasingly explained by competence, in other words, human knowledge, skills, social structures and other preconditions of functional communities. The World Economic Forum (2007) argues that the world today is running on human and social capital that explains growth by a factor of four times more than that by physical investments. Knowledge is at the center of this growth. Ondari (2009) is of the opinion that knowledge management introduces people's capability to learn together and create processes to increase human and social capital. These are success factors that seem to become the most crucial in competition between nations.

The knowledge society, however, provides both challenges and opportunities to policy makers. In a memorandum produced by Finland's ministry of finance during a knowledge management seminar and titled "How to increase the state's management capacity in an information society", Tiihonen (2000) made the following observations to describe the status of state administration in the information/knowledge society. The state has lost its previous role as the exclusive, or almost exclusive, possessor of strategic knowledge. The state has no right to control information or communication; this is in reference to constitutional provisions. Whether practical or theoretical, knowledge is considered to be the central factor of economic success. The development of a global digital economy will restrict the conventional means and methods of exerting state power through the opportunity to control information and knowledge. The publicity and openness of information and knowledge have become the central values of a modern information society. With publicity and openness as the central premises for modern management and the information technological revolution making knowledge acquisition increasingly easier, the state is compelled to redefine the basis of its information and knowledge-related policies. The ever-increasing data processing capacity has changed the nature of knowledge work. The volume of transferable information is almost infinite. Information can be processed in hitherto unimaginable ways. National borders have lost their significance in information transfer. The significance of knowledge and expertise for success, whether in terms of business profits, the citizens' well-being, or administrative productivity, is identified more distinctly than ever.

7. PTIs and Knowledge Management Capacity Building

The Kenyan Centre for Parliamentary Studies and Training's strategic plan (2013) stipulates the organization's role as follows:-

1. To conduct courses for the exposition and enhancement of knowledge, skills and experience of members and staff of Parliament and county assemblies.
2. To conduct courses on parliamentary practice and procedures to other stakeholders and to other publics on request and with the approval of the board.
3. Provide directly or in collaboration with other institutions of higher learning, facilities for parliamentary research, studies and training.
4. To participate in the preservation and transmission of parliamentary knowledge in Kenya and beyond.
5. To conduct examinations for and grant academic awards as may be necessary in collaboration with institutions of higher learning.
6. To contribute to the effective and efficient execution by Parliament of its roles and functions in democratic governance.
7. Prepare modules of training in the legislation, representation and oversight roles of Parliament, in partnership with the National Assembly and the Senate, other national parliaments, and other centres or institutes executing similar mandates.
8. Undertake any other business that is incidental to the performance of any of the foregoing functions.

As outlined in the roles, the operational objective for a parliamentary training institute is the dissemination of parliamentary knowledge. Legislative experts require having knowledge on parliamentary practices and procedure imparted on them. Sharing of experiences and expertise, building of organizational knowledge repositories and the application of strategies to create, use and share knowledge as means of enhancing and supporting the parliaments 'and legislators' possibilities for action cannot be overemphasized.

Parliaments need to identify essential information and knowledge that will enhance the decision-making process. Just like other institutions, parliaments are also affected by knowledge attrition. It is, therefore, essential that they promote activities that counter the erosion of organizational personal competence and expertise that is majorly held as tacit knowledge.

Parliamentary training institutes, in conducting courses that expose and enhance parliamentary knowledge and experience, will be best placed to build the capacity of these institutions to adopt knowledge management practices and programs in their environments.

7.1 Knowledge Management in Parliamentary Work Planning

According to Garud and Kumaraswamy (2005), knowledge management means systematic location, processing, storage and distribution of knowledge, competence and expertise within an organization. The authors argue that this also includes the capability to combine and develop existing knowledge for the creation of new knowledge, which requires continual regeneration and learning from one's own and other people's experiences.

The challenge in knowledge management lies in the fact that the most valuable knowledge mainly exists in an undocumented form as tacit knowledge in the minds of individuals. According to Dalkir(2005), this requires a facilitative open work culture and the creation of a cultural and technological environment in which all members of the organization can exploit this knowledge.

Suurla et al (2002) posit that to be capable of managing knowledge, an organization must be aware of what knowledge it has, where this knowledge resides, and how to access the knowledge in question. To realize this, an organization will need to apply strategies for knowledge acquisition, processing, storage and distribution. Dalkir(2005) is of the opinion that increasing the effectiveness of knowledge dissemination and sharing is the only way for an organization to increase its knowledge.

Suurla et al (2002) posits that knowledge management in parliaments will enhance routine work efficiency and the capability to react swiftly to societal change as a decision-maker.

The legislative expert produces and maintains services that are required by parliaments as organs of government. With regard to knowledge management, the legislative expert is responsible for coordinating and maintaining knowledge acquisition channels and methods that ensure the accessibility and availability of that knowledge in accordance with the requirements of the institution and that of legislators.

The adoption of knowledge management eases pressure brought about by factors such as information deluge and its management, and the need for the organization to learn new things in an increasingly changing work environment.

Suurla et al (2002) argue that in parliamentary work and activities, individual members of parliament and their groups, interest groups as well as citizens have different needs for knowledge with various knowledge acquisition methods. For example, the type of knowledge required in committee debates will be obtained from the parliament's own information systems, or by turning to in-house information specialists. Adopting knowledge management in parliamentary work planning such as the documenting of sources of pertinent knowledge in committee work plans will improve efficiency.

7.2 Knowledge Management in the Legislature's Internal Information Services

Legislators represent people; they are the peoples' eyes and ears. Without adequate and reliable information, a legislator may make wrong, costly, sometimes even dangerous, decisions for an entire county or nation.

Orton et al (2000) assert that members of parliament, as public representatives, are expected to be knowledgeable about a wide variety of issues. The authors argue that, while parliamentarians 'information need is frequently unpredictable and reactive, to speed up the pace of development of a nation, provision of current, speedy, relevant, and exhaustive information is critical. Suurla et al (2002) point out that public representatives are policy

makers and the development of a nation depends upon sound policies. Therefore, it is essential to provide current and retrospective information to them.

Coordinated development of an information service backed by sufficient communication channels, technological and functional knowledge acquisition tools and techniques that are user-friendly and easy to identify is critical for a parliamentary service.

Legislators and parliamentary personnel acquire extensive knowledge and experience while carrying out their responsibilities. The practice of parliaments is based on tradition and as such the implementation of services that allow for the tapping of knowledge and expertise and storing these in repositories in anticipation of the solving of parliamentary work-related problems is essential.

Parliamentary activities are characterized by a high task performance rate. They are partly unpredictable and with the mobility of legislators complicating the whole scenario of a parliamentary information service. Knowledge management being interdisciplinary in nature, can provide an effective solution that, if applied in the discovery, learning, communication, participation and decision making in a legislative environment, the information service can prove to be effective.

With the adoption of knowledge management in legislatures, every expert and personnel working towards provision of information services can find a familiar foundation on which to base their understanding and even practice knowledge management. Communication experts with a background in journalism, for example, can quickly adapt their skill set to the capture of knowledge from other experts and reformulate it as organizational stories to be stored in the corporate memory. ICT experts with database backgrounds can use their skill to design and implement knowledge repositories that will serve as the corporate memory for their organization.

The figure below, as adopted from Dalkir(2005), shows the various knowledge management disciplines that legislative experts can easily identify with to ensure a robust internal information service.



Source: Dalkir (2005)

7.3 Knowledge Management in Development of Social Relationships and Networking

The structure and activities of parliament clearly define it as an open knowledge organization. Knowledge organizations develop dimensions of operation that propagate institutional learning and focus on a culture and leadership that develops processes and relationships that grow, acquire and innovatively use knowledge (Grover and Davenport, 2001).

As clearly explained by Suurla et al (2002), technology is just one of several knowledge management sectors. Of most importance is the development of leadership, processes, an open organization culture and activities that strive to the eliminate boundaries in the spirit of joint objectives, and support learning and networking.

Networking will decrease boundaries between organizations and increase individuals 'mobility. It is important that organizations that wish to take this direction create a cultural and technological environment in which all members of the organization can exploit the knowledge held by the organization as well as individuals working in the organization (McDermott, 2002).

With the adoption of knowledge management, Suurla et al (2002) argue that parliaments will establish networking connections with their most important interest groups such as government ministries, the media, libraries, public archives, as well as foreign and regional parliaments.

The practice of knowledge management encourages the development of professional common groups, otherwise called communities of practice. Dalkir(2005) describes a community of practice as a group of professionals working towards the improvement of members' profession. The author argues that the group has to be working on a common goal, committed and sharing a common workspace. Richard McDermott(2002) suggests that communities of practice should be groups of people who share a concern or a passion for something they do and learn how to do it better as they interact regularly.

McDermott (2002) supposes that besides improving social relationships, organizations that encourage the formation of communities of practice will realize the following benefits. It will give them the ability to solve problems that are work-related through brainstorming of ideas where members are stuck. Similarly, staff members and experts are able to request and source for information on how to undertake particular activities while employees are able to seek experience by soliciting relevant information on how to deal with similar situations. It will also proffer the ability to reuse assets by recycling and transferring knowledge assets such as written proposals to assist members solve and approach problems. Employees can coordinate and bring in synergy to realize better returns and value on projects. They are also able to hold deliberations and discussions on innovations and their suitability to their practice. Similarly, experts are able to document projects that ensure the sharing of project documentation to avoid getting stuck on similar projects in the future. On the other hand, Members are able to visit and undertake benchmarking tours to borrow best practices on

projects undertaken by other members within the community. That way, experts are able to map knowledge and identify gaps through knowledge auditing and finding out "Who knows what", "What is missing", "What other groups should be enrolled onto the community". This ensures that the gaps are filled and existing knowledge identified.

8. Conclusion

Knowledge coordination requires expertise and an understanding of patterns of knowledge distribution and the deployment of tools, techniques and strategies to create, disseminate and apply knowledge.

Research suggests that knowledge sharing, which is at the heart of knowledge management, has strategic benefits such as connecting professionals across platforms and distances, standardization of professional practices, avoidance of mistakes, leveraging best practices, reducing time to search for talent, building of reputations and taking on of stewardship for strategic capabilities(McDermott , 2002).

Suurla et al (2002) conclude that the adoption of knowledge management in parliamentary procedures and practice cannot be an automatic process. It will require a change of attitude and a high-quality context for the methods to develop a program and organizational policy on knowledge management.

In respect to these challenges and opportunities, parliamentary training institutes have to play a crucial role in developing and building the capacity of parliaments and assemblies through training on knowledge management and the application of the discipline in legislative environments.

9. Recommendations

There is a need for extensive awareness creation about what knowledge management is, its potential benefits to parliamentary systems, its role in enhancing organizational effectiveness and performance, as well as the day-to-day responsibilities knowledge management specialists shoulder.

Parliamentary training institutes should, therefore, come in and introduce deliberate curricula for training and capacity building for parliamentary experts in knowledge management. There is also a need to create and standardize knowledge management designations as a means to enhance the effectiveness of knowledge specialists in legislatures, as has been done for other experts, for example committee and procedure clerks and legal experts.

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Legislative Oversight as a Critical Component of Peace and Development in Africa

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1.0 Introduction

Parliament is the best expression of the existence of democracy or the desire to have a democratic system in a particular country. A parliament in many circumstances is a representative of people's interests and desires. It is a powerful organ that has the ability to play an important role in promoting peace and development. In Africa, almost all countries have some form of parliament and almost all African Union (AU) member states are represented in the Pan-African parliament. This shows the importance attached to legislative bodies in the continent. The role legislative bodies have in shaping social and economic happenings in the continent cannot be ignored. These institutions have the potential to promote the desires and aspirations of the people of Africa if they are bestowed with the relevance they deserve. It does not matter the type of democracy; whether parliamentary or presidential, legislative bodies remain crucial institutions that have the ability to promote peace and stability in the continent through various oversight mechanisms.

2.0 Doctrine of Separation of Powers

Parliamentary institutions in any democratic state draw their relevance from the doctrine of separation of powers. According to literature, separation of powers means "specific functions, duties, and responsibilities are allocated to distinctive institutions with a defined means of competence and jurisdictions" (Mojapelo, 2012). The doctrine of separation of powers has been championed by many scholars and indeed philosophers, who have differed in their analytical approach. It is believed the ideas of early scholars on the doctrine were influenced by the work of Plato and Aristotle, who based their philosophy on natural law. Later, in the 16th and 17th Centuries, their ideas on natural philosophy were picked up by John Locke and Baron de Montesquieu and contributed a lot in their work, which was directly linked with the doctrine of separation of powers (Albertson et al 2012)

The work of Montesquieu remains the most recognized and systematic early contribution and by far accepted by many as the origin of the modern doctrine of separation of powers (Ratnapala, 1993). Ideas associated with the doctrine of separation of powers were practiced by Englishmen who believed their constitution was among the world's best (Albertson et al, 2012). Englishmen believed their system of governing was a hybrid of ancient Greek and Roman ideas. It was what "certain ancient Greek and Roman philosophers had called a mixed government" (Albertson et al, 2012). The ideas related to this doctrine spread to other parts of the world, not least the British colonies of North America and then France (Vile, 1998). Later other British colonies of Africa, Asia and indeed other countries embraced these ideas and put them into practice.

A mixed regime government combined elements of monarchy, aristocracy and democracy and this helped to manage weaknesses that were part and parcel of each type of government. By combining different types of government, Montesquieu believed the power of the one (monarchy), the few (aristocracy) and the many (commoners) would be regulated by the checks and balances that in essence formed the basis of the concept of balance of powers. To him man is a creature that leans more towards evil than good. Such tendencies manifest themselves into politics and hence “every man invested with power is apt to abuse it, and to carry his authority as far as it will go” (Vile, 1998).

Tyranny was a concern for many of the scholars, including Montesquieu. The checks and balances proposed aimed at stopping forms of governments that would be considered undemocratic from becoming tyrannical. The notion that separation of powers will automatically lead to democratic government has been criticized by a group of scholars who appreciate the contribution of early scholars but think separation of powers will not automatically be a good thing to a country if it is in the constitution just for the sake of it. The qualitative nature of the doctrine of separation of powers needs to take centre stage in order for it to be meaningful and help to regulate the use of power by different organs of the government. As Baron (2013) explains, “modern constitutionalism has, until recently, taken the separation of powers for granted, meaning that it takes for granted that separation of powers is necessary to avoid tyranny, but it does not explain why.”

For the doctrine of separation of powers to work and lead to the attainment of a regulated government that accommodates the interests of different groups in the society, the need for qualitative branches of government cannot be ignored. Issues that need to be taken care of to achieve qualitative separation of powers are linked, not exclusively but to a great extent, with transparency and integrity. It is imperative for institutions of government to be able to exercise power in a “manner in which is expected and/required to do so and for the purposes for which those powers were conferred, and for no other purpose” (Wenta, 2012). Credible institutions are not only important but also necessary for governments to perform better. Credibility and trust will only come when people believe in the integrity of institutions. The judiciary, legislature and executive need to embrace integrity for qualitative separation of power to be guaranteed.

To simply have the three branches of government and talk about separation of powers is lazy and not an indication that a country is run in a manner that guarantees checks and balances of the respective branches of government. Many countries in Africa and elsewhere have constitutions that enshrine the doctrine of the separation of powers, but they are the most corrupt and savagely governed. Montesquieu’s assumption that the existence of the doctrine of separation of powers will help to control the behaviour of those entrusted with power does not hold water when the system is corrupted and integrity of institutions is scarce. We are not

short of examples when it comes to countries that theoretically embrace the doctrine of the separation of powers but practically it does not exist. On the contrary, there is capture of the judiciary and parliament by the executive.

In countries where the ruling party has a majority in the parliament, the executive literally decides what the parliament can and cannot do. This has happened in South Africa, where the president was accused of abuse of power but escaped impeachment for long due to the control his party has over the parliament. An extreme illustration of this capture is the case of Venezuela, where the executive led by President Nicolas Maduro has simply discarded a democratically elected parliament and shamelessly called a sham election to elect members who will protect his interests and those of his cronies. Without integrity, an executive that disobeys laws remains a threat to the rule of law and poses danger to the independence of other organs and indeed to the doctrine of separation of powers (Hugh, 2014).

As outlined in this short discussion, the doctrine of separation of powers has to a great extent put emphasis on the role of the executive, judiciary and parliament to regulate themselves through checks and balances. This assumption has been subjected to scrutiny by commentators who see the tripartite separation of state powers into legislative, judiciary and executive as over-simplification of complex matters (Hugh, 2014). However, as much as criticism has been levelled against the doctrine, modern states have embraced it despite the struggles that are associated with its implementation. What is widely accepted is the need to improve the performance of institutions so that they can work in a manner that matches the assumptions of the doctrine.

The mismatch of expectations between the ideal and the reality needs to be addressed by the qualitative nature of different branches of government together with other institutions. This is more so in Africa, where the performance of different institutions in terms of quality is questionable. It is even more important for legislative bodies to be in a position to take a leading role in making sure the doctrine of separation of powers works and delivers in Africa. Being the representatives of the people, they have the mandate to shape the administrative landscape of the continent to achieve institutional stability, and that can only be achieved by having qualitative separation of powers between different branches of government.

3.0 Legislative Oversight – A Prerequisite for Peace and Development

The doctrine of separation of powers has positioned the legislature as a law-making institution, a representative of citizens in decision-making processes and an overseer of the executive branch for the purpose of holding the government accountable to the people. With these functions the role of legislative bodies in influencing socio-economic development in Africa is crucial and needs to be harnessed. It is even more so now, at a time when the social and economic landscape in Africa is rapidly changing due to innovations that have

taken place in information and communication technology. These changes have given the young generation an opportunity to learn from others, see what others are doing in the right way and what we are getting wrong as a continent. Armed with information, knowledge and the ability to communicate easily, the population wants to see government institutions that are accountable and responsive to their demands. The population expects more from their representatives and it is the duty of legislative bodies to work towards enhancing the ability of the government to deliver and meet people's demands.

Africa needs effective governments that take into consideration the needs of their citizens. An effective government focuses its efforts on issues of good governance, promotion of human rights and overall provision of social services to the population. To achieve this legislative oversight is important, first as a tool to regulate the powers of the executive and second to pass laws that will ensure that everybody is treated equally and justice is served to all without discrimination. This will only happen when deliberate actions are taken to strengthen the capacities of parliaments and legislative bodies to perform their oversight role effectively.

It is a disservice to the population when parliaments in Africa and the related institutions are not in a position to exert greater influence on how governments are governed through parliamentary oversight. Yamamoto (2007) sees parliamentary oversight as "the review, monitoring and supervision of government and public agencies, including the implementation of policy and legislation". Parliamentary practices, in applying effective oversight, can help to promote better service delivery to the population, provision of better practices that promote justice and equity, provide critical and effective scrutiny of the national budget expenditure and overall strengthening of various institutions that are critical in promoting peace and stability in a country.

Studies done in the past have shown that there is a close relationship between low level of parliamentary oversight on government expenditure and high level of corruption (Stapenhurst, 2014). Countries that have limited capacity to monitor and scrutinize government expenditure have been found to have relatively high levels of corruption (Stapenhurst, 2014). However, it should also be noted that having more oversight tools by itself does not guarantee low level of corruption. An effective parliament needs to be supported by other contextual factors such as a credible electoral system, active and stable political parties (not like the chaotic coalitions we see during election season in some parts of Africa), and a generally democratic political system that has the public trust. A scrutiny of some countries in Africa, such as Angola and Cameroon, shows that parliaments in these countries have a number of oversight tools at their disposal but corruption is still high due to deficiencies in the contextual factors (Stapenhurst, 2014 and Transparency International, 2016).

According to the above line of reasoning, it is important to put more effort and resources in strengthening the ability of parliaments in Africa, not only to have the capacity to monitor but also to strengthen the capacity of other institutions to perform. It means that parliaments can play an important role in strengthening the capacity of institutions such as the audit office and electoral bodies. Parliaments have constitutional powers to reshape the legal framework that gives audit institutions the independence and resources needed to perform their duties of auditing various agencies, government institutions and other affiliated bodies effectively.

Looking at the level of development one sees a continent that has high levels of poverty despite having sizeable natural resources and manpower. The rich countries of the West and the emerging economies of the East have relatively little in terms of natural resources. However, they have made progress economically and their levels of poverty have been reduced significantly due to the existence of stable institutions. Such institutions allow for certainty and consequently reduce the tendency of public officials to take advantage of the uncertainty in the system to perpetuate corruption.

As argued earlier, it is the responsibility of the parliament to set legal frameworks and other mechanisms to guarantee the independence of institutions through legislation. At the heart of my argument is the role of parliaments in Africa to control and reduce corruption, which has been the cause of instability in many parts of the continent. Instability in countries such as Somalia, South Sudan and Democratic Republic of Congo has led to civil wars and consequently absolute poverty.

To improve the performance of legislative bodies, initiatives need to be taken to strengthen the ability of various parliamentary committees to monitor the implementation of different policies, regulations and laws. Such initiatives can focus on public hearings. Open committee meetings help the parliament to obtain important information related to implementation of policies. Given the importance of public hearings, it is imperative that mechanisms are developed to help democratic parliaments to prepare public hearing guidelines to enable different parliamentary committees to be effective in their sessions. Some African countries, for example Zimbabwe (although weaknesses still exist), have developed such guidelines and the experience could be useful elsewhere in the continent (Parliament of Zimbabwe, 2003).

Further, in many African countries the constitution has concentrated power in the institution of the presidency and in some circumstances the president as an individual. This model of governance often leads to abuse of power by the office of the president, the president and those around the president. Abuse of power has been the main cause of instability in all corners of Africa. Civil wars are as a result of misuse of power and hence the need for parliaments to prioritize strengthening the ability of legislative institutions to regulate, check

and balance the powers of the executive, and specifically the institution of the presidency. Lack of peace due to some of the reasons discussed above has for a long time negatively impacted the process of social and economic development in Africa.

For the society to live in harmony and indeed to function properly, a fair and just legal regime is not only important, it is also necessary. For that to happen, a regime needs to treat all its subjects as equal and should not provide unfair advantage to the so-called powerful in society, who are able to manipulate the legal system in their favour. To have a just legal system parliament must be at the forefront of promoting the rule of law by making sure that the laws it enacts are not discriminatory. A good example of discriminatory laws is the case of Zambia. The constitution was amended to effectively prevent Kenneth Kaunda from running for the presidency in 1996.

In the same spirit, it is imperative that parliaments in Africa focus on enacting laws that ensure better use of countries' natural resources for the benefit of the population. At a time when the extractive sector is gaining prominence in Africa, the need for a just legal system cannot be overstated. Such a legal system will guarantee stability to investors while making sure the country involved benefits from the extractive industry. It should be noted that there is no development if a country does not have "good laws and regulations that are fairly administered by transparent and accountable institutions and that - most importantly - produce fair outcomes for all," (Khan, 2014). Such laws and regulations can only be enacted by a parliament that knows its responsibilities and is willing to help the country get a fair, stable and predictable legal system, something that is missing in many parts of the continent.

Related to the legal system and the rule of law is the role played by armed forces and security agencies in Africa. In an ideal environment such important institutions are supposed to be cherished by all members of the society. Unfortunately, this is not the case in many parts of the continent due to the repressive nature of these institutions. Successive governments have been accused of using security agencies and armed forces to suppress individual freedoms and in some circumstances there have been allegations of torture and forced disappearance of individuals by security agencies. This is a paradox because these institutions are charged with the mandate of promoting peace and security, and instead they do the opposite. In order for security organs to operate within an acceptable legal framework, legislative bodies need to play their role by providing oversight control over these institutions.

For long, issues related to security agencies in Africa have not been given the required attention by legislative or judicial bodies. It has been the prerogative of the executive to exert almost absolute control over these institutions and the result has been abuse of power by both the executive and the security organs. In an environment where legislative oversight of these sensitive institutions is weak, if any, misuse of funds due to lack of budgetary

control and trampling of people's rights and freedoms have been a common phenomenon in many parts of the continent. There is a need for careful rethinking of how legislative bodies in the continent are involved in providing oversight of sensitive institutions such as armed forces and other security organs. Oversight can be provided through legislation, budgetary decisions and constant review of policies and regulations that guide the daily performance of these institutions.

Having said that, it is important that mechanisms are worked out to help legislative bodies in different parts of Africa to provide oversight control over security organs without compromising the security of the country these institutions are supposed to preserve. Capacity to provide this kind of oversight must be developed through training and sharing of experiences with other countries that have succeeded in the endeavour. Proper control of security agencies in Africa will reduce incidents of abuse of individual freedoms and rights and, as has been argued by other scholars, make armed forces and other security agencies in the continent accountable to the people through elected representatives. This will promote peace and development in the continent (Diez, 2008).

4.0 Reflection and Conclusion

For parliaments to perform their functions, especially oversight, effectively, parliamentary training institutes must play an active role in terms of building the capacity of these crucial institutions. These initiatives must go beyond training of members of parliament and other non-parliamentary staff or renovating and expanding the physical infrastructure of parliaments. These institutes must continue to provide members of parliament and parliamentary staff with specific skills and knowledge to fulfil their mandates (Duma et al. 2012). However, this should not be an end by itself. There should be an understanding that strengthening parliaments "isn't simply a capacity issue, it is an intensely political issue," (African All Party Parliamentary Group, 2008, p. 7).

An understanding of the intricacies of the power relations that exist between the branches of government - parliament, judiciary and the executive - is key for parliamentary institutes to devise mechanisms that are suitable to help the process of strengthening the ability of parliaments to fulfil their mandates. It is important to note that parliamentary institutes may differ in terms of their independence. Some are directly affiliated with the parliament, others are independent non-governmental organisations (NGOs) that are created to provide support to the parliament (Miller et al, 2004). In some countries such as South Africa, "a parliamentary institute is viewed as a membership-based non-governmental organization which serves as a cross-party parliamentary forum" (Parliamentary Institute of South Africa, 2012 cited in Duma et. al. 2012). Despite all these differences, it is generally agreed that all parliamentary institutes have a major role - providing support to the parliament through various means, including offering information and training to members of parliament and

parliamentary staff and conducting research that is relevant to the working of the parliament. As it is rightly pointed out, “they all strive to be centres of excellence in performing the roles for which they were established” (Duma et al. 2012).

Strengthening the ability of parliament to perform goes beyond the normal capacity building strategy of training, most of the time it is political. Efforts must go beyond the ordinary and focus on power relations. Parliamentary institutes must identify key figures of influence in their respective parliaments and devise mechanisms to work with them over a long time to achieve positive change. It has to be a process rather than a series of events that are unconnected and do not necessarily intend to achieve a common goal. To achieve meaningful change the influence of those who occupy political positions such as presidents or prime ministers, leaders of majority parties or leaders of government business in parliament must be brought to the fore of these efforts. It is also important to explore the role of those with formal and administrative positions such as “the speaker, who has a prominent role of interpreting rules and sanctioning of errant members of parliament” (Power, 2011).

The speaker’s role is crucial in transforming the way parliament works, “he or she is likely to be decisive in the creation of committee structures, appointing members of parliament to committees, and sometimes even determining the quality of their work” (Power, 2011). Other important figures, according to Power (2011), are the backbenchers. These senior politicians have the influence to shape the behaviour of the parliament due to the power they wield over their peers. Parliamentary institutes must strive to understand these power structures and aim to utilize them in their quest to improve the performance of their respective parliaments. Understanding power structures must go hand in hand with efforts to bring together local actors such as NGOs, community-based organisations (CBOs), and the media in the process of aggregating citizens’ demands before the parliament and its respective committees.

Generally, this paper sees the role of parliament in spearheading social and economic development in Africa as crucial and needing to be consolidated by the efforts of all stakeholders under the leadership of parliamentary training institutes. The ability of parliaments to formulate good laws, promote good governance, represent the interests of the majority and hold governments accountable in all issues of national interest will only be achieved when a clear strategy is pursued over a long time by all the stakeholders. Such a strategy must be spearheaded by parliamentary institutes and must aim at making legislative bodies more effective and important vehicles that represent the views of the citizens. It is important to understand that competent parliaments in Africa probably have a far greater chance of promoting peace and development in the continent than any other institutions.

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Coloniality and Parliamentary Training Institutes' Quest for Enhanced Legislative Oversight in Zimbabwe

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1.0 Introduction

Zimbabwe gained its independence in 1980 and inherited the Westminster system of governance that sought to establish parliamentary democracy through the separation of powers between the executive, the judiciary and the legislature. The rationale behind separation of powers is to establish a system of checks and balances so that no single organ of the state can have excessive power. Despite this, the executive in Zimbabwe enjoys an immense amount of power that allows it to dominate other state organs, especially parliament, which has the distinct role of exercising oversight over the executive. Parliament in Zimbabwe has not been effective in performing this oversight role such that it is now perceived as a rubber stamping institution that bends to the dictates of the executive and the ruling party in much the same way as the oppressive pre-independence parliament. The resultant effect has been the compromising of good governance and retardation of development. This paper assesses the impact of coloniality on the quest by parliamentary training institutes in Zimbabwe to enhance legislative oversight and limit executive power. The paper commences with a brief exploration of the concepts of parliament, parliamentary training institutes, legislative oversight and decoloniality. This is followed by an examination of parliamentary training in Zimbabwe and an analysis of how coloniality hampers the quest by parliamentary training institutes to enhance legislative oversight. Finally, the study calls for radical changes in parliamentary training by advocating the adoption of decoloniality as a mode of enhancing legislative oversight in Zimbabwe.

