

PARLIAMENT  
OF KENYA  
LIBRARY

**REPORT OF THE NATIONAL ASSEMBLY WORKSHOP  
ON “MANAGING CHANGE”, CONDUCTED BETWEEN  
FEBRUARY 27 AND MARCH 2<sup>ND</sup> 2000 AT MOUNTAIN  
LODGE, MOUNT KENYA NATIONAL PARK, KENYA.**

**SUBMITTED ON: 10<sup>TH</sup> APRIL 2002**



## **EXECUTIVE SUMMARY**

The Kenyan parliament plays a key role in the governing process. To perform this role however the institution relies heavily on the parliamentary staff. This requires highly motivated and well-trained staff. It also requires proper management and leadership styles among parliamentary staff. This is particularly urgent in view of the current changes taking place in Kenya and more particularly in parliament itself. Parliament is asserting itself and is likely to increase its workload with parliamentary staff being required to shoulder the increased workload. The staff may therefore need retraining while new ones may need to be given special orientation or induction courses on how parliament works. The work place may also require improvement so that the staff can feel motivated and encouraged to work efficiently for the good to parliament as an institution.

It is against this background that a two-day workshop was conducted for parliamentary staff to discuss issues relating to managing change that are taking place in parliament today. The workshop focused on two major issues of concern to staff namely workplace environment and practices and training.

This report captures the major issues discussed and the recommendations made at the workshop. The workshop made several recommendations on how to improve the two major issues of concern. The workshop also agreed that some issues require immediate attention while others may be attended to in the medium and long term. It was agreed that issues dealing with welfare of staff require immediate attention. These include a scheme of service, training, clarification of recruitment criteria, and changing of attitude of staff

towards work. The need to improve the relation between staff and Members of Parliament was also considered as requiring urgent attention.

The report begins with a brief introduction. A statement of the objectives of the workshop follows this. The next section of the report spells out the methodology of the workshop. This is followed by a brief indication of the major challenges facing parliament and therefore the parliamentary staff. The next section captures the major recommendations made on each of the two issues, namely workplace environment and training. The next section is on the way forward. The final section of the report contains the Appendixes on: Summary of the recommendations: list of participants: and papers presented at the workshop.

## **1. INTRODUCTION**

### **1.1 Roles of Parliament**

Kenya has operated a parliamentary system of government since independence in 1963. Under this system parliament plays a central role in the governance process. In deed it can be agued that Parliament is the most critical institution of governance in the country. First, Parliament makes laws by which the country is governed. Second, parliament is a representative institution. Thirdly, parliament oversees the work of other institutions of governance, notably the executive. Fourthly, parliament acts as an institution through which the diverse interests in society are articulated and aggregated for purposes of making public policy. These are key governance functions, which must be performed well if the country is to survive.

### **1.2 Establishment of the PSC**

Throughout its existence, the Kenyan Parliament has introduced numerous changes aimed at enhancing its governance role and functions. First was the abolition of the bicameral legislature that was in place at independence and its replacement with a unicameral chamber in 1966. Second has been the increase in the number of parliamentary constituencies to enhance representation. Third is the recent establishment of the Parliamentary Service Commission (PSC) in 1999 as part of the efforts to secure the autonomy of parliament from the executive branch of government. This would among other things, enhance the oversight role of parliament.

## **2. CHALLENGES POSED BY THE CHANGES**

### **2.1 Job Security**

All these changes, while aimed at enhancing the role of parliament, also pose a number of challenges to the staff of parliament. The de-linking of parliament from the executive while considered positive for the conduct of parliamentary business and its relation with the executive and possibly with the judiciary offers particularly serious challenges to staff of parliament. To start with it removes the job security that is found in the civil service and which the staff had hitherto enjoyed. The fact that they are now employees of the PSC creates a sense of uncertainty. This is made worse by the fact that to-date the terms of employment for the parliamentary staff have not been worked out. There is therefore a sense of anxiety among staff as their future hangs in the balance. This is a situation that may adversely affect the morale and consequently the performance of staff.

### **2.2 Changed Work Environment**

The second major challenge that these changes pose to staff is that the way parliament will work will be quite different from the way it worked before the changes were introduced. One of the implications of this change is that parliament is most likely to require its staff to be more efficient than might have been the case before. This is because the change should be seen as part of the efforts by parliament to assert itself in the governance process. It will therefore wish to demonstrate that it is a better institution than before. It must also be seen to be so, hence the likelihood that it will demand better service from its staff.

### **2.3 Changed Nature of Work**

The third major challenge associated with the changes is that the workload of parliament will increase. Apart from regulating its own calendar, parliament will also wish to conduct better research on the issues brought before it for debate. This is a task for which parliament will rely heavily on its staff. This will be particularly problematic if parliament fails to provide adequate resources for staff. The other challenges include changes in the relation between MPs and parliamentary staff, new work ethics, and tension between the legislature and the executive. All these and related challenges have to be effectively managed if the institution is to play its rightful role in governance. These and related challenges have caused concern among staff.

### **2.4 Workshop Background**

It is against this background and in an attempt to address these and other related challenges that on the 27<sup>th</sup> of February the staff of the Kenya national assembly assembled at the Mountain lodge located in Mount Kenya National Park to participate in a two-day workshop. The workshop was organized jointly by Parliament and State University of New York (International Development Group), Kenya. The theme of the workshop was "Managing Change".

