

PARLIAMENT
OF KENYA
LIBRARY



PARLIAMENT
OF KENYA
LIBRARY

REPUBLIC OF KENYA

KENYA NATIONAL ASSEMBLY

REPORT ON

THE STUDY TOUR BY THE PARLIAMENTARY
SERVICE COMMISSIONERS
TO THE PARLIAMENTS OF IRELAND, SCOTLAND AND
GERMANY (BERLIN) MAY 16TH - JUNE 1ST 2009

JULY, 2009

**REPORT ON THE STUDY TOUR BY THE PARLIMENTARY SERVICE
COMMISSIONERS TO THE PARLIAMENTS OF IRELAND, SCOTLAND AND
GERMANY – 16TH MAY, TO 1ST JUNE, 2009**

EXECUTIVE SUMMARY

A delegation of eight Commissioners accompanied by three members of staff visited the Parliaments of Ireland, Scotland and Germany from 16th May to 1st June, 2009.

Study tours and visits to other parliaments give Commissioners and senior managers an opportunity to see how other parliaments are managed and the facilities and administrative structures in place. This helps the Commissioners and management to make sound policies and institute best practices in managing the National Assembly resources.

In all the three parliaments visited, the Commissioners noted the following:-

- (i) that the Chambers and the committee rooms are quite modern with live coverage facilities and electronic voting systems. There is therefore need to hasten the process of refurbishing the Chamber which is too small for the current number of members and modernize the seats, air conditioning system, introduce live broadcasting and electronic voting. The seats need not be very expensive as witnessed in the parliament Scotland. Just simple seats and working tables would suffice.
- (ii) that members are well remunerated in all the parliaments. In Germany, the guiding principle is that members' remuneration must reflect the special position held by the member and the responsibility and burden associated with that office. (See details on page 20 of the report). For a member to discharge his duties effectively there is therefore need to pay him a salary and allowances befitting his status. In Scotland, there is the concept of 'one stop shop' (an allowance office) which is responsible for the administration of the members' expenses scheme. (See details on page 17 of the report).
- (iii) that in Ireland, members' salaries and allowances are not taxed.
- (iv) that the three parliaments have adequate staff to assist members in their work both in parliament and in the constituency offices.

There is, however, a clear distinction between permanent staff and partisan staff serving in members' offices and political parties' offices. Partisan staff serve on contract and are paid a service gratuity at the end of their contacts.

**REPORT ON THE STUDY TOUR BY THE PARLIAMENTARY
SERVICE COMMISSIONERS TO THE PARLIAMENTS OF
IRELAND, SCOTLAND AND GERMANY
16TH MAY, 2009 TO 1ST JUNE, 2009**

Members of the Delegation

Hon. Walter Nyambati, M.P.	-	Vice Chairman and Leader of the Delegation
Hon. Chris Okemo, EGH, M.P.		
Hon. Zakayo Cheruiyot, MGH, M.P.		
Hon. Joseph Lekuton, M.P.		
Hon. Peter Mwathi, M.P.		
Hon. Jamleck Kamau, M.P.		
Hon. Olago Aluoch, M.P.		
Hon. Rev. Julius Murgor, M.P.		
Mr. P. C. O. Omolo	-	Senior Deputy Clerk
Mrs. Mary Kanyiha	-	Chief Supplies Officer
Mrs. S.M. Faryd	-	Ag. Head, Commission Secretariat Delegation Secretary

Introduction

The Commission was established to manage and run the affairs of Parliament by ensuring that the necessary staff and facilities are availed to enable members do their work effectively both in Parliament and in their constituencies. One strategy of empowering the Commission to give the appropriate management and administrative leadership is through exposure study tours and visits to other Parliaments.

The Commission visits other Parliaments to see how they are run, i.e. the administrative structures in place, the facilities available to members, the kind of staff working in those Parliaments, their terms and conditions of service, among others. Through bench marking with other Parliaments in the world, the Commission introduces best practices to the Kenya Parliament. It is against this background that the study tour to the three Parliaments was undertaken. The tours were organized with the assistance of AWEPA which assistance was confined to doing logistics only as the Commission met all the costs associated with air tickets and the daily subsistence allowance.

VISIT TO THE PARLIAMENT OF IRELAND

The delegation left Nairobi on 16th May, 2009 spent one day in London and left for Dublin, Ireland on 18th May 2009. The Commissioners were met at the airport by staff from the Kenyan Embassy in Ireland and Awepa staff.

The delegation started its official programme on 19th May, 2009 with a tour of the Tallaght Constituency.

TOUR OF TALLAGHT CONSTITUENCY

The tour was conducted by the local Member of Parliament Mr. Charlie O'Connor TD and a Council Member of AWEPA.

The delegation first visited the Institute of Technology Tallaght. This institute was started in 1982. It offers both short and long term courses and it is recognized both nationally and internationally. What is unique about the institute is that in 2006, it established a Harambee Scholarship Fund which assists poverty stricken students in Africa.

Brian MacCormaic who is the manager of the Mukuru slums Community Development Programme explained that the Harambee scholarship fund has assisted 58 children in Mukuru Kwa Njenga slums in Nairobi to pursue their education up to Secondary school level. The fund gets contributions from the institute and from other well wishers. He explained that he is doing a fund raising to build a library for the Mukuru Special School and appealed to the members of the delegation to assist him acquire a parcel of land for the library.