2.0 Literature Review

2.1 Coloniality

Coloniality is an analytic concept developed by Peruvian sociologist Anibal Quijano to explain the origins of the modern world. To Maldonado-Torres (2007) it explains the long-standing patterns of power that emerged as a result of colonialism. The patterns define culture, labour, inter-subjective relations and knowledge production well beyond the strict limits of colonial administrations. According to Quijano (2000), with the conquest of the Americas in 1492, Europeans created a new social structure in which humanity was ranked based on differences in race. The lighter-skinned people were perceived to be closer to full humanity, while the darker-skinned races had their humanity doubted. In the social realm, the white race was ranked as superior, while the darker ones were seen as inferior, primitive and uncivilised, and they were placed at the bottom of the social ladder. Whites of western European descent assumed a higher social status, while the darker indigenous races were placed at the bottom (ibid). What essentially emerged with conquest was the construction of a new way of classifying people based on race (Santos, 2007). Coloniality can also be conceptualised as the continuation of colonial patterns of domination long after the end of

formal colonial rule. The majority of the developing world is still experiencing colonial situations. This is because it is still under the control of former colonial powers (America and Europe) and is therefore experiencing coloniality. This has prompted Salvatore (2010) to refer to coloniality as the persistence of the colonial despite independence.

Coloniality is constituted by three main pillars: the coloniality of power, the coloniality of knowledge and the coloniality of being. Escobar (2004) refers to the coloniality of power as a global hegemonic model of power that has been in place since the conquest (European of the Americas in the 15th century). It is a structuring process in the modern world system in which the US and Europe have created an asymmetrical power structure that privileges the white race and enables it to dominate the global political economy and to be epistemologically and culturally hegemonic (Taylor, 2013). As a consequence of this, most peripheral states and sub-alternised peoples of the world are still colonial in relation to the hegemonic Europe and America and this is evident in the character of the international political economy that is influenced by the global north.

There is also the coloniality of knowledge, which has to do with the impact of colonisation on the different areas of knowledge production. It concerns itself with who generates knowledge from where and for what purpose and who controls and monopolises this knowledge. Coloniality as a power structure privileges knowledge from Europe and America (Maldonado-Torres, 2007; Ndlovu-Gatsheni, 2013). It holds in high esteem knowledge produced by the white race, while undermining, ignoring, silencing, oppressing and marginalising knowledge from the global south. This has resulted in the West's epistemic hegemony (Grosfoguel, 2009).

According to Quijano (2000) the Euro-American world concentrated all forms of the control of subjectivity, culture and especially knowledge under its hegemony so as to further imperialism and maintain colonial situations in previously colonised territories. Ndlovu-Gatsheni (2013) explains how the coloniality of knowledge pushed indigenous knowledges to the periphery of society while elevating Western epistemologies. As a consequence, Africa is saddled with irrelevant knowledges that are not only of little use to its communities in general but are also scantily important to its legislators and the constituencies that they represent.

Lastly, there is the coloniality of being, which refers to the ontological dimension of coloniality that explains the processes of the dynamics of power that discriminate the different races of the world (Escobar, 2004). It places race at the centre of the global order, with European people found in the higher echelons of the global social hierarchy and enjoying privileges over non-European people. The ex-colonised people of the continents of Africa, Asia and Latin America (darker races) are regarded as inferior, while the former colonisers of Europe and North America (the fairer races) are perceived as superior, thus perpetuating colonial situations that ascribed inferiority to the vanquished darker races and superiority to the lighter-skinned conquerors.

The hierarchized global order that is based on race, has not only maintained race as the classifying element but it has been modified and replicated and is now found at the local level and can be referred to as domestic coloniality or local coloniality. In domestic coloniality local rulers in the ex-colonized parts of the world have since independence developed a new understanding of modernity based not on colonial difference as in global coloniality but based on class difference from the viewpoint of the ruling elite that inherited colonial states.

Therefore, issues surrounding effective parliamentary oversight in the ex-colonized parts of the world, such as Zimbabwe, are not only a consequence of machinations of foreigners and their local puppets but are also a reflection of the workings of local coloniality that created its own domestic power matrix. In this local power structure things are considered from the point of view of the politics of constitution of an ethnically hierarchized, region-centric, elite-centric, "bigman-centric" and patriarchal state power structure.

2.2 Decoloniality

This paper stands on a decoloniality framework to expose and analyse the challenges confronting parliamentary training institutes in their quest to enhance legislative oversight. To Quijano (2007), decoloniality is a response to the relation of direct, political, social and cultural domination established by Europeans. It should be conceptualized as any action or thought from the subalternized, colonized and marginalized that understands colonial difference. It is a project directed at unmasking and dismantling the modern colonial world that created the present system of coloniality. To Mignolo (2013), it is different from imperialist modern colonial thinking that conceptualizes issues from a Western liberal perspective. At the domestic level it is a response to the hegemonic tendencies of rulers in local coloniality. An understanding of coloniality/decoloniality presents perhaps the most promising place to examine parliamentary training institutes' quest to enhance legislative oversight. This is because colonial situations that explain power, knowledge and being have persisted and continue to powerfully influence parliamentary training despite the end of formal colonial rule.

2.3 Understanding Parliamentary Training Institutes in Zimbabwe

According to Makumbe (2004:4-5), parliament is an institution that, by convention and practice, is expected to complement the efforts of the executive in the governance of a country. In a democratic society normally it represents the wishes and interests of the people. One way in which this goal is pursued is through creating parliamentary training institutes that have the responsibility to train legislators to effectively exercise oversight (Mataure, 2007).

Parliamentary training institutes are entities that are created to, among other things, train parliamentary staff and legislators, research and provide information services and in general engage in capacity building so that parliament can effectively superintend the executive. Zimbabwe does not have formalised parliamentary training institutes like in Kenya and Uganda, for example, but has disparate non-partisan parliamentary training organisations and experts that liaise and collaborate with units within the parliament of Zimbabwe to

provide research, capacity building and public outreach services to members of the legislature as well as giving training to parliamentarians and support staff. These include the Women in Politics Support Unit, the Parliamentary Support Trust and the Zimbabwe Institute of Public Administration and Management. To Nxele et al (2013), these centres of parliamentary training qualify to be referred to as parliamentary training institutes as they are in tandem with Miller's et al (2004) typology of parliamentary training institutes. To Miller et al (2004), parliamentary training institutes are categorised as 'internal institutes,' which are part of the parliamentary bureaucracy or administration; 'external institutes,' which are independent and external to parliament; and 'mixed institutes, which display the features of both internal and external institutes.

Oversight can be referred to as the monitoring of executive activities for efficiency, probity, transparency and fidelity, to ensure that funds appropriated by the parliament are used legally, effectively, and for the purposes for which they were intended (SADC Parliamentary Forum 2004). Oversight is essentially the "after" stage – looking back on government spending and activities to determine whether there was waste or corruption, and to ask "value for money" questions. Hudson (2007) in Nxele et al (2013) refers to oversight as keeping an eye on the activities of the executive and holding the executive to account – particularly focusing on budgets and checking that spending decisions are in line with the government's priorities. This is a necessary requirement for social, political and economic transformation and parliamentarians play a critical role in that process. Parliamentary training institutes in Zimbabwe play an important role in oversight as they train the legislators who seek to superintend the executive more effectively through parliamentary portfolio committees. Training is not only intended to enhance the achievement of the above but also to improve effectiveness and efficiency to make government more democratic, functional, accountable and inclusive so that peoples' living standards improve, the problems of poverty, lack of education and good health and declining economic opportunities are arrested (SADC Parliamentary Forum 2004). However, despite the efforts of parliamentary training institutes in enhancing the legislative oversight, as a consequence of coloniality the executive in Zimbabwe remains overbearing and its power is scanty limited, to the detriment of enhanced governance.

3.0 Methodology

Qualitative research methods informed by decolonial analysis were employed to provide detailed accounts of the impact of coloniality on the quest to enhance the effectiveness of enhancing legislative oversight in Zimbabwe. Decolonial analysis is relevant for this study as it is informed by the sustained quest to escape coloniality-laden inherited executive power bent on evading legislative oversight. It gathers data from the pool of the epistemologies of the subalternized that question traditional methodologies that rise from the fountain of coloniality. The starting point was a critical analysis of primary and secondary sources on legislative oversight and parliamentary training in Zimbabwe. The research sought to establish the essence of the parliamentary training – its objectives, strengths, weaknesses, successes, failures and the consequences for legislative oversight. Thereafter, the researcher engaged in document analysis of other related literature. Document analysis, to Yin (1995),

involves a systematic review of both primary and secondary documents. This is an important component of the research process that seeks to arrive at credible findings. Documents that were consulted included published and unpublished books and research papers from academics, reports, and journal articles. Electronic sources, magazines, newspapers and information from the internet were used to get as much as possible out of the on-going debates on the topic.

4.0 Results and Discussion

4.1 Coloniality in Parliamentary Training Institutes: An Obstacle to Enhanced Parliamentary Oversight

Despite independence the Zimbabwean parliamentary training institutions have failed to transform from colonial into post-colonial institutions. This is seen in the curricula of parliamentary training institutes in Zimbabwe that are akin to Western templates of parliamentary training, in particular those of the British, which are mired in coloniality. By inheriting the British parliamentary training curriculum that is out of sync with the unique realities and experiences of Zimbabweans, parliamentary training institutes have contributed to the production of a legislator that celebrates a governance system that is ill-suited for Zimbabwe. The product of the training is a Zimbabwean legislator in the mould of a British parliamentarian, which is a hallmark of coloniality. Induction programs for parliamentarians still emphasize British culture and traditions. Zimbabwe members of parliament are groomed to imitate British colonial parliamentary etiquette. As a result of this some members of parliament are overwhelmed with irrelevant information cultures that are alien to them. Legislators at times find it difficult to engage in meaning parliamentary debate and discussion guided by alien colonial standing orders and etiquette and this militates against effective legislative oversight.

Parliamentary training under colonialism was mainly in-house and remains so 37 years after independence. Effective parliamentary oversight is hampered by this state of affairs because in-house training worked well for the small white settler bureaucracy but it is not appropriate for an expanded post-independence black bureaucracy. Fanon (1968) refers to the above as repetition without difference or transition without transformation, features of coloniality, which is responsible for blocking the effectiveness of parliamentary training institutes and legislative oversight.

The curricula of parliamentary training institutions developed by outsiders have also not produced Zimbabwean legislators capable of dismantling the colonial parliamentary architecture. Parliamentary training bodies adopted coloniality-influenced curriculum that inferiorizes non-Western traditions of thought and knowledge. The consequence has been the creation of parliament staff and legislators whose knowledge falls mainly within the Western canon of thought that is ill-equipped to deal with limiting the excessive powers of an executive in the global south. More so, parliamentary trainers also employ Western methodologies and theories of training developed in Western environs and settings and thus entrenched in coloniality. Their relevance to Zimbabwe is doubted and this militates on the oversight capacities of legislators as they may not be applicable to the Zimbabwean

situation. Indigenous knowledges of curtailing the power of the executive that Zimbabwe's parliament could have adopted were displaced and replaced by Euro-American epistemology that assumed universal proportions and universal truth. Euro-American patterns and modes of oversight became the standard and were institutionalised.

In addition, parliamentary staff, legislators and other trainers of parliamentarians consult books from the parliament library, parliament research unit and other libraries whose shelves are dominated by books written by Western scholars and philosophers. Valentine Mudimbe (1998) argues that these are colonial libraries that reflect Europe and America and not the global south. These libraries do not contain much or any material on enhancing legislative oversight from a local or indigenous perspective, but rather from a Western/colonial one.

As a consequence, African parliamentary institutes are largely epistemologically colonized and the colonization of the mind is to the Zimbabwean leading decolonial scholar Sabelo J Ndlovu-Gatsheni the worst form of colonization, as it affects and shapes African people's consciousness and identity. Over the years, Zimbabwean intellectuals, academics, and parliamentary trainers have been unable to free themselves from the snares of Euro-American epistemology because of the failure to restore displaced knowledges, develop a Zimbabwean archive and realise that Euro-American epistemology is just one among other modes of knowing and knowledges (Ndlovu-Gatsheni, 2012).

The de-racialization and Africanization of parliamentary training institutions has not deterred them from following colonial patterns of training that engender Western thought, worldviews, cultures, values and morals. One can therefore argue that Zimbabwe has parliamentary training institutes but does not have Zimbabwean parliamentary training institutes because of interpellation by colonial continuities within the realm of knowledge. The workings of the coloniality of power are also reflected here in that colonial situations regarding parliamentary training persist despite the overthrow of colonialism. Ndlovu-Gatsheni (2013) amplifies the above when he states that the coloniality of power articulates continuities of colonial mentalities, psychologies and worldviews from centuries of colonialism into the so-called 'post-colonial era'.

Still in the realm of training, Zimbabwean parliamentarians and senior government officials have come to hold in high esteem European trainers at the expense of the local ones. These experts from outside are viewed by PTIs as more knowledgeable and are also seen as ontologically denser and occupying a higher social position than local experts, who are inferiorized, marginalized, neglected and ignored. It is because of the operation of the bio/geography and body-politics of knowledge within the realms of the coloniality of knowledge and coloniality of being that important knowledge and training that could invaluablely transform the role of parliamentary training in enhancing legislative oversight is lost.

Government officials that hire experts from outside apparently desire to be authenticated by the West, yet the Zimbabwean parliamentary trainer possesses a better understanding of the local legislator and has a better appreciation of the social, environmental, economic, cultural

and political dynamics experienced by a Zimbabwean legislator. An official in the ministry of economic planning, while addressing a stakeholders 'meeting organised by the National Association of Non-Governmental Organisations in Harare in 2015, indicated that Sweden had expressed interest in training local parliamentarians so that they could effectively play their oversight role by quizzing cabinet ministers in Parliament (Mushava, 2015). The above is reflective of the coloniality of knowledge and being in that Swedes are apparently regarded as epistemologically and ontologically superior to local trainers in parliamentary training matters.

Parliamentary trainers from outside or from the NGO sector have adopted a Western-oriented parliamentary training curriculum. This is because most of the Western donors that provide funding for training prefer that parliamentary training bodies adopt a curriculum that is in line with their worldview - a Western neo-liberal or pro-democracy philosophy. This compromises the independence of parliamentary entities and is reflective of the coloniality of power. Because of a bias towards what is Western/colonial one again wonders whether there are Zimbabwean parliamentary training institutes or there are parliamentary training institutes in Zimbabwe. In instances where local trainers are engaged by parliamentary training institutes what is delivered is predominantly foreign because the trainers are subjects of coloniality, sired by coloniality, nurtured in the cradle of coloniality, schooled by coloniality and have adopted colonial/Western values and worldviews. They thus produce what is essentially a colonial parliamentarian. This has resulted in Zimbabwe parliamentarians presiding over the enactment of some of the most draconian pieces of legislation reminiscent of colonial times such as the Public Order Security Act of 2002, which is akin to the colonial Law and Order Maintenance Act of 1960. In addition, parliament has not radically transformed itself from being an institution that serves a minority elite, as it did under colonial rule, into a democratic people-oriented one.

Parliamentary training steeped in coloniality has produced parliamentarians whose roots are in the countryside but think as though they are originally from the heart of the urban area. Although a parliamentarian may be black and Zimbabwean, their loci of enunciation is corrupted. The locus of enunciation is the epistemological position from which one speaks. Local legislators at times speak as if they are white Londoners in England and not black Hararians in Zimbabwe. Legislators of peasantry stock speak, think and act like urbanites, yet they are from the countryside. This is evident of the coloniality of knowledge and being in operation and is also indicative of the epistemological colonization of the rural parliamentarian by the urban influences that hampers effective legislative oversight.

Parliamentary training institutions are confronted by the challenge of gender imbalance in the legislative assembly, which is symptomatic of the operation of the coloniality of being which privileges and elevates men while interiorizing, marginalizing and oppressing women. According to Makumbe (2004) despite the introduction of the quota system for women parliamentarians, on average there are five times more men than women in the lower house of the Zimbabwean legislature and an even higher proportion in parliamentary training institutions as a consequence of the coloniality of being that privileges men while exploiting

and oppressing women. The distribution of women MPs in committees is symptomatic of the gender stereotypes accentuated by colonialism that still pervade parliaments. The majority of women parliamentarians are presumed to be more interested in participating in committees that focus on “soft” issues such as health, welfare, development, agriculture and education, as was the case under colonial rule. Fewer women are active in “hard” committees such as land affairs, defence, foreign affairs, justice, public accounts, trade and industry, science and technology and finance, even though women have particular needs and interests in these areas as well (SADC Parliamentary Forum 2004).

4.2 Decoloniality for Effective Parliamentary Training Institutes and Enhanced Legislative Oversight in Zimbabwe

There is a need to rethink the role of parliamentary training institutes in enhancing legislative oversight. This could be achieved by adopting decoloniality. Decoloniality in Zimbabwe’s parliamentary training begins with decolonisation of the mind (wa Thiong’o, 1986). There is a need to decolonise the minds of the trainers and legislators and also to decolonise the philosophies that inform training as well as the curriculum of parliamentary training institutes. This is in light of the perils of continuing with colonial forms of knowing that impact negatively on parliamentary institutes’ training and their quest to strengthen legislative oversight. The indigenous Zimbabwean philosophy of *ubuntu/hunhu* (Samkange and Samkange, 1980) that emphasises humanness could be invaluable in informing the curriculum and operations of parliamentary training institutes.

A decolonial curriculum for parliamentary training can produce parliamentarians capable of generating original and home-grown solutions to Zimbabwean problems. This enhances the dismantling of the coloniality of knowledge by producing decolonial legislators. Decolonial parliamentarians do not only question the existing Euro-American parliamentary training paradigms that constrain innovation, creativity and originality but also destroy the coloniality of power through an enhanced oversight capacity to solve problems of inadequately limited executive power bequeathed by colonialism.

Decoloniality facilitates the epistemic liberation of parliamentary training institutes so that legislators receive knowledge that empowers and enhances oversight. Epistemic liberation can be achieved through epistemic disobedience. It is concerned with discarding knowledge and training methods from the West and the colonial library while privileging the rich African and indigenous modes of training, building legislative capacity, researching and exercising oversight that were oppressed, silenced, banished, peripheralized or killed by coloniality.

Decolonised parliamentary training institutes produce graduates that are distinguishable by the epistemological position from which their products speak. As a result, local Zimbabwean experiences and histories will inform legislative analysis and making of policy. Furthermore, parliamentary training institutes that embrace decolonial epistemic perspectives can produce an epistemically neutral parliamentarian who speaks epistemically from the seat of parliament in the capital city while socially located among the rural poor in the countryside. A legislator who identifies with and understands his environment is capable of effectively representing

his/her constituency and is better able to exercise oversight by asking decolonial questions that strike at the core of executive power feeding fat on coloniality. Parliamentary training institutes that disregard decolonial curricula are exposed to the dangers of Euro-American epistemology that produces parliamentarians with a lost locus of enunciation.

An understanding of decoloniality is also important for the recruitment of decolonised trainers of parliamentarians as opposed to the so-called experts that are products of the Euro-American institutions where they were exposed to Euro-American epistemology as the only objective, universal, truthful, neutral and disembodied way of knowing (Ndlovu-Gatsheni, 2012). Corollary to the above, decoloniality emphasizes ontological egalitarianism and its adoption allows parliamentary training institutes to engage the executive as equals.

Although the decolonial epistemic worldview is biased towards the global south and the subalternized, Ndlovu-Gatsheni (2012) applauds it for not throwing away progressive aspects of Euro-American epistemology and the best of modernity, some of which fall in the domains of democracy and human rights. As a consequence of the above decolonised graduates of decolonial parliamentary training institutes will be more effective in their oversight role as they can think and act both locally and globally.

5.0 Conclusion and Recommendations

From the above it has been noted that parliamentary training bodies are steeped in coloniality. This compromises their efficiency and that of the graduates they produce. As long as they remain engulfed in coloniality their quest to enhance legislative oversight will be difficult. There is a need to radically change course with regard to the role parliamentary training institutes can play in enhancing legislative oversight because as long as the institutes in Zimbabwe remain be-saddled by a plethora of problems rooted in coloniality, effective legislative oversight will not be achieved. It has also been exposed in the paper that parliamentary training methodologies and theories rooted in Western philosophy have produced a parliament without the capacity to superintend the executive. It is imperative that parliamentary training institutes consider fully embracing the decolonial epistemic perspective for enhanced parliamentary oversight.

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Role of Legislative Oversight in Strengthening Devolution: A Case Study on Recruitment of Staff by the County Public Service Boards

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1. Introduction

The Constitution of Kenya 2010 created a new dispensation in Kenya's governance through the establishment of 47 county governments. The new model devolves the government's resources to the lowest level of governance. County governments should be turned into a space for integration and national cohesion for devolution to succeed.

The 47 county governments should embrace and make diversity a criterion for recruitment. A recruitment policy based purely on merit may not give Kenyans a county public service that represents the face of the country. Recruitment solely based on merit is inhibited by disparities in education, infrastructural imbalances and uneven development. This means some communities are more likely to produce highly skilled people than others (NCIC Report, 2011). It is these disparities in regional development and basic services that the country should have addressed in the past 50 years of independence.

The overall objective of this paper is to measure the nature and extent of recruitment and unethical practices in the county public service. The paper focuses on aspects of management of ethnic diversity in employment, and the effects and causes of poor recruitment. It is the duty of the county assemblies and public service boards to promote equality of opportunity in employment in order to eliminate discrimination in employment. It should be noted that the boards should promote and guarantee equal opportunity in employment and strive to eliminate discrimination in any form of employment policy or practice.

Since independence, Kenya has attempted various mechanisms of decentralization, most of which have oscillated between deconcentration, delegation and privatization. The Constitution of Kenya, 2010 provided for regional governments that sought to give all parts of the country self-rule. It is only through the establishment of local authorities that Kenya adopted true devolution.

The previous local authorities had political powers to elect their own leaders such as mayors, county council chairpersons and councillors, who provided oversight in the management of the councils and had administrative powers to employ their own staff. The employees were charged with the delivery of certain public services and had fiscal powers to have their own budgets, which were read and approved by the council assemblies. They could also raise their own revenues through collection of assigned taxes and fees.

At its core, the Constitution of Kenya, 2010 embraces devolution as the primary structure of government. This is a radical departure from the centralized structure of government that Kenya had for almost 50 years. The goal of the devolution adopted in the Constitution was to give the people at the grassroots more control over decisions and governance actions that affect them directly. This was meant to contribute to the eradication of corruption, tribalism and impunity.

2. Ethnic Diversity

County assemblies/public service boards are required to assess the ethnic and diversity representation in the county public service. The boards are also mandated to establish the proportion of various ethnic groups within the service and assess compliance with legal provisions on representation of diversity of ethnic groups. The assembly committee that handles labour and public service in its work plans or in the course of its proceedings ought to invite a witness to adduce evidence on a specific matter of concern before the committee.

The boards should be invited to appear before the committee to shed light on the recruitment. This will help the committee to make the right decisions, which will ultimately strengthen the oversight role of the county assemblies.

Section 59 (3) further provides that the reports under sub-section 1(d) shall contain the details of persons appointed including gender, persons with disabilities and persons from minority and marginalised communities.

In some rural counties, achieving 'ethnic diversity' is nearly impossible. A case in point is Bomet County, where an advertisement for a vacancy will only attract candidates from the dominant Kipsigis ethnic group or Kipsigis from surrounding areas such as anorak, Kericho and Nakuru (Kuresoi). This makes it difficult for the county public service to comply with the requirements of ethnic diversity.

3. Equal Opportunities

Article 232 (1) (i) (ii) requires 'affording adequate and equal opportunities for appointment, training, advancement, at all levels of the public service of the members of all ethnic groups'.

Although every effort should be made to accord equal opportunity to citizens and employees, the service boards are faced with inadequate resources and in the case of employment, non-existent skills from marginalized areas, or instance medical or ICT staff.

4. Principles of Devolution

Through devolution, Kenya has established county governments that comprise the county executive and the county assembly. The county legislative arm is responsible for the oversight role over the executive arm.

The principles of devolution include separation of powers; democratic principles; the need for reliable sources of revenue for governance and effective services; and gender inclusion (the two-thirds rule).

5. Legislative Oversight

Diverse representation of communities in the governance organs at county level is pertinent if these organs are to ensure the protection and promotion of the interests and rights of all citizens. A report of the National Cohesion and Integration Commission (NCIC) indicates that county executive committees in 18 counties are mono-ethnic while 22 county public service boards (CPSBs) are made up of only one ethnic group. The study disregarded the role of the county assemblies and CPSBs as representative, and denoted that strict adherence to the stipulation in the County Governments Act (CGA) was required.

The NCIC report (NCIC, 2011) indicates that the establishment of county governments has given rise to debate on the competing paradigms of countyhood and nationhood. In some counties, certain ethnic groups are seen as “people of the county” while others are perceived as “people from without”. These identity markers seem to be a function in the resource sharing process in counties, leading to minimal involvement or total exclusion of some ethnic communities, specifically in employment at the county level.

County governments/assemblies are under a constitutional and legal obligation to promote national values, including harmonious relations and respect for diversity by addressing the problem of exclusion, discrimination and marginalization. There should be equality in recruitment of staff in the counties with the ultimate aim of embracing ethnic diversity. The organ that is responsible for legislative oversight is the county assembly and the Senate when it comes to matters touching on the mandate of the county.

It should be noted here that Kenyan laws place the duty of ensuring equality, non-discrimination, equity, fairness, transparency, accountability, diversity and meritocracy on county governments. They are expected to protect non-dominant groups in the county. This study attempts to assess the observance of these legal obligations by evaluating the ethnic and diversity representation in the public service of Kenya’s 47 counties. Therefore, the county assembly committees will be guided by the principles and values envisaged by the Constitution of Kenya as well as other Kenyan laws. For instance, Section 59 of the County Governments Act (CGA) 2012 indicates that:-

“The report by the County Public Service Board under subsection (1)(f) shall—

- (a) be delivered each December to the county assembly;
 - (b) include all the steps taken and decisions made by the board;
 - (c) include specific recommendations that require to be implemented in the promotion and protection of the values and principles;
 - (d) include specific decisions on particulars of persons or public body who have violated the values and principles, including action taken or recommended against them;
 - (e) include any impediment in the promotion of the values and principles; and
 - (f) include the programmes the board is undertaking or has planned to undertake in the medium term towards the promotion of the values and principles.
- (6) The Board shall publish a report required under this section in the county *Gazette* not later than seven days after the report has been delivered to the county assembly.”

It is the duty of the county assembly, through the relevant committee, to investigate, inquire into and report on all matters touching on recruitment of county staff. For fairness in the recruitment of County Executive Committee Members (CECs), Chief Officers and other senior officers, the county assembly committee on appointments and relevant sectoral committees are required to vet and report on all appointments where the Constitution or any other law requires the county assembly to approve, except those under Standing Order 185, and make reports and recommendations to the county assembly as often as possible, including recommendation of proposed legislation.

The effectiveness of oversight committees of the county assembly plays an important role by examining matters of policy and public administration, reviewing legislation and providing an opportunity for expert, civil society and community opinion to input on the law-making process. The committees further examine the operation of government agencies, assess policy options and make substantial contributions to improve the government. The county assembly committees’ effectiveness is evaluated on how they undertake and conduct their oversight role as well as how they influence county policy by ensuring effectiveness, efficiency and economy of service delivery.

In its legislative oversight role, the county assembly should always ensure that the county public service board adheres to the procedures established by the County Governments Act, Section 60(1). As earlier stated, the county assembly is supposed to assess the ethnic and diversity of representation in the county public service, establish the proportion of various ethnic groups in the county public service and assess the compliance of counties with legal provisions on representation of diversity of ethnic groups. The assembly committee can decide to invite a witness to adduce evidence on a specific matter of concern. In this regard, the county public service board should be invited to appear before the committee to shed light on the recruitment. This will help the committee to make the right decisions, which will ultimately strengthen the oversight role of the county assembly. The CPSB may establish or abolish any office in the county public service. If the CPSB intends to establish or abolish an office, it shall submit its proposal to the county assembly for approval through the county executive member responsible for the county public service.

Section 7(1) of the National Cohesion and Integration Act, 2008 stipulates that all public establishments shall seek to represent the diversity of the people of Kenya in the employment of staff. Therefore, ensuring diversity in employment by including various Kenyan communities in the county public service is not only a legal obligation but also a path to achieving national unity. Therefore, the relevant county assembly committee should ensure that all the values and principles of the Constitution are upheld by the county public service board when recruiting staff to work in the county public service. If the county public service board adhered to all the legal procedures, the problem of exclusive recruitment of staff would be solved.

The board should ensure that all vacancies in the county public service are inclusive. Section 65(1)(e) requires the board to ensure that at least 30 per cent of the vacant posts at entry level are filled by candidates who are not from the dominant ethnic community in the county. The inclusion of diverse communities in the county public service would reduce perceptions of exclusion and marginalization, thereby reducing tensions and inter-community conflicts.

Section 63(1) and (2) of the CGA 2012 stipulates that except as provided for in the Constitution or legislation, the county public service board has the power to make appointments, including promotions, in respect of offices in the county public service. The county assembly's relevant committee is responsible for the oversight role when the board is making appointments. Failure by the county assembly to offer this critical oversight role will allow malpractices to take root in the county public service. The oversight role can salvage the problems emanating from poor recruitment. The Act in Section 35(2) also obligates the county assembly not to approve any nominations for appointments if they do not take into account representation of minorities, marginalized groups and communities.

Exercised well, this oversight legislative role of the county assembly can ensure the inclusivity of all ethnic groups. It should be noted that no person may be appointed in an acting capacity unless the person satisfies all the prescribed qualifications for holding that public office. Acting appointments shall be made only by the lawful appointing authority and for a specific period. To avoid conflict of interest, all appointments on acting capacity should be done according to the law.