## **3. OBJECTIVE OF THE WORKSHOP**

The aim of the workshop was to deliberate on how best the staff of parliament could respond to and manage the changes currently taking place in the National Assembly. The most immediate of these changes was the de-linking of parliament from the executive

following the establishing of a Parliamentary Service Commission (PSC), which will, among other functions, be responsible for recruiting parliamentary staff and regulating parliamentary calendar. Prior to this change, staff of parliament were civil servants and therefore part of the executive branch of government. The executive was also responsible for the determination of the timetable of parliament including the dissolution and prorogation of parliament. This arrangement was found to be unsatisfactory as it denied parliament its autonomy that is necessary for it to effectively conduct its business especially its oversight role.

## **4. WORKSHOP METHODOLOGY**

### **4.1 Attendance**

Senior staff attended the workshop from the Clerk's chambers, the Hansard, the Library, Supplies, Catering, Personnel and Accounts divisions. The Sergeant At Arms was the only division that was not represented. Mr. P.C. Owino Omolo, Deputy Clerk, opened the workshop. The workshop was officially closed by Mr. Gichohi also Deputy Clerk.

### **4.2 Resource Persons**

Four resource persons led discussions on the following themes:

- The Place of Parliament in Democratic Societies<sup>1</sup>
- Recent Changes in the Status of Parliament<sup>2</sup>
- The Role of Parliamentary Staff<sup>3</sup>
- Managing Change in an Uncertain Environment<sup>4</sup>.

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<sup>1</sup> Presented by Dr. Peter Wanyande, Chairman, Dept of Political Science, University of Nairobi

<sup>2</sup> Presented by Mr. John Johnson, Director, SUNY-IDG Kenya

Each of the resource persons presented a paper. The presentations were later discussed in plenary sessions. The papers were later circulated to the participants. The participants were encouraged to make inputs. To achieve this each participant was given an opportunity to contribute ideas on issues relating to his or her division and the institution as a whole. The workshop was extremely participatory.

### **4.3 Group Work**

On the second day of the workshop the participants were divided into two groups. Each group discussed two major issues that arose from the first day of the workshop. The two issues were training needs; and workplace environment and practices. Each group chose a chairperson and a rapporteur. Each rapporteur presented the report of his or her group, which was discussed in a plenary session. The recommendations contained in this workshop report are derived from the final versions of the group reports and the deliberations of the first day's work.

## **5. MAJOR ISSUES OF CONCERN TO STAFF**

### **5.1 Overview**

Although many issues were discussed at the two-day workshop, two were of particular concern to staff. These were:

- a) Training
- b) The Workplace Environment and Practice

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<sup>3</sup> Presented by Mr. Robert Ludke, Visiting Fellow, USIU

<sup>4</sup> Presented by Mr. Sam Mwale, Deputy Director, SUNY-IDG Kenya.

The following issues relating to workplace environment and practices were raised during the two-day workshop in three main categories. The categories are personnel matters, regulations and rules, and leadership

**The Ten Workplace Issues Requiring Urgent Addressing Identified During The Retreat**

1. Inadequate personnel in several divisions
2. Inadequate facilities and equipment, including computer soft ware and office space
3. Disparity in grading systems between divisions
4. Security of staff
5. Lack of induction courses for new staff on how Parliament works
6. Procedures in recruitment of staff
7. Rules and regulations governing work practice
8. Workplace behavior
9. Leadership, delegation and responsibility
10. Poor coordination between and among divisions

**5. 2. Personnel Matters**

Under personnel matters, the following issues were raised:

- a) Inadequate personnel in several divisions
- b) Inadequate facilities and equipment including computer soft ware and office space
- c) Disparity in grading systems between divisions
- d) Security of staff
- e) Lack of induction courses for new staff on how Parliament works

**5.3 Rules and Regulations**

Under rules and regulations, the following areas were identified as lacking:

- a) Procedures in recruitment of staff
- b) Rules and regulations governing work practice
- c) Workplace behavior

#### **5.4 Leadership**

Under leadership, the following issues were raised

- a) Delegation of work and responsibility
- b) Poor coordination between and among divisions

### **6. RECOMMENDATIONS ON WORKPLACE ENVIRONMENT AND PRACTICES**

The workshop discussed each of the above issues and made appropriate recommendations as indicated below:

**6.1. Inadequate Personnel.** Recommendation #1: *The parliamentary Service Commission to hire more staff who have the right qualifications and train existing staff on management skills, computer literacy, internet use, and information technology competence. In addition, a human resources management manual be developed to guide these processes and other human resources needs.*

Currently Parliament has inadequate personnel in most divisions. As a result, Parliament is facing and will continue to face problems in coping with the increased workload. Consequently it was recommended that parliament should consider urgently hiring additional staff with the appropriate skills. The existing staff should be trained in the relevant skills to enable them cope with the increased workload and new demands. Such training should include management skills, computer literacy, Internet use, and competence in the use of information technology for daily and routine work assignments. The workshop also discussed the issue of annual leave for staff. It was noted that currently the regulations governing annual leave are not very clear. not to mention the fact that they are not always observed uniformly

**6.2 Inadequate Facilities.** Recommendation #2: *Additional office space should be acquired for staff. At the same time, required office supplies and equipment including stationery and computers should be made available to staff.*

Currently, the staff lack adequate office space. They also lack sufficient office supplies and equipment to enable them work efficiently. This is a demoralizing factor that requires urgent attention. Sufficient office space, adequate office supplies, and right types of equipment in working order are critical for efficient and effective service delivery. The workshop consequently recommended that additional office space be acquired for staff.