The delegation also visited the constituency office and was briefed on the kind of issues the Member addresses from the constituents almost on a daily basis.

The Constituency Office

Equipment for the office is provided by Parliament and staff serving there are also paid by Parliament. Mr. O'Connor explained that Members are paid a salary of about €100,000 per annum, a daily allowance and an overnight allowance for those who come far from Dublin. Each constituency has four members and that Parliament meets four times a week.

Courtesy Call on the Ambassador of Kenya to Ireland - Dublin

The delegation paid a courtesy call on the Ambassador, Her Excellency Catherine Mungai at the Kenyan Embassy. In her brief to the delegation, the Ambassador explained as follows:

Kenya Ireland Relations

That Ireland's relations with Kenya are warm and cordial. Political relations between the two countries experienced negative reflections between the late 1980s and early 1990s following unfavourable international press allegations on poor governance and violation of human rights. The successful transition following the General Elections of 2002 that

ushered a new political dispensation in Kenya provided an opportunity for foreign countries to review bilateral relations. Ireland, however, opted to retain a status quo limiting its government to government relations in preference of non formal channels. Irish support to development projects in Kenya has remained stable mainly through non-governmental organizations.

That Kenya and Ireland established diplomatic relations in 1979. Ireland had a fully fledged diplomatic Embassy in Nairobi until 1989 when it closed. Irish affairs in Kenya are currently under the Ambassador resident in Dar Es Salaam, Tanzania. Kenya had until August 2007 been represented in Ireland by the Kenya Mission in London. Kenya is the first and only Eastern and Central African Country with a resident Embassy in Ireland.

That there are about 2000 Irish people living in Kenya most of whom are attached to Missionary and Non-governmental organizations, which continue to play a significant role in improving the living standards of many Kenyan communities. Many Irish NGOs receiving official Irish government support for development assistance (Irish Aid) abroad have successful projects in Kenya. There are also many Irish charity organizations spread across the country directly supporting community based development initiatives in Kenya which have also helped to strengthen people to people interactions. These people based linkage is a unique characteristic which strengthens bilateral relations between the two countries.

That there are about 2,500 to 3,000 Kenyans living in Ireland mainly employed in the health care, transport, ICT and financial sectors. Like many Kenyans in Diaspora, Kenyans in Ireland are patriotic citizens supporting families and investing back in their country. Some of the key challenges facing Kenyans in Ireland are:

- (i) Lack of identification/travel documents given the questionable circumstances in which many traveled out of Kenya.
- (ii) Need for dual citizenship in order for them to accrue benefits of their long term residency in Ireland.
- (iii) The quest for the right to vote given that most Kenyans in Diaspora contribute directly to national development.
- (iv) Pending Court cases on Kenyans for breach of international/national laws with regard to international movement of people. This includes cases of Kenyan minors under foster care following illegal movement of children seeking to be reunited with family members who are already resident in either Ireland or United Kingdom.

Irish Overseas Development Assistance (ODA) to Kenya

That Ireland's ODA to Kenya has mainly been restrictedly disbursed through direct funding to Irish NGOs with development projects in Kenya likely in health, rural development and secure livelihoods (poverty reduction) and education. Ireland has also

supported various projects by international humanitarian development and relief agencies in Kenya particularly World Food Programme, UNICEF, UNDP, among others. By December 2006 Irish ODA was estimated at €27 million. Ireland also supported the Koffi Annan led mediation national reconciliation to end the post 2007 general election violence with €1 million funding as part of Irish Aid emergency assistance.

Trade Relations

That Kenya and Ireland have a two way trade with an estimated annual value of €45 million for 2008.

Trade Products

Exports: Pharmaceuticals, chemicals, infrastructural machinery, telecommunications equipment, liquors and other beverages

Imports: Tea, coffee, flowers, fresh vegetables and other horticultural products

Foreign Policy (Overview)

Formal (Political) relations:

That Kenya's new foreign policy seeks diplomatic representation in all regions around the world with a vision of achieving greater integration in international relations through enhancing influence with strategic partner countries. The implementation of this ambition is highly affected by the limited public funding for its diplomatic engagement globally. Ireland is one of the four selected countries in which Kenya established its resident diplomatic representation in 2007.

That the decision to open Kenya's Embassy in Ireland was envisaged as appreciation of the long standing relations between Kenya and Ireland and also to seize the immense potential in strengthening these relations. The new Embassy aims to open avenues for increased trade between Kenya and Ireland, seek Irish investment in Kenya's growing economy and tap the Irish tourist market.

That the main potential areas for strengthening political relations with Ireland include: humanitarian & social development, economic interest (trade & tourism) and strengthening decades of mutual people to people interactions through which Ireland has contributed to Kenya's national development particularly in education, health and water services mainly in rural communities. Kenya has immense investment opportunities for the growing Irish investments globally. This is mainly in energy, ICT, infrastructure, housing and agricultural manufacturing sectors.

Kenya has proposed signing of Agreements on Avoidance of Double Taxation and Protection of Investment and Cooperation in the Development of Tourism to give impetus on implementation of mutual initiatives for the growth of bilateral relations in these key sectors.