Equally, Section 65(1) of the CGA, 2012 states that:-

- “(1) In selecting candidates for appointment, the County Public Service Board shall consider—
- (a) the standards, values and principles set out in Articles 10, 27(4), 56(c) and 232(1) of the Constitution;
 - (b) the prescribed qualifications for holding or acting in the office;
 - (c) the experience and achievements attained by the candidate;
 - (d) the conduct of the candidate in view of any relevant code of conduct, ethics and integrity;
 - (e) the need to ensure that at least thirty percent of the vacant posts at entry level are filled by candidates who are not from the dominant ethnic community in the county;
 - (f) the need for open and transparent recruitment of public servants; and
 - (g) individual performance.”

County assembly committees are mandated to ensure that the 30 per cent rule in recruitment of public officers is adhered to in order to ensure that there is equal share of resources. It is therefore the responsibility of the CPSB to undertake audits on the status of ethnic diversity in the county public service.

The board should record information on all employees in the county whether recruited by it or not. The county assembly should always discharge its legislative oversight role with objectivity. Further, Section 3(3) of the Employment Act presupposes that both levels of government are under an obligation to promote equality in access to employment opportunities. The county assembly committee should ensure that the county public service board fulfils the above criteria when recruiting of staff.

5.1 The Number of Employees Vis-à-Vis Compliance with Legal Framework

The NCIC Report (NCIC, 2011) adopted in the table below shows the number of employees the county governments have engaged since their inception.

	County	No. of Employees
1	Nairobi	11,067
2	Bungoma	5,561
3	Nakuru	5,409
4	Kiambu	4,120
5	Baringo	4,055
6	Mombasa	3,896
7	Machakos	3,736
8	HomaBay	3,676
9	Kisii	3,606
10	Kakamega	3,486
11	Embu	3,451
12	Kisumu	3,423
13	Nyeri	3,055
14	Meru	2,840
15	Murang'a	2,683
16	Kirinyaga	2,602
17	Uasin Gishu	2,599
18	Narok	2,562
19	Kericho	2,550
20	Kitui	2,165
21	Bomet	2,145
22	Busia	2,116
23	Kilifi	2,111
24	Nyamira	1,868
25	Elgeyo Marakwet	1,850

	County	No. of Employees
26	Migori	1,843
27	Laikipia	1770
28	Mandera	1685
29	Makueni	1681
30	Tharaka Nithi	1,671
31	Siaya	1,666
32	Trans Nzoia	1,622
33	Garissa	1,557
34	Kajiado	1,545
35	Nyandarua	1,528
36	Kwale	1,424
37	Taita Taveta	1,409
38	Vihiga	1,336
39	Tana River	1,290
40	Isiolo	1,246
41	Samburu	1,229
42	Wajir	1,179
43	Nandi	1,129
44	Turkana	995
45	West Pokot	909
46	Marsabit	757
47	Lamu	749
	TOTAL	116,852

The statistics show that new appointments made since the counties were established in 2013 have contravened the law. It should be further noted that only 15 counties (31.9 per cent) have adhered to section 65 of the CGA by giving more than 30 per cent of the vacancies at entry level to members of ethnic groups that are not dominant in their precincts.

County assemblies' failure to scrutinise and monitor employment has led to county public service boards' failure to comply with the law. In fact, 68.1 per cent of the counties have hired more than 70 percent of their staff from one ethnic group. This implies that new recruitments continue to contravene the provisions of the law.

The NCIC report (NCIC, 2011) indicates that the 15 counties that comply with the CGA are Laikipia, Migori, Trans Nzoia, Busia, Garissa, Embu, Narok, Nakuru, Lamu, Taita Taveta, Isiolo, Mombasa, Nairobi, Tana River, and Marsabit. This vindicates the fact that all counties

can and should comply with the CGA provisions. These counties need to be applauded for adhering to the law.

The other 32 county governments that have failed to comply with the County Governments Act need to be reminded of their obligation to uphold the law.

It is noted that power has been personalized around the governor. Laws are routinely passed to increase executive authority and laws seen as being inconvenient are often changed or ignored. The Akiwumi Report observed that the checks and balances normally associated with democracies are weak in Kenya and are deliberately so (Akiwumi Report, 1992). The naming of certain counties may be seen as giving some groups an advantage in the claim of opportunities. The names of certain counties - Samburu, Kisii, Tharaka Nithi, Nandi, Turkana, West Pokot, Taita Taveta, Embu and Meru - stir perceptions of discrimination as they seem to encourage entitlement for certain groups. The study reveals that seven of these eight counties accorded over 90 per cent of positions in the county service to certain groups.

Individuals in government - the civil service, the judiciary, and the legislature - understand that, irrespective of the law, the executive arm of government determines what happens. Hence, the state is not seen as neutral. In most cases, public sector institutions are seen as biased and unlikely to follow the rules, hence increasing the tendency for conflict among the public. County government organs vested with the powers to employ are required to promote democracy, good governance, unity and cohesion as well as peace and order.

One way of ensuring this is indicated in Article 35 (1a) of the CGA, which stipulates that the composition of the executive committee should reflect the community and cultural diversity of the county. The county public service board is required to ensure that the values and principles of the Constitution are embraced. The biggest mandate in regard to employment in the counties is vested in the county public service board, which is established under Section 58 of the County Governments Act. The failure of the boards to uphold the tenets of the Constitution has contributed to poor recruitment of staff.

County assemblies should ensure that Bills are geared towards defending devolution and that they are professionally done. Therefore, the county human resource should be strengthened with critical skills such as drafters. However, this is inadequate in most county services.

6. Parliamentary Training Institutes

More funds should be allocated to Parliamentary Training Institutes (PTIs) to enhance legislative oversight for Members of the County Assembly (MCAs).

In order to support assemblies in drafting, debating and legislation, PTIs need to be funded by the exchequer and not be left solely to the Parliamentary Service Commission.

7. Public Service

The Constitution of Kenya, 2010 created a new dispensation in governance through the establishment of the 47 county governments. The new model devolves resources to the lowest level of governance. However, it is emphasised from the onset that county governments should be turned into a space for integration and national cohesion if devolution is to succeed.

The 47 county governments and private sector should embrace diversity by making it a criterion for recruitment.

It is the duty of county public service boards to promote equality of opportunity in employment in order to eliminate discrimination.

In accordance with Article 235 of the Constitution, each county has its own public service, which is headed by the county secretary (executive and clerk - assemblies). The County Government Act, 2012 states that the county public service should be driven by certain objectives.

In the county governance structure, there are two public services -the county public service board and the county assembly service board. Section 59 of the CGA, 2012 states:-

- “(1) The functions of the County Public Service Board shall be, on behalf of county government, to—
- (a) establish and abolish offices in the county public service;
 - (b) appoint persons to hold or act in offices of the county public service including in the Boards of cities and urban areas within the county and to confirm appointments;
 - (c) exercise disciplinary control over, and remove, persons holding or acting in those offices as provided for under this Part;
 - (d) prepare regular reports for submission to the county assembly on the execution of the functions of the Board;
 - (e) promote in the county public service the values and principles referred to in Articles 10 and 232;
 - (f) evaluate and report to the county assembly on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the county public service;
 - (g) facilitate the development of coherent, integrated human resource planning and budgeting for personnel emoluments in counties;
 - (h) advise the county government on human resource management and development;
 - (i) advise county government on implementation and monitoring of the national performance management system in counties;”

There is, therefore, an urgent need to build capacity of the human capital in county public services. The boards, both county and assembly, need to be capacity built so that they can play their mandates effectively and professionally.

8. Problem of Recruitment

Adherence to Section 65 of the CGA, that is, giving more than 30 per cent of the vacancies at entry level to members of ethnic groups that are not dominant in respective counties has been problematic in rural counties.

9. Meritocracy and National Outlook

The Constitution of Kenya, 2010 emphasises meritocracy, among other tenets, in the county public service to further protect non-dominant groups in the county to help project a national outlook.

10. Challenges

a) Politics of the Majority of the Ethnic Group Dominant in the County: County governments are faced with challenges in the recruitment of staff. While the law provides for ethnic inclusion, empirical evidence points to complexities internal to ethnic groups. It is a fact that even within a dominant group, the question of majority and minority groups exists. The difficulty here is that some sub-ethnic groups or clans feel excluded even when the dominant groups to which they belong have more than the legally allowed 70 per cent in job allocation. This further complicates the question of equity in employment

b) Political Interference: Both the executive and the legislature feel that they should ‘share’ vacancies, hence the difficulty in meeting the thresholds.

c) Constitution of County Assembly Service Boards: There is a need to rethink the composition of the boards and amend the relevant section of the CGA on supervision of staff.

d) Lack of Skills/ Experience: Devolution, being new, has created challenges as counties compete for scarce skilled manpower, which is also hard to attract and retain in rural areas, and low pay, for instance medics.

11. Way Forward

1. The county assemblies should work with CPST to facilitate a process of sensitization of members of the county assemblies to increase their capacity in handling matters touching on recruitment and human resource management. This intervention may include production of county information source books (fact sheets).
2. Increase funding to the Centre for Parliamentary Studies and Training (CPST). The National Assembly and the Senate should consider allocating more funds to the CPST to enable it to organise and conduct its activities efficiently and effectively.
3. Annual reporting-county public service boards should undertake annual ethnic and diversity audits of the county public service and submit the report to the county assembly, copied to the National Cohesion and Integration Commission annually with the aim of monitoring the progress of counties in complying with the law.
4. The county assembly committees dealing with human resource management should develop a work plan on capacity building for county assembly staff to enhance their capacity to handle legislative oversight.

5. County assembly committees should work closely with NCIC and the Senate to deal with issues touching on the county human resource and recruitment of staff.
6. There should be more funding to the county assembly committees so that they are enabled to deal objectively with issues touching on employment and human resource. To enhance capacity building, members would be in a position to handle exhaustively issues touching on human resource. This will eventually lead to prudent use of resources by the county governments as they will be able to eliminate 'ghost' workers and inflated wage bills.
7. Mapping of counties that can achieve the set thresholds, e.g. Bomet, Kericho, Nyamira, Kisii.

12. Conclusion

Despite the challenges in recruitment of staff in the counties, the future is bright for devolution, especially with the Bill seeking the amendment of the County Governments Act, Section 58, to make it mandatory for the chairperson of the county public service board to be a human resource professional. County economic blocs should consider exchanging professionals and experts, as is the case with the Lake Basin Economic Bloc.

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Strengthening Public Participation through Training of Legislatures, Parliamentary Staff and Stakeholders: Case of Baringo County

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1.0 Introduction

The objective of this paper is to establish the gaps that exist in the implementation of the public participation process in the devolved system of governance in Kenya, with reference to Baringo County, and give recommendations on what should be done to achieve the objectives of public participation in devolved units.

There is low collaboration between non-state actors, the public and county governments in mobilizing and coordinating public participation at the grassroots level. Also, there is inadequate administrative capacity and public awareness on participation. These are key hindrances to efficient and effective citizen engagement.

1.1 Background Information

The Kenya Constitution (2010), the Public Finance Management Act, the County Government Act, the Public Procurement and Disposal Act, and other regulations form the legal framework for citizens' engagement, both politically and administratively, by allowing them to directly participate in the formulation of public policy issues, public service delivery and quality improvement processes.

Public participation in Kenya finds its early roots in the post-colonial era in development projects that benefited local communities. The country took legislative steps to provide ways for citizens to be active participants in the governing of their country. Most of these ways were, however, limited to local authorities. Consequently, implementation of the laws incorporating citizen participation did not fully achieve their objectives because citizens did not understand their constitutional rights on participation. Local authorities struggled to promote local funding and planning processes for citizens, for example through initiatives such as the Local Authority Service Delivery Action Plan (LASDAP) and the National Government-Constituencies Development Fund (NG-CDF). LASDAP and NG-CDF did not consider citizen involvement from the initial stage of identification of projects. However, they were involved during implementation through a project management committee. These efforts were seen as those of a government trying to impose projects on the people (Legal Resources Foundation Trust, 2009).

Unlike the above scenario, where the state still controlled and managed local projects without considering citizens' participation, the Kenya Constitution 2010 introduced the concept of devolution and gave sovereign power to citizens to make independent decisions on public policies, service delivery and management of their funds. The Constitution requires that every key decision - from county to national budgets, appointment of constitutional office holders and the legislation process both at the national and at the county levels be preceded

by public participation. At the same time, it allows an open-door policy to civil society on issues of improving public participation.

In 2016, the Ministry of Devolution and ASALs produced guidelines that give a practical approach to public participation on various thematic areas and the actual engagement processes as enshrined in the Constitution of Kenya and attendant laws and regulations (Public Participation Guidelines for County Governments, 2016). The guidelines further laid out the duties and responsibilities of the public in the process. The guidelines can be adapted to fit county contexts and circumstances because these units have different political, economic, social, cultural and religious environments.

Despite the well-laid-out public participation legislation, its implementation is left largely to the discretion of individual counties. The manner in which counties have approached public participation varies according to the management style of each governor and administrative agency.

Furthermore, there are many challenges associated with community participation, especially the capacity of the citizens to comprehend their role in decision-making and understand budgetary issues. The budgeting process has become a complex and confusing phenomenon for the citizens and even the implementers, thus several roll-over funds, incomplete and/or misplaced projects and misappropriation of public funds have been reported in various counties (Audit Reports 2014-2016).

The guidelines suggest the establishment of key offices to promote public participation. Since governors are the appointing authorities, they have the discretion to establish some of these offices. The office of the public participation coordinator is non-existent in most of the counties. Also missing are independent administrative structures (sub-county, ward and village administrators), which are supposed to facilitate public participation between the county assembly and the county executive. Although administrators can implement public participation at the grassroots level, there is reluctance because of political influence and patronage.

Although Kenya has had impressive growth in many areas of development, Baringo County still experiences high levels of poverty, at 52.2 per cent (KNBS, 2009). Poverty in this context refers to insufficient economic growth, poor infrastructure, inadequate water and food, high illiteracy levels and inadequate health facilities (Reliefweb 2017).

This situation calls for residents to manage their resources by prioritizing their needs in order to realize positive development that can work in their favour. Due to lack of knowledge and capacity, several projects in the county have been misplaced and thus failed to address people's urgent needs such as food security, ravaging drought and inter-community conflicts over scarce resources, and poor health services (Reliefweb 2017).

According to the mid-term review of the 2013-2017 County Integrated Development Plan (CIDP), which was carried out in 2016, the Equator Fresh Produce Market in Maji Mazuri Ward, Baringo County, funded in the 2013/14 financial year, was incomplete three years after it was initiated. The reason for this was misunderstanding between the community and the contractor. The project committee was formed midway in the implementation cycle and the community was not involved. The project was located at a site customers could not get access to. The site was chosen due to collusion between contractors and county officials.

This case brings out the following:-

1. The community was not involved in determining the project, and this particular one turned out not to be of priority to them.
2. The funds allocated for the projects were rolled over from the 2013/14 financial year to the 2016/2017 financial year.
3. The community was not involved in the implementation of the project and, therefore, its utility upon completion was zero given that its location is inaccessible.

All these sum up the problem of poor citizen participation; and according to the same report, most projects in the county were not completed because of the reasons listed above.

1.2 Statement of the Problem

Poor public participation in most counties has contributed to marginalization of communities, poor prioritization of community needs and high incompleteness of projects at the local level. Public participation has not been fully felt on the ground, as evidenced by incomplete projects, roll-over of funds and frequent variations in project costs.

The question is whether the community is satisfied with the way public participation is carried out in the devolved units; and whether key stakeholders understand the process. Are there challenges the agencies, the public and non-state actors face in implementing public participation?

2.0 Literature Review

Our literature review is deduced from observation, interviews and desktop reviews based on Baringo County. The model of decentralization advocates innovative forms of horizontal cooperation between governments and civil society as opposed to a strong state power form of governance (Edita, 2011).

According to Faguet, (1997), the case of a modern decentralized government is well represented by Wolman, whose arguments concerning decentralization are categorized as efficiency values and governance values. Efficiency values comprise public choice justification for decentralization and maximization of social welfare. Wolman argues that tax and service packages should reflect as accurately as possible the aggregated preferences of community members.

Governance values as a decentralization approach place government closer to the people and foster greater responsiveness of policy makers to the will of the citizenry, thus resulting in a closer congruence between public preferences and public policy. This is not only because decision makers in decentralized units are more knowledgeable and better attuned to the needs of their areas than their colleagues in the national government, but also because decentralization permits them to be held directly accountable to the locals through elections (Faguet 1997).

The decentralization model is supported by the polycentric model, which postulates the idea of citizen participation in decision making by emphasizing the principle of interdependence rather than hierarchy and subordination (Edita, 2011). Decision making in this case, as explained by the International Association for Public Participation, (2007) refers to “People having a say in decisions on actions that affect their lives, the promise that the public’s contribution will influence the decision, communication of the interests and needs of all participants, facilitation of the involvement of those potentially affected, participants defining how they will participate, how their input was, or was not, utilized and participants being provided with information they need to participate in a meaningful way.”

To understand the procedures of carrying out public participation, the International Association for Public Participation, 2007, developed a spectrum for public participation which entails the following: Informing the public to understand issues, options and solutions; collaborating with the public to develop decision criteria, alternatives and identifying the preferred solutions; involving the public to ensure its concerns are considered in development decision criteria and options; consulting with the public to obtain its feedback on alternatives or decisions; and empowering the public on the decision-making authority in their hands (International Association for Public Participation, 2007)

The management systems that various states apply to engage citizens and identify their needs of public services have often failed or produced unexpected results and are unable to solve the problems of complex heterogeneous societies and interests (Edita, 2011). Based on this, Edita argues that activation of citizen participation could be a possible solution. The constitutional intention of devolved systems on public participation in Kenya has been marred by overlaps, duplication and low citizen involvement due to lack of a coordinated framework. This trend has also been witnessed in Baringo County.

2.1 Constitutional and Legal Provisions for Public Participation

The spirit of the Constitution of Kenya (2010) gives the people the sovereign power to exercise their democracy and participation through inclusiveness, good governance, integrity, transparency and accountability (Articles 1(2),10(2)(a), (b) and (c). Articles 27, 33 and 35 of the Constitution guarantee equality and non-discrimination, respect for the freedom of expression of citizens in public participation, and the right to information. Article 174(c) and (d) give powers of self-governance to the people and the right to manage their own affairs to further their development through participation in decision making. Article 184(1) provides for the governance and management of urban areas and cities and for the

participation of residents in the governance of urban areas and cities. Article 232(1) (d) includes the involvement of the people in the process of policy making and (f) transparency and provision to the public of timely and accurate information.

The Fourth Schedule Part 2(14) stipulates that the functions and powers of the county are to coordinate and ensure the participation of communities in governance. Counties are also to assist communities to develop their administrative capacity to enhance their exercise of power and participation in governance at the local level.

At the county government level, the Constitution and various statutes assign the responsibility to coordinate, manage and supervise public participation to certain county officers including the governor, the county executive committee member responsible, the sub-county administrator, the ward administrator, the village administrator and boards of cities and municipalities to ensure the engagement of the residents.

Finally, Section 125 of the Public Finance Management Act, gives the County Executive Committee (CEC) member for finance the mandate to ensure that there is public participation in the budget-making process, from planning to implementing, monitoring and evaluation (Public Participation Guidelines for County Governments, 2016).

The shift to the new form of government and citizens’ interaction in Kenya is also outlined in the Public Procurement and Disposal Act, which emphasizes transparency of the procurement process, including the requirement that procuring entities make procurement records publicly available after the closure of proceedings, publicize notice of intention to enter into a contract on websites and public notice boards, and publicize all contract awards.

The County Governments Act stipulates that counties establish mechanisms to facilitate public communication and access to information using media with the widest public outreach. Every county is to designate an office to ensure access to information and create an institutional framework for civic education.

2.2 Mechanisms for Public Participation in Kenya

Counties have faced various challenges in the setting up of frameworks and programs to standardize the approach to public participation. The Ministry of Devolution and ASALs, civil society and other interested parties have been active in implementing public participation to achieve the constitutional requirements. According to the ministry’s guidelines, the ideal way of implementing public participation falls under two options.

Option 1: The county government may administratively carry out public participation through a county public participation coordinator, who works with the county executive committee, county assembly and administrators in the county units.

Option 2: The county assembly and the county executive may put in place independent administrative structures for public participation. The county assembly may establish

a committee in charge of public participation, and work together with administrators in the county units. The county executive, through the coordinator, may work with county administrators too.

Despite the Constitution and other related Acts providing guidelines for implementing public participation, the situation on the ground shows that for the past four years, public participation has not been effectively carried out in most of the counties for lack of adherence to policies and regulations meant to guide the process.

3.0 Case of Baringo County

Our discussion is based on organisation of public participation in Baringo County, as deduced from our observations, interviews and desktop reviews. Baringo County, which sits on an area of 10,995km², is characterized by marginalized and minority groups, high illiteracy levels, poor terrain, low accessibility to resources, sparse population and low accessibility to transport and communication channels -TV (5 per cent), phone (49.3 per cent), internet (2.7 per cent), radio (63.8 per cent) (KNBS 2009).

This study used questionnaires, in-depth interviews and desktop review of existing literature administered on Baringo County Assembly staff, MCAs and other non-state actors. The questionnaire was distributed to 14 heads of department, 11 MCAs who are chairpersons of committees, 15 chief officers, two sub-county administrators, 10 ward administrators and one county legal officer. Focus group discussions were carried out in 10 wards. Each group of 10-12 respondents included youth and women representatives, church leaders, representatives of Persons with Disabilities (PWDs), Civil Society Organizations (CSOs) and/or Non-Governmental Organizations (NGOs) representatives, minorities, farmers and members of the working class. Questionnaires were also distributed to clerks in 16 county assemblies to get a clear picture of the planning and implementation of public participation. Data was analysed using Excel to establish frequencies. In-depth interviews and questionnaires were generated and organized into themes.

3.1 Results and Discussion

3.1.1 Information and Communication

Article 35 of the Constitution of Kenya and Section 93 of County Governments Act provides that public communication and access to information by citizens should be integrated into all development matters. Suggested channels of communication include television, brochures, community radio, newsletters, internet/websites, mobile phone, traditional media, notices in county, sub-county, ward and village offices in public places and public meetings.

Communication should also be tailored to meet the needs of persons with disabilities, older members of the society, the marginalized and less educated residents of the county by using special communication gadgets such as Braille and local language publications.

From the findings of this study, the medium of notification on public participation activities were rated as follows: 21 (18.1 per cent) of the respondents learned about them through radio, 29 (25 per cent) read it in newspapers, while 51 (44 per cent) and 15 (12.9 per cent) of the respondents said they learned about the events through public *barazas* and informal sources respectively.

Responses from the county staff and legislators indicated that they used two of the most circulated newspapers in the county to invite the public to the forums. Given the low number of people who read newspapers because of high illiteracy levels, inaccessibility and high costs, most people in Baringo cannot get information on public participation.

Considering the needs of special groups, the findings indicate that 72 (62.1 per cent) of the respondents confirmed that marginalized groups, minorities and PWDs were not involved in public participation while 44 (37.9 per cent) said these groups were involved.

The method of informing the special groups on public participation events is not effective given that communication is done through newspapers and these people, including the aged, are found in the remote areas of the county.

Also, the means of communication is a hindrance to marginalized groups by the fact that the county notifies and publishes documents in English.

An internet review indicated that the county posts most public participation documents on its websites. However, they are not accessible by most of the population given that only 2.7 per cent of Baringo residents have access to the internet.

3.1.2 Citizens' and Implementers' Involvement

It is apparent that democracy and participation in public policy constitute a bi-directional liaison between implementers and citizens. As citizens become more affected by public policy, their attitude to democracy is reinforced and participation in democratic processes increases with the goal of obtaining substantial returns (Carreira et al, 2016).

Through public participation as a planning tool, decisions are better adapted to reality and more attentive to existing priorities. Planners should evaluate the information provided by citizens and build partnerships, document the participation and its results, and explain how participation influenced the final decisions. This will show citizens that their opinions and efforts are valued, resulting in public gain (Carreira, 2016).

The study found that 76 (65.5 per cent) of the respondents were aware of their constitutional right to take part in public participation while 40 (34.5 per cent) were not aware of this right.

However, most of the respondents were discouraged from taking part in public participation because their concerns were not considered in the final decisions.

On the other hand, 37 (56.9 per cent) of the legislators and staff were not aware of the process of conducting public participation; while 28 (43.1 per cent) were aware of it.

The conflicting scenario where the public is aware of its constitutional right, while the implementers are not conversant with the process of conducting public participation, creates a stalemate on the process, thus compromising services. This is because of lack of considering of the public's concerns and aspirations in legislation, budget and development.

On whether they had participated in public activities, 45 (39.8 per cent) of the respondents indicated that they had been involved, while 71 (60.2 per cent) had not been.

If a substantial number of the residents are not involved in public participation, then there is likelihood of a drawback in citizens' democracy and gain on their needs and aspirations for quality life.

3.1.3 Consultation and Feedback

Many implementers choose to exclude or minimize public participation in their planning efforts, claiming that citizen participation is expensive and time-consuming, yet many such programs are initiated in response to public reaction to a proposed project or action (Bob, 2003).

Consultation in this context simply means implementers collaborating with the public and incorporating their views and recommendations into the decision making.

From the findings, 45 (39.8 per cent) respondents reported that they had been involved in public participation, 14 (31.1 per cent) confirmed they had been fully involved, while 31 (68.9 per cent) said they were partially involved. Those who were not fully involved confirmed that their views were not factored in the final decision. This implies that projects and programs carried out by the county government are not owned by the community.

Some of those who were partially involved from the inception of the idea noted that they did not completely comprehend the goal of the project/program since they came in midway.

The implementers cited the following reasons for not fully involving the public in the process of public participation:-

1. Inadequate facilitation to take the process to the village level. Instead most public participation forums are conducted at ward level.
2. Inadequate capacity of implementers. The legislatures and county staff are incapacitated to carry out public participation to their conclusion.
3. Illiteracy: The implementers intentionally blocked out illiterate citizens who did not understand the language of published documents in order to make their work easier.

4. Time constraints: With incapacitated implementers and lack of facilitation, public participation timelines could not be met.
5. Poor coordination: There are no structures of public participation in the county, including the county public participation coordinator, the county assembly committee on public participation, the CEC in charge of public participation and village administrators.

On whether the necessary documents were made available for perusal prior to the day of the public participation event, 63 (54.3 per cent) of the respondents indicated that they did not get a chance to see the materials, while 53 (45.7 per cent) said they received the documents on time. Those who got the materials prior to the public participation forum indicated that they received voluminous documents that they were not able to read and comprehend, and thus could not air their views effectively.

This study established that 74 (63.8 per cent) of respondents claimed their opinions were not put into consideration during the implementation stage, while 42 (36.2 per cent) indicated that their views were considered.

On the means of airing their views, 37 (31.9 per cent) participated through public *barazas*, 25 (21.6 per cent) through memoranda, 12 (10.3 per cent) through petitions, 13 (11.2 per cent) through courts; and 17 (14.7 per cent) said they were involved in all the above means.

The public considered implementers as know-it-all stakeholders who carried out public participation as a formality in order to achieve their planned objectives. This is seen through variations in project costs and implementation of projects that were never suggested by the public.

On respondents' accessibility to legislation after public participation, 79 (68.1 per cent) of the respondents issued with questionnaires said they did not have access to the pieces of legislations that were published after the public participation. However, 37 (31.9 per cent) got feedback.

3.1.4 Training

To engage effectively, citizens not only need awareness on their roles and responsibilities, but also knowledge and skills on how to execute the responsibilities. Capacity building consists of developing knowledge, skills and operational capacity, so that individuals and groups may achieve their purposes (Okello et al, 2008).

Implementers, on the other hand, need capacity development to strengthen their capabilities to lay a foundation for meaningful public participation and enhance sustainable development results.

From our research, most of the legislators and staff learned about public participation through benchmarking. Of the 28 (43.1 per cent) respondents who were aware of the process of conducting public participation, 13 (20 per cent) learned through benchmarking while 4 (6.2 per cent) learned through training. However, benchmarking cannot be the best way of learning because every county is unique in terms of demography, geographical setup, and social and economic aspects.

On training of the public by non-state actors, 73 (62.9 per cent) respondents indicated that they were not trained on public participation by non-state actors, while 43 (37.1 per cent) said they were.

4.0 Conclusion

This study established that despite the constitutional and legal provisions for public participation, a number of counties have not put in place systems that effectively address integration of public communication and access to information in matters of development. There are no strategies for inclusion of PWDs, marginalized, aged and minority groups and less educated citizens in public participation programs. Although the most accessible medium of communication is radio, most public participation planners use newspapers and the internet, which are not accessible to the rural population. Communication through newspapers is a disadvantage to the population because of high illiteracy levels, inaccessibility and the high cost of the popular dailies.

Most of the people only understand local languages, thus making it difficult to read documents presented in English for public participation. The size of public participation documents and their accessibility to the citizens is an impediment to citizens' involvement in the process. Citizens' feedback is not considered in the final decisions, thus hindering their participation, ownership and monitoring and evaluation of the projects.

Legislators and staff of the county lack the capacity to carry out effective public participation and this has brought about several repercussions, including reluctance in sharing information and lack of cooperation and consultation with the citizens.

Poor planning has often contributed to the marginalization of communities, poor prioritization of community needs and high incompleteness of projects at the local level. To this end, public participation has not been fully felt on the ground, as evidenced by incomplete projects, rollover of funds and frequent variations in project costs.