**6.3 Scheme of Service & Career Progression.** Recommendation #3: *Parliament develops and implements a clear scheme of service for its staff. At the same time, it should harmonize the grading system so that as far as possible, so that all divisional heads are in the same grade.*

Another major concern discussed at the workshop was that of career progression for staff. The workshop was informed that Parliament lacks a clear career progression for staff. This demotivates staff, as they have no hope for upward mobility. This is particularly disturbing in situations where the senior is relatively youthful and therefore likely to remain in service for a long time to come. An equally worrying situation was the discrepancy in the grading system. Participants noted that divisional heads are in different job groups and that staff knows no proper justification for this. This was regarded as a demotivating factor especially for those divisional heads that are graded lower than their counterparts.

**6.4 Personal Security of Staff.** Recommendation #4: *Parliament considers devising a suitable housing scheme for staff taking into account the neighborhood where the houses are to be built or purchased. This should go along with an affordable car loan scheme. Alternatively parliament should provide transport with security for staff that work late into the night, and live in insecure neighborhoods.*

The problem of security of staff was also discussed at some length. It was noted that the problem affects mainly those employees who work late and have to commute to their residences. Some staff resides in highly insecure neighborhoods due to economic

circumstances beyond their control, which makes it difficult for them to serve with peace of mind when the House sits late into the night. These neighborhoods are insecure even for the drivers dropping them. Thus a properly designed and managed housing scheme, and an affordable car loan scheme may be able to allow staff to live and transport themselves more securely when the House is in session. Alternatively, proper security arrangements should be made when staff has to be dropped off late in their insecure neighborhoods.

**6.5 Induction of Parliamentary Staff.** Recommendation #5: *That KIA or a similarly reputable training institution such as a University is approached to provide induction training to all new staff annually, and a one time course on the newly instituted Parliamentary Service for existing staff.*

It became clear during the workshop that most of the staff were not clear about the new terms of employment under the service, or what their obligations and responsibilities were under the Parliamentary Service. A one-time induction course for existing staff would be able to deal with this issue, and after that each year at a given period, all newly recruited staff would be inducted into the service. The course would be prepared in conjunction with an institution that has a strong reputation for induction courses, with material and resource persons coming from heads of divisions in parliament. This would strengthen the spirit or ethos of all parliamentary service staff.

**6.6 Procedures in Recruitment of Staff.** Recommendation #6: *Parliament streamlines recruitment procedures, making the process clear and transparent, and communicating the same to senior staff.*

The workshop also discussed the recruitment procedures used in parliament. Three issues were raised in this discussion, namely that recruitment procedures are not very clear, currently the recruitment of process takes too long, and that staff is not certain about the criteria being used to absorb or reject existing staff. The workshop observed that this situation creates unnecessary anxiety among staff.

**6.7 Rules and Regulations Governing Workplace Practice:** Recommendation #7: *Parliament should develop and enforce a written code of ethics that institutes and enforces rules and regulations governing sexual harassment, verbal abuse, and conflict of interest with clearly stated penalties and mechanisms of arbitration.*

A very delicate behavioral issue that was raised and carefully discussed was the issue of the relation among staff and more specifically the relation between the female and male staff, and female staff and members of the House. It was observed that incidences of sexual harassment of female staff by their male counterparts have been experienced in the place of work. This is said to be demeaning and demoralizing to the female staff. Because they often feel intimidated by the harassment, it has a negative impact on their work. Another matter was the verbal abuse and threats to staff from some members (MPs) that are infrequent but highly disruptive when incidents occur.

Problems of conflict of interest involving staff were also discussed. The problem occurs when members of staff supply goods and services to the institution. Although the problem may be isolated, it was observed that the fact that it has occurred requires that attention be paid to it. After a lengthy and careful discussion, the workshop was of the opinion that sexual harassment, verbal abuse, and conflict of interest should be classified as offences with penalties that are clearly spelt out.

No one should be subject to sexual harassment and verbal abuse, and no MP or officer of the House should be allowed to use their position to influence the supply of goods or services to the Institution. Such a code of ethics and mechanisms of arbitration would allow senior staff to protect their juniors who are often the target of sexual and verbal harassment, and under pressure in conflict of interest situations.

**6.8 Workplace Behavior.** Recommendation #8: *Parliament put in place fair and equitable reward and disciplinary systems. Objective and effective performance evaluation, rewarding outstanding employees, establishing and enforcing personal and*

*institutional discipline standards, and introduction of counseling services would greatly improve workplace attitudes and performance.*

The other behavioral problem relates to attitude towards work. The staff pointed out that there are serious behavioral problems affecting the work of staff. It was thought these arise from demotivated staff who do not see any observable or objective benchmarks for rewarding or disciplining work performance and behavior. Several major behavioral problems were identified. These include failure by staff to observe punctuality, lack of courtesy among staff, alcoholism, and poor and ineffective work performance. The workshop also noted that the delivery of services by staff is also not satisfactory. This takes several forms the notable one being failure to deliver services in time. The situation could be turned around by instituting incentives measures such as having reward systems such as cash reward or in-grade pay increases for outstanding performance, resourcefulness, innovation, or cost-effectiveness by employees. Those showing drunken or inappropriate behavior may need counseling initially before any disciplinary measures are taken. Rude and unproductive employees may also need counseling, failing which disciplinary measures could be taken.