Role of Parliament

That as part of this overall strategy, the Mission identifies the importance of enhancing working relations between the Irish National Parliament and the National Assembly of Kenya in advancing Kenya's national interest in its foreign relations. Ireland's political history and its experiences in transforming its vibrant political system have significant lessons for Kenya as it seeks to strengthen its institutions of democracy. The adoptability of these experiences and willingness of the Irish government to share and support Kenya in this regard, places greater emphasis on the need for formal relations at the level of the two legislative bodies. In this regard, the Mission submitted a proposal to the Clerk of the National Assembly for establishment of working relations between the Irish Joint Committee on Foreign Affairs and the Parliamentary Departmental Committee on Security and Foreign Affairs.

Areas of Interests to the National Assembly of Kenya

- (i) Strengthening parliamentary legislative mechanism as part of enhancing democratic systems
- (ii) Training and transfer of technology
- (iii) Conflict resolution
- (iv) Strengthening national law, justice and order
- (v) Developing institutions of good governance
- (vi) Lobbying opening of the Irish resident Mission in Nairobi for bilateral representative purposes and strengthen the United National Environment Programme Headquarters.

INSTITUTE OF PUBLIC ADMINISTRATION

The delegation attended two lectures at the Institute of Public Administration, Dublin. This institute is dedicated to the Development of public service in Ireland. The presentations were on:-

- (a) Principles of Corporate Governance by Mr. Paul Turpin, Governance Specialist at the IPA institute; and
- (b) Politics and the role of Parliament by Dr. Muiris McCarthain, Public Policy Specialist at the IPA institute.

The highlights of the presentations were as follows:

- That good governance is not an end in itself but it is important because it helps an organisation achieve its objectives.
- That poor governance can bring about the decline of an organization.
- That good governance guidelines are a response to events such as
 - ❖ Corporate Governance failures
 - ❖ Abuse of power and unethical behaviours
 - ❖ Poor regulatory and accountability processes
 - ❖ Inadequate reporting systems
- That good governance entails:
 - ❖ Using governance arrangements to meet the requirements of the law, guidelines and public expectations.
 - ❖ Using governance arrangements to contribute to overall performance
- That governance became a big issue in Ireland because there were high profile Governance Controversies including:
 - ❖ Reports from the Comptroller and Auditor General
 - ❖ Debates at the Public Accounts Committee
 - ❖ The Banks criticism of strength of their regulations
- That the deficit in the public finances requires radical steps
 - ❖ Controversies regarding actual/perceived misuse of public funds
 - ❖ Proposed reduction in the number of agencies
 - ❖ Government commitment to further reductions in public spending
- That the Irish Government is developing a new governance framework which include:-
 - ❖ A task force (2008) on Transforming Public Services to deal with capacity of Departments to discharge oversight and
 - ❖ Codes of Conduct - A requirement for all State bodies

In the presentation on politics and the role of Parliament the presenter covered the following areas:

- Parliament as a unique institution
- Emergence of Parliament in West Minister
- West Minister Parliamentary Systems

- Irish Parliamentary parties
- Challenges to legislative oversight

Meeting with Mr. Pat Rabbitte T. D. Labour Party (Opposition) Spokesman

Mr. Pat explained that the Parliamentary Service Commission was formed to manage Parliament.

- Before then the affairs of Parliament were run by the Ministry of Finance.
- That the Commission is given a 3 year rolling budget which is negotiated with Treasury.
- That these funds are used for staff salaries, development, research and library services.
- That Parliament respects the doctrine of separation of powers and therefore Ministry of Finance is key in expenditure control. PSC is just another public spending unit subject to the same rules and regulations governing other government agencies.
- That the Commission runs on a non-party basis and it has several sub-committees including the sub-committee on Finance.
- A lot of reforms have been made since the establishment of the Commission. Among them is the development of a Communication Strategy for Parliament which has enhanced the image of Parliament as an institution.
- The communication strategy is an innovation of the House which is designed to challenge/rebut misrepresentations by the media about Parliament and also try to sell Parliament to the public.
- The staff are former civil servants and the Ministry of Public Works is responsible for the construction of public buildings including those used by Parliament.

Meeting with Senator Pat Moylen, the Speaker of the Seand Eireann (Upper House) and Deputy Chairman of the Oireachtas Commission.

Senators

The Irish Parliament (Legislature) consists of two Houses, Dail Eireann and Sean Eireann. The Members of Seanad Eireann (Senate) are referred to as Senators.

A General Election to Seanad Eireann must be held within 90 days of the dissolution of Dail Eireann. Seanad Eireann is composed of 60 Members as follows:

1. 11 nominated by the Taoiseach.
2. 43 elected by five panels representing vocational interests namely, Culture and Education, Agriculture, Labour, Industry and Commerce and Public Administration.
3. Six elected by two universities – three each by the National University of Ireland and the University of Dublin (Trinity College).

In theory, Seanad Eireann does not recognize party affiliations.

Seanad Eireann normally meets on Wednesdays and Thursdays and its main business is to revise legislation sent to it by Dail Eireann. However, in recent years the Government has tended to make greater use of Seanad Eireann to initiate legislation. Seanad Eireann can initiate and revise legislation but under the Constitution its legislative role is restricted in that it cannot initiate Money Bills i.e. financial legislation, and can only make recommendations but not amendments to such Bills. The fact that a Dail Bill must be examined also by Seanad Eireann is a safeguard against legislation being enacted too quickly. In addition to its legislative role, Seanad Eireann also debates important issues. Indeed, the Government is constitutionally responsible to Dail Eireann.