5.0 Recommendations

1. Capacity building for legislators and staff is needed to enhance their confidence in engaging the public on democratic public participation at the local level.
2. Structures of public participation in counties should be designed and operationalized in a clearly coordinated way that is known to the citizens to allow them to fully participate in the process.

3. Community radio, which uses vernacular languages, should be the main medium of communication to reach diverse populations in counties. Notice boards in public places in remote areas should also be used to reach marginalized and minority groups.
4. Mechanisms to capture citizens' views and contributions should be considered. This can only be achieved when stakeholders are trained on different approaches to capture views that represent the entire county population.
5. Counties should set aside funds to facilitate public participation, from capacity building of staff and legislators to planning and financing the actual activities.
6. Counties should publish progress reports to update the public on various development projects for the purpose of monitoring and evaluation and building public confidence in their governance.
7. Implementers should be open and clear to the citizens. This can only be achieved if they are supported to understand the operations and structures of public participation, especially on budgets and plans.
8. County governments should organize continuous and refresher training courses for staff on participatory methodologies. The training should facilitate attitude and behaviour change.

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Critical Evaluation of the Best Corporate Management Practices in Parliamentary Settings: A Historical Analysis of the Kenyan Parliament using the Management Assessment Framework

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1. Introduction

Available literature indicates that performance management systems have evolved over time. In the late 1970s and the 1980s, academicians abandoned the traditional backward-looking accounting-based performance measurement systems. These gave way to the development of “balanced” or “multi-dimensional” performance measurement frameworks. In the new paradigm, there was emphasis on nonfinancial, external and future-looking performance measures. They were then quickly followed by management processes specifically designed to give practicing managers the tools to develop or redesign their performance measurement systems. As a result, there have been publications of alternative balanced performance measurement frameworks (Bourne, 2000).

The overarching performance management system which is currently being implemented in the Kenyan Parliament is the strategic plan spanning the period 2008-2018. The plan’s vision is “to be a supreme, effective, efficient and self-sustaining Parliament as a major participant in the process of good governance”. The overall mission is to facilitate members of Parliament to efficiently and effectively fulfil their constitutional mandate in a representative system by upholding and ensuring the autonomy of Parliament in its corporate relationship with other arms of government. To achieve the aforementioned vision and mission, the plan is anchored on 11 key objectives. Overall, the key tool underpinning performance in the Kenyan Parliament is translating the aspirations of the plan into individual work plans for the various directorates and departments (Parliamentary Service Commission, 2012).

According to McGill, (2016), good corporate governance in a parliamentary setting is about ensuring that the needs and interests of all the parliament’s clients are taken into account in a balanced and transparent manner. It calls for the management of systems that build on democracy and the principles of autonomy. It demands the establishment of rules, policies and procedures that allow the people charged with various responsibilities to carry out their functions effectively and efficiently in a healthy relationship of collaboration and cooperation. This definition by McGill is critical in rethinking the processes of undertaking a capacity assessment of parliamentary institutions.

Good governance is critical to the success and effective functioning of any entity. Good corporate governance is premised on the principles of participation, consensus building, accountability, transparency, equity and inclusivity, rule of law, effectiveness and efficiency, and responsiveness to present and future needs (UN, 2015, World Bank, 2015).

This paper seeks to summarize the existing management practices of the various directorates in the Parliamentary Service Commission; document the existing level of performance of the directorates; identify major gaps relative to the management assessment framework, and identify the actions required.

2. The Concept of the Performance Management Systems

Performance measurement systems are used to establish specific organizational goals, align employee behaviour, and increase accountability. The systems are broken down into smaller measurement aspects in the form of set targets for component units such as individuals, profit centres, divisions and plants. Arising from the overall strategic objective, each unit is required to develop its own goals and consistent targets. The assumption is that if all units achieve their targets, then the overall goals will be met (Castellano, Young, and Roehm, 2004).

On the flip side, recent literature seems to suggest that managers, both in the manufacturing and services areas, believe that it is the intangibles—brands, intellectual property, know-how and copyrights—that are increasingly critical to a company's value. Indeed, the bedrock of competitiveness has now shifted to how organizations can harness intangible assets in order to sustain today's global competitive environment (Ratnatunga, 2004)

Academicians and practitioners have focused on business performance. However, this subject has become controversial in that scholars have not yet even agreed on the basic terminologies and definitions (Venkatranman, 1988). Indeed, performance management and measurement in organizations have received more attention. The challenge has been that the design and implementation of performance measurement systems for traditional measures of the balanced scorecard model, which was credited to Norton and Kaplan (1992), and was one of the most important tools, was generally considered by practitioners and academics as “backward-looking-based performance measurement systems” (Bourne et al, 2000).

“As we move from one position on the life cycle curve to another, we must make a transition, and these transition points are fraught with heretofore unknown or unexperienced challenges. In business, we have seen this phenomenon many times. For instance we often see that a change of management is typically necessary as companies grow. That is, the skill sets that are needed to form and launch a business are usually different or not embodied by the same management team as needed to grow a business from a small business to a large business. Such transitions usually require a change of management and skill sets.”(Greiner, July-August 1972)

Performance Management in the Kenyan Parliament

Performance measurement enables the corporate leadership to maintain effective oversight over the management of the organization. It also ensures transparency and accountability of its operations. Lastly, it allows the organization to take (or re-assess) appropriate actions and decisions.

The Kenyan parliament uses various performance management systems to evaluate its effectiveness as a corporate institution. Specifically the tools used by the parliament of Kenya are:-

- i. **Strategic Planning:** According to Western Cape Government(2017), strategic planning is a coherent process that encompasses identifying what the organization wants to achieve (its vision, mission and objectives), how it will achieve these goals (the action plans) and how it will measure its success (verifiable indicators). This definition from the government of Western Cape, South Africa, clearly enunciates the need to evaluate performance when undertaking corporate planning. Without performance measurement, an organization cannot determine its level of success or failure and could inadvertently choose to undertake strategic actions or make decisions that do not advance the goals and objectives of the institution.
- ii. **Benchmarking:** Benchmarking means undertaking uniform and systematic analysis of capacity building needs of an institution and looking for best practice elsewhere. It helps to measure an organization relative to others that are similar to it. In a parliamentary context, benchmarking is a structured approach for identifying recognized best practices from other parliaments and parliamentary associations and, if practical or feasible, applying them to your own parliamentary operations, strategies, processes and procedures(Bélisle, 2017).
- iii. **Surveying:** The parliamentary secretariat exists to serve individual members and the public on a daily basis. Thus, surveying entails gauging the level of satisfaction of service delivery. If proper surveying is done, the secretariat will be able to iron out inherent problems that may be affecting service delivery of the organization. Surveying key stakeholders (i.e. members, the public, employees) can give useful feedback on the level and quality of service and support the institution. Client and employee-targeted surveys can bring about needed changes in an organization. Likewise, employee feedback can give information about the mood and morale of the workforce and set a direction for resolving issues before it is too late.

The key challenges of strategy implementation from the context of the Kenyan parliament include organizational hurdle issues such as slow procurement procedures owing to administrative bureaucracies, lack of office space, non-existent communication framework occasioned by inter and intra-communication and coordination among directorates and delay in release of funds. From the overall implementation of the strategy, the key impediment was underestimation of the required time to meet the ambitious targets as provided in the strategic plan. In addition, the Parliamentary Service Commission lacked definite organizational culture and its structure was not aligned with the strategic plan (Amollo, 2012).

Performance Systems Drawbacks

Indeed, the design and use of performance measurement systems in most companies bear a number of flaws such as misunderstanding of variations, the role of measurements, and psychology that can undermine the company's capability to implement its measurement

system to improve processes and make the right decisions. In addition, there is also a tendency to fail to support the entire process (Castellano, Young, and Roehm, 2004).

Risk management has taken centre stage in recent years. From a global front, a number of recent events have led to a fresh look at the business strategies being adopted by organizations. Among these occurrences is the 1997 Asian Contagion, the implosion of the “new economy” boom of the late 1990s, the unexpected levels of risk accumulation resulting from the September 11 terrorist attacks, and the 2007 subprime contagion and the resulting risk management failures at several large, high-profile financial institutions (Joseph Calandro Jr, 2008).

From the foregoing, designing a functioning performance measurement system must be embedded with necessary flexibilities that can be tailored to the unique organizational needs.

Establishing performance measurement systems comes with its difficulties, which can be categorized in terms of organizational context, development process, and measurement content (Norton, 1996). The table below provides the details.

Issues	Explanation
Contextual	<ul style="list-style-type: none"> a. Put in place developed information system. b. Time and expense required to implement and monitor system. c. Lack of leadership to institute an effective performance management system.
Process	<ul style="list-style-type: none"> a. Vision and strategy were not actionable as there were difficulties in identifying true drivers. b. Striving for constant improvement in operational performance. c. Strategy was not linked to resource allocation. d. State-of-the-art improvement methods were not used.
Content	<ul style="list-style-type: none"> a. When strategy is not linked to department, team, and individual goals. b. Overburdening individuals and departments with more than the required measurement metrics. c. The need to quantify results from measurement to form the basis for making qualitative decisions.

Adopted and Modified from Norton, 1996

The feedback mechanism is important in performance measurement systems. This ensures that monitoring of key processes takes place. It is important to underscore that positive and sustainable business results emanate from good and sound business processes. What is paramount is that a performance measurement system should be able to improve business processes and ultimately the overall organization objectives.

3. Methodology

3.1. Sampling Methodology and the Research Instrument

The characteristic of the Parliamentary Service Commission (PSC) population is heterogeneous in terms of directorate and grade distribution. This study, therefore, adopted stratified random sampling by dividing the PSC staff population into non-overlapping groups or strata, based on directorates and grades. The sample selected was proportionate to the population in each directorate and grade. This method of sampling is preferred since it leads to high precision as the directorates and grades of the respondents chosen have bigger differences, it is administratively convenient to stratify a sample in characteristics of interest, and the method ensures comprehensive coverage of both homogeneous and heterogeneous characteristics of PSC staff population. Besides, purposive sampling will be used in cases where there is a limited number of staff in certain grades, especially for staff in grades 16 and 15³.

3.2. Sampling Frame, Target, Design and Coverage

A list of the total staff population of PSC of 1,300 employees as at December 2017 was obtained from the directorate of administrative services and the percentage for each of the three strata calculated. Sample selection was based on, first, the proportion of staff in the region to the total staff population in PSC. Secondly, in each of the directorates, a proportionate number of employees were selected. The same technique was used to select staff in PSC grades 3-17. However, purposive sampling was used for staff in grades 16-17, who constitute the PSC top management. A total of 455 questionnaires were administered, representing 35 per cent of the total staff population.

3.3. Survey Administration and Data Analysis

The questionnaires were administered according to the stratification. They were administered physically by the research team. The advantage of personal contact with respondents was that members of the research team were able to interact with them and clarify any difficulties the respondents may have encountered in the process of filling the questionnaires.

3.4. The Tool of Assessment

The assessment utilizes the Management Assessment Framework (MAF) (McGill, 2016) and the Management Accountability Framework (MAF) performance check (Kelly Sears Consulting Group, 2016).

Typically, the information needed to conduct the assessment was collected through interviews with the managers in the organization. The indicators were grouped by 10 elements of the management accountability framework, namely public service values; governance and strategic direction; learning innovation and change management; policy and programs, risk management; people; stewardship; citizen-focused service; accountability; and results and performance. The elements were then further divided into 18 MAF indicators. The Likert scale of operationalising the five identified performance levels are detailed as follows (Kelly Sears Consulting Group, 2016):-

³ PSC staff is classified into PSC 3 to PSC17. The senior-most grade is PSC 17 while the junior-most grade is PSC 3. Thus, seniority increases as one moves up in the pecking order.

1. Major gap: Only a few of the MAF requirements are met. The organization is operating significantly below the expected performance level. This performance level would apply only on a very exceptional basis. (This corresponds generally to a rating of 1 on the 1 to 5 scale).
2. Below target: Some (e.g. 50-60%) of the MAF requirements are met. There is recognition that a performance gap exists. The organization has taken steps to create greater awareness of the topic. (This corresponds generally to a rating of 2 on the 1 to 5 scale).
3. Approaching target: Most (i.e. 80%) of the MAF requirements are met. Actions have been taken to close the performance gap. (This corresponds generally to a rating of 3 on the 1 to 5 scale).
4. At target: All or nearly all of the MAF requirements are met. Performance expectations of the organization have been met. Performance levels indicate positive trends. The focus is on continuous improvement. (This corresponds generally to a rating of 4 on the 1 to 5 scale).
5. Bestinclass: Performance levels exceed those of other similar organizations. MAF requirements have been exceeded. The organization is known for its high level of performance for this particular indicator. (This corresponds generally to a rating of 5 on the 1 to 5 scale).

Summary of Performance Ratings and Levels		
	Rating (1 to 5)	Weight
Public Service Values		
Values based on leadership and organizational culture	2.5	
	5%	10%
Governance and Strategic Direction		
Utility of the corporate performance framework	2.0	
Integrity of the corporate management structure	3.5	
Effectiveness of extra-organizational contribution	2.5	
	5.3%	10%
Results and Performance		
Quality and use of evaluation	2.5	
Information (financial and nonfinancial)	2.5	
Integration, use and reporting of performance	2.5	
	5%	10%
Learning, Innovation and Change Management		
Managing organization change	2.5	
	2.5%	5%
Risk Management		
Effectiveness of corporate risk management	2	
	2%	5%
People		
Extent to which the workplace is fair	3	
Enabling, healthy and safe	2.5	
Extent to which the workforce is productive	2.5	
	10.7%	20%
Stewardship		
Effectiveness of internal audit function	2.5	
Effectiveness of information technology management	1.5	
Effectiveness of asset management	2.5	
Effectiveness of information management	2.5	
Effective procurement	3	
Effectiveness of financial management and control	2.5	
	7.25%	15%

5. Analysis of the Assessment

Based on our assessment, we make the following observations and recommendations on each element.

i. Values and ethics:

Value-based leadership and organizational culture: Even though values clearly exist in the PSC Strategic Plan 2012-2018, they are only reflected on paper. In practice, the leadership rarely embraces the values. Instead, political impunity and lack of professionalism continue to be the order of the day. Our recommendation is that there is a need for a multi-agency approach in enforcing our national values, as enshrined in Article 10 of the Constitution and Chapter Six on leadership and integrity. Parliament needs to implement the offices of integrity in the two houses and the house committees need to integrate these values in their operations. We rate this as being in the early stages.

ii. Governance and Strategic Direction:-

On governance and strategic direction, we observe that there is a vision, mission and strategic direction, and the autonomy of Parliament is a case of success. Secondly, on the effectiveness of the corporate management structure, we have a structure that opens itself to too many centres of power in the bicameral parliament, with the joint services striving to attain the status of an accounting officer. Moreover, we hardly use the corporate performance framework, and effectiveness of organizational contribution to government-wide priorities is still limited. This is why we rate it early stages. Our recommendation is the creation of a task force to deal with the issue of structure in the bicameral setting and link the committees directly to national priorities and the Sustainable Development Goals.

iii. Results and Performance:-

On the element of results and performance, we observe that there is very little, if any, use of evaluation and quality of performance reporting. We recommend the incorporation of monitoring and evaluation in the operations of parliament. We make a similar observation and recommendation on policy and programs, where there is a need to enhance the quality of analysis in corporate body submissions.

iv. Learning, Innovation and Change Management:-

On learning, innovation and change management, we observe that managing organizational change is still very poor, with a lot of resistance in introducing changes such as the use of the Integrated Financial Management System (IFMIS) in utilizing parliamentary resources, adoption of research in legislation and the use of technology. Training is also still largely pegged to money and not the need for competence enhancement. Our recommendation is the review of the training policy and its enforcement. Similarly, risk management and the effectiveness of corporate risk management have not been embraced by our parliament.

v. The Element of People:-

On the element of people, we observe that the workplace is still not very fair, enabling, healthy and safe because of political interference. This makes it less productive, less principled, unsustainable and less adaptable. Regarding stewardship, we observe that there is very little effectiveness of information management, poor management of information technology, poor asset management where there are even no proper inventory records, ineffective procurement, poor financial management and control, low effectiveness of the internal audit function, disjointed management of security, which has yet to embrace an integrated security management system.

vi. Member-Focused Service:-

On member-focused service, we observe that this is still very poor. Equally, on the element of accountability, we observe that the alignment of accountability instruments is still poor.

6. Conclusion

In the overall, we note that the Kenyan Parliament is in the early stages of embracing most of these elements that characterize good corporate practices. However, for it to move to the levels of good corporate management and best practices, a lot needs to be done; and we have offered several suggestions.

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Annex1: Detailed Instrument Used in the Study

Measures	Performance Results	Rating (1 to 5)
Value-based Leadership and Organizational Culture		
1.1 Organizational performance for each family of public service values, as defined in the Values and Ethics Code for the Public Service		
1.2 Extent to which leaders foster a culture of respect and integrity		
1.3 Extent to which the organization maintains and promotes appropriate accessible avenues for disclosure of wrongdoing		
	Overall rating	
Governance and Strategic Directions— 2. Utility of the Corporate Performance Framework		
2.1 Extent to which the organization's strategic outcomes and program architecture are consistent with its mandate		
2.2 Clarity and measurability of the organization's strategic outcome		
	Overall rating	
Governance and Strategic Directions— 3. Integrity of the Corporate Management Structure		
3.1 Extent to which accountability of senior officials and internal decision making structures are aligned to the organization's strategic outcomes		
3.2 Extent to which RPPs and DPRs are aligned and based on the approved MRRS		
3.3 Presence of a risk-based corporate plan which is fully aligned to strategic outcomes; Serves to align sector business plans; Integrates strategic plans, HR plans, and resource plans; and is regularly monitored for progress and performance		
	Overall rating	
Governance and Strategic Directions— 4. Effectiveness of Extra-Organizational Contribution		
4.1 Level of organizational engagement on horizontal policy and program initiatives		

Measures	Performance Results	Rating (1 to 5)
4.2 Level of organizational engagement on horizontal administrative initiatives or other government-wide transformational initiatives, as set out in the government's agenda, the clerk's priorities, etc.		
4.3 Presence of a clearly articulated portfolio management structure or plan and governance mechanisms to foster regular dialogue		
	Overall rating	
Policy and Programs— 5. Quality of Program and Policy Analysis		
5.1 Accuracy and reliability of supporting information		
5.2 Quality, adequacy and soundness of analysis (including outcomes, factual analysis, performance history, options, business case, financial and non-financial performance projections, risk factors and mitigation strategies to address audit findings)		
5.3 Appropriate stakeholder consultations		
5.4 Timeliness of consultations with central agencies on MCs and TB Subs		
5.5 Presence of quality control process on MCs and TB subs and the extent of its rigor and effectiveness		
Results and Performance— 6. Quality and Use of Evaluation		
6.1 Progress in moving toward full coverage of the organization's program base (both G&C and other programs) on a five-year cycle		
6.2 Neutrality of evaluation and focus on program improvement and value for money—including program performance and relevance		
6.3 Extent to which evaluations are used to support decision making in the organization		
	Overall rating	
Results and Performance— 7. Integration, Use and Reporting of Performance Information (Financial and Nonfinancial)		
7.1 Extent to which integrated management information from financial, HR, payroll, asset and real property and program performance information systems is readily accessible for corporate decision-making		
7.2 Extent to which clear and integrated performance expectations are tracked and reported		
7.3 Extent to which public performance reports integrate credible performance information (beyond activities and outputs to results)		

Measures	Performance Results	Rating (1 to 5)
	Overall rating	
Learning, Innovation and Change Management— 8. Managing Organizational Change		
8.1 Level of organizational engagement on change management		
8.2 Extent to which individual and organizational learning contributes to organizational change management strategy		
8.3 Clarity of corporate vision, and commitment to continuous improvement and innovation		
	Overall rating	
Risk Management— 9. Effectiveness of Corporate Risk Management		
9.1 Level of engagement of the senior executive in corporate risk management (e.g., organizational focus, senior executive accountabilities, risk mitigation strategies, business continuity plans, emergency preparedness plans)		
	Overall rating	
9.3 Currency of the corporate risk assessment and profile		
9.4 Extent to which corporate planning is informed by risk		
9.5 Risk mitigation strategies are in place for key program and corporate risks		
	Overall rating	
People— 10. Extent to which the Workplace is Fair, Enabling, Healthy and Safe		
10.1 Fairness of employment and workplace practices and effectiveness of labour relations		
10.2 Extent to which the following are exhibited in the workplace: clear direction; collaboration; respect and support for employees' linguistic rights, diversity and personal circumstances		
10.3 Extent to which the workplace is a healthy and safe physical and psychological environment		
	Overall rating	
People— 11. Extent to which the Workforce is Productive, Principled, Sustainable and Adaptable		
11.1 Capacity of the workforce to perform its duties (e.g., its size, mix of skills, and diversity of backgrounds)		

Measures	Performance Results	Rating (1 to 5)
11.2 Extent to which the workforce reflects country's population, respects official languages and is guided by public service values and ethic		
11.3 Extent to which the workforce is renewable and affordable		
11.4 Extent to which the workforce is versatile, innovative and continuously learns		
	Overall rating	
Stewardship— 12. Effectiveness of Information Management		
12.1 Level of corporate engagement in information management (integrated departmental management framework and governance structure that ensures IM strategies support departmental outcomes)		
12.2 Degree of implementation of an IM strategy which, for large departments, is based upon a capacity assessment		
12.3 Timeliness and completeness in support of access and privacy requirements		
12.4 Extent to which reporting on data flows and data matching is up-to-date.		
12.5 Extent to which critical information is secure and an effective privacy regime is in place, monitored, and managed		
	Overall rating	
Stewardship— 13. Effectiveness of Information Technology Management		
13.1 Level of corporate engagement in IT management (senior executive accountability, integrated corporate and IT governance, IT planning)		
13.2 Demonstrated value from IT investments and, where appropriate, plans for appropriate use of IT shared services		
	Overall rating	
Stewardship— 14. Effective procurement		
14.1 Cost effectiveness of end-to-end procurement processes		
	Overall rating	
Stewardship— 15. Effectiveness of Financial Management and Control		
15.1 Compliance with approved financial management legislation, policies and directives, including the transfer payment policy		

Measures	Performance Results	Rating (1 to 5)
15.2 Extent to which accounting and reporting, including external reporting, of financial activities are compliant with government policies, directives and standards (accuracy, timeliness, completeness)		
15.4 Progress in achieving readiness for reasonably efficient audit, and obtaining unqualified audit opinion, of departmental financial statements, as applicable		
15.5 Quality of internal financial management reporting, as demonstrated by: completeness, frequency, timeliness and accuracy of internal monthly reports of operations (expenses, revenues); Completeness, frequency, timeliness of analysis and reconciliation of material balance sheet accounts; size and nature of yearend adjusting entries		
15.6 Quality and effectiveness of delegation of financial authorities, as demonstrated by: delegation of authority instruments; Training in place to upgrade and maintain knowledge and skills of those with delegated financial authority; horizontal audit on delegation of authorities, where applicable		
	Overall rating	
Stewardship— 16. Effectiveness of Internal Audit Function		
16.1. Quality of audit plans (risk based, appropriate approvals, methodology, continuity with previous years, adequacy of detail on activities and costs)		
16.2. Quality of internal audit reporting (adequacy of contextual information, adequate support for 'expression of opinion', timeliness of delivery and public disclosure and follow-up)		
16.3. Quality of internal audit resources (qualified CAE, mix and level of experience of professional staff)		
16.4. Progress in implementing the internal audit policy (evidence of sustained management engagement, appropriate approval of audit committee terms of reference or charter and strategic plan, audit committee with appropriate chair		
16.5. Citizen focused service— 17. Organization knows and responds to citizens'/clients' needs and expectations		

Measures	Performance Results	Rating (1 to 5)
17.1 Extent to which client satisfaction and service standards are in place and published, performance against standards is assessed (using the common measurements tool for client satisfaction) and findings are acted upon to achieve high levels of client satisfaction		
17.2 Extent of participation, where appropriate, in whole of government service solutions that provide citizens with easy access to seamless service		
17.3 Extent to which public/client views/needs are considered when developing new services/programs/policies		
17.4 Accessibility to government services in both official languages		
Accountability— 18. Alignment of accountability instruments		
18.1. Alignment of corporate and senior executive performance commitments		
18.2. Alignment of organizational and individual performance monitoring and review		
18.3. Extent to which managers are properly trained on their authorities and delegations		
18.4. Extent to which the deputy demonstrates an understanding of, and exercises appropriate use of, delegated authorities within the organization		
	Overall rating	

THE ROLE OF PTIS IN REGIONAL COOPERATION AND PARLIAMENTARY DIPLOMACY

5



Role of Academic Institutions in Strengthening Parliaments: The Case of Parliamentary Diplomacy Training

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1.0 Introduction

Academic institutions have a fundamental role to play in the development of human capital as they are responsible for education in society. Through their academic programmes, universities the world over boast of producing outstanding researchers, thought leaders as well as social and economic actors who construct readily usable policy-oriented knowledge for the present and the future.

Education is both an end and a process. As an end, education creates an improved and empowered person. As a process, education involves the continuous acquisition of knowledge, skills and attitudes. It is through the provision of these three elements of education that academic institutions can help to strengthen the institution of parliament.

In democratic states, the institution of parliament is one of the key arms of the state and national government. The supremacy of parliament is exercised through the mandates of legislation, representation, oversight and public participation.³ In all countries, the expected role of parliament is to ensure that they represent the interests of the people they represent. Effectively functioning parliaments contribute to shaping policies and laws that impact on the needs of the citizens, thus creating an environment that encourages and supports sustainable development for all. If parliamentarians are able to play their role effectively, then parliament remains central in complementing the role of other organs of the government system of any country.

Members of parliaments should therefore have sufficient knowledge on political and socio-economic issues pertaining to their countries, regions and the world. This should facilitate their enrichment of debate at regional and international platforms and conferences and in advancing their countries' national interests at such fora.

In this context, it is imperative for well-functioning parliaments to establish close collaborative engagements with academic institutions. This linkage is often midwifed by parliamentary training institutes, through which various types of training, including parliamentary diplomacy, can be implemented. Such is the partnership between the Kenyan Centre for Parliamentary Studies and Training and the University of Nairobi's Institute of Diplomacy and International Studies. One of the most common approaches for such collaboration is by signing a memorandum of understanding through which academic programmes on subjects

³ Hudson, A. 2007: *Parliamentary Strengthening in Developing Countries*. Overseas Development Institute, DFID

such as leadership, governance, political science, international relations and parliamentary diplomacy are offered to members of parliament or other personnel working with the institution of parliament.⁴

2. Collaboration Between Academic Institutions and Parliamentary Training Institutes

There is no single definition of parliamentary institutes. In some discourses they have been defined as premier institutions which are created by an Act of parliament to provide research, legislative capacity building and public outreach programmes to members of national and state legislatures.⁵ There are three distinct types of parliamentary training institutes, namely external institutes, internal institutes and mixed institutes. External institutes refer to parliamentary institutes that are independent and work externally from the parliament. Internal institutes, on the other hand, are those that work under the administration and bureaucracy of parliament, while mixed institutes are a blend of internal and external institutes.⁶ Parliamentary training institutes have been considered as centres of excellence which should be well equipped to develop and deliver to parliamentarians and related personnel the knowledge and skills necessary to make and implement policies that should have a positive impact in the lives of the citizens they represent.

In the first quarter of the 21st century the role of parliamentary training institutes (PTIs) in fostering regional cooperation and promoting parliamentary diplomacy has been gaining prominence. To effectively perform this role, PTIs need to collaborate with academic institutions that not only are producers of evidence-based knowledge but also have experience in imparting that knowledge as well as necessary skills and attitudes.

Academic institutions are the foundations of pedagogy, in which they are experts in the profession and science of teaching. Ordinarily, it is one thing to have knowledge and it is quite another to have the ability to impart that knowledge to someone else. Here the emphasis is on the how to do it of whatever subject matter one is interested in. Given their expertise in teaching and training, academic institutions are able to apply the five principles of good pedagogy in their collaboration with PTIs. These are motivation, exposition, direction of activity, criticism and inviting imitations.

In the training of parliamentary diplomacy motivation is important as it requires the trainer to develop good relations with the learner; his or her world view, interests and experience. Parliamentary diplomacy training exposition skills requires ability at public performance combined with good subject knowledge, good preparation and often, good supporting props.⁷ This is closely related with direction of activity in a learning environment. This includes learning activity design, learning activity delivery and learning activity selection and sequencing.

⁴ Miller, R., Pelizzo, R., and Stapenhurst, R. 2004. *Parliamentary Libraries, Institutes and Offices: The Sources of Parliamentary Information*. The International Bank for Reconstruction and Development/The World Bank.

⁵ Goraya, K.A. 2012: *Developing a Parliamentary Institute: Case Study of the Pakistan Institute for Parliamentary Services*. Parliamentary Affairs. 10:1093.

⁶ Miller, R., Pelizzo, R., and Stapenhurst, R. 2004. *Parliamentary Libraries, Institutes and Offices: The Sources of Parliamentary Information*. The International Bank for Reconstruction and Development/ The World Bank.

⁷ *ibid*

These are skills possessed by university trainers who are well equipped to frame the learning to be achieved in a way that makes sense to the student. For instance the Institute of Diplomacy and International Studies (IDIS) has over four decades of knowledge and experience in diplomacy training and hence knows what works and what does not work. The capacity to mix classroom training with simulation of diplomatic events and field study excursions enables academics not only to impart knowledge but also to develop negotiation skills, demeanor and attitudes necessary for diplomatic engagement. And without doubt these are some of the verifiable benefits that can accrue to the institution of parliament collaborating with academic institutions.