**6.9 Leadership i.e. in delegation and responsibility.** Recommendation #9: *Undertake an intensive management and leadership skills exposure and training for senior staff.*

Also discussed at the workshop was the issue of leadership in the organization. The following were of great concern in this regard: First the service is deeply bureaucratic, which hampers speedy and timely decision-making that in turn affects delivery of services. It becomes difficult to obtain services in a timely manner. Second, senior staff have not received management training, and tend to lack sufficient management skills, even when they are competent in their professional fields. As a result, there is poor delegation of authority and responsibility by senior management to middle and junior staff. Third, this adds further layers of bureaucracy to an already over-bureaucratic organization. There is a pressing need for proper job descriptions and delegation of authority to incur expenditure, if things are to become more efficient. All of these factors

point to a pressing need for the PSC to invest in turning existing senior staff into skilled leaders and managers if the service is to become efficient and effective.

**6.10 Lack of Coordination Between Divisions.** Recommendation #10. *Parliament establishes clearly defined authorization, communication, and service channels between divisions.*

Unclear lines of authority, particularly between divisions, worsen the situation described above. In addition to poor or lack of delegation of authority by senior officers to their juniors, lack of a proper understanding of the organization structure and lines of authority, lack of authority to incur expenditure or make decisions on goods and services, and also poor communication between and within divisions. The senior staff rarely meet to reflect and coordinate their divisions; which means that divisions that depend on one another could be ignorant of situations that could either slow down or expedite the delivery of services from each other. It is therefore important to improve communications between and among divisions both vertically and horizontally through regular meetings, and to enhance the leadership and management skills and knowledge of senior staff.

### **6.11. Conclusion**

While some of these problems above are due to the nature of the personality of the individual staff, the workshop noted that they might also be due to the non- supportive environment resulting from some of the issues discussed above. Low morale and poor motivation are undoubtedly major contributing factors to the negative attitude toward work by staff. This requires immediate attention

## **7.0 RECOMMENDATIONS ON TRAINING NEEDS**

### **7.1 Introduction**

The workshop identified and discussed a number of issues relating to training needs of Staff of Parliament and made a number of recommendations as indicated below. It was

agreed that these needs were real and urgent. This is because staff has to adjust to the changing nature of the institution they are required to work in. It was consequently decided that training be given top or high priority. It was observed however that the training needs might differ from one division to another although some needs are common to different departments. In a section of this report we have indicated the specific training needs of each division identified at the workshop.

## **7.2 General Training Needs**

The workshop identified the following as some of the urgent training issues for parliamentary staff.

- a) *Lack of trained personnel.* Some departments lack trained personnel. This has to do partly with the fact that some of the staff originally worked for the civil service and were not exposed to the way Parliament works before they joined the institution. They also did not benefit from any specialized training after joining parliamentary service.
- b) *Lack of management skills.* Many of the management staff lack management skills partly because they have not been exposed to management training to equip them with current management skills.
- c) *Lack of professional training.* Some of the staff of some divisions have not been trained professionally in their areas of operations.
- d) *Lack of IT integration to workplace.* The training needs in this regard relate to Information Technology (IT) skills including computer literacy, the Internet, and using information technology for daily and routine work. This is true even of those departments such as the Clerks Chambers and the Library, which have computers. The need to network the Kenyan parliament with other parliaments through the Internet was considered key in the changed environment.

### **7.3 Recommendations on Staff Training**

After a lengthy discussion of the training needs of parliament, the following recommendations were arrived in the following two categories i.e. financing training, and procedures for training.

#### **7.3.1 Financing Training**

The key recommendations made under this category were:

- #1: The Parliament's own budget should allocate more financial resources for training.
- #2: Parliament should identify potential donors to fund the training programs. Parliament should then work with potential donors to submit requests for funding
- #3: Parliament should consider making arrangements for the provision of 'soft loans' for those who wish to go for training including postgraduate training. This issue was not resolved but it was agreed that it be pursued further. These suggestions underscore the importance attached to training by staff.

#### **7.3.2 Procedures for Training**

The main recommendations under this category were:

- #1: Establish and adhere to well-established criteria for selecting those to go for training.
- #2: Training must be tied to actual needs of a division. Currently the selection is rather haphazard and this may encourage subjectivity in the selection of staff to be trained.
- #3: Parliament should prioritize the training needs and that specific training programmes be drawn.
- #4: Parliament should conduct in-house training courses including periodic induction seminars for staff.
- #5: The training committee of Parliament should be reactivated.

### **The Nine Training Recommendations Requiring Urgent Addressing Identified During the Retreat**

1. Allocate more funds in Parliament's own budget for training
2. In addition, Parliament to identify potential donors for fund training programmes
3. Parliament to consider 'soft-loans' to staff wishing to pursue post-graduate training, if own, or donor funds not available.
4. PSC to establish and adhere to well-established criteria for selecting those to be trained
5. Training needs to be tied to actual needs of division to reduce haphazard and irrelevant training staff
6. PSC to prioritize areas needing training most urgently and draw up specific programmes to meet these needs.
7. Parliament to conduct regular in-house training, including periodic induction seminars for staff.
8. Training committee to be reactivated.

#### **7.4 Specific Training Needs by Division**

The specific training needs for specific divisions of parliament were identified to be as follows:

##### **7.4.1 Security**

The division of Sergeant At Arms was singled out as one that requires very urgent professional training. This may be due to the fact that most of the current staff of this department are newly employed in parliament.