Legislation and the Oireachtas Website

Tom Malone Deputy Director, House Services

In his brief on legislation and the Parliamentary website Mr. Malone gave the following highlights:-

Legislation on the Web – The web contains information such as:-

- Bills text have been published since 1997.
- Bills homepages – a comprehensive window to texts and proceedings (Example: *Finance (No. 2) Bills 2008*)
- Acts of the Oireachtas in PDF and HTML

Debates on the Web include:-

- The full text of the Historical Debates of the Dail and Seanad from 1922.
- Current Debates – optimized for editing
- Historical Debates – optimized for browsing.
- Committee debates from 1999
- The Debates Authoring System project

Oireachtas Live covers:-

- Live and Recorded Webcasts, IPTV

- Multicasts, and telephone coverage of the Houses of the Oireachtas
- Provides both Windows Media Player and Flash Web casting streams of Dail and Seanad Eireann in widescreen format.
- Very limited coverage of Committees for reasons that are not primarily technical.

The Houses' Intranet portal

Points of Interest:

- Amendments in Context
- Historical Committee Debates and Reports from 1922.

Technology and Procedural Support offered to Members/Committees

- Facilities available in the Chamber
- Outline Schedule of Business
- Facilities under development
 - eHandbooks on Procedure
 - Electronic briefing on Business
- Standing Orders
- Rulings of the Chair

Overview on Personnel Issues

The delegation was informed that there are three categories of staff serving in the Irish Parliament.

(a) Partisan Staff

The Members engage this cadre of staff. New Members are given an employers guide which contains details on payroll administration and terms and conditions to guide them in the recruitment of the staff.

The Commission controls the number of staff to be engaged, leave and hours of work. Each member is allowed two members of staff who can either serve in his parliamentary office or the constituency office.

Members do not have the discretion to decide staff salaries as they are specified in the guidelines.

(b) **Political Staff**

This category of staff is employed by the Political Parties and they comprise a total of 75 secretaries.

The Commission distributes these slots based on party strength in Parliament. This cadre serves on contract terms and at the end of the Parliamentary term they are laid off and paid service gratuity.

There are 5 parties currently. 3 major ones and 2 small ones.

(c) **Civil Servants**

The staff serving in Parliament who are 435 in number are part of the wider Civil Service. The Commission has no role in determining their terms and conditions of service as this is the responsibility of the Ministry of Finance.

Brief by Mr. Brigit – Secretary to the Commission Secretary General

Establishment of the Houses of the Oireachtas Commission

The Houses of the Oireachtas Commission, came into existence on 1st January, 2004 under the Houses of the Oireachtas Commission Act, 2003. This Act provides for a hand over of the authority and responsibility of provision of services to the Houses of the Oireachtas and their Committees, from the ultimate authority of the Minister for Finance to the Commission.

The Commission comprises 11 members and the current Commission is the second.

The functions of the Commission are clearly set out in legislation and are, in summary:

- To provide for the running of the Houses of the Oireachtas and administration and management of the Office of the Houses of the Oireachtas;
- And, within this, to:
 - Oversee ongoing expenditure. Pay all salaries and expenses and keep and publish accounts.
 - Exercise staff functions (via the Secretary General)
 - Produce strategic plans, annual reports, estimates and information
 - Exercise certain functions of the Minister for Finance regarding Secretarial assistance for Parliamentary parties.
 - Exercise certain legal functions (including participation in proceedings where necessary and arranging for legal advice)

The Authority of the Minister for Finance, in terms of sanctioning expenditure and staffing levels of the Houses of the Oireachtas, passed to the new Commission on establishment.

The Commission has the authority to make its own expenditure decisions up to a statutory ceiling of €295m over the next three years. The Commission is required to prepare and publish an annual estimate within this ceiling and to lay this before the Dial. The expenditure of Houses of the Oireachtas is charged and paid out of the Central Fund.

The Commission has no role in setting the levels of salaries, allowances or other entitlements of Members of the Houses or of terms and conditions of staff.

The Commission is accountable to the Public Accounts Committee and is subject to the Freedom of Information Acts.

The Commission is also required to prepare and publish a Corporate Plan on which annual reports are made.

The Major Role of the Commission is oversight and implementation of strategy.

Many reforms have taken place with the establishment of the Commission. Administration of Parliament has improved significantly and so have members' allowances.

The Commission analyses Constituency reports and makes recommendations on how to improve the running and management of Constituency offices.

The Secretary General is appointed by the Prime Minister after consultation with the parties.

Salaries are reviewed by an independent review body.

Member's salaries and allowances are not taxed.

Meeting with Mr. Billy Timmings TD and Pat Breen Opposition Party Spokesperson on Foreign Affairs

During the meeting with the two members, the delegation was informed that Irish population in Kenya consists mainly of missionaries and tourists.

They explained that the President is elected by the people of Ireland. The Prime Minister is elected by Parliament to serve for seven (7) years.

Ministry of Finance has the final say on the use of funds.

The delegation expressed concern over the lack of an Irish mission in Kenya yet it has one in Uganda and Tanzania. The two Members explained that there used to be an Irish mission in Kenya some years back. However, it was closed due to unconfirmed reports on human rights violation. They, however, indicated that the issue can be revisited and requested to be appraised on the current reforms in Kenya.