Academic institutions also help parliaments in strengthening their own parliamentary training institutes and other centres of learning. Furthermore, through collaboration with the University of Nairobi (UoN), the Centre for Parliamentary Studies and Training is able to leverage on the reputation and clout of this academic institution. In the Africa region, the UoN is the academic institution of choice, as manifested in its capacity to attract and admit to the academy 80 per cent of the best students, leaving only 20 per cent to be shared by the remaining 50 or so institutions of higher learning in Kenya. The UoN is not only ISO certified, its curriculum has won a high degree of approval by the quality controller- the Commission for University Education.

According to the Webometrics World University ranking released in January 2018, the UoN was ranked as the seventh best institution of higher learning on the continent, with South African institutions taking the first five positions, followed in the sixth position by the University of Cairo⁸. It is this competence in designing a globally acceptable curriculum that justifies the collaboration of our sister institutions. In this way parliamentary training institutes can design a standard curriculum that can be used by parliaments in a certain region.⁹ This is a way of deepening and creating a multiplier effect of knowledge that is widely acceptable in a certain demographic or other protocols such as free movement of goods and people across certain borders.

One of the functions of diplomacy is image building. Diplomats not only pursue national interests but also defend their countries' image. They do this by acting appropriately in different situations in which they may find themselves. It is actually in personal conduct where application of tact and intelligence is most required. This is an area where our African parliaments need to be strengthened to forestall the kind of shocking unparliamentary and primitive behaviour, full of intolerance and aggression, so often witnessed in our august house in Kenya. This behavior has the effect of destroying parliaments' image in the public's eyes. Therefore, parliament is in dire need of training in diplomacy, including use of language, public speaking skills and etiquette.

⁸ Daily Nation, Nairobi, February 1, 2018, p. 48

⁹ The Centre for Parliamentary Studies and Training, 2012: *The Symposium for Peer Review the Curriculum of the CPST*. CPST, Nairobi.

The Institute of Diplomacy and International Studies is well poised to build parliamentary capacity in this area and more. Parliamentary diplomacy will equip Kenya's parliamentarians with negotiation and mediation skills as well as the attitudes necessary for harmonious conduct of parliamentary business. In essence, parliament needs diplomatic skills to avoid paralysis during debates and parliamentary diplomacy provides the entry point for the acquisition of these skills and attitudes. This form of diplomacy takes a pragmatic approach, engaging in long-term dialogue by building trust and understanding.¹⁰

By virtue of the nature of their work, parliamentarians rarely train their minds on affairs beyond the domestic environment of decision-making, legislation, representation, oversight and public participation. Because their key mandate is the responsibility of representing the people who elected them, many tend to have a limited world view and their knowledge of external affairs is often sketchy and distorted. But in the wake of 21st century globalization, where domestic and foreign affairs are intertwined, domestic policies attract global dimensions.¹¹ Emerging global issues and threats, such as terrorism, climate change, financial crisis, diseases and pandemics affect national, regional and global interests, and hence call for collective strategies and solutions.

As a result, negotiations around a wide spectrum of global issues require skills and knowledge of the issues themselves and the right packaging of global diplomacy capacities, through the skillful utilization of the strength of numbers factor regionally: shared heritage, historical connections, cultural and social norms and geographical proximity. This is the only way that modern-day parliamentarians can meaningfully serve their constituents. Parliamentary diplomacy can thus facilitate in building this reservoir of strength. It is important, through training, to broaden the view of parliamentarians to enable them to identify a number of factors, such as favourable external environment, political stability, intra-state relations, common issues of interest and good will from nations that can foster regional cooperation.¹²

Globalization has opened new spheres of global borrowing and sharing, which should be an asset in developing parliamentary systems. This means that different countries have similar features when it comes to their legislative processes. In Africa, the role of parliaments in regional cooperation has been overlooked in the past few decades, with the executive taking a lead role while parliament is confined to legislative matters.¹³ Training in parliamentary diplomacy would equip parliament with the knowledge and skills to influence the efforts to achieve political stability both at the intra and inter-state relations level.¹⁴

The question of governance is important in the business of Parliament. It cannot be overemphasized that the quality of governance in any country is the key determinant and

¹⁰ Ibid

¹¹ Malamud, A and Stavridis, S (2011), *Parliaments and Parliamentarians as International Actors*, Farnham, Ashgate Publishing Limited.

¹² Ibid

¹³ Noulas, G (2011), *The role of Parliamentary Diplomacy in Foreign Policy*, Foreign Policy Journal, Michigan, Cross Village.

¹⁴ Ibid

driver of national development, security and promotion of citizens' rights. As a key state institution on matters of governance, with a unique oversight role, parliaments must be well equipped in this regard. In fact, the idea behind the establishment of parliamentary training institutes was primarily to address the challenge of weak parliaments. These institutes were meant to try and find solutions to the problems experienced by dysfunctional parliaments.¹⁵ It is at academic institutions that experts on governance issues are found. IDIS at the UoN is, for example, well-equipped to train parliamentarians on the nexus between national and regional governance issues, with those of global governance. Through collaborations, academic institutions will build the capacity of parliaments with a view to ensuring a balanced relationship with the other arms of government.

3. Parliamentary Training Institutes and Parliamentary Diplomacy

Parliamentary diplomacy is a relatively new form that has developed over this first quarter of the 21st century as a result of the growing role of national parliaments in international and foreign affairs.¹⁶ International diplomatic duties play a crucial role in fostering relations between national parliaments and this has emerged as another way through which relations between states are enhanced. Parliaments engage in diplomacy through three main ways: by influencing foreign policy through parliaments, establishing parliaments as representative bodies of regional and international organizations and conducting diplomatic relations with various states as well as non-state actors.¹⁷ It is, for example, important that parliamentarians are equipped with relevant knowledge and negotiating skills if they are to ably advance national interests at crucial global arenas such as the World Trade Organization (WTO), the World Intellectual Property Organization (WIPO) and the World Health Organization (WHO), where issues of global health have made it necessary for policy makers to understand that they can apply global health diplomacy in negotiating scenarios.

Parliamentarians attend international parliamentary conferences and workshops either as guests or officials in the host's national parliaments. This form of exposure expands parliamentarians' horizons on myriads of issues. This meeting of parliamentary focus groups at the regional levels encourages regional cooperation and is an important step in building like-minded individuals who have a wider global context on issues. The role of parliament as a diplomatic actor is gaining prominence both in practice and in academic discourse. The diplomatic duties of this institution makes the parliament a part of a country's political institutions that shape its international prospects. This emergent role of parliament requires parliamentarians to realise their significance in the international diplomatic affairs and strategies of their countries, and hence the need to come up with ways to achieve parliamentary diplomacy.¹⁸

¹⁵ Session, B. 2011. *The Rationale and Background Conducive to the Establishment of the Parliamentary Institute and the Strategic Development of the Parliamentary Institute of Inter-Parliamentary Union.*

¹⁶ Noulas, G (2011), *The role of Parliamentary Diplomacy in Foreign Policy*, Foreign Policy Journal, Michigan, Cross Village.

¹⁷ Hamilton, K. and Langhorne, R. (1995), *The Practice of Diplomacy Its evolution, theory and administration*, UK, US: Routledge.

¹⁸ Malamud, A and Stavridis, S (2011), *Parliaments and Parliamentarians as International Actors*, Farnham, Ashgate Publishing Limited.

At international level the practice of parliamentary diplomacy occurs through bilateral cooperation agreements between parliaments, bilateral friendship arrangements, parliamentary delegations, inter-parliamentary organizations and meetings between diplomatic officials and parliamentarians, among other facets. At regional level parliamentary diplomacy may be conducted through forums such as Pan-African Parliaments in Africa and for countries in Europe through the Intra-European Union parliamentary diplomacy. The establishment of the Pan-African Parliament underpinned the importance of parliaments in regional cooperation for member states in the promotion of Pan-African economic, cultural and political integration. The protocol in articles 3, 11 and 18 envisages a greater role for regional parliaments. The European Parliament is a great example of how parliamentary diplomacy can be achieved through involvement in international issues of democracy, good governance, peace and development. Foreign policy involves a lot of reciprocity processes where one state will implement the policies of another state that is more friendly or responsive to their own policies. This is a diplomatic practice that is in line with the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963.

4. Emerging Context in the Conduct of Parliamentary Diplomacy

The environment in which parliamentary diplomacy is conducted is rapidly changing. States today are faced with competing interests that make it difficult for the executive to execute its foreign policy duties effectively. This being the case, parliaments are at times required to legislate on issues they have little knowledge about. In Kenya, the International Criminal Court (ICC) case that involved high-profile Kenyans was a big challenge to the lawmakers. Most of them had never read the Rome Statute in which the authority of the court is domiciled. Consequently, even as many parliamentarians castigated the ICC and called for Kenya to withdraw its membership, their arguments displayed ignorance or very limited knowledge of international law and diplomatic practice on this matter. Inclusion of a course in international law in parliamentary diplomacy training would thus address this challenge.

4.1 Preparing Parliament for Power Transitions

Academic institutions can assist parliamentary training institutes design customized programmes for different parliaments in consideration of the dynamics of change that attend every parliament during transition, pre- and post- elections.¹⁹ Such trainings are conducted through workshops, seminars, conferences and debate and dialogue forums. The curriculum for such training should embrace a wide spectrum of issues, including skills in gender mainstreaming, enhanced public participation, increased oversight, transparency and good governance.

¹⁹ Bynander, F. And Hart, P. (2006), "When Power Changes Hands: The Political Psychology of Leadership Succession in Democracies" in *Political Psychology*, Vol. 27, No. 5, pp. 707-730.

For the purpose of achieving inclusive and diverse representation, participants in these trainings are drawn from various parliamentary committees such as finance, public accounts, local government, gender and children affairs and special committees. At times representatives are also drawn from the ministry of foreign affairs, NGOs and parliamentary centers.

4.2. Developing Curricula

Factoring in regional dynamics, a country's context and other political, economic and social issues, academic institutions can assist the parliamentary institutes to design a standard curriculum that can be used by parliaments in a certain region.²⁰ This is a way of deepening issues of common good such as adopting the use of a common language that is widely acceptable in a certain demographic or other protocols such as free movement of goods and people across certain borders.

4.3. Building Collaboration with Other Research Centers

Parliament has been active in building relationships with other arms of the government such as the executive. To this end, parliamentary training institutes strive to expand this collaboration with other key stakeholders ranging from key ministries, departments, civil society groups, research institutions and diplomatic missions.²¹ The research centres can support the processes and strategies of different parliamentary committees that work on various issues such as biodiversity, technology transfer or people-to-people diplomacy. To this end parliaments must make a deliberate effort to build linkages and strategies that will enhance debates beyond the borders. In such efforts use of media is critical in sharing information on matters to do with governance, accountability and public participation, which are the building blocks for regional cooperation. Here too, diplomacy training institutes of academic institutions are well placed to provide first-class knowledge on media diplomacy

4.4. Support Parliament in Building Democratic Processes

Parliamentary training centers handle each national parliament as a unique entity and thus strive to provide support within a context that acknowledges and respects the cultural, political and historical uniqueness of each partner state in their training programmes. The programmes are customized to meet the needs of the different beneficiaries and their people, state or region that they represent. The process is carried out in an inclusive way that also encourages participation.²² Members of parliament and parliamentary support staff are taken through training workshops aimed at equipping them with the skills needed to enhance the effectiveness of parliaments in pushing for more accountable, transparent, participatory and

²⁰ The Centre for Parliamentary Studies and Training, 2012: *The Symposium for Peer Review the Curriculum of the CPST*. CPST, Nairobi.

²¹ Noulas, G (2011), The role of Parliamentary Diplomacy in Foreign Policy, *Foreign Policy Journal*, Michigan, Cross Village

²² International Foundation for Electoral Systems Parliamentary Toolkit 2005: *Global Best Practices: A model Annual State of the Parliament Report*. A Strategic Monitoring and Reporting Tool for Promoting Democratic Parliaments Worldwide.

democratic space. In such situations regional cooperation is fostered through networking among parliamentarians from different countries and sharing of common interests.²³ Here too, knowledge of networking diplomacy at regional and global levels is necessary.

4.5. Supporting Peace Processes

Parliamentary training institutes have had an impact in conflict resolution and peace processes in countries such as Myanmar, Uganda, and Zambia. This positive impact was achieved through training workshops led by academic experts on peace and governance. Participants were drawn from different political parties, religious and community leaders, and representatives from civil society, who were all stakeholders in peace processes. The workshop may also be attended by key experts in the field of security and peace who can share their international experiences and best practices. Equally important is the mediatory role of scholars with knowledge of international conflict prevention, management and resolution. Parliamentarians therein acquire diplomatic conflict resolution skills such as how to dialogue, negotiate and mediate in conflict situations.

In essence most parliamentary training institutes need to work closely with academic institutions to develop various training curricula on programmes that foster peace both at the local and international realms. Parliamentarians and their support staff have been beneficiaries of this training, especially during electioneering periods in different states when the peace situation tends to be more volatile. Parliamentary training institutes, working closely with academic institutions, could thus continually build the capacity of policymakers to contribute in regional stabilisation and peaceful existence. This can be done by developing training modules for crisis response aimed at addressing longer-term regional security threats.

4.6. Providing Quality, Evidence-Based and Independent Research

Parliamentary training institutes should adopt an independent and non-partisan approach in providing support to parliamentarians and their support staff. In an ideal environment, political parties and other government offices should not interfere with the functions and processes of parliamentary training institutes. In countries such as Pakistan, where these institutes are independent, self-funded and autonomous, they are able to conduct objective and quality research.²⁴ Even in countries whose parliamentary training institutes are semi-autonomous like Kenya, parliamentary training institutes should aim at providing quality, objective and independent research to enhance the role of the legislature in its oversight and legislation.²⁵

²³ Kappeler, D. (1999), "Knowledge Management and Diplomatic Training: New Approaches for Training Institutions" in Kubalija, K., ed., *Knowledge and Diplomacy*, Malta: Diplo Projects, University of Malta.

²⁴ Goraya, KA. 2012: *Developing a Parliamentary Institute: Case Study of the Pakistan Institute for Parliamentary Services*. *Parliamentary Affairs*.10:1093.

²⁵ Mwambua, C. M. 2012: *Personal Communication*. The Centre for Parliamentary Studies and Training, Nairobi.

To enhance their effectiveness in discharging their duties, academic institutions can provide parliamentary training institutes with well-equipped research infrastructure to enable them to conduct quality research whose findings can then be used to improve the overall performance of parliaments in their various roles.

4.7. Sharing Experiences from the International Environment

Parliamentary training institutes should keep abreast of the happenings on the international political scene and critically analyse the effects of such events on national parliaments. Some countries in the developing world have been characterized by poor governance and weak structures of government.²⁶ This has led to ineffectiveness in service delivery. Most of these countries also lack parliamentary training institutes. Thus there is a need to establish such institutes, which can facilitate in addressing the challenges and finding solutions to governance problems. There is no one-size-fits-all strategy for parliamentary institutes in carrying out their functions. Academic institutions can help the institutes to customize their programmes to respond to specific needs in the context of each and every country and region.²⁷

Parliamentary diplomacy provides the starting point of dialogue on issues of importance such as development and governance, which encourage bilateral and multilateral relations. This form of diplomacy takes a pragmatic approach, engaging in long-term dialogue by building trust and understanding.²⁸

4.8. Promotion of National Interests at Local and Regional Parliaments

A key aspect in any foreign affairs engagement is the protection and promotion of national and regional interests. Consequently, parliamentary training institutes provide a guideline to parliamentarians and their support staff on how to conduct themselves when representing their states and what to do to ensure that the interests of their countries are well represented. Most states anchor their foreign policies in the constitutional provision that requires all international treaties and conventions to be ratified by that state to be domesticated.²⁹

This common constitutional requirement provides most states with a baseline and a common ground for consensus, thus providing an important entry point for parliamentary diplomacy. At the regional level, regional economic blocs hold more bargaining power and are stronger when they approach a matter of international interest rather than individual states. For instance, the East African Community member states pursue a regional approach with regard to the equitable utilization of River Nile water resources; this provides an area of convergence for all parliaments of the five member states. Similarly, the African Union (AU) is likely to succeed at the United Nations General Assembly on an issue such as climate change or terrorism when it submits a case on behalf of the member states.

²⁶ Hudson, A. 2007: *Parliamentary Strengthening in Developing Countries*. Overseas Development Institute, DFID

²⁷ Kioko, J. 2012: *Personal Communication*. The Centre for Parliamentary Studies and Training, Nairobi.

²⁸ Ibid

²⁹ Hamilton, K. and Langhorne, R. (1995), *The Practice of Diplomacy Its evolution, theory and Administration*, UK, US: Routledge.

4.9. Creating Credibility and Accountability of Parliaments

Parliamentary training institutes help in building more responsive, accountable and credible governance by designing programmes that strengthen national parliaments. In his argument, Hamilton (1995) notes that even though building the capacity of parliaments does not guarantee an impact in the overall performance and credibility of the government, it plays a crucial role in building a more effective parliament.³⁰ To improve on this feature, parliamentary institutes can borrow other good practices from academic institutions that have applied research findings to practice. Academic institutions can also engage specialist consultants and subject experts in designing training programmes for various groups of people in the national assemblies.

4.9.1. Coping with Existing Geopolitics

The current configuration of the geopolitical environment in various regions may undermine the efforts by parliamentary training institutes in empowering national parliaments to build regional cooperation. For instance, it has been a challenge to get all the parliaments in the East African region on the same page when it comes to regional integration on a number of issues. Tanzania has inclined more towards the Southern Africa Development Community (SADC) than the East African Community.³¹ This has led to stalling of some issues such as having a common regional travel document that is acceptable in all the five countries. This reflects some of the geopolitical factors that may undermine the pursuit of regional cooperation and parliamentary diplomacy.

4.10. Harmonizing Different National Policies

Each country has different national policies when it comes to the context of regional cooperation. In any case, the national interest of any state transcends regional interests. This may pose a challenge when national parliaments are collaborating on a number of common goals such as security as each parliamentarian at the negotiation table strives to further the interests of the country or people he or she represents. This competitive position in most cases has led to the stalling of processes on a number of important issues at the regional level.

5. Conclusion

This paper has sought to examine and analyze the role of academic institutions, in collaboration with parliamentary training institutes, in fostering the building of strong governance institutions, well equipped for national and regional cooperation through parliamentary diplomacy. While we are aware of the numerous challenges in this endeavor, we submit that well-targeted and strategic partnerships between parliamentary and academic institutions can serve as a useful mechanism of strengthening parliamentary democracy and diplomacy.

³⁰ Ibid

³¹ Manda, I. 2008. *Regional Integration and Parliamentary Diplomacy: A critical Analysis of the Contribution of the SADC Parliamentary Forum to Southern Africa Integration*. London: University of Westminster.

It is also important that the training programmes in these institutes be extended to other parliamentary staff such as the secretariat, members of the various committees, and clerks of the national assemblies at the national and county levels. All programmes should be designed to equip the staff with the necessary skills, language proficiency and knowledge on diplomatic procedures. This should ensure they are well equipped to perform their specific functions, including providing necessary support to the parliamentarians they are attached to.

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The Role of PTIs in Regional Cooperation and Parliamentary Diplomacy

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Introduction

Capacity building of personnel through intensive training has become an integral part of organizations. States across the world seek to ensure their institutions perform to an optimum level and therefore it is necessary to promote and enhance the abilities of their legislative members as well as the larger workforce. Other stakeholders of democracy are included in this process in order to expand parliaments' access and coordinate public participation in the legislative processes and other parliamentary activities.

The need to train political representatives arises from the multifarious functions they perform. Representatives need to be well-versed in the legislative process and its various factions such as parliamentary committees and procedures that enable them to raise matters and pose questions to the House. They must also be familiar in nuanced issues such as privilege, traditions, budget, voting mechanisms, state-centre and legislative-executive relations. This is in addition to their duties to the electorate and legislative law-making processes. Consequently, there is a need for extensive training and continuous learning processes to be in place.

It is an established fact that parliamentarians, irrespective of their language, religion and cultural values, are united by common interests such as rule of law, individual rights and freedoms, and democratic polity. It has been noted that several regions in the world are moving in the direction of integration. Though this process was started in Europe, similar moves are also being made in Africa, Latin America, and Asia and in the Middle Eastern region. Here national parliaments and their elected representatives play a significant role.

This paper on 'The Role of Parliamentary Training Institutes (PTIs) in Regional Cooperation and Parliamentary Diplomacy' seeks to examine the concept of parliamentary diplomacy, the need and imperative of regional cooperation among national parliaments, and the aims and objectives of parliamentary training institutes. It further examines the significant contribution made by the Bureau of Parliamentary Studies and Training (BPST) of India in promoting and strengthening parliamentary diplomacy and regional cooperation. An analytical summary is also provided of BPST's customized capacity building programmes in parliamentary practices, processes and procedures, conducted for the benefit of many groups, including parliamentarians, officials belonging to various services, media professionals, and students from foreign parliaments, governments and institutions.

Need for Regional Cooperation

The 20th century saw the emergence of regional integration processes for a variety of reasons. The countries concerned aspired for unity to overcome historical divisions and secure regional stability and peace. They were convinced that there was strength in unity and realized that nations inevitably belong to a community. They have expressed the desire of taking certain decisions collectively to construct a harmonized framework and life of their societies. In this perspective, the elected representatives started contributing more and more on international issues in national parliaments as well as in international fora. In fact, the individuals and institutions involved in international affairs have increased in number. National parliaments, both individually and collectively, have been playing a significant role in influencing international relationships. Parliamentarians, as statesmen, sometimes play a quasi-diplomatic role.

Parliaments, Parliamentarians and Parliamentary Diplomacy

The growing awareness and enlightenment together with the introduction of democratic polity in more countries and in wider areas of governance have given new impetus to parliamentary diplomacy, which is now a new denominator in the vocabulary of international politics. However, it should be remembered that the guiding principle behind parliamentary diplomacy is that the domain of diplomacy is too important a vocation to be left to diplomats only. No wonder Nobel Laureate Mikhail Gorbachev³ very succinctly put it, "*...the new style in international relations implies extending their framework far beyond the limits of diplomatic process. Parliaments along with governments are becoming increasingly active participants in international contacts, and this is an encouraging development. It points to a trend towards greater democracy in international relations.*"

In a way, parliamentary diplomacy is an institutionalized device available to members of parliament to protect and promote national interests and the enlightened collective interests of mankind. The means available for pursuing diplomacy are bilateral and multilateral contacts such as visits and other exchanges, workshops, study visits, and attending customized programmes at parliamentary training institutes. However, it must be borne in mind that the effectiveness of parliamentary diplomacy and its scope are limited to the extent of influencing the diplomacy rather than determining the policy itself, which is the prerogative of the executive in a parliamentary form of government. Nonetheless, it does promote a climate of cordiality and mutual trust, which is no doubt an important input in shaping foreign policy.⁴

With the advent of the era of globalisation, things have changed. The emergence of global issues such as terrorism, climate change, MDGs, SDGs and resultant international agenda and plans to deal with these challenges has made it imperative that parliaments take an active part that goes beyond merely ratifying treaties/resolutions/agreements. There is greater realisation on the part of parliamentarians that they need to engage at global and regional level as the key challenges to the new globalised world affect all. This way they should be able to scrutinise those negotiations. They should keep themselves fully informed

³ Rabi Ray, 'Parliamentary Diplomacy'; 1991; (New Delhi, S. Chand and Company Ltd),p.2

⁴ Ibid.

to express their political views to the executive.’⁵Therefore, it is well accepted that meetings and exposures at the level of parliaments will go a long way in promoting diplomacy.

Parliamentary diplomacy calls attention to the maneuvering of various regional and special interest groups. It must be noted that parliamentary training institutes such as BPST provide a forum where they can be more frank, spontaneous and go beyond the parenthetical grammar of executive diplomacy. These training institutes also provide ‘technical assistance’⁶, which can be best described as the action of institutions or persons to help build capacities in a parliament, especially those in developing countries and emerging democracies, in order to enable them to perform their functions more effectively. The technical assistance is provided both in the form of financial and material resources. Expertise is also provided from the more established democracies to emerging democracies. The assistance also includes development of infrastructure, institutional development through improved procedures and modernization of parliamentary processes. Building awareness through exchange of experiences and information among members of parliament of different countries is a continuous process. Capacity building and professional development involving training of members and staff of parliaments and legislative and committee development are two areas where special attention has been given by PTIs.

Regional Cooperation and Parliamentary Diplomacy: The Role of BPST

Since its inception in 1976, BPST has been consistently playing a genuine and valuable role in fostering a sense of fellowship and developing commonality of views among parliamentarians. Over the decades, it has developed close bonds of friendship between India and several parliamentary democracies of the world. It has also been instrumental in inculcating democratic values among parliamentary officials and other stakeholders of democracy.

BPST, through its well-established practices, has helped nations to establish parliamentary training institutes. The Centre for Parliamentary Studies and Training (CPST) of the Parliament of Kenya is one such example.

BPST has boosted parliamentary diplomacy and regional cooperation through its various programmes for foreign parliamentarians/parliamentary officials and other stakeholders of democracy. The training imparted in BPST is demand-driven, focusing on thematic parliamentary topics, understanding individual skills and presenting comparative analysis wherever required. Attachment programmes, study visits and special customized programmes are organized by BPST on request. These programmes of the duration of three to five days offer an opportunity to the visiting parliamentarians to have a first-hand knowledge and experience of the working of parliamentary institutions in India. Customized programmes are designed to cater to the special demands and requirements of the visiting dignitaries and are *ad hoc* in nature.

⁵ ‘Parliament and Democracy in the Twenty-first Century, a Guide to Good Practice’, IPU, 2006.

⁶ Ibid.

Short duration visits and tours (one day) sponsored by foreign parliaments, parliamentary bodies and other funding agencies are also organized by the BPST. The visitors are provided with the requisite orientation so that they get to know the notable aspects of the practice and procedure of parliamentary institutions. The study visit consists of a briefing on the Indian political system and other related issues either by an eminent parliamentarian or a senior officer of the Lok Sabha Secretariat. This is followed by a visit to the Parliament House to see the proceedings of the Lok Sabha/Rajya Sabha, if Parliament is in session. If Parliament is not in session, then the visiting groups are taken for a show-round of the Lok Sabha/Rajya Sabha Chambers and Central Hall of the Parliament House. Such visits offer a good opportunity to the participants to have first-hand and direct knowledge about the working of the Indian parliamentary system and see for themselves the magnificent Parliament House consisting of the Chambers of Lok Sabha, Rajya Sabha, and the Central Hall. The visitors are also taken on a tour of the Parliament Museum and Parliament Library.

During the course of the programme, the parliamentarians come in close contact with their fellow parliamentarians, the presiding officers of the national parliaments, the ministers, senior officials of the Indian Parliament and from ministries, eminent journalists, constitutional and legal experts, chairmen of parliamentary committees and domain experts. Formal and informal get-togethers also provide opportunities for further clarification and discussion. In the informal environment, members from other parliaments sometimes explain new developments and initiatives undertaken by their respective parliaments. Members of the Indian Parliament consequently also get an opportunity to clear their doubts, if any. Deeper discussions take place when delegations from young democratic nations visit. These discussions happen to be informative and vibrant as a set of representatives from a cross-section of the populace, representing several ideologies and political parties, interact with one another. Such meetings also go a long way in strengthening parliamentary diplomacy at a bilateral as well as multilateral level. Person-to-person interactions are helpful in creating friendly bonds and resolution of conflicts. Hence, such visits by parliamentary delegations at BPST assume a *de facto* diplomatic dimension.

BPST and its International Programmes: An Analysis

Between 1985 and March 2017, BPST has conducted more than 280 international programmes with almost 6,000 participants⁷. Of these⁸, 196 were customised orientation/appreciation/courses/study visits/attachment programmes, 33 were international parliamentary internship programmes, 33 were international legislative drafting programmes, and 18 were other courses. It is heartening to note that participants of these 280 programmes included presiding officers, elected representatives, senior parliamentary officials, media persons, academicians and students. They represented countries from almost all the continents viz. Africa, Asia, Europe, North America, South America and Oceania.⁹

⁷ see www.bpst.nic.in and www.loksabha.nic.in

⁸ Ibid.

⁹ see www.bpst.nic.in

The detailed analyses given below will, I hope, justify the noteworthy role played by BPST in enhancing regional cooperation and parliamentary diplomacy among national parliaments.

BPST and National Parliaments

- i. **Study Visits for Presiding Officers:** It has been observed that during study visits, presiding officers are accompanied by clerks, secretaries-general and deputy heads. Meaningful interactions and discussions take place between them and presiding officers/parliamentarians of the host country. To name a few important study visits undertaken by presiding officers are by the speaker of the National Assembly of Mauritius, the deputy speaker of the Parliament of Malawi, and the Speaker's Panel of the National Assembly of Kenya.
- ii. **Customised Orientation Programme for Members:** BPST had the distinction of organizing two customised orientation programmes for members of the Myanmar Parliament during 2012 and 2016. Besides this, in 2014, BPST sent a team of senior officers to conduct a training programme on 'Parliamentary Committee System' for members and officers of the Myanmar Parliament at Nay Pyi Taw in Myanmar.
 - (a) **Specialised Programmes for Parliamentary Committees:** The bureau has also been requested to conduct specialized programmes for members of parliamentary committees for a number of countries. Members of parliament representing some of the following parliamentary committees/related organisations have been to BPST for study visits: Committee on Delegated Legislation of Kenya; Public Accounts Committee of Bhutan; Constituent Assembly of Nepal; Committee on Office of Profit of the Parliament of Ghana; Delegation on Treaty Ratification Process by Bhutan; Standing Committee on Finance, Commerce and Budget of the Parliament of Kenya; Myanmar Parliamentary Commission on Legal Affairs and Specific Issues of Myanmar; Committee on Defence of Tanzania; Committee on Human Settlements of the Kwa Zulu Natal Province of the Republic of South Africa; Law Formulation Committee of the Regional House of Representatives of Indonesia; Public Accounts Committee of Zambia, and Sectoral Committee on Education and Sports, Uganda.