##### **7.4.2 Personnel**

The personnel division requires training in:

- Human resource management
- IT.

##### **7.4.3 Supplies**

The Supplies division requires training in:

- IT

- Purchasing and Supplies (to be provided by or at the Chartered Institute of Purchasing and Supplies)
- Management skills
- Administration skills

#### **7.3.4 Accounts**

The Accounts division requires training in:

- Chartered Public Accountants
- IT skills
- Management skills

#### **7.3.5 Hansard**

The Hansard division requires training in:

- Digital transcription skills
- IT skills
- Management courses
- In addition, Hansard staff should be exposed to other parliaments to enhance their work.

#### **7.3.6 Clerk's Chambers**

The Clerks Chambers requires training in:

- Procedures
- Management of Parliamentary committees
- Parliamentary drafting skills
- Research skills
- IT Skills
- Report writing skills

#### **7.3.7 The Library division**

- Information Sciences

- Archives & Records Management,
- Information Searching and Retrieval
- IT skills
- Management courses including courses in Information Resources Management for upper and middle level staff
- Attachment to other parliamentary libraries for exposure.
- Information & Communication Technologies (ICT) – E-mail,
- Internet,
- Web-page design

## **8. THE WAY FORWARD**

### **8.1 PSC Approval**

The workshop recognized the fact that these recommendations require the approval of the relevant authorities including the Parliamentary Service Commission (PSC) as the employer of parliamentary staff. Consequently it was **recommended** that the final report be submitted to the PSC for approval. The report should be with the PSC in a month's time after the report has been submitted and discussed by the stakeholders.

### **8.2 Draft Report Timelines**

The workshop agreed that a draft report be submitted to the participants by Friday 15<sup>th</sup> March 2002. The aim is to give participants an opportunity to comment on the report before it is finalized. This is necessary for purposes of ensuring ownership of the final report by the participants who are key stakeholders in the project.

- The second report be ready by 28th March 2002.
- The final report be ready soon after the second report.

### **8.3 Keeping the Change Movement Alive**

It was agreed that the issues raised in the report be kept alive after the workshop. As part of this, SUNY / KENYA agreed in principle, to seek funding to enable parliament hold a follow up workshop in the next three or so months.

## **APPENDIX 1: A SUMMARY OF THE ORIGINAL WORKSHOP RECOMMENDATIONS**

### **A. The recommendation on the Workplace environment and Practices.**

- Provide relevant training to staff in order to change attitudes of staff
- Introduce counseling services especially for those who come to work under the influence of alcohol and to those who harass female colleagues
- Put in place rules and regulations about staff relations including rules against sexual harassment and reporting to work under the influence of alcohol.
- Enforce all rules
- Provide scheme of service for all staff
- Conduct induction sessions for staff that join the organization and periodic sessions for existing staff. An attempt should be made to ensure that all employees know what goes on in all departments.
- Regular divisional staff meetings between departments and divisions.
- Improve the communication channels and systems. This should be both vertical and horizontal. Efforts must also be made to provide information to those who need it and do so in a timely fashion.

### **B. Summary of the recommendation on training**

- Introduce management courses, which should also include leadership skills.
- Organize attachment programmes to related institutions i.e., other parliaments. This is intended to expose staff to the way their counterparts in other countries work. A criteria for this should be worked out
- Reactivate the Training Committee of Parliament
- Allocate sufficient funds to training
- Provide training in Public Relations
- Introduce training in computer skills

## **THE ROLE OF PARLIAMENT IN DEMOCRATIC POLITICAL SYSTEMS**

By

**Peter Wanyande**

### **Introduction**

The institution of parliament has evolved over a long period of time. Its role, functions and powers in relation to other organs of government, namely the executive and the judiciary have also undergone considerable change between the time of its origin and now. In many developing countries where the institution of parliament is relatively more recent than the more developed democracies, this evolution is still going on. Indeed in some of these countries legislators perform roles that are not performed by their counterparts in the more developed democracies. Secondly while in some countries the idea of parliamentary supremacy has been accepted in others it is either still controversial or is only being established. In Kenya, for example, it was only in the last two years that the independence of parliament has been incorporated into the constitution. This followed a constitutional amendment passed by parliament in 1999 establishing the Parliamentary Service Commission (PSC) to be in charge of among other functions, the recruitment of parliamentary staff and the parliamentary calendar. Prior to this the executive had considerable influence over parliament. In Tanzania too the period immediately following independence was characterized by major conflict between the legislature and the executive. The conflict extended between parliament and the ruling

political party over which of these organs is supreme. These kinds of conflicts over roles and the changes introduced in their aftermath have had significant impact on the role of parliament as an institution of governance. It is also the case that parliaments in the more developed democracies are more stable than their counterparts in the newer democracies. In Pakistan for example the Military has ruled the country for twenty-four of the nation's forty-three years of independence (Boynton: 1992; 279). Korea too has had a very unstable democratic rule with parliament constantly under threat by military rule.

This paper will discuss the role of parliament in democracies. The idea is to underscore the significance of this institution in the governance process and to demonstrate that if it is not properly managed, it may affect in very significant ways the nature of governance of any country, Kenya included. This paper should be read alongside the paper on the role of parliamentary staff, which highlights the role played by the staff of parliament. In discussing the place of parliament one cannot avoid talking about legislators. This is so precisely because parliament is made up of legislators who carry out the work of this important national institution with the assistance of parliamentary staff in particular areas of the institution's mandate. Indeed the quality of parliament as an institution is heavily dependent on the quality of legislators. Our discussion will consequently make reference to the work of legislators.