In response to this the Commissioners briefed the Members on the Land Reforms, Reforms in Parliament, Constitutional Reforms and Economic Reforms that have taken place in the last five years.

Tour of Parliament Buildings

The delegation was taken on a guided tour of the Oireachtas by a member of staff from the Serjeant-at-arms department.

During the tour, the delegation visited the two Legislative houses, the Dail Eirenn and the Seanad Eireann when they were in Session and were briefly introduced to the members. After attending the House sittings, the delegation visited committee rooms and noted that the Committee rooms have modern recording facilities, electronic voting systems and live coverage facilities.

The delegation also noted that the chambers at the two houses are small and the seats are just ordinary working seats. There is also live coverage and electronic voting systems in both chambers.

The delegation was hosted to several luncheons in Parliament and one at the residence of the Kenya Ambassador to Ireland. The delegation completed its tour of Ireland on 21st and left for London on 22nd May 2009.

SCOTLAND

The delegation arrived in Edinburgh, Scotland, on 24th May, 2009. The tour in Scotland started with a visit to the European Parliament office where the delegation was briefed on the role of the European Parliament.

European Union

The European Union (EU) is an economic and political union of 27 member states, located primarily in Europe. Committed to regional integration, the EU was established by the Treaty of Masstricht on 1 November 1993 upon the foundations of the pre-existing European Economic Community. With almost 500 million citizens, the EU combined generates an estimated 30% share (US\$18.4 trillion in 2008) of the nominal gross world product.

The EU has developed a single market through a standardized system of laws which apply in all member states, ensuring the freedom of movement of people, goods, services and capital. It maintains common policies on trade, agriculture, fisheries and regional development. A common currency, the euro, has been adopted by sixteen member states that are thus known as Eurozone. The EU has developed a limited role in foreign policy, having representation at the WTO, G8 summits, and at the UN. It enacts legislation in justice and home affairs, including the abolition of passport controls between many member states which form part of the Schengen Area. Twenty-one EU countries are also members of NATO.

The European Parliament is elected every five years by member states' citizens, to whom the citizenship of the European Union is guaranteed.

Governance

The EU is often described as being divided into three areas of responsibility, called pillars. The original European Community policies form the first pillar, while the second consists of Common Foreign and Security Policy. The third pillar originally consisted of Justice and Home Affairs. However, owing to changes introduced by the Amsterdam and Nice treaties, it currently consists of Police and Judicial Co-operation in Criminal Matters. Broadly speaking, the second and third pillars can be described as the intergovernmental pillars because the supranational institutions of the Commission, Parliament and the Court of Justice play less of a role or none at all, while the lead is taken by the intergovernmental Council of Ministers and the European Council. Most activities of the EU come under the first, Community pillar. This is mostly an economically oriented pillar and is where the supranational institutions have the most influence.

Institutions

The European Parliament forms one half of the EU's legislature. The 785 Members of the European Parliament (MEPs) are directly elected by EU citizens every five years. Although MEPs are elected on a national basis, they sit according to political groups rather than their nationality. Each country has a set number of seats. The Parliament and the Council form and pass legislation jointly, using co-decision, in certain areas of policy. This procedure will extend to many new areas under the proposed Treaty of Lisbon, and hence increase the power and relevance of the Parliament. The Parliament also has the power to reject or censure the Commission and the EU budget. The President of the European Parliament carries out the role of speaker in Parliament and represents it externally. The president and vice presidents are elected by MEPs every two and a half years.

There was a session on questions after the briefing where the Commissioners raised the following concerns.

- (a) Why has Britain not joined the European Union fully?

This is because Britain still views European Union as one of its options.

The European states including UK have different historical backgrounds; different cultures and legal systems hence having a federal union will not be easy

- (b) As new states are admitted to the European Union - what is the EU policy on emigrants?

Its policy is to have open borders for free movement of people in member states.

After the brief on the European Parliament the delegation walked to Scottish Parliament informally known as the Holy rood.

The delegation was taken on a guided tour of the Chamber and observed that the Scottish parliamentary Chamber is quite spacious, well ventilated, has very simple seats, working tables, live coverage and an electronic voting system. The delegation also noted that the mace is fixed on a box in the chamber unlike in other parliaments where it is brought in by the Serjeant-at-arms before any sitting. The Scottish Parliament therefore does not have a Serjeant-at-arms.

In front of the Presiding Officers' desk is the parliamentary mace, which is made from silver and inlaid with gold panned from Scottish rivers and inscribed with the words: Wisdom, Compassion, Justice and Integrity. The words - There shall be a Scottish Parliament, which are the first words of the Scotland Act, are inscribed around the head of the mace. The mace has a formal ceremonial role in the meetings of the Parliament, reinforcing the authority of the Parliament in its ability to make laws. Presented to the Scottish Parliament by the Queen upon its official opening in July 1999, the mace is displayed in a glass case suspended from the lid. At the beginning of each sitting in the chamber, the lid of the case is rotated so that the mace is above the glass, to symbolize that a full meeting of the Parliament is taking place.

Brief on the Scottish Parliament

The Scottish Parliament comprises 129 Members (MSPS). Members are elected for a four year term under the mixed proportional representation system.