During such visits, chairmen and members of the concerned teams, particularly the departmentally-related standing committees, brief members on the functioning of these committees. At least half-an-hour of the session is devoted to interactive discussion.

Study Visits for All-Women Delegations:

It is necessary to highlight that BPST conducts study visits for all-women delegations. The Women Parliamentary Caucus from Sudan, women members from Nepal, Afghanistan and Nigeria, and women political leaders from Egypt visited BPST on study tours.

Delegations from National Parliaments:

BPST is a well-established parliamentary training institute that has been frequently chosen by elected representatives to offer training in parliamentary practices, processes and procedures.

More than 25 countries representing Africa, Asia, South America, Oceania, Europe - particularly Eastern Europe - and the Arab world have been visiting the bureau for more than three decades. To name a few, delegations from the General National Congress of Libya, the South Sudan National Legislative Assembly, the Independent Electoral Commission of Botswana, the National Assembly of Afghanistan and RIKSDAG- Swedish Parliament have attended programmes at BPST. The bureau is popular in some countries and more than one delegation has been received from countries such as Afghanistan, Bangladesh, Kenya, Myanmar, Sri Lanka, Nepal, Bhutan, Ghana, Indonesia, Ethiopia and Mauritius in a year. It has been observed that the programmes provide enough time to strengthen traditional bonds of friendship and amity with friendly countries.

Conducting Programmes at Short Notice:

It is benefitting to mention here that BPST conducts programmes successfully even on short notice. In 2016, officials from Afghanistan took a special one-month-long training programme at BPST. Prior to this, BPST had received officials from the Namibia Institute of Public Administration and Management, the serjeant-at-arms from the National Assembly of Kenya, Hansard reporters from the Republic of Fiji, the European Parliament, the Singapore civil service, the national assemblies of Pakistan and South Korea, the Parliament of Sri Lanka, and the legal department of Liaison Office of Central People's Government of China in the Hong Kong Special Administrative Region.

Programmes with a Difference:

In a unique initiative, the bureau also organised a training programme on parliamentary practices and procedures for parliamentary officials from Spanish-speaking and Arab-speaking countries. A few other programmes conducted are: Study visit by a delegation of the Senate of the Kingdom of Cambodia to LARRDIS (Parliament Library and Reference, Research, Documentation and Information Service) of Lok Sabha Secretariat, a study visit by young political leaders from USA, a customised programme on 'speakers' rulings' for members of the Parliament of Bangladesh, a study visit by the Women's Leadership Board of Harvard Kennedy School, Boston, USA, members of the Commission for the Implementation of the Constitution of Kenya, and a study visit by citizens of Australia. It may be relevant to note that probationers of the Royal Civil Service of Bhutan attend an appreciation course at BPST every year.

Programmes for Media Professionals:

Media have emerged as the fourth pillar of parliamentary democracy. Keeping in mind the important role they play, BPST has been organising special orientation programmes for media personnel who cover political institutions. Editors, senior journalists and other media personnel from China, Bangladesh, Maldives, Nepal, West Asian countries, Small Island developing states and Latin American countries have taken advantage of such programmes.

Programmes for Young Minds:

BPST has regularly organised study visits for students as well as their lecturers, professors and deans of universities. The countries that have sent students include the Harvard Business

School, Stanford Law School, University of Wisconsin, national defence colleges of Kenya and UAE, and students from Japan, Thailand, France, Germany, and Netherlands.

Month-Long International Training Programmes¹⁰

Month-long international training programmes for foreign parliamentary officials and also officials from Lok Sabha, Rajya Sabha and state legislatures are intended to meet the special needs of such officials who may be sponsored to study the working of the parliamentary system and institutions in India. These programmes seek to provide the visiting foreign officials an opportunity to exchange ideas in the context of their experiences in their legislatures and to make them aware of the environment, culture, traditions and working of parliamentary institutions in India. The two prestigious international programmes *viz.* the Parliamentary Internship Programme and the International Training Programme in Legislative Drafting, conducted by the BPST since 1985, are fully sponsored by the Ministry of External Affairs of the Government of India. The participants in these programmes are drawn from countries covered under the Indian Technical and Economic Cooperation (ITEC) and Special Commonwealth African Assistance Plan (SCAAP), which are funded by the Ministry of External Affairs and the Colombo Plan, funded by the Ministry of Finance. The funding covers international airfare and boarding and lodging expenses in India. BPST also accepts nominations from various countries under the 'self-finance plan', where participants are sponsored by their respective parliaments and other sponsoring agencies.

Parliamentary Internship Programme (PIP)

BPST has organized 32 parliamentary internship programmes (PIP) since 1985, with the basic objective of providing a deeper understanding of the working of the Indian parliamentary democracy and the practices and procedures associated with our Parliament.¹¹ The 33rd PIP will be held from August 2nd to 31st, 2017. The programme will be attended by participants from diverse political and constitutional systems. This will provide a platform for participants to understand the working of legislative institutions in a comparative format. The four-week programme also provides opportunities for intensive study and practical training in parliamentary processes and procedures, with particular reference to the practices in the Parliament and state legislatures in India.

Programme participants are provided with an opportunity to gain thorough knowledge of the parliamentary system in India by way of interaction with senior parliamentarians and parliamentary officials, who form part of BPST's distinguished faculty. Visits to the chambers to watch parliamentary proceedings, meetings with parliamentary functionaries, study visits to relevant institutions and agencies are also a part of the programme. Specific attachments with important branches and services of the two Houses of the Indian Parliament are facilitated so that participants can get hands-on experience of the working of these agencies. Each participant is expected to present a paper on the salient features of his/her country's constitution, political system, and parliamentary practices and procedures. This is followed by a group discussion. Participants are also taken on a week-long study tour of one

¹⁰ For details, see, www.bpst.nic.in

¹¹ For details of all 32 programs and for alumni, pl. see www.bpst.nic.in

of the state legislatures in India to familiarize themselves with the working of our provincial legislatures.

Besides professional training, participants are given an opportunity to enjoy and experience the unique diversity of India through local sight-seeing programmes in and around Delhi, visits to museums and places of historical importance, and cultural programmes.

International Training Programme in Legislative Drafting (LD)

Since 1985, BPST has organized 32 international training programmes in legislative drafting (LD) for foreign parliamentary and government officials and officers of parliament and state legislatures in India.¹² This is also a four-week course and the 33rd LD programme will be organized in January-February 2018.

The programme consists of lectures and interactive sessions with senior parliamentarians and legal experts; hands-on drafting sessions and drafting exercises under the supervision of the course director; group discussions in the realm of law and legislation; witnessing the parliament at work; attachment with the Legislative Department of the Ministry of Law and Justice, Government of India; attachment with the branches of the Lok Sabha and Rajya Sabha secretariats dealing with legislative business. Study visits are also arranged to India's Supreme Court, High Court, Election Commission, Faculty of Law of the University of Delhi/National Law University Delhi, and other important institutions in the field of law. Like PIP, the participants get an opportunity to visit one of the Indian state legislatures for a week-long study. Apart from the formal programmes and study visits, BPST arranges local sight-seeing visits to historical places in and around Delhi and museums, and cultural programmes for the participants.

The participation of more than 20 countries¹³ in both the programmes in past few years has established the fact that BPST plays a vital role in enhancing regional cooperation. In this digital world when more than 40 participants stay, study and learn together, they are bound to develop an unbreakable relationship. This unique relationship ultimately strengthens parliamentary democracies across the globe.

Indian Parliament, Regional Cooperation and BPST

Lecture Series for Members: Since August 17, 2005, BPST has organized a series of lectures by experts on subjects of topical interest for the benefit of members of parliament. The main objective of these lectures is to help the members gain valuable insights into the subjects under discussion. The lectures are organized on contemporaneous themes, thus helping members to comprehend the problems in a more effective way. Experts from diverse fields, including international bodies, have shared their views with the elected representatives under the lectures, which have been well received by the members of parliament. The lectures/talks include 'Children's Development: Challenges Facing India' by Ms. Ann Venemann, Executive Director, UNICEF; 'India's Challenges to meet the Millennium Development

¹² For details of all 32 programs and for alumni, pl. see www.bpst.nic.in

¹³ Ibid.

Goals' by Prof. Jeffrey D. Sachs, Director, Earth Institute, Columbia University, New York, USA; 'Globalization and Democracy' by Lord Meghnad Desai, Professor Emeritus, London School of Economics; 'Global Conscience and the Human Right to Peace' by Mr. Douglas Roche, Chairman, Middle Power Initiative; 'Climate Change' by Mr. Al Gore, Nobel laureate and former Vice-President of USA; 'Leading with Courage and Compassion' by Thich Nhat Hanh, Vietnamese Buddhist monk and peace activist; 'Terrorism: Mumbai and After', Dr. Shashi Tharoor.

Prof. Hiren Mukerjee Memorial Annual Parliamentary Lecture: BPST organises the Prof. Hiren Mukerjee Memorial Annual Parliamentary Lecture, which was instituted in 2008. The inaugural lecture was delivered by Nobel laureate, Prof. Amartya Sen, on 'Demands of Social Justice.' Later lectures were delivered by Nobel laureate and founder/managing director of the Grameen Bank of Bangladesh on the theme 'Social Business: A Step Toward Creating a New Economic and Social Order', Jagdish Bhagwati, professor of economics and law at Columbia University and senior fellow in international economics at the Council on Foreign Relations, USA, on the theme 'Indian Reforms: Yesterday and Today'; H.E. Lyonchhen Jigmi Y. Thinley, the Prime Minister of Bhutan on the theme 'Gross National Happiness: A Holistic Paradigm for Sustainable Well-being'.

BPST and Officials of Indian Parliament/State Legislatures: To facilitate the efficient working of political representatives and government institutions, there is a great need to enhance the skills of parliamentary staff also. This ensures that the staff maintains a high standard of excellence and also acknowledges the contributions of the various stakeholders in the democratic governance process. This is not limited to the parliamentary representatives and staff; training is offered to the larger government workforce such as civil servants. The alternate power centers such as the media ensure smooth and efficient functioning of democracy. Training of different democratic stakeholders such as academia, media persons, civil servants, and parliamentary staff is an onerous task. Parliamentary training institutions undertake this responsibility to ensure high quality training for a better and more efficient workforce. Training of officers and other staff ensures more efficient support for the legislative members resulting in benefits that flow down to the entire system.

International Training of Officials: BPST also sends Lok Sabha Secretariat officials for training at foreign institutes such as the Royal Institute of Public Administration, London, UK; International Legislative Drafting Programme at the Public Law Center, New Orleans, USA; International Professional Development Programme, Montreal, Quebec, Canada; and a programme on 'Organisation of Parliamentary Work: Training Session' and the French National Assembly, Senate and Ecole Nationale D'Administration, Paris, France.

Regional Cooperation and State Legislatures in India: India is one of largest and oldest democracies in the world. The BPST periodically organizes training programmes for officials working in Lok Sabha, Rajya Sabha and state legislatures. Like the international programmes, these help participants to learn new developments in important fields such as procedures, law making, department-related standing committees. BPST encourages

the committees and other branches of state legislatures to undertake study visits of our Parliament. Such activities ultimately develop an environment of regional cooperation at national level and also develop confidence in the staff to adopt new ways and means to strengthen the state legislatures.

Concluding Remarks

The reach of national parliaments is expanding. As observed, the executive remains at the heart of foreign policy, but is no longer the exclusive player. Complexities of regional and global issues demand that the role of parliamentary diplomacy be widened and strengthened. PTIs should work more closely to impart higher level of knowledge, access to information and intensive training of the human resources available. BPST has successfully facilitated interactions between different entities and individuals in democratic institutions. This ongoing process encourages parliamentarians to protect and promote national interest at the regional and global level. Indeed, BPST has promoted mutual understanding and cooperation among parliamentarians, parliamentary staff and other stakeholders of parliamentary democracies. BPST has shown its commitment and devotion in strengthening parliamentary institutions in young and emerging democracies. This way, the scope of parliamentary diplomacy is widening by the day. At regional level, BPST has not only educated/trained parliamentary officials from neighboring countries by inviting them to New Delhi, the experts have also gone to several countries to conduct relevant trainings. The BPST functions in a similar fashion at the domestic level.

The paper suggests that collective efforts must be made to create a global digital parliamentary training centre where parliamentarians and officials of young and emerging democracies can undertake online courses and benefit from the vast experience of the experts of mature democracies. Second, the PTIs need to periodically conduct workshops/seminars/training programmes at regional level. Third, mature democracies should extend financial and technical assistance to emerging democracies on a yearly basis. Fourth, focus should be given to organise more refresher courses for young parliamentarians and mid-level parliamentary officials with the objective of educating them on the latest innovations in parliamentary systems. Fifth, media should be encouraged to promote PTIs' activities in order to strengthen regional cooperation and parliamentary diplomacy. Finally, the best practices followed by PTIs for women parliamentarians must be reviewed. New knowledge and need-based programmes must be undertaken on priority for women so that half of the world's population can proactively participate in the decision-making process in democracy.

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A Study of the Role of Parliamentary Training Institutes (PTIs) in Parliamentary Diplomacy: A Case Study of the CPST, Kenya

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1.0 Introduction

Parliamentarians engage in diplomacy at institutional and political level (Noulas, 2011). At institutional level, legislators exercise their power of control during foreign policy formulation by raising questions on relevance, timeliness and prudence of various components of policy. Legislators also exercise their power when they approve budgets for financing of the implementation of particular components of foreign policy. Most parliaments have standing orders that create committees responsible for foreign affairs, defence, international trade and regional integration. The state officials responsible for these dockets appear before respective parliamentary committees from time to time to account for their performance in the execution of their mandates. By retaining the power to summon the officials, parliaments impact on international relations activities and by extension formulation and implementation of foreign policy. Activities such as the ratification of treaties, enactment of security laws, budget approval, committee meetings or plenary are examples of institutional mechanisms for parliamentary diplomacy interventions.

At ambassadorial level, parliaments engage in diplomacy through the strengthening of bilateral relations with other parliaments, and indeed the two countries involved, and participation in multi-lateral institutions such as the Inter-Parliamentary Union (IPU) through representation by delegates. Research is in agreement that parliamentary diplomacy is not a substitute for the diplomatic initiatives undertaken by the executive arm of government. It only complements the executive effort, especially in the areas of promotion of trade, democracy and governance (Mudyadzo and Nkomo, 2016; Foit, 2011; CEPPO, 2004).

The involvement of parliamentarians and parliamentary officers in international forums and activities contributes to the knowledge and insights necessary to scrutinize a national government's foreign policies in a satisfactory way. Parliamentary diplomacy provides a forum to smoothen and deal with misunderstandings, complementary to and enriching and stimulating traditional forms of diplomacy.

As legitimate representatives of democracy, parliamentarians are best placed to engage in a credible exchange of expertise and to draw and diffuse lessons learned regarding the build-up of democratic institutions as well as political, intercultural and interreligious dialogues to safeguard pluralism. Personal contacts between members of parliament and parliamentary officers of different states are likely to enhance mutual understanding and establish alternative channels beneficial for bilateral relations between countries. Such contacts are useful in placing national developments in context, as well as initiating activities, including

those aimed at peace, security and strengthening democracy and human rights, economic development, improving education and social conditions.

Parliamentary diplomacy, therefore, implies the use and deployment of contacts to promote the international democratic legal order. Various scholars view it as a means by which two or more parliaments conduct an ongoing dialogue with regard to key international issues (Stavridis and Jancic, 2017; Freeman and Sall, 2016; Chaitep, 2013). Others regard parliamentary diplomacy as an established method of influencing the decisions of foreign governments through dialogue, negotiation and other means except violence (Abdi, 2016). The parliamentary dimension of international relations has also been described as a continuation of engagement on national issues, political processes and dialogue among legislators at the international level. This implies a projection of national concerns into the international arena within the confines of national values and strategic vision (ROK, 2014).

The various descriptions of parliamentary diplomacy seem to focus on the activities carried out by parliaments in the formulation and implementation of a country's foreign policy with the purpose of strengthening the respective state in relation to other states or nations (Malamud and Stavridis, 2015; Nyinguro, 2012). As the executive establishes goals and prescribes strategies and tactics to be employed, parliaments engage in foreign affairs activities to complement executive initiatives. Collectively, the two arms of state build and nurture coalitions that facilitate a nation's sovereign existence and when necessary, destabilize or disrupt alliances of enemies and hostile powers.

The current practice of parliamentary diplomacy has many facets, which include bilateral friendship groups, bilateral cooperation agreements between Parliaments, institutionalised and regular encounters between parliamentarians, receiving and sending parliamentary delegations, for example headed by the speaker, hosting meetings of inter-parliamentary organisations, sub-regional conferences with parliamentary committees from neighbouring countries, organisation of international colloquia, work carried out by individual parliamentarians such as envoys to peace processes, work carried out by parliamentarians as election observers, exchange of know-how between parliaments and MOUs relating to this aspect, and parliamentarians joining government and ad hoc committees.

Parliamentary institutes may differ from one country to another, but they all have a common function - to provide support, conduct research and provide information, as well as give training to parliamentarians and support staff. Parliaments represent complex and diversified issues relating to the role they play in foreign affairs, which makes parliamentary diplomacy an important perspective and alternative form of diplomacy. The competences developed by parliamentary training institutes (PTIs) give parliaments power to perform their roles effectively and efficiently. The role of PTIs in promoting parliamentary diplomacy is, therefore, a natural development.

This paper examines how parliamentary diplomacy has been achieved through sending and receiving of delegations and trainings conducted for parliamentarians and staff of foreign

countries by PTIs. It focuses on the role of the Kenya's Centre for Parliamentary Studies and Training (CPST) and by extension the Parliament of Kenya.

2.0 Parliamentary Diplomacy in Literature

A sound theoretical analysis is so far lacking in the area of parliamentary diplomacy, and as Weisglas and Boer (2007) acknowledge, parliamentary diplomacy has not yet been widely studied. However, they agree that parliamentary diplomacy in practice has developed rapidly over recent decades and it seems to be increasing in relevance. They define the term as the full range of international activities undertaken by parliamentarians in order to increase mutual understanding between countries, to assist one another in improving the control of governments and the representation of a people and to increase the democratic legitimacy of inter-governmental institutions. Their study identifies the pitfalls and complications in studying parliamentary diplomacy because of the infancy of the subject of study in addition to the fact that parliaments are relatively weak actors in the international arena when compared to executive arms of governments, NGOs and businesses.

The organisations in which parliamentarians work together, therefore, often lack finances, resources and power to exert the influence that they could if better equipped. Mandates vary greatly among delegations, often leading to problems when formulating conclusions or declarations, which as a result are often vague and noncommittal. They conclude that the fact that there is a beginning in defining parliamentary diplomacy, its working methods, purposes and impact is a step in the right direction. Suggestions for longer-term development include finding ways how parliamentarians can make better use of the instruments of diplomacy and what they should avoid.

According to Zibonele Nxele et al (2012), the philosophy that knowledge production and capacity building are critical to effective development is not new, and its pertinence in the context of African democracies is being increasingly recognized. To this end, their study recognizes that there has been a proliferation of parliamentary institutes in Africa and all over the world with the objective of providing independent and quality research, and analytic and capacity building services to parliamentarians with the ultimately end of creating well-functioning parliaments. Such centers of excellence, the study argues, are critical in developing skilled parliamentarians who are able to make informed decisions and develop relevant, effective and responsive policies. They, therefore, conclude that the PTIs' role in parliamentary capacity development and strengthening has become significantly important for improving the performance of parliaments in exercising their functions, which now include alternative diplomacy.

According to Michael Frenco (2012) the significance of parliamentary diplomacy dates back to the Roman senate, which at the request of the Roman generals, played a role in "suing for peace and then sanctioning war with Philip V of Macedon after the failure of the Treaty of Phoenice (205BC)." His argument is that even after the French Revolution, at the first assembly emerging following that momentous event, a proposal was tabled in 1790 for the setting up of a parliamentary committee "*chargé de prendre connaissance des traités*

et des relations extérieures de la France pour en rendre compte à l'Assemblée" (roughly translated means "charged with acquainting itself with France's treaties and foreign affairs and reporting to the assembly"). The study encourages readers not to underestimate the function of parliamentary diplomacy in challenging special political and legal situations.

Lateef (1981), on his part, describes parliamentary diplomacy as a kind of problem-solving alternative. The study highlights, the main function that parliament served in the past as a means to develop and express a public opinion, the ultimate source of governmental policy in a free society, and the indispensable condition of public action. The central task for diplomatists, the study explains, is to coordinate state expectations. Parliamentary diplomacy, therefore, must be shielded from excessive expectations. It is not only idealistic but counter-productive to expect from it, and from the institutions built under it, results it cannot bring about. Parliamentary diplomacy as such creates a framework for patient and constructive endeavors.

The study describes the parliamentary diplomacy system as "perhaps, the dominant process of multilateral contract formation" and acknowledges that because of its essentially political character, the system suffers from a dichotomy where, on the one hand, the politician perceives the relationship between law and politics as a compound in which the law loses its properties to political expediency. The jurist, on the other hand, perceives a mixture and concerns himself primarily with distilling the legal element. Consequently, the politician frequently sloughs off Philip Jessup's proposition that "international law is involved in a diplomatic dialectical usage in the everyday conduct of international affairs". By the same token, the jurist is more likely than not to ignore Dag Hammarskjöld's admonishment that international law should be viewed "not merely as a technical set of rules and procedures, but as the authoritative expression of principles that determine the goals and direction of collective action".

3.0 Training and Parliamentary Diplomacy

Gstohl (2012) advises that training is a vital building block of parliamentary diplomacy, especially for people that do not have a strong background in international relations. The involvement of politicians and staffers who are not necessarily trained in diplomacy introduces the question of performance as they lack the skills suitable for the diplomatic function. Duke (2009) asserts that there is no point then of involving politicians in diplomacy if they are not well prepared for the tasks that they would have to assume in complementing the executive.

Training is one of the few sustainable means to equip politicians and staffers with the skills and resources to confront the ever-changing diplomacy landscape, replete with issues such as cross-border crime, immigration, terrorism, trade and cybercrime. This makes it necessary for politicians and their support staff to be introduced to diplomacy through planned processes to modify their attitudes, knowledge and skills behavior towards a common diplomatic culture.

Training allows participants to meet, socialize and share knowledge in critical areas such as political briefing, information and communication technology, human rights, protocol and etiquette, and foreign policy themes (Gstohl, 2012). Maurer (2007) advises that the potential benefits of such training include the structurization and routinization of behaviour, alongside standardization, homogenization and authorization of codes of meaningful ways of reasoning. For maximum benefit, the development of learning materials and training infrastructure should be based on sound learning theories.

Appropriate training theory must of essence influence the selection of instructional strategies with the aim to motivate participants and enable deep processing of knowledge, build the whole person and cater for individual differences of the target audience. The training model adopted must also encourage interaction and provide support for all during the learning process. This paper focuses on training within the context of the behaviorist, cognitivist and constructivist theories of learning.

The behaviorist theorists (Thorndike 1913; Pavlov, 1927 and Skinner, 1974) believe that learning is a change in observable behavior caused by external stimuli in the environment. This school of thought anticipates a clear, observable behavior pattern within measurable indicators of learning. In light of this, training institutions are expected to inform learners of the explicit learning outcomes and objectives that provide sufficient feedback to the participants to monitor learning, test learners on the extent to which leaning objectives are achieved and sequence learning systematically, starting with the simple to complex materials and knowledge.

The cognitivists, on the other hand, perceive learning as an internal process involving memory, reflection, thinking, abstraction, motivation and meta-cognition. Under this theory, learning is viewed from an information processing perspective, where participants use different types of memory during training sessions. Cognitivists believe that during learning, information must be transferred to the working memory and subsequently to the long-term memory for storage, and that delay in transfer of information to the working memory might cause information loss.

It is assumed that the information is stored in the long-term memory in form of networked nodes. This unique information processing and storage capabilities of the human mind require instructors to structure training in ways that enable efficient learning, including the use of maps and charts that reflect interrelationships between major topics and underlying concepts. Participants benefit more from training when strategies that facilitate the transfer of information to the working memory are employed (Anderson and Elloumi, 2004). Trainers must, therefore, employ techniques that support injection of maximum information sensations without unnecessarily overloading the participants with the sensations. Care should also be taken to appreciate learning differences between individual participants in terms of thinking, remembering and problem solving, which then calls for the presentation of training in different modes to accommodate the individual differences in information processing.

Constructivists see participants as being active as opposed to being unreceptive. This group of theorists postulates that knowledge is accumulated from the processing and interpretation of received information by individual learners through the senses. The role of the facilitator is to train the participant to construct knowledge rather than receive knowledge by instruction. Researchers (Burkle, 2009) argue that constructive learning actually transforms beliefs, attitudes, opinions and emotional reactions that constitute meaning perspectives participants. Mai and Cross (2011) reiterate that learning should be an active process since keeping learners in significant activities results in high-level processing and therefore personalized meaning. To make learning more meaningful to learners, learning aids should, therefore, include examples that relate to trainees, otherwise they might not make sense of the information.

The learning schools of thought briefly discussed above seem to concur that indeed, effective learning occurs when learners are exposed to a learning environment that supports interactive and quality training programmes that consider different learners' experiences and backgrounds. The envisaged training methodology, infrastructure and resource mobilisation call for a comprehensive approach grounded on coherent and strategic long-term instruction concepts under an establishment that brings together participants for agreed periods of time. This, in our view, points to the direction of a devoted training institution such as a parliamentary training institute.

4.0 The Centre for Parliamentary Studies and Training (CPST): An Overview

The CPST is the Kenyan premier training institution on parliamentary matters. It was established in the year 2008 by a resolution of the Parliamentary Service Commission (PSC) and mandated to, among other responsibilities, equip members of parliament and their support staff with the skills, knowledge and attitudes necessary for the efficient functioning of parliament.

The establishment of the CPST is a demonstration of the national parliament's commitment to enhancing the capacities of members of parliament and their staff in order to improve service delivery and ultimately, improve democratic governance. The centre is projected to offer quality training services to clients at local, national and international level. In this regard, the centre receives delegations from various countries in the East and Central African region. As indicated in Table 1, majority (70 per cent) of the international participants were senior parliamentary staff.

5.0 Study Methodology

The research employed a case study approach with the CPST serving as the unit of analysis. Qualitative data collection materials such as semi-structured interview guides were used to obtain data from respondents, including career diplomats and senior parliamentary staffers. For respondents not within Nairobi city, we employed telephone interviews. We also conducted administrative record review to obtain secondary data on the center's sphere of influence. The respondents were purposively sampled from a list of members, senior parliamentary officers and diplomats.

The case study approach was adopted because it allowed the exploration and understanding of complex issues in institutional management and has previously been used in studies concerning education (Zaina, 2007). The approach supports examination of data within the situation in which it occurs and provides insights into real-life behavior of the phenomena under study.

6.0 Results

Far from being a precise term, parliamentary diplomacy now encapsulates all forms of cooperation between parliamentarians. Often, parliamentary diplomacy is used to promote political dialogue during conflicts in neighbouring countries and within their region. In the case of CPST, the following were found to be cases of diplomacy:

1. A seven-member delegation from the South Sudan National Assembly visited the CPST in November 2011 at the invitation of the Speaker of the Kenyan National Assembly during their tour of the Parliament of Kenya.
2. A five-member delegation of senior staff members from Victoria Legislative Council, Australia led by the Speaker, Clerk and Serjeant-at-arms South Sudan National Assembly visited the CPST in February 2012 at the invitation of the Speaker Kenya National Assembly during their tour of the Parliament of Kenya.
3. Representatives from various parliaments such as South Sudan, Uganda, NIGS-Nigeria, Ghana, Clerk of House of Parliament, Sierra Leone, Mozambique, Parliamentary Centre Ghana, Gauteng legislature-South Africa, Parliament of Tanzania, Westminster Foundation for Democracy-Bangladesh and UK; and parliamentary organizations such as IPU, SADC Parliamentary Forum were hosted in Nairobi in 2012 by the CPST for a symposium.
4. An eight-member delegation of Members of Parliament from Canada accompanied by the Canadian High Commissioner visited the CPST in 2013 at the invitation of the Speaker of the Kenya National Assembly during their tour of the Parliament of Kenya to assess the progress of programmes funded by the Parliamentary Centre (a development partner).
5. Delegation of Members of Parliament from Namibia, Uganda, CPA-UK House of Parliament visited the CPST in 2013 at the invitation of the Speaker of the Kenyan National Assembly during their tour of Parliament of Kenya.
6. Delegation of members of staff from the Parliament of Ghana visited the CPST in 2014 at the invitation of the Clerk of the Senate of Kenya and Secretary to the Parliamentary Service Commission.
7. A nine-member delegation of Members of Parliament from the National Assembly of Zambia visited the CPST in 2015 at the invitation of the Speaker of the Kenyan National Assembly during their tour of the Parliament of Kenya.
8. Delegations of members of staff from the Parliaments of Zambia and Namibia and the Zanzibari House of Representatives, and the National Assembly of the Gambia led by the clerk and representatives from the office of the president, visited the CPST in 2015 at the invitation of the Clerk of the Senate of Kenya and Secretary to the Parliamentary Service Commission.