### **Concept of parliament**

The origins of parliament are traced to medieval Europe. Consequently most definitions of parliament tend to focus on two structural characteristics of the institution derived from the common ancestry of the institution in medieval Europe. These are first

that their membership is formally equal to one another in status, distinguishing parliaments from hierarchically ordered organizations. Secondly the authority of their members depends on their claim to representing the rest of the community, in some sense of that protean concept, representation (Loewenbeg: 1971; 3). This is what is referred to as structural definition of parliament vague as it is.

Although the term parliament is used mainly to refer to national representative institutions, it is important to note that there are also regional parliaments. There are Parliaments that consist of members from different counties. Example include the European parliament, which has representatives from member countries of the European Union and the East African Legislative Assembly in Arusha, Tanzania. This is important precisely because these two types or levels of parliament tend to have different powers especially in relation to the executive branch of government. The European Parliament, for example, is not superior to the Council of the European Union while in most national the national parliament is superior to the executive branch. This is especially in countries that operate parliamentary systems. Writing on this subject Palmer (1981) notes that 'the most important weakness in the European Parliament's consultative function is that there is no obligation on the Council to amend legislation in conformity with parliament's opinion. The Council does not even have to explain why it not taken account of parliaments suggested amendments. Only too often members of the European Parliament have had the impression that the Council has hardly bothered to open the envelop and read the text of parliament's opinion when it arrives at the Council's mail registry before announcing decision prepared by the Permanent Representatives and the expert committees well in advance' (Palmer; 1981; 31).

Palmer goes on to observe that the biggest flaw in parliament's legislative function which amounts to no more than consultative role is the fact that its opinion is not binding on the Council, except for the establishment of certain parts of the community budget' (Palmer: 1981; 31-32). The point to note here is that this kind of scenario is unlikely to be tolerated in a national parliament in well functioning democracies. Another important thing to note is that Parliaments can be either unicameral or bicameral. A unicameral parliament is one that consists of one chamber while a Bicameral one consists of two chambers, a Lower and an Upper chamber or House. Britain has two Houses of parliament, namely the House of Commons and the House of Lords. The United States too has two Houses, namely the House of Representatives and the Senate. Kenya on the other has one House in which all the representatives meet to perform the functions of parliament. The other countries with one Chamber include New Zealand, Denmark and Finland. The decision to have two chambers is influenced by a number of principles and considerations. First is the idea of sharing of power. Second is to provide an opportunity for greater scrutiny of issues of national importance that are brought before parliament for debate. The existence of two Houses can also help in ensuring that parliament is always in session. This is not quite easy to achieve in a unicameral system precisely because in a unicameral system parliament ceases to exist when it is prorogued awaiting general elections or when it is in normal recess. The two Houses of parliament also provide an opportunity for one house to check on the other. Thus in the United states of America there are some bills which cannot pass unless they are approved by both Houses of parliament. In ethnically divided societies such as those in Africa the adoption of two houses is done in order to take care

of the interests of minorities who may not have equal and fair chance of being represented in parliament through the normal system of representation. In such cases one House could be reserved for an equal number of representatives of each group. In Kenya for example, one House could be reserved for the representation of each ethnic group in equal numbers. Alternatively one house could be left for representatives from each province or region, as was the case under the 1963 independence constitution. It is also important to note that most parliaments operate through committees. Although the number of committees may vary from one parliament to another, most parliaments have two categories of committees, namely standing and ad hoc committees. The standing committees can be categorized into Watchdog/ Investigatory Committees, House keeping, and Departmental Committees. The Watchdog committee in many parliaments would correspond to Kenya's Public Accounts Committees (PAC), the Public Investment Committee (PIC) while the House Keeping Committees would correspond to Kenya's House Business Committee, the Speakers Committee, the Privileges Committee and the Library Committee. The ad hoc committees deal with particular issues of national importance. These committees reflect the work of parliament as we shall show later in this paper. The committees are important because among other functions they can help parliament follow up the implementation of the motions it passes. In addition to committee parliaments also rely heavily on parliamentary staff to carry out its core functions discussed below.

Another important point about parliament is that the composition of its membership is not uniform in all countries. Thus while in the US all members of Congress are elected by popular vote in other countries some MPs are either nominated or their membership is

determined by birth. In Britain for example, members of the House of Lords are determined by birth. In Kenya most MPs are elected while some are nominated by the president on the recommendation of the major political parties represented in parliament on an agreed criteria.

There are also differences in opinion as to what constitutes the role of parliament. This is the point made by La Palombara (1974) when he observed that each of us might quite readily come up with a somewhat different list, and in fact the number of functions I have encountered in published works on legislatures varies between three and twelve. (La Palombara:1974: 134).

### **Functions of Parliament**

The above statement by Lapalombara notwithstanding, it is not unreasonable to suggest that parliament has four basic or core functions. First and foremost parliament is a key governance institution that provides a forum for popular representation of citizens in policymaking. This is because parliament is an institution made up of peoples' representatives. In this regard it is an institution through which the people govern themselves even if indirectly. This is what is called representative democracy. Representative democracy replaced direct democracy due to the difficulties of operating the latter, which is possible in small societies such as the ones in ancient Greece. This role is of great significance precisely because it takes cognizance of the fact that in a democracy, people, and not the rulers, are sovereign. Indeed the representation role of parliament was historically at the heart of the development of parliament.