73 - represent individual geographical constituencies.

56 - from eight additional member regions each electing 7 members.

The current composition of the Scottish Parliament on party lines are :

- Scottish National Party - 47 seats
- Scottish Labour Party - 46 seats

- Scottish Conservative - 16 seats
- Scottish Liberal Democrats – 16 seats
- Scottish Green Party – 2 seats
- Scottish Independent Party – 1 seat

Officials

After each election to the Scottish Parliament, at the beginning of each parliamentary session, Parliament elects one MSP to serve as Presiding Officer, the equivalent of the speaker and two MSPs to serve as deputies. The Presiding Officer and deputies are elected by secret ballot, which is the only secret ballot conducted in the Scottish Parliament. Principally, the role of the Presiding Officer is to chair chamber proceedings and the Scottish Parliamentary Corporate Body. When chairing meetings of the Parliament, the Presiding Officer and his deputies must be politically impartial. During debates, the Presiding Officer (or his deputy) is assisted by the parliamentary clerks, who give advice on how to interpret the standing orders that govern the proceedings. A vote clerk sits in front of the Presiding Officer and operates the electronic voting equipment and chamber clocks.

Parliamentary Chamber

The debating chamber of the Scottish Parliament has seating arranged in a semi circle, which reflects the desire to encourage consensus amongst elected members. There are 131 seats in the debating chamber. Of the total 131 seats, 129 are occupied by the Parliament's elected MSPs and 2 seats are for the Scottish Law Officers – the Lord Advocate and the Solicitor General for Scotland, who are not elected members of the Parliament but are members of the Scottish Government. As such the Law Officers may attend and speak in the plenary meetings of the Parliament, but as they are not elected MSPs they cannot vote. Members are able to sit anywhere in the debating chamber, but typically sit in their party groupings. The First Minister, Scottish Cabinet Ministers and Law Officers sit in the front row, in the middle section of the Chamber. The largest party in the Parliament sits in the middle of the semicircle, with opposing parties on either side. The Presiding Officer, Parliamentary Clerks and officials sit opposite members at the front of the debating chamber.

Committees

Much of the work of the Scottish Parliament is done in Committees. The role of Committees is stronger in the Scottish Parliament than in other parliamentary systems, partly as a means of strengthening the role of backbenchers in their scrutiny of the government and partly to compensate for the fact that there is no revising chamber. The principal role of committees in the Scottish Parliament is to conduct inquiries, scrutinize legislation and hold the government to account. Committee meetings take place in the

Parliament's committee rooms all day Tuesday and Wednesday morning when Parliament is sitting. Committees can also meet at other locations throughout Scotland.

Committees comprise a small number of MSPs, with membership reflecting the balance of parties across Parliament. There are different committees with their functions set out in different ways. Mandatory Committees are committees which are set down under the Scottish Parliament's standing orders, which govern their remits and proceedings. The current Mandatory Committees of the Scottish Parliament are: Audit; Equal Opportunities; European and External Relations; Finance; Procedures; Public Petitions; Standards and Public Appointments; and Subordinate Legislation.

Subject Committees are established at the beginning of each parliamentary session, and again the balance of members on each committee reflects the balance of parties across Parliament. Typically each committee responds with one (or more) of the departments (or ministries) of the Scottish Government. The current Subject Committees are: Economy, Energy and Tourism; Education, Lifelong Learning and Culture; Health and Sport; Justice; Local Government and Communities; Rural Affairs and Environment; Scottish Parliamentary Pension Scheme; and Transport, Infrastructure and Climate Change.

A further type of committee is normally set up to scrutinize private bills submitted to the Scottish Parliament by an outside party or promoter who is a member of the Scottish Parliament or Scottish Government. Private bills normally relate to large-scale development projects such as infrastructure projects that require the use of land or property. Private Bill Committees have been set up to consider legislation on issues such as the development of the Edinburgh Tram Network, the Glasgow Airport Rail Link, the Airdrie-Bathgate Rail Link and extensions to the National Gallery of Scotland.

Scottish Parliamentary Corporate Body

The Corporate Body is responsible for ensuring that the Parliament is provided with the property, staff and services it requires. A continuing key priority of the Corporate Body and its staff is to make sure that the Scottish Parliament can operate effectively and that MSPs are able to carry out their duties.

The Corporate Body considers and makes decisions on a wide range of issues to do with the running of the Parliament including the financing of the Parliament and allocation of the budget, the staffing of the Parliament, accommodation and the use and security of Parliamentary facilities at Holyrood.

SPCB Members - Portfolio Arrangements

The SPCB has agreed portfolio arrangements whereby members take a lead interest in specific issues. These are currently as follows: -

Hon. Alex Johnstone MSP in charge of technology and facilities management issues including building maintenance, IT and local office support

Hon. Tom McCabe MSP in charge of resources and governance issues covering Procurement, Allowances and Finance Offices

Hon. Tricia Marwick MSP in charge of access and information issues covering visitor services, events, public information, education and outreach, SPICe and the editorial content of the website and intranet as well as broadcasting and the broader aspects of media relations

Hon. Mike Pringle MSP in charge of corporate issues (including governance, equalities and Personnel issues) and Office Holders/Commissioners.

SPCB Secretariat

The SPCB secretariat provides administrative support to the Corporate Body.