9. Staff delegations from the parliaments of Uganda and Namibia visited the CPST in 2016 at the invitation of the Clerk of the Senate of Kenya and Secretary to the Parliamentary Service Commission.
10. A three-member delegation of the East African Legislative Assembly (EALA) visited the CPST in 2016 at the invitation of the Speaker of the Kenyan National Assembly during their tour of the Parliament of Kenya to discuss the possibility of the East African Parliamentary Institute (EAPI) being hosted by the Parliament of Kenya at the CPST.
11. A three-member delegation of the SADC Parliamentary Forum led by the Speaker of the National Assembly of Zambia visited the CPST in 2016 at the invitation of the Speaker of the Kenyan National Assembly during their tour to understudy the centre in their quest to establish a parliamentary training centre for the SADC region.
12. A 14-member delegation of students from Smith College- USA on a study tour of the Parliament of Kenya visited the CPST in 2016 at the invitation of the Clerk of the Senate of Kenya and Secretary to the Parliamentary Service Commission.
13. A six-member delegation of members of the Malawi Parliamentary Service Commission visited the CPST in 2017 at the invitation of the Speaker of the Kenyan National Assembly and the Chairman of the Kenya's Parliamentary Service Commission.
14. The CPST also hosted members of parliamentary committees from Zambia (Government Assurance Committee), Uganda (Committee on Appointments), Zambia (Committee on Youth and Sports), Malawi (Committee on Government Assurances and Public Service Reforms) in 2017 at the invitation of the Speaker of the Kenyan National Assembly and Chairman of Kenya's Parliamentary Service Commission during their tour of the Parliament of Kenya.

7.0 Working with International Organizations

The concept of parliamentary diplomacy envisages the involvement of politicians in the promotion of national economic and commercial interests abroad. With advancement in communication technology and cross-border security challenges, legislators are no longer expected to confine their attention to domestic issues, but can identify and influence important international decisions that would have a bearing on local issues through participation in conferences and summits organized by the executive or international parliamentary organizations. The parliament of Kenya, therefore, is a member of key parliamentary organizations such as the Inter-Parliamentary Union and the Commonwealth Parliamentary Association.

Participation in meetings organized by such bodies enhances the visibility of Kenya in the international arena and brings out any national concerns that require international discussion. The delegations' composition is usually from across the political divide, which presents a better image of the country than when conducted exclusively by the executive. The discussion platforms also have the potential to attract investors and create positive force for national development. The participation of parliamentary presiding officers, including

speakers and clerks, help project a positive image of Kenya, which possibly shapes the perceptions of other countries about Kenya and shares information on available opportunities for investment in sectors where the nation has a comparative advantage. The experience gained from participation in international meetings also helps positively shape the local public policy environment and facilitate more investment.

Professional diplomats are rarely dominant in conferences and summits. Research has established that during the preparation and adoption of the Northern Corridor Mutual Peace and Security Pact, the primary role of negotiation was conducted by security experts and politicians. The Kenyan high commissioner for Rwanda only attended the initial opening ceremony and the briefing session for the heads of state. Although there is a possibility the commissioner played a more subtle role in the negotiations, the potential benefits of participation in international meetings, conferences and summits were more attributable to parliaments' investment in training infrastructure and human resource development through the CPST and establishment of the Parliamentary Research Services department. Generally, delegations to international meetings get briefings and research papers sufficiently detailed to cover country positions on topical issues, culture and development trends in host country. The delegations are usually accompanied by members of staff to continually help sharpen the focus and supply supporting data during discussions.

8.0 Capacity Building and Promotion of Good Governance

The CPST occasionally offers training and benchmarking opportunities on the role of the Parliamentary Service Commission (PSC) in parliamentary administration. As indicated in Table 1, document review and key informant interviews revealed that by May 2017, the CPST had hosted international delegations of participants from eight countries. The delegations included parliamentary presiding officers, commissioners, chairpersons of parliamentary committees and senior parliamentary staff. Members of the delegations had the opportunity to observe, discuss and share experiences with their Kenyan counterparts on the services offered to parliamentarians, ways of improving service delivery in key result areas such as procedures, administrative research and appropriate staffing levels of parliamentary leadership offices.

It is anticipated that once implemented, the lessons learnt could improve the capacity of sending parliaments to independently and sustainably run their legislative calendars. Delegations to the CPST also paid courtesy calls to the speakers of the National Assembly and the Senate. The speakers got the opportunity to freely share their experiences and offer counsel on various areas of mutual interest. The ability of the Kenyan presiding officers to freely exchange views with members of visiting delegations on matters of concern has the potential to foster mutual understanding and build trust. This way, the CPST helps enhance our regional and country-to-country relations.

Kenyan delegations visiting other parliaments in the region and overseas also get an opportunity to share their experiences with their counterparts. One key informant narrated to us an experience she once shared with colleagues at the Canadian parliament regarding

what a parliamentary officer would do in a situation where the house was about to sit but the presiding officer was not present. The parliamentary officers from the host country were pleased to learn from the key informant that in the absence of the speaker, the mace is taken to the house and covered with a cloth as the members are given an opportunity to elect a temporary presiding officer.

Table 1: International Participants by Country between 2015 and 2017

Country / Organization	No. of Members of Parliament	No. of Parliamentary Staff
Zambia	14	3
Uganda	0	4
Malawi	7	8
SADC Group	1	4
Namibia	0	6
Gambia	0	3
Mozambique	0	3
Tanzania	0	21
Total	22	52

Source: CPST 2017

9.0 Challenges

In the recent past, parliamentary diplomacy has witnessed an upsurge of competing interests. Although relatively new, the field of parliamentary diplomacy is confronted with a rapidly changing landscape occasioned by changes in technology with attendant challenges such as cybercrime and terrorism. Other changes include the cessation of the Cold War and the rise of new economic giants such as China and India, complicated climate change-related negotiations and reversal of integration gains following the Brexit success in Europe which might motivate other countries in the African continent to break away from regional groupings and frustrate the regional integration agenda. Terrorism and violent extremism, drug trafficking and piracy in the East African region also necessitate the search for new partners.

The CPST faces serious infrastructural challenges. Owing to its rapid growth and slow support from the Kenyan treasury, the CPST experiences infrastructural challenges ranging from lack of conference facilities to non-existent accommodation facilities. The centre does not enjoy proximity to suitable boarding facilities due to its location within a single unit residential neighborhood. Attempts to buy land and build a modern training facility away from the city centre have not been successful.

The CPST experiences staff shortages, particularly in the technical and administrative cadres. The staff shortage is so dire that a portion of the CPST staff is “leased” from other departments in the parliamentary service, which compromises their loyalty and devotion to

duty. Without the convenience of a pool of well-trained internal staff, the center cannot be expected to offer efficient services in the country and the African region.

Despite the challenges, PTIs must continually equip parliamentarians with new skills to broaden their negotiation capacities and keep abreast of what is happening around the world.

10.0 Recommendations

PTIs should endeavor to consistently provide learning support in all areas relevant to diplomacy and facilitate legislators and staff who wish to advance Kenya’s interests abroad. For instance, since parliamentary diplomacy involves the exchange of messages verbally, the involvement of politicians without the benefit of training might result in exaggerations and flattery. Legislators and support staff could benefit from language and oratory skills training, negotiation, and etiquette and propaganda management. The Kenyan ministry for foreign affairs recently inaugurated a diplomacy academy targeting practitioners of diplomacy within executive circles. It is appropriate, therefore, to develop and implement a training programme on parliamentary diplomacy for legislators and their support staff.

Most of the diplomatic discussions that go on in conferences and summits are technical in nature, it would be appropriate for PTIs to identify networks that have chapters at country level and provide think tank services to such organizations on a wide range of issues such as climate change, immigration, extractive industries and trade. This has the potential to improve understanding and dialogue and make it possible for key political actors within respective countries to appreciate the challenges faced by legislators from other countries. More importantly, PTIs could choose to work closely with private members in the committees responsible for foreign affairs and provide regular support in isolating key issues in Bills on foreign policy.

In order to spearhead the flow of information concerning investment opportunities in respective countries, PTIs, particularly the CPST, should invest in the preparation of publications illustrating the richness of the Kenyan culture and tradition, and key elements of contemporary Kenya. The publications could include the progress made in infrastructural development with milestones such as the Standard Gauge Railway (SGR), partnerships and agreements with neighbouring countries such as the Mutual Peace and Security Pact and general progress in key sectors such as free primary education, tourism, gender perspectives and natural resources exploitation. These, besides being ready ammunition in the hands of legislators for sharpening domestic policy, also help project a positive image of Kenya abroad.

PTIS should invest in the development of retrievable databases. This would go a long way to solving the problem of data unavailability that sometimes assails parliamentary diplomacy initiatives. Possible storage of data and precedence on a broad range of parliamentary traditions, procedures, and etiquette would enhance ease of reference and competence of think tanks. The CPST could also benefit from the development of a repository of treaties, protocols, pacts and conventions that Kenya is party to. This would minimize chances of

embarrassing moments where legislators drift into areas outside the country's strategic vision.

To enrich PTIs' curriculum, efforts should be made to incorporate opportunities for discussions and interactions between participants and career diplomats. This has the potential not only for interaction between participants and seasoned practitioners but also to unbundle diplomacy and create an interest in protecting the country's image abroad. Other guests that could be invited to give talks include political, cultural and religious leaders.

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APPENDICES

6



APPENDIX ONE: LIST OF PARTICIPANTS

A. CPST Board		
S/NO	NAME	DESIGNATION
1	Hon. Beth Mugo, Chairperson	Board Chairperson
2	Hon. Sammy Leshore	Board Vice Chairperson
3	Hon. Adan Keynan	Board Member
4	Hon. Jimmy Angwenyi, Member	Board Member
5	Hon. Lonah Mumelo Member	Board Member
6	Prof. Maria Nzomo Member	Board Member
7	Jeremiah Nyegenye Member	Board Member
8	Michael Rotich Sialai Member	Board Member
9	Prof. Nyokabi Kamau	CPST Executive Director/Secretary to the Board

B. SYMPOSIUM ORGANIZING COMMITTEE			
1	Name	Department	Service
2	Dr. Philip Buchere	CPST	Senate
3	Mr. Bonnie Mathooko	PRS	Joint Service
4	Mr. Benjamin Ngimor	PBO	National Assembly
5	Ms. Margaret Ndenga	Printing	Joint Service
6	Mr. Peter Mwangangi	PSC Secretariat	Senate
7	Ms. Linet Misati	CPST	Senate
8	Mr. Masaai Lekipaika	HRD	Joint Service
9	Mr. Dan Ajele	Procurement	Senate
10	Mr. Paul Maina	CPST	Senate
11	Ms. Deborah Mupusi	Public Communication	Joint Service
12	Ms. Lucy Wanjohi	Clerks Chamber	National Assembly
13	Dr. Martin Mbewa	CPST	Senate
14	Mr. Daniel Chania	Clerk's Office	Senate
15	Mr. Mwinyi Mohamed	Litigation and Compliance	Joint Service
16	Ms. Grace Mwakio	Public Communication	Joint Service

17	Mr. Harrison Owino	ICT	Joint Service
18	Dr. Christine Sagini	PRS	Joint Service
19	Mr. Anthony Ngugi	CPST	Senate
20	Ms. Farhiya Ibrahim	Security	Joint Service
21	Ms. Dorcus Ambuto	Public Communication	Joint Service
22	Mr. Joseph Mugeni	CPST	Senate
23	Mr. Geoffrey Onchiri	Security	Joint Service
24	Mr. Shem Obaigwa	CPST	Senate
25	Ms. Lydia Mutenyo	CPST	Senate
26	Mr. Fanuel Aradi	CPST	Senate
27	Ms. Margaret Kanyuku	CPST	Senate
28	Mr. Ali A. Ahmed	CPST	Senate
29	Ms. Violet Asiko	CPST	Senate
30	Ms. Jane Boniface	CPST	Senate

C. PARLIAMENTARY SERVICE COMMISSION	
1	Mr. M. A. Mohamed
2	Mr. Mainah Wanjiku
3	Mr. Kiplang'at Korir
4	Mr. Godfrey Pasiyany
5	Mr. Henry Leseina
6	Mr. Peter Mwangangi
7	Mr. Robert Nyasuna
8	Ms. Millicent Wang'ombe
9	Ms. Monicah Wangui
10	Mr. Thomas Asuna
11	Ms. Mary Mwakoma
12	Mr. Ibrahim Otieno
13	Mr. Patrick Asonga

D. INTERNATIONAL DELEGATES		
S/NO	NAME	COUNTRY
1	Kalpana Sharma	BPST, India
2	Seema Kaul Singh	BPST, India
3	Inna Popova	McGill University, Canada
4	Prof. Fredrick Stapenhurst	McGill University, Canada
5	Dr. Emmanuel J. Mallya	Tanzania
6	Rachel Emaasit	Uganda
7	Josephine Watera	Uganda
8	Dr. Douglas Munemo	Zimbabwe

E. DEVELOPMENT PARTNERS, GOVERNMENT AGENCIES AND DEPARTMENTS		
S/NO	NAME	INSTITUTION
1	Dr. Fred Mugambi	Kenya Revenue Authority /Kenya School of Revenue Administration
2	Ms. Waceke Wachira	USAID-AHADI
3	Mr. Edwin Mbaya	USAID/AHADI
4	Ms. Faith Adu	USAID/AHADI
5	Amb. Simon Nabukhwesi	Foreign Service Institute (Kenya)
6	Mr. John K. Mutua	Foreign Service Institute (Kenya)
7	Dr. Ludeki Chweya	Director General Kenya School of Government
8	Ms. Peninah Ogeto	Association of European Parliamentarians with Africa (AWEPA)
9	Ms. Anne Nyambura	Association of European Parliamentarians with Africa (AWEPA)
10	Ms. Winfred Jillani	Kenya Revenue Authority /Kenya School of Revenue Administration
11	Mr. Patrick Mwadori	USAID-AHADI

F. COUNTY ASSEMBLY STAFF		
S/NO	NAME	COUNTY ASSEMBLY
1	Teddy Luvisia	Vihiga
2	Ms. Zipporah Koroti	Baringo
3	Mr. John Mutie	Kiambu
4	Mr. Stanley Kipchumba	Baringo
5	Ms. Catherine N. Kathuni	Tharaka Nithi
6	Mr. Wesley K. Sigei	Bomet
7	Mr. Abdiaziz M. Noor	Garissa
8	Mr. Kipkebut T. Henry	Baringo
9	Mr. Paul Keli	Machakos
10	Mr. Isaiah Kirui Kiplangat	Bomet
11	Mr. Ramadhan Mohamed	Kakamega
12	Ms. Charity M. Sakwa	Kakamega
13	Mr. Jim Gitonga Kauma	Embu
14	Ms. Ann A. Muleshe	Kakamega
15	Mr. Ezra Okello	Siaya
16	Mr. Kencos Mutuma	Meru
17	Ms. Veronica Mang'eni	Kakamega
18	Ms. Priscilla Ombunga	Kakamega
19	Ms. Wendy Tiany	Kakamega
20	Mr. Vincent Karumba	Kiambu
21	Ms. Cecilia Mwangi	Kiambu
22	Mr. Dann Mwangi	Kiambu
23	Mr. Nicholas A. Okutoyi	Kakamega
24	Hon. Gathii Irungu	Kiambu
25	Hon. Patrick Chege	Kiambu

APPENDIX TWO: PUBLISHED PRESENTATIONS

List of Papers and Authors

S/No	Paper Title	Author
1.	Developing Curricula for Parliaments: Experiences from the CPST Kenya	Prof. Nyokabi Kamau, Executive Director, CPST
2.	The Role of PTIs in Regional Cooperation and Parliamentary Diplomacy	Kalpna Sharma, Joint Secretary, Bureau of Parliamentary Studies and Training (BPST)
3.	The Role of Academic Institutions in Strengthening Parliament: A case for Parliamentary Diplomacy Training	Prof. Amb. Maria Nzomo Dir. IDIS – UoN
4.	A Study of the Role of Parliamentary Training Institutions in Parliamentary Democracy: A case study of the CPST Kenya	Dr. Kepha Misiko Omoti – DIRS PSC and Dr. Martin Mbewa CPST
5.	Evidence-Based Training Programmes for MPs and Staff of Parliaments	Inna Popova and Prof. Rick Stapenhust – McGill University
6.	Assessment of Factors Limiting linkage between Parliamentary Training Institutions (PTIs) and Academic Institutions	Teddy M. Luvisia, Assistant Director Research Services, Vihiga County
7.	Financing Parliamentary Training Institutes in the 21st Century: Reflections from the Kenyan Experience	Dr. Buchere Philip – Director, CTR – CPST and Dr. George Wakah – Director AFC –CPST
8.	Financing, Structure and Mandates of PTIs: Lessons from Uganda Institute of Parliamentary Studies (IPS)	Josephine Watera, Principal Monitoring and Evaluation Officer – IPS Uganda
9.	Rethinking the Role of Parliamentary Training Institutes in Enhancing Legislative Oversight in Zimbabwe	Dr. Douglas Munemo- Midland State University Zimbabwe
10.	Role of Legislative Oversight in Strengthening Devolution: A Case Study on Recruitment of Staff by County Public Service Boards	Mr. Isaiah Kiplangat Kirui and Mr. Wesley Sigei – Bomet County
11.	A Critical Evaluation of Best Corporate Management Practices In Parliamentary Settings: A Historical Analysis of the Kenyan Parliament Using The Management Assessment Framework	Martin Masinde, Parliamentary Budget Office and Dr. Philip Buchere – CPST
12.	Legislative Oversight as a Critical Component of Peace and Development in Africa	Emmanuel J. Mallya, Director, Open University of Tanzania
13.	Utilizing Information Communication Technology in the Parliamentary Hansard Training: Lessons from the Kenyan Parliament	Ali Abdulmajid Ahmed – Senior Assistant Hansard Editor, Senate and Dr. Buchere Philip, Director Curriculum, Training and Research, CPST
14.	Knowledge Management in Parliamentary Practices and Procedures: The Role of PTIs	Kilungu Paul Kelly – Senior Librarian, County Assembly of Machakos

APPENDIX THREE: SYMPOSIUM PROGRAMME



PARLIAMENT OF KENYA

THE CENTRE FOR PARLIAMENTARY STUDIES AND TRAINING (CPST)

2ND ANNUAL GLOBAL SYMPOSIUM OF THE PARLIAMENTARY TRAINING INSTITUTES (PTIs)

Harnessing the Capacities of Parliamentary Training Institutes
for Enhanced Governance in the 21st Century.

PROGRAMME

Dates: May 23rd - 26th, 2017
Serena Beach Resort and Spa - Mombasa, Kenya

Co-sponsored by



SYMPOSIUM OBJECTIVES

The objectives of the Symposium will be to:

- 1) Discuss ways of Internationalizing Curriculum and training for PTIs;
- 2) Analyse the role of PTIs in Legislative research services;
- 3) Discuss the role of PTIs in generating legislative and procedural knowledge;
- 4) Explain the role of PTIs in Regional cooperation and parliamentary diplomacy;
- 5) Analyse the linkages between PTIs with academic institutions; and,
- 6) Form an Association of PTIs.

CONFERENCE PROGRAMME

SYMPOSIUM PROGRAMME

Day 1: Tuesday, 23rd May 2017

Delegates arrival and check in at hotels of their choice

Day 2: Wednesday, 24th May 2017

0830-0900 Hrs	Registration	CPST SECRETARIAT
SESSION 1: OPENING CEREMONY		
Chairperson: Dr. Lonah Mumelo		
TIME	TOPIC	RESOURCE PERSON(S)
0900-1000 Hrs	<ul style="list-style-type: none"> • Welcome remarks by Executive Director, CPST • Remarks by CPST Partners Representatives; <ul style="list-style-type: none"> ○ McGill University ○ AHADI - USAID ○ AWEPA ○ Remarks by Secretary to the PSC/Clerk of Senate ○ Opening Remarks by Chair, CPST Board 	<p>Prof. Nyokabi Kamau</p> <p>Inna Popova – Dir. PDP/SCS</p> <p>Waceke Wachira-COP</p> <p>Anne Nyambura-COP</p> <p>Mohamed Ali – SDC Senate</p> <p>Sen. Beth Mugo, E.G.H., M.P., Vice</p>
		Chair PSC & Chair of the CPST Board

1000-1030 Hrs	GROUP PHOTO AND HEALTH BREAK	
SESSION 2: KEYNOTE ADDRESS		
Chairperson: Dr. Lonah Mumelo		
1030-1200 Hrs	<ol style="list-style-type: none"> 1. Developing Curricula for Parliaments: Experiences from the CPST 2. The role of PTIs in Regional Cooperation and Parliamentary Diplomacy 	<p>Prof. Nyokabi Kamau</p> <p>Kalpana Sharma, Joint Secretary, BPST</p>
1200-1230 Hrs	<i>Plenary Session</i>	
1230 -1400 Hrs	LUNCH BREAK	
SESSION 3: THE ROLE OF PTIs IN REGIONAL COOPERATION AND PARLIAMENTARY DIPLOMACY		
Chairperson: Amb. Simon Nabukhwesi		Moderator: Mohamed Ali, SCD Senate
1400 -1515 Hrs	<ol style="list-style-type: none"> 1. The role of Academic Institutions in Strengthening Parliament: A case for Parliamentary Diplomacy Training 2. A study of the role of Parliamentary Training Institutions in Parliamentary Democracy: A case study of the CPST Kenya 	<p>Prof. Amb. Maria Nzomo Dir. IDIS – UON</p> <p>Dr. Kepha Misiko Omoti – DIRS PSC & Dr. Martin Mbewa CPST</p>
1600-1645 Hrs	<i>Plenary Session</i>	
1645-1700 Hrs	TEA BREAK AND END OF DAY TWO	

Day 3: Thursday, 25th May 2017

0830-0900 Hrs	Registration	CPST SECRETARIAT
SESSION 4: LEGISLATIVE RESEARCH		
Chairperson: Dr. Lonah Mumelo		Moderator – Prof. Maria Nzomo Dir. IDIS - UON
TIME	TOPIC	RESOURCE PERSON(S)
0900-1010Hrs	Evidence-Based Training Programs for MPs and Staff of Parliaments	Inna Popova & Prof. Rick Stapenhurst – McGill University
1000-1040 Hrs	<i>Plenary Session</i>	
1040-1100 Hrs	HEALTH BREAK	

SESSION 5: RESEARCH AND ACADEMIC LINKAGES

Chairperson: Dr. Lonah Mumelo			Moderator - Dr. Ludeki Chweya Director General KSG		
	Learning Needs Assessment From Kenyan County Assemblies	Prof. Nyokabi Kamau			
1100 -1230 Hrs	A study on the perceptions of Parliamentary Service Commission staff on the implementation of the staff training and development policy	Mr. Charles Korir, PSC Joint Services			
	Assessment of Factors Limiting linkage between Parliamentary Training Institutions (PTIs) with Academic Institutions	Teddy M. Luvisia - Ass. Dir. Research Services, Vihiga County			
1230 -1300 Hrs	<i>Plenary Session</i>				
1300-1400 Hrs	LUNCH BREAK				

SESSION 6: FINANCING STRUCTURE AND MANDATE OF PTIS

Chairperson: Hon. Jimmy Angwenyi			Moderator – Dr. Fred Mwirigi (KESRA)		
1400-1530Hrs	1. Financing Parliamentary Training Institutes in the 21st century: reflection from the Kenyan Experience.	Dr. Buchere Philip – Dir, CTR – CPST & Dr George Wakah – Dir, AFC - CPST			
	2. Financing, Structure and Mandates of PTIs: Lessons from Uganda Parliamentary Institute (IPS)	Josphine Watera – Principle monitoring and Evaluation Officer – IPS Uganda			
1530-1600Hrs	CONSTITUTION FOR THE PROPOSED PTI ASSOCIATION				
1600 - 1630Hrs	<i>Plenary</i>				
1630-1700 Hrs	TEA BREAK AND END OF DAY THREE				
1830-2000 Hrs	COCKTAIL; Hosted by The Speaker of the National Assembly Hon. Justin Muturi, EGH, MP.				

1030 - 1050 Hrs	<i>Plenary session</i>
1050-1120 Hrs	TEA BREAK

SESSION 8: LEGISLATIVE PRACTICE PROCEDURE AND OVERSIGHT

Chairperson: Mr. Michael Sialai			Moderator – Martin Masinde		
1120– 1220 Hrs	Strengthening public participation through training of legislatures, parliamentary staff and stakeholders	Zipporah Koroti, Stanly Kipchumba & Henry Tekeiywa, Baringo County Assembly			
	Role of gender quotas in enhancing women political representation, governance, and decision making at legislative level	Abdiaziz Mohamed Noor Intern – Garissa County Assembly			
	Interrogating the role of Parliamentary Training Institutions and their contribution towards training of members of Parliament in Legislative practices and procedures.	Bernard Masinde: Deputy Chief Sergeant at arms NA			
	Legislative Oversight as a Critical Component of Peace and Development in Africa	Emmanuel J. Mallya- Dir. Open University of Tanzania			
1220 -1240 Hrs	<i>Plenary session</i>				

SESSION 9: CURRICULUM & TRAINING ASPECTS FOR PTIS

Chairperson: Mr. Daniel Ajele			Moderator: Mr. Martin Masinde		
1240- 1300 Hrs	Utilizing information communication technology in the Parliamentary hansard training: lessons from the Kenyan Parliament.	Ali Abdul Majid – Senior Hansard Editor CPST & Dr. Buchere Philip			
	Knowledge Management in Parliamentary Practices and Procedures – The Role of PTIs	Kilungu Paul Kelly – Senior Librarian; County Assembly of Machakos			
1300-1320 Hrs	<i>Plenary</i>				

SESSION 10: CONSTITUTION FOR THE PROPOSED ASSOCIATION OF PTIS

Chairperson: The Hon Dr. Lonah Mumelo					
1320-1350 Hrs	Way Forward	Chief Rapporteur – Bonnie Mathooko			
	Symposium Communiqué	Mr. Mohamed Mwinyi			

SESSION 11: CLOSING SESSION

Chairperson: Sen. Beth Mugo, E.G.H., M.P., Vice Chair PSC & Chair of the CPST Board					
1350-1450 Hrs	<ul style="list-style-type: none"> Remarks by The Executive Director, CPST Remarks by Clerk, National Assembly Closing Remarks by Speaker of the National Assembly Hon. Justin Muturi, EGH, MP 				
1450	LUNCH BREAK				
END OF SYMPOSIUM					

Day 4: Friday, 26th May 2017

PSESSION 7: LEGISLATIVE PRACTICE, PROCEDURE AND OVERSIGHT

Chairperson: Martin Masinde

Moderator: Michael Sialai

0900 – 1030 Hrs	Rethinking the role of Parliamentary Training Institutes in enhancing legislative oversight in Zimbabwe	Dr. Douglas Munemo- Midland State University Zimbabwe
	PTIs for Enhanced Legislative Oversight	Zadock Nechenje – Hansard Sub Editor, National Assembly of Kenya
	Role of legislative oversight in strengthening devolution: a case study on recruitment of staff by the county public service boards.	Isaiah Kiplangat Kirui & Wesley Sigei – Bomet County
	Parliamentary Training Institutes and their contribution to legislative practice and procedures through effective role of Speakers and Presiding Officers in context of intergovernmental relations.	Noah Too – Research officer DIRS- PSC
	A critical evaluation of best corporate management practices in Parliamentary settings: A historical analysis of the Kenyan Parliament using the management assessment framework.	Masinde Martin & Dr. Philip Buchere - PSC

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APPENDIX FOUR: LIST OF PRESENTED BUT UNPUBLISHED PAPERS

S/NO	Author	Paper Title
1.	Prof. Nyokabi Kamau, Executive Director - CPST	Learning Needs Assessment from Kenyan County Assemblies
2.	Zadock Nechenje Assistant Hansard Editor, National Assembly of Kenya	PTIs for Enhanced Legislative Oversight
3.	Bernard Masinde Deputy Chief Sergeant-at-arms, National Assembly of Kenya	Interrogating the role of Parliamentary Training Institutions and their contribution towards training of members of Parliament in Legislative practices and procedures.
4.	Zipporah Koroti, Stanley Kipchumba and Henry Tekeiywa Baringo County Assembly, Kenya	Strengthening public participation through training of legislatures, parliamentary staff and stakeholders
5.	Charles Korir Human Resource Development Officer, Parliamentary Joint Services, Kenya	A study on the perceptions of Parliamentary Service Commission Staff on the implementation of the staff training and development policy
6.	Noah Too Research Officer, Parliamentary Joint Services, Kenya	Parliamentary Training Institutes and their contribution to Legislative Practice and Procedures through effective role of Speakers and Presiding Officers in context of intergovernmental relations
7.	Abdiaziz Mohammed Noor Intern, Garissa County Assembly, Kenya	Role of gender quotas in enhancing women political representation, governance and decision making at Legislative level

APPENDIX FIVE: COMMUNIQUE AND RESOLUTION

COMMUNIQUE OF THE 2ND ANNUAL GLOBAL SYMPOSIUM OF THE PARLIAMENTARY TRAINING INSTITUTE (PTI'S) HOSTED BY THE CENTRE FOR PARLIAMENTARY STUDIES & TRAINING AT THE SERENA BEACH RESORT AND SPA, MOMBASA, KENYA BETWEEN 23RD TO 26TH MAY 2017.