The representative role of parliament is achieved through elections, which one scholar as argued is an avenue that distinguishes legislators from most other political elites (Boynton: 1992; 280). Once elected the legislators are expected to pay attention to the concerns and needs of their constituents. In this regard the legislators bring the needs of their constituents to the attention of government. In some countries this work involves helping constituents deal with government bureaucracy. It may also involve channeling public resources to their constituents. This may be termed the developmental role of legislators. It may in fact be one of the most important roles of a member of parliament as far as constituents are concerned. It is certainly of great importance to Kenyan voters. Members of parliament are judged by the extent to which they can influence the allocation of resources to their constituencies.

In the less developed democracies however a Member of Parliament is expected and performs many other functions that have nothing to do with this representational role. In Kenya, for example, constituents expect an MP to literally take care of the personal problems of the voter. This include providing transport to hospital, meeting medical expenses of a constituent, feeding constituents wherever they visit the MP in his home even if no prior appointment was made. This has sometimes placed the MP under a lot of social and financial pressure.

The second core function of Parliament is law making. This is also known as the legislative role of parliament. Every modern state and especially democratic states are governed by laws legitimately arrived at by the people through consensus. Parliament as the people's representative body has the duty to make laws by which the society is governed. It is expected that in democracies parliament will initiate the bulk, if not all,

the legislation. It is certainly true that in democratic societies parliament has to approve all legislation before they can take effect. While this is always taken for granted, the truth is that it presents problems in some countries. In Kenya for example, the executive tends to dominate the process of initiating legislative Bills as well as deciding in final enactment thorough the requirement for presidential assent to Bills that parliament passed. This suggests that in practice the role of legislation lies with the 'Executive in parliament.' rather than with parliament as such. It is also the responsibility of Parliament to amend existing laws including the constitution. It is perhaps worth noting at this point that whether the executive is a dominant or not all-important legislation must be approved by parliament. Thus parliament legitimizes all important decisions and actions of the executive.

The third core function of parliament is supervisory. Parliament has the duty to supervise the operations of the other arm of government notably the Executive. This is what is commonly referred to as parliament's oversight role. Simply stated this role requires parliament to check the powers of the other branches of government, namely the judiciary and the executive. Some observers consider this as perhaps the most important role of parliament. The role involves scrutinizing how the executive is actually administering laws passed by parliament and whether or not the executive is carrying out its other responsibilities satisfactorily. This includes being responsive to the governed, accountable and transparent. Parliament thus serves as an overseer of the executive on behalf of the general public. In this regard some parliaments such as the Indian parliament have established implementation committees to ensure that what parliament passes is implemented by the executive. The Public Accounts Committees and Public

Investment Committees also facilitate this supervisory or oversight role of parliament.

These committees investigate the performance of the executive and recommend appropriate action. This is role for which parliaments rely heavily on assistance from experts. Specialized committees of parliament are of immense value in this regard. For this I work well however adequate financial and human resources are needed. The allocation of question time to MPs has proved to be a very important device for legislators to scrutinize the executive. This has worked particularly well in Britain and more recently in India. It is reported for example that Indian parliament allocated up to one-sixth of its time to question Hour (La Palombara: 1974:164). The importance of question time is underscored by the fact that unsatisfactory response from Ministers may undermine peoples confidence in the government of the day and may even lead to the passing of a vote of no confidence in the government.

Closely related to the representational role is that of interest articulation and aggregation. Every society has a number of interests, which are organized into interest groups. In some countries such as the US groups are key to the policy process in that they do influence policy process. Parliament serves to articulate and aggregate such interests. Aggregation here refers to some kind of reconciliation or compromise. The outcome of this process is policy decisions. The legislature then can be viewed as one of the important arenas in which conflict of interest is discussed and decisions made. It is a forum in which different societal demands are made and discussed and resolved in one way or the other by people's representatives. In this regard it is important to note that in some countries attempts are made to have MPs representing particular interests elected to parliament. Thus Trade Unionists may sponsor one of their own to parliament to

represent their interest more directly. The nomination of MPs to the Kenyan parliament is based on the idea that particular interest needs to be represented directly in parliament. It is assumed that such people are better placed to ensure that issues affecting their lot are articulated and taken into account when decisions are made.