The Scottish Parliamentary Corporate Body is responsible for the nomination to Parliament for the appointment of the Parliamentary Standards Commissioner. The Commissioner investigates complaints if an MSP has broken the Code of Conduct for MSPs. He does this independently of Parliament and reports his findings to the Standards and Public Appointment Committee within rules laid down by Parliament in Standing Orders and the Code of Conduct.

In addition, the Scottish Parliamentary Corporate Body appoints the Members of the Scottish Commission for Human Rights.

The Scottish Parliamentary Corporate Body also sets the terms and conditions of appointment of other officeholders and, with the exception of the Auditor General, also provides them with their annual budget.

After the dissolution of Parliament, the SPCB remains until new Members are elected and a new SPCB is constituted.

Allowances Office

The Allowances office is responsible for the administration of the Members' Expenses Scheme. The scheme covers:

- The reimbursement of travel and overnight expenses to Members and their support staff.
- The payment of expenditure incurred by Members as a result of running a local constituency or regional office and carrying out their Parliamentary duties.

The provision of mobile phones to Members and their support staff is also administered by the Allowances Office.

In addition, the Allowances Office also processes and pays business travel and expenses claims to Parliament staff and manages the payments made to the Parliament's travel agent, overnight hotel costs and car-hire invoices.

Broadcasting and Production Services Office

This office is responsible for:-

- The generation and distribution of all Parliament's audio-visual output from the Chamber and six committee rooms.
- Supplying pictures for the main television companies.
- Ensuring broadcasters use the pictures provided in line with the Parliament's Rules of Coverage.
- Providing Parliament with its sound and electronic-voting system and supplying a range of visual material with much of it packaged into existing edited videos which promote and explain the work of the Parliament for MSPs and outside organizations.
- Seeking ways in which new digital technologies can improve the service and make it available to a wider audience. This includes further development of the Parliament's internet broadcasting service.

Committee Office

The Committee Office provides clerking and administrative support to 11 of the Parliament's 14 committees, supporting the conveners and members in undertaking the full range of committee functions including the conduct of inquiries and the consideration of subordinate legislation and Bills.

The Clerks are responsible for advising the committees on the application of procedures and, in particular, on the application of Standing Orders. The office also provides clerking services to the Committee Conveners' Group, at which Conveners meet to discuss matters of common interest to the functioning of Committees.

Facilities Management

The Facilities Management Office is responsible for managing all aspects of the Parliament's buildings and accommodation and for many of the services and facilities that support MSPs, their staff and Parliament staff in their work.

They contract-manage a diverse range of services provided by external suppliers to support the Parliament's activities. These include cleaning, catering, support services

(porterage, event set up etc.) and maintenance. They also provide in-house services such as mail delivery and helpdesk services.

Through its Helpdesk, the office provides facilities to book car-parking spaces; meeting rooms and equipment required to host Parliamentary meetings. The Helpdesk is also the one-stop shop within the Parliament should Members or staff, wish to report any faults or service problems.

Their in-house experts have responsibility for advising on health and safety, fire safety management and environmental performance issues. The Building Management Team provides a full range of building and estate management services aimed at ensuring that the fabric and systems of their unique and symbolic building are well maintained.

Human Resources Office

The Human Resources Office is responsible for providing a full range of personnel management services for SPCB staff and to a degree, for MSPs and their staff. The Office currently comprises three main functional areas:-

- staffing and recruitment
- learning and development
- pay and pensions.

The Office is also responsible for setting terms and conditions of service, including the development of employment policies, as well as all employee and industrial relations and grading and efficiency matters.

THE GERMAN PARLIAMENT

The delegation arrived in Berlin on 28th May, 2009 and was met by staff from the Kenyan Embassy in Berlin.

The delegation visited the German Parliament commonly known as the Bundestag on 29th May, 2009. The delegation was taken on a guided tour of the Parliament by a Clerk Assistant. The delegation attended a chamber sitting as the Parliament was in session after which it visited the other facilities including the library, committee rooms and the guest centre. One unique facility which the Parliament has is a day care centre where young female Members can leave their children while they attend to Parliamentary work.

Parliament currently has 611 Members. In the current 16th electoral term, the Christian Democratic Union/Christian Social Union (CDU/CSU) forms the largest parliamentary group with 222 seats, followed by the Social Democratic party of Germany (SPD) with 221 seats. The Free Democratic Party (FDP) parliamentary group holds 61 seats, the Left Party

parliamentary group 53 and the Alliance 90/The Greens parliamentary group 51. There are three non-attached Members.

The legislative process is one of the most important tasks performed by the German Bundestag. All laws are deliberated on and adopted in Parliament.

Election of the Federal Chancellor

On 22nd November 2005, Members of the German Bundestag elected Angela Merkel (CDU/CSU) as Germany's first female Federal Chancellor.

The Committees

The Committees of the German Bundestag play an important role in its legislative work. They prepare legislative proposals for adoption in the plenary. The Bundestag sets up committees for specific areas of policy in which Members from all the parliamentary groups deliberate on and revise draft bills.

Visitors to the Bundestag

The Bundestag is a major visitor attraction. The visitors tour the buildings, listen to talks and attend plenary sittings. They also have children's days when school children aged between 6 - 14 are taken on guided tours of the Parliament. The roof terrace and dome offer an inviting and inspiring location where visitors can linger.