The 2nd Annual Global Symposium of the PTI's was successfully hosted and held in the Serena Beach Resort and Spa, Mombasa, Kenya from 23rd to 26th May 2017. The Theme of the Symposium was "Harnessing the capacities of Parliamentary Training Institutes for enhanced governance in the 21st Century"

The Symposium was graced by the presence of CPST Kenya, IPT Uganda, BPST India, McGill University, The University of Nairobi, Kenya School of Government and Kenya School of Revenue Administration inter alia.

The Symposium was graced by the presence of the Honorable Speaker of the National Assembly of the Parliament of Kenya, Mr. Justin Muturi; and presided over and moderated by several dignitaries who include Commissioners Hon. Sen. Beth Mugo; Hon. Jimmy Ang'wenyi; Dr. Lorna Mumelo; Amb. Prof. Maria Nzomo; the Clerk of National Assembly, Mr. Michael Sialai; Senior Deputy Clerk of the Senate, Mr. Mohamed Ali; and the Executive Director of the CPST, Prof. Nyokabi Kamau and among others.

The Executive Director CPST delivered a well-articulated Key note address. There was a total of twenty (20) technical sessions were held in the Symposium.

The Symposium also lauded the formation of an Association of Parliamentary Training Institutes which received a unanimous node from all participating institutes.

MATTERS ARISING

In the session presentations and deliberation the following were noted:-

- i. There is a dire need for cooperation between PTI's to alleviate themselves from various challenges they are facing through sharing of experiences, expertise and resources;
- ii. Various efforts have been made to develop curriculum for Parliament and short courses put in place but even with all the processes the actual implementation has brought up other challenges and issues that had not been considered e.g. Personal finance management issues for Members and Staff, duration and timing of courses, delivery, training venues and prioritization and timing of courses.

- iii. Training programs are based on experiences from the past (first principles and archetype parliaments) rather from research and studies. Consequently courses are being duplicated;
- iv. That members of legislatures both individually and collectively are playing a significant role in influencing international relationships and that Parliamentarians as statesmen sometimes play a quasi-diplomatic role;
- v. That PTI's have boosted parliamentary diplomacy and regional cooperation through their various programs for foreign parliamentarians/parliamentary officials and other stakeholders of democracy.
- vi. The representation by women in legislative bodies is lean and there is need to raise the numbers of women representatives in parliament as more than half of the population are women.
- vii. Proper models of financing PTIs will remain one of the major issues to be tackled in the context of establishing robust PTIs that are critical to the growth of good governance and democracy.

RESOLUTIONS

We the representatives of Parliamentary Training Institutes from Kenya, Uganda, India and Canada in addressing the aforementioned issues, HEREBY resolve as follows:

1. That we shall form of an Association of Parliamentary Training Institutes that shall foster union between Parliamentary Training Institutes which unity shall influence and enhance the capacity of the Institutes to effectively and efficiently execute their mandates.
2. That there is in place a proposed Constitution of the APTI which needs to be deliberated among members of the Association and we hereby undertake to refine the same and have the Constitution ratified by 4th July 2017 for purposes of registration of the Association.
3. It is proposed and it is hereby resolved that there is a name for the Association and that the particulars of the name shall be disclosed upon reservation of the said name. That the name of the Association shall be immediately reserved pending the registration of the Association.
4. That pending the first general meeting of the Association, the interim members of the Board and Office Bearers have been appointed and are;
 - a) CPST Kenya – Chairperson
 - b) IPT Uganda – Secretary
 - c) Kenya School of Revenue Administration - Treasurer
 - d) McGill University – Member
 - e) The University of Nairobi – Member
 - f) Kenya School of Government – Member

5. That it is also resolved that a Patron of the Association be sourced who shall be a person of high repute and social standing.
6. That the 2nd Symposium being tremendously successful having attracted positive response from PTI's and other stake holders, it is hereby resolved that the 3rd Symposium be held next year and the same be hosted by India. By any chance if India is not in a position to host the 3rd Symposium then the Symposium shall be hosted in Uganda.

Adoption of Resolutions:

Resolutions were adopted by the participants of the Symposium on May 26, 2017 Mombasa, Kenya with a caveat to allow feedback from BPST representatives who have to consult with the Parliament of India.

APPENDIX SIX: APTI CONSTITUTION

**THE CONSTITUTION
OF
ASSOCIATION OF PARLIAMENTARY TRAINING INSTITUTES
(APTI)**

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PART I - DECLARATION**DECLARATION BY MEMBERS**

We the members of Association of Parliamentary Training Institutes declare that this constitution shall be supreme law of the Association and it shall bind the Association and its members.

ARTICLE 1:**NAME AND DECLARATION**

- a) The name of the Association shall be Association of Parliamentary Training Institutes (APTI) (herein referred as ‘The Association ’).
- b) The Association is a non-political, non-religious, non- profit making & non-governmental association with the objectives set-out in this Constitution.
- c) In this constitution words and expressions importing the masculine gender shall include the feminine gender and vice versa and the singular number shall include the plural number and vice versa;

ARTICLE 2:**VISION AND MISSION STATEMENT**

- a) **VISION:**
To be a society that enhances the capacities of Parliamentary Training Institutes to promote and support Parliamentary Education, Training, Research and Good Governance.
- b) **MISSION:**
To enhance the capacity of Parliamentary Training Institutes for effective and efficient service provision to Legislatures.

PART II - OBJECTIVES**ARTICLE 3****OBJECTIVES**

- a) To promote and contribute to the effective and efficient execution by Legislature of their roles and functions in democratic governance through capacity building.
- b) To professionalize the services provided by Parliamentary Training Institutes within the Legislatures.
- c) To promote Training and Capacity Building of Members and Staff of Legislatures.
- d) To enhance interactions through conferences, seminars, meetings and study groups

between member Parliamentary Training Institutes and other Stake holders so as to identify good practices and new policies that can be adopted and implemented to ensure good governance.

- e) To publish material relevant to the Objectives and activities of the association and establish a centre for dissemination and exchange of information on legislative matters.

PART III - MEMBERSHIP REGULATIONS

ARTICLE 4 MEMBERSHIP

- a) There shall be kept a roll of members, the founder members shall be as listed in the First Schedule to this constitution.
- b) The Board may from time to time admit to membership any Parliamentary Training Institute which subscribes to this constitution and such other persons or organizations as the Board may deem fit.
- c) Before admission, the prospective members shall be sponsored by at least two (2) existing members and be approved by the board.
- d) Any member may at any time cease to be a member if:
- i) The member gives one month notice in writing to the Secretary of the Board of their intention to resign from membership. Upon the expiry of such notice it shall cease to be a member but its liability to contribute to the funds of the Association in the event of its being wound up or dissolved shall continue for one year from the expiry of such notice.
 - ii) If a member is removed from membership by the vote of not less than two-thirds of the members of the Association at an Extraordinary General Meeting of the Association specially convened and at which he has been given a reasonable opportunity to attend and be heard.
- e) Any member may be removed from the list of members if the board so recommends or if at a general meeting of the Association resolves by a two thirds majority of the members present that such a member should be expelled, on the grounds
- i.) That a member's conduct has adversely affected the reputation or dignity of the Association; or
 - ii.) That a member is involved in matters that taint the integrity of the Association; or
 - iii.) That a member has done any act which is contrary to this constitution, or
 - iv.) That a member has been adjudged insolvent or bankrupt.

- f) Any member who resigns or is removed from membership shall not be entitled to a refund of his contribution or any part thereof or any moneys contributed by him at any time.

PART IV - THE BOARD AND PATRON

ARTICLE 5 PATRON

There is established the office of the Patron.

Roles:

- i) The Patron shall host the interests in national and international events
- ii) The Patron shall offer guidance to the Association
- iii) The Patron shall assist the Association in obtaining conveniences including networking and funding

Qualifications:

- i) The Patron shall be at least thirty five (35) years old
- ii) Must have made great contribution to the advancement of Parliamentary Education
- iii) The Patron must be all rounded, well informed professional of a reputable, social standing with both national and international connection.
- iv) Shall be a member of the Association and elected by the members of the Association.

ARTICLE 6 BOARD OF TRUSTEES

There is established Board of Trustee comprising of the Chairperson and the Secretary as provided under rule 10 (a) of this Constitution and three (3) other members.

Save for the Chairperson and the Secretary the trustees shall be persons qualified to be a Patron and shall be elected members.

Roles:

- i. The Trustees shall hold the property of the Association in trust on behalf of the members.
- ii. The Trustees shall approve and mandate the acquisition or disposal of any property on behalf of the members of the Association.
- iii. Any other role as provided under this constitution.

ARTICLE 7 FIRST APPOINTMENT OF THE BOARD

- a) The interim members to the Board shall be appointed in writing by the founder members and shall include the Chairperson, Secretary and Treasurer of the Association as appointed under rule 10 of this Constitution.
- b) The interim appointees shall carry out the functions of the Board until the conclusion

of the first Annual general meeting when a substantive Board shall be appointed to serve for a period of 3 years.

ARTICLE 8

OTHER APPOINTMENTS TO THE BOARD

- a) Subject to sub paragraph (b) of this rule the Board shall be appointed by voting at an annual general meeting held after the expiry of their 3 years term except the first appointment which shall be as provided for in Article 6.
- b) Save for the Chairperson and the Secretary all Board members shall hold office for a period of 3 years subject to the conditions contained in sub paragraph (c) and (d) of this rule but shall be eligible for re-election.
- c) Any Board member who ceases to be a member of the Association shall automatically cease to be a member of the Board.
- d) Any member of the Board may be removed from office in the same way as is laid down for the expulsion of members and vacancies thus created shall be filled by persons elected at the general meeting resolving the expulsion.

ARTICLE 9

ALTERNATES AND ACTING BOARD MEMBERS

- a) Any member of the Board may appoint another member to be his alternate to act in his place at any meetings of the Board at which he is unable to be present. Such appointees shall be entitled to exercise all the rights and powers of a member of the Board and, where they are members of the Board, shall have a separate vote on behalf of their appointers in addition to their own votes.
- b) A member of the Board may, at any time, revoke the appointment of an alternate appointed by him.
- c) The appointment of an alternate shall be revoked ipso facto, if the appointer ceases to be a member of the Board.
- d) Every appointment and revocation under this Article shall be effected by notice in writing under the hand of the appointer served on the Board.

PART V - OFFICE BEARERS

ARTICLE 10

OFFICE BEARERS

- a) The office bearers of the Association shall be:-
 - i. The Chair Person.
 - ii. The Vice Chair Person.
 - iii. The Secretary.
 - iv. Chief Coordinator.
 - v. The Treasurer.

- b) All office bearers shall hold office from the date of election for a term of one year until the succeeding annual general meeting subject to the conditions contained in sub-paragraphs (c) and (d) of this Article but shall be eligible for re- election.
- c) Any office bearer who ceases to be a member of the Association shall automatically cease to be an office bearer thereof.
- d) Office bearers may be removed from office in the same way a member may be removed and in accordance with this constitution and a vacancy created and shall be filled by persons elected at the subsequent general meeting resolving the removal.

ARTICLE: 11

DUTIES, ROLES & RESPONSIBILITIES OF OFFICE BEARERS

a) Chairperson

There is established the office of the Chairperson. The chairperson shall perform the following functions:

- i.) The Chairperson shall be the chief spokesman of the Association.
- ii.) Unless prevented by illness or other sufficient and reasonable cause shall preside over all meetings of the board and at all general meetings.
- iii.) Convene meetings when necessary;
- iv.) Represent the welfare during meetings, functions with other legal and lawful groups and or with other Associations, Welfares and Organizations;
- v.) Share responsibilities with the other officials when deemed necessary;
- vi.) Set-up special committees for effective/expeditious disposal of the Association's business provided that he shall not set-up more than three (3) permanent committees.
- vii.) Carry out all other functions demanded of the chairperson;

b) Vice chairperson

The vice chairperson shall perform the following functions:

- i.) Shall work hand in hand with the chair person;
- ii.) Perform the role of chairperson in his/her absence;
- iii.) Share responsibilities of the vice-chairperson where deemed necessary;

c) Secretary

There is established the office of the Secretary. The Secretary shall perform the following functions;

- i.) Keep minutes of the meetings of the Board of Directors and the General Meetings;
- ii.) Carry out all correspondence and publicity on behalf of the Association.
- iii.) Arrange for meetings of the Association in consultation with the chairman and on instructions of the Board;

- iv.) Record, document, keep and preserve minutes of all the meetings held by the Association and Board;
- v.) Present minutes to the members during the Annual General meetings;
- vi.) Deal with all the correspondence of the Association;
- vii.) In case of urgent matters where the committee cannot be consulted, he/she shall consult the Chairperson or if he/she is not available, the Vice-Chairperson. The decisions reached shall be subject to ratification or otherwise at the next committee meeting; and
- viii.) Issue notices convening all meetings of the Association.

d) Chief Coordinator

There is established the office of the Chief Coordinator. The Chief Coordinator shall perform the following functions:

- i.) Coordinate the functions of all departments and/or branches of the Association.
- ii.) Shall be the chief of protocol in all meetings and functions.
- iii.) Shall be the chief organizer of all events of the Association.
- iv.) Shall be the custodian of the diary and the calendar of events of the Association.
- v.) In the absence of the Secretary, the Assistant Secretary shall perform all the duties of the Secretary.

e) Treasurer

The Treasurer shall in general ensure that proper accounting procedures are adhered to, and shall:

- i.) Be the chief accounting officer of the Association.
- ii.) Be the custodian of all the assets of the Association.
- iii.) Keep on a proper accounting basis and all the financial records of the Association;
- iv.) Open a bank account on the advice of the Board and ensure that all drawings from the account are countersigned either by the Chairperson or his deputy;
- v.) Provide reports on the financial statement of the Association and audited accounts to the general meeting.

PART VI - MEETINGS

ARTICLE 12

PROCEEDINGS OF THE BOARD MEETINGS

- a. The Board may meet to conduct business, adjourn and otherwise regulate their meetings as they think fit.
- b. The quorum necessary for the transaction of business shall be not less than half the number of members of the Board for the time being.
- c. Questions arising at any meeting shall be decided by a majority of votes.

ARTICLE 13

CALLING OF MEETINGS

a) Normal Meetings

There shall be normal meetings of the Board which shall be summoned by the Secretary, acting in consultation with the Chairman, by giving at least 15 days notice accompanied by the proposed agenda.

b) Requisitioned Meetings

A member of the Board may request for a meeting, and on the request of at least two (2) members of the Board the Secretary shall at any time summon a meeting of the Board by at least twenty one days of notice served upon the members of the Board, with an indication of the proposed agenda.

ARTICLE 14

FORMATION OF COMMITTEES

- a) The Board may delegate any of their powers to Committees consisting of such members of the board as they think fit, and any Committee so formed shall, in the exercise of the powers delegated, conform to any regulations prescribed by the Board.
- b) The meetings and proceedings of any such Committee shall be governed by the provisions of this constitution for the time being regulating the meetings and proceedings of the Board so far as applicable and so far as the same shall not be superseded by any rules made by the Board
- c) All acts done by the Board or any Committee meeting or by any person acting as a member of the board, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment or continuance in office of any such member or person acting as aforesaid that they or any of them were disqualified, be as valid as if every such person had been duly appointed or had duly continued in office and was qualified to be a member of the Board unless it is proved that they acted without ostensible authority.
- d) A resolution in writing signed by not less than two thirds of the members for the time being of the board of any Committee of the Board who are duly entitled to receive notice of a meeting of the board or of such Committees shall be as valid and effectual as if it had been passed at a meeting of the Board or of such committee duly convened and constituted.

ARTICLE 15

DISQUALIFICATION OF MEMBERS OF THE BOARD

The office of a member of the board shall be vacated:

- a) If a member fails to attend the meetings of the Board for a period of six months, except by special leave of the Board;

- b) If by notice in writing to the Association a member resigns;
- c) If a member is removed from membership of the Association pursuant to a resolution of the Association.
- d) If a member adjudged insolvent and/or bankrupt or upon a receiving order being made against a member or if a member makes an arrangement or composition with his creditors;
- e) If a member becomes of unsound mind;
- f) If a member dies.

ARTICLE 16

GENERAL MEETINGS

- a) The Association shall in each year conduct a General Meeting for all members as the Annual General Meeting, in addition to any other meetings in that year, and shall specify the meeting as such in the notice calling it.
- b) Not more than fifteen months shall elapse between the date of one Annual General Meeting of the Association and that of the next.
- c) The Annual General Meeting shall be held at such time and place as the Board shall appoint.
- d) The Annual General Meeting shall be called Ordinary General Meeting and all other general meetings shall be called Extraordinary General Meetings.

ARTICLE 17

EXTRA ORDINARY GENERAL MEETINGS

- a) The Board may, whenever it thinks fit, convene an extraordinary general meeting;
- b) The Board shall also, on the requisition of not less than one -third of the members of the Association, proceed to convene an extraordinary General Meeting, provided that the requisition must state the objects of the meeting and must be signed by the requisitioner and deposited at the office.

ARTICLE 18

NOTICE OF GENERAL MEETINGS

- a) Meetings shall be convened after at least a twenty one (21) days' notice (exclusive of the day on which the notice is served or deemed to be served and of the day for which it is given).
- b) The notice must specify the place, the day and the hour meeting and agenda of the meeting.
- c) When a meeting is called by shorter notice period than that specified in the constitution, it shall be deemed to have been duly called if it is so agreed by all the members entitled to attend and vote.
- d) Notwithstanding clause (b) and (c) above the accidental omission to give notice to or the non-receipt of notice of a meeting by any person entitled to receive such notice shall not invalidate the proceedings of that meeting.

ARTICLE 19

PROCEEDINGS AT GENERAL MEETINGS

- a) All Business shall be deemed special that is transacted at a extraordinary general meeting and also all that is transacted at an Ordinary General meeting with the exception of the consideration of the accounts and balance sheets, the reports of the Board and Auditors, the elections of the board, appointment of auditors, and the fixing of the remuneration of the Auditors provided that no business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business members present in person or by proxy shall continue constitute a quorum.
- b) If within half an hour from the time appointed for the meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved, and in any other case it shall stand adjourned to the same day in the next week at the same time and place and if at such adjourned meeting, a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall then be dissolved.
- c) The Chairman, or in his absence the Vice-chairman of the Board, if present shall preside at every General Meeting. If there is no such Chairman or Vice Chairman, or if at any meeting neither is present within 15 minutes after the time appointed for holding the meeting, the members present shall designate one of their members to be Chairman of the meeting.
- d) The chairman of any meeting at which a quorum is present may, with the consent of the meeting adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished. When such adjournment extends to more than 30 days since the original schedule date of the meeting, notice of the adjourned meeting shall be given as in the case of an original meeting.

ARTICLE 20

VOTING AT GENERAL MEETINGS

- a) Every member shall have one vote, provided that when any matter affecting a member personally comes before the meeting, although he may be present at it, he shall not be entitled to vote on the question and Chairman may require him to withdraw during the discussion, and he shall in the case withdraw accordingly.
- b) On a poll, votes may be given personally or by proxy, provided that the instrument appointing a proxy shall be in writing under the hand of the appointer or of his attorney duly authorized in writing, or, if the appointer is a corporation either under seal, or under the hand of an officer or attorney duly authorized, a proxy need not be a member of the Association provided that no person shall be entitled to be appointed a proxy for more than two absent members.

- c) The instrument appointing a proxy and the power of the attorney or other authority, if any, or a certified copy of that power or authority shall be deposited at the office or at such other place convening the meeting, not less than 48 hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote or, in the case of a poll, not less than 24 hours before the time appointed for taking the poll, and the instrument of the proxy shall not be treated as valid after the expiration of twelve months from the date of its execution.
- d) At any General Meeting a resolution put to the vote of the meeting shall be decided by a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded by at least two members. Unless a poll is so demanded a declaration by the chairman that a resolution has, on a show of hands, been carried, shall be conclusive evidence of the fact without proof of the number or proportion of the vote recorded in favor of or against such a resolution.
- e) A poll demanded on the election of a Chairman, or on the question of adjournment, shall be taken forthwith. A poll demanded on any questions shall be taken at such time as the Chairman of the meeting directs and any business other than upon which a poll has been demanded may be preceded with pending that taking of the poll.
- f) In case of an equality of votes, whether on a show of hands or on a poll, the Chairman of the meeting at which the show of hands takes place, or at which a poll is demanded, shall be entitled to a second or casting vote.

ARTICLE 21

CORPORATIONS OR ASSOCIATIONS ACTING BY REPRESENTATIVE AT MEETINGS

- a) Any corporation or association which is a member may, by resolution of its directors or other governing body or by notification in writing under the hand of some officer of such corporation and under the seal of the corporation as may be duly authorized on that behalf, authorize such person as it thinks fit to act as its representative at any meeting of the Association.
- b) The persons so authorized shall be entitled to exercise the same power on behalf of the corporation or association which he/she represents as that corporation or association could exercise if it were an individual member of the Association.

PART VII - FINANCE AND RESOURCES UTILIZATION

ARTICLE 22

APPLICATIONS OF FUNDS AND ASSETS

- a) The funds and assets of the Association shall be applied solely towards the promotion of the objects of the Association as set forth in this constitution.
- b) No portion of the funds thereof shall be paid or transferred directly, or indirectly by way of dividend, gift bonus or otherwise by way of profit to the members of the Association.
- c) Good faith, reasonable and proper remuneration to any officer or servant of the Association or any member of the Association, in return for any services actually rendered to the Association shall be provided for as the board may direct.
- d) Nothing in this Article shall prevent the payment of interest at a rate not exceeding current bank rates on money lent or reasonable and proper rent for premises demised or let by any member to the Association.
- e) Non-executive member of the Board of the Association shall be appointed to any salaried office of the Association or any office of the Association.
- f) No remuneration or other benefit in money or money's worth shall be given by the Association to any such Board member except as may be resolved at an annual general meeting or in repayment of out-of-pocket expenses and interest at the rate aforesaid on money lent or reasonable and proper rent for premises demised or let to the Association.

ARTICLE 23

DISCLOSURE OF INTEREST IN CONTRACTS

- a) A member of the board who is in anyway, whether directly or indirectly, interested in a contract or proposed contract with the Association shall disclose the nature of his interest at a meeting of the Board at which the question of entering into the contract is taken into consideration.
- b) A member of the board shall not vote in respect of any contract or arrangement in which he is interested and if he shall do so his vote shall not be counted.

ARTICLE 24

DISPOSAL OF RESIDUAL ASSETS ON WINDING UP OR DISSOLUTION

- a) If upon the winding up or dissolution of the Association there remains after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall be donated or transferred to some other institution or institutions having objects similar to the objects of the Association.

- b) Such donation shall be conditional and shall in all ways prohibit the distribution of its or their income and property amongst its members or their members to the extent imposed on the Organization.
- c) Such institution or institutions shall be determined by the members of the Association at or before of dissolution, and in default thereof, by a Judge of the High Court of Kenya, and if so far as effect cannot be given to the aforesaid provisions, then to some other charitable objects.

ARTICLE 25

INDEMNITY OF THE BOARD MEMBERS

- a) Every member and other officers or servant of the Association shall be indemnified against all cost and expenses which such person may incur or become liable for by reason of any contract entered into, or act or thing done by him in good faith in the capacity as officers or servants of the Association, in any way in the discharge of his duties.
- b) The Board may give to any officer or employee of the Association who has incurred or may be about to incur any liability at the request or for the benefit of the board, such security by way of indemnity as it may think proper.
- c) The Board shall pay all cost and expenses incurred by officers or servant from the funds of the Association.

ARTICLE 26

MEMBERS CONTRIBUTION TO ASSETS ON WINDING UP

- a) Every member of the Association undertakes to contribute to the assets of the Association in the event of its being dissolved or wound up while he is a member, or within one year of his ceasing to be a member, for payment of the debts and liabilities of the Association contracted before he ceases to be a member.
- b) Every member of the Association undertakes to contribute to the cost, charges and expenses of dissolution or winding up and for the adjustment of the rights of the contributories amongst themselves, such sum as may be required not exceeding the sum of Kenya Shillings Thousand (Kshs./-).

PART VIII - ACCOUNTS AND AUDITOR'S REPORTS

ARTICLE 27

ACCOUNTS

- a) The Treasurer shall cause the accounts to be kept and in particular as regards;
 - i.) The sums of money received and expended by the Association and the matters in respect of which such receipts and expenditures takes place;
 - ii.) The assets and liabilities of the Association.
- b) The books of accounts shall be kept at the office or at such other places as the Board thinks fit, and shall always be open to the inspection of the member of the Board during business hours.
- c) At the Annual General Meeting in every year, the Board shall lay before the members present a proper income and expenditure account for the period since the last preceding account made up to a date more than nine (9) months before such meeting.
- d) A proper Balance sheet as at the date on which the income-expenditure account is made up shall be prepared every year, and laid before the members present at the Annual General Meeting.
- e) Every such Balance sheet shall be accompanied by proper reports of the Board and the Auditors.
- f) Copies of the income and expenditure account, balance sheet and reports, all of which shall be framed in accordance with any statutory requirements for the time being in force.
- g) Documents required by law to be annexed, attached or to accompany the financial reports in (f) above shall, not less than twenty one (21) clear days before the date of the Annual General Meeting be sent to the Auditors.

ARTICLE 28

INSPECTION OF BOOKS OF ACCOUNTS AND LIST OF MEMBERS

- a) There shall be kept by the Treasurer books of accounts and list of members.
- b) The books of accounts and all documents relating thereto and a list of members of the Association shall be available for inspection at the office by any member of the Association on giving not less than seven (7) days notice in writing to the Secretary.
- c) The books of account and all documents related there to and list of members shall always be open for inspection by members of the Board during business hours.

ARTICLE 29
FINANCIAL YEAR

- a) The financial year of the Association shall begin on the first day of July and end on the last day of June of every year.
- b) The board may vary the financial year from time to time.

ARTICLE 30
AUDITOR

- a) The Association shall at each Annual General Meeting appoint an Auditor or Auditors to hold office until the next Annual General Meeting, Provided that a member of the Board or other officers of the Association shall not qualify to be appointed Auditor of the Association.
- b) The Board may fill any vacancy in the office of the Auditor, but while any such vacancy continues, the surviving or continuing Auditor or Auditors, if any, may act.
- c) The remuneration of the Auditors of the Association shall be fixed at the Annual General Meeting, except that the remuneration of any auditors appointed to fill any casual vacancy may be fixed by the Board.
- d) Every Auditors of the Association shall have a right to see all relevant vouchers and shall be entitled to access at all times to the books and accounts he requires from the Board
- e) The Auditors shall make a report to the members of the accounts examined by them and on every balance sheet laid before the Association at its Annual General Meeting during their tenure of office, and the report shall state:
 - i.) Whether or not they have obtained all the information and explanations they have required; and
 - ii.) Whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the Association's affairs.

PART IX
DISPUTE RESOLUTION

ARTICLE 31
ARBITRATION

- a) Save where by this Constitution the decision of the Board is made final if at any time hereafter the mode of dispute resolution shall be Arbitration, mediation, conciliation and adjudication as the circumstances may permit or as expressly provided for in this Article.

- b) Any dispute, difference or question that may arise between the Founders, Members, or other persons or their personal representatives touching the construction meaning or effect of this Constitution shall be referred to arbitration.
- c) Any dispute, question, cause, rights or liabilities of the parties governed by this constitution or otherwise howsoever in relation to the Constitution shall be referred to arbitration.
- d) Arbitration shall be conducted by a single arbitrator appointed by agreement between the parties and in default of such agreement by the Chairman for the time being of the Chartered Institute of Arbitrators (Kenya Branch) subject to the any statutory modification or re-enactment of the Arbitration Act No 4 of 1995.
- e) The decision of the arbitrator, mediator, conciliator, or adjudicator shall be final and binding on all the parties to the dispute.

PART X
AMENDMENT OF THE CONSTITUTION

ARTICLE 32
AMENDMENTS TO THE CONSTITUTION

- a) The Association may by special resolution pass modify or repeal this constitution or adopt a new constitution or change the name of the Association.
- b) No alteration, amendment or modification of this constitution shall be made which may impair or prejudice the effectiveness of the prohibitions contained in this constitution against distribution of income, property and assets of the Association to the members.
- c) Amendments to the constitution of the Association must be approved by at least a two-thirds majority of members at a general meeting of the Association.

PART XI
DISSOLUTION

ARTICLE 33
DISSOLUTION

- a) The Association shall not be dissolved except by a resolution passed at a general meeting of members by a vote of two-thirds of the members present.
- b) If no quorum is obtained, the proposal to dissolve the Association shall be submitted to a further general meeting which shall be held one month later. Notice of this meeting shall be given to all members of the Association at least 14 days before the date of the meeting. The quorum for this second meeting shall be the number of members present.

- c) No further action shall be taken by the committee or any office bearer of the Association in connection with the aims of the Association other than to get in and liquidate for cash all the assets of the Association.
- d) Subject to the payment of all the debts of the Association, the balance thereof shall be distributed in such other manner as may be resolved by the meeting at which the resolution for dissolution in passed.
- e) Upon dissolution of the Association, its remaining assets shall be distributed to another Organization (s) or organization(s) with similar objectives.

Dated at **NAIROBI** this
2017

day of

Chairman

(Name)

Signature:

Secretary

(Name)

Signature:

Treasurer

(Name)

Signature:

**FIRST SCHEDULE
THE FOUNDER MEMBERS**

No.	NAME OF MEMBER	DATE	SIGNATURE
1			
2			
3			
4			
5			

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