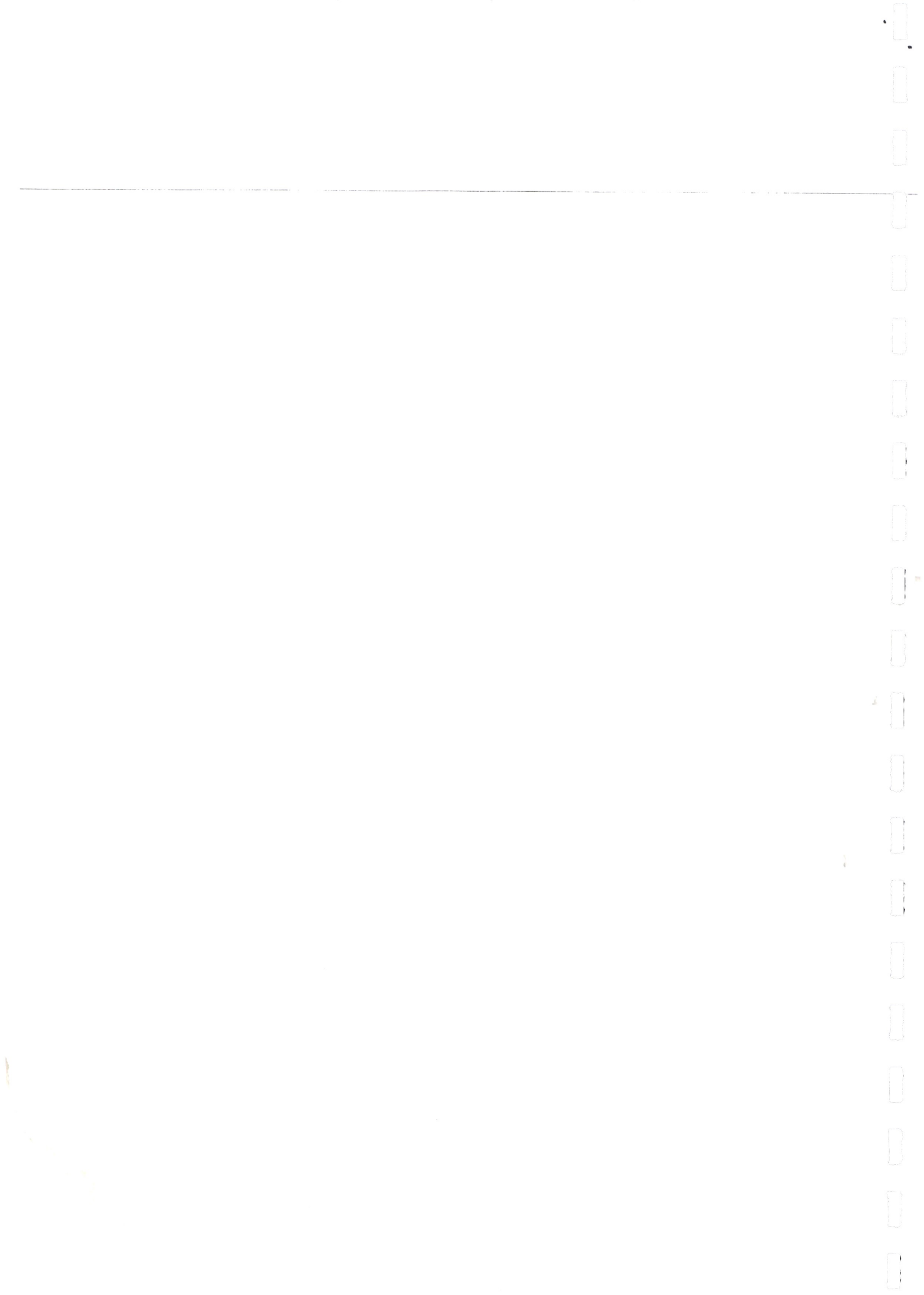
The final function of legislatures that I wish to highlight is that of political socialization and popular political education. This is a role that is closely related to the development of political culture. Through the work of parliament citizens are able to develop certain orientation and attitudes toward the political system. These attitudes and orientations are expected to influence political behaviour of individuals and even the whole community. For more details on the role of political culture see Almond and Verba, *The Civic Culture*.

Political education role is achieved when parliamentary debates are widely reported in the press radio or even television. This gives the public an opportunity to be educated about what is going in this important institution of governance. At the more individual; level this role is achieved through the regular interaction between the MP and the electorate. Parliaments also can produce newsletters to communicate their activities to the electorate as part of this education role.

### **Conclusion**

Parliaments have become the most important institution of governance in every country. This is attested to by the fact that the institution is found in virtually every country. Its role continues to expand, as societies become more and more complex. This is why in some countries especially those in developing countries members of parliament

are overburdened with responsibilities that are not shouldered by their counterparts in other countries. It is almost difficult to imagine a world without a legislative arm of government precisely because of the important role performed by this institution. Whether the Legislature is weak or strong does not seem to matter much. This is because even in countries with weak legislatures they are required to approve the most important executive decisions or action. In this way the legislature performs important legitimating roles.



# Recent Changes in the Kenyan Parliament: Implications for the Work of Parliamentary Staff

**National Assembly Workshop  
On  
Managing Change  
February 28, 2002**

**John Johnson  
State University of New York**

You are all aware that the Kenyan Parliament is going through a period of profound changes. The purpose of this presentation, and the entire workshop, is to help you to better understand these changes, and to begin to develop strategies to help you better manage them. To these ends I propose to do four things this afternoon:

- (1) Look briefly at a generic model of legislatures;
- (2) Consider the changes taking place in Kenya's Parliament in the context of democracy's "Third Wave";
- (3) Look at the kind of Parliament the PSC hopes to develop, and
- (4) Consider how the changes envisioned by the PSC (many of which are already under way) are likely to affect the work of Parliamentary staff.

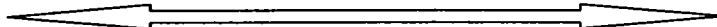
## **Legislative Models**

To better understand what is happening to the Kenyan Parliament we will begin by considering generic types of legislatures. The models described below are adapted from frameworks devised by Nelson Polsby and William Robinson in different works.

### **Chart 1: Legislative Types**

**Less Complex Organization  
Low Information Need**

**More Complex Organization  
High Information Need**



**Rubber Stamp - Emerging - Arena - Transformative**

As you can see from the chart, the four generic legislative types (rubber stamp, emerging, arena, and transformative) vary in terms of both their organizational requirements, and their information needs. Legislatures further to the left need

less complex organizational structures and have fewer information processing needs than those legislatures further to the right.

**Rubber stamp legislatures** are legislative bodies that simply endorse policies made elsewhere in