Members Remuneration

The guiding principle is that the members' remuneration must reflect the special position held by the member and the responsibility and burden accompanying that office. Members decide their own remuneration. This is done in a transparent procedure that takes place at the plenary where members of the public can follow the proceedings. This allows the people to keep a watchful eye on their representatives. The remuneration is taxable and the current rates are £7,339 per month per Member.

Members of the Bundestag, like other people in employment, receive a financial and material assistance for the performance of their duties. Besides the expense allowance, they are entitled to a furnished office with telecommunications equipment installed, at the seat of the Bundestag for themselves and their staff and official vehicles for travel within the city boundaries of Berlin. In addition, they have a pass that enables them to travel free of charge on the railways and are entitled to reimbursement of the cost of domestic flights taken in the exercise of their mandate.

Expense Allowance

This is tax free allowance whose purpose is to enable members of the Bundestag cover expenses incurred in the fulfillment of their mandate. These include money spent in constituency offices, on travel within the Members' constituency and on constituency business. The expense allowance also covers the Member's expenditure on a second home at the seat of Parliament.

The expense allowance is an index - linked lump sum which is adjusted each year. Currently it stands at £3,782 per month. Claims cannot be made for costs exceeding this amount nor can these be claimed as tax allowances. A lump sum allowance for all members based on average expenditure is the fairest and cheapest solution, as a solution based on submission of receipts would create a huge increase in administrative expenditure for the Bundestag. Moreover the budgetary cost can be calculated precisely from the onset based on the number of Members.

Members' Staff

Members are paid a monthly staffing allowance of £13,660 which is paid direct to the appointed staff by the Parliamentary administration. Members' spouses, relatives or in-laws who work for them cannot be paid from this allowance. Their salaries must be paid out from the Members' own pocket.

Travel Allowances

The Bundestag meets the cost of Members' official travel just like employers who send their staff on business trips. Journeys undertaken in the exercise of a Member's mandate, such as traveling within his constituency are paid out of the Member's expense allowance. The Bundestag also provide Members with a rail travel pass for journeys connected with the fulfillment of their mandate but not for private trips. If a Member uses an aircraft, sleeping car or any form of rail transport other than local public service passenger services, such costs are reimbursed on a case by case basis on presentation of receipts.

Superannuation Benefits

From 1st January 2008, the superannuation benefits granted to members ceased to be a full pension. Their purpose is now to bridge the gap in pension benefit that arises for Members because they have been active in Parliament and therefore had to give up all or part of their previous pensionable employment. Contributions are not paid to the statutory pension scheme for Members during their term of mandate nor do the periods of membership of the Parliament count as periods under the service, regulations governing civil servants pensions. Superannuation benefits have even been awarded to Members with one year of membership. Before then, the qualifying period was eight years.

END OF TOUR

The delegation concluded its visit to Berlin with a tour to several places of interest in the city which was organized by staff from the Kenyan Embassy. The Commissioners left for the USA on 31st May, 2009 while the members of staff left for Kenya the same day.

OBSERVATIONS AND RECOMMENDATIONS

1. Members Remuneration - Ireland

The delegation observed that Members salaries and allowances are not taxed in the Irish Parliament and recommends that this be brought to the attention of the Akiwumi Tribunal which is currently reviewing the terms and conditions of service for Members and staff of the National Assembly.

2. Scottish Chamber

The delegation observed that the Members' seats in the Parliament of Scotland are simple ordinary seats and recommends that this issue be discussed with the consultants who are refurbishing the chamber with a view to reducing costs. Simple but functional seats would also take less space.

3. Committee Rooms

The delegation observed that in all the Parliaments, Committee rooms have live coverage and electronic voting systems and recommends that the same be incorporated into the designs for the office block which has plans for several committee rooms in each floor. Adequate sitting space should be provided in the Committee rooms to allow for public hearing during Committee sessions which encourages transparency in handling public matters.

4. Governance

The delegation appreciated the principles of good governance and will use the knowledge obtained to improve the governance structures of PSC, the Kenyan Parliament, their constituencies and Kenya in general.

5. Irish - Bicameral System

Members of the delegation observed that the bicameral system as practiced in the Irish Parliament is a very different system of Parliament from the one we have in Kenya currently. However, should Kenya in future, adopt a bicameral system, the Irish system could provide a good model.

6. Staffing in all the Three Parliaments

The delegation observed that the partisan staff contracts in all the Parliaments visited expire with the end of the Parliamentary term of the Members they serve.

7. EU Parliament

Experience gathered from the discussions on the EU Parliament will be useful to Members of the delegation in formulating policies for the EA Community, AU matters and other regional bodies.

8. German Parliament

The bundestag is one of the best well managed Parliaments in terms of size and publicity. It is magnificent, iconic and a symbol of unity to the Germans. Interesting to note, there are streams of visitors to the Bundestag everyday. The Commission needs to emulate this by strengthening its public relations department to carry out more publicity activities to demystify Parliament as an institution and to encourage more visitors including adults to the Kenyan Parliament.

9. It was gratifying to note that the Kenyan Parliamentary Service Commission has a wider mandate and plays a bigger role in the administration of Parliament than the three Parliaments that were visited.

SIGNATURE:..........

CHAIRMAN

DATE:.....30.7.2009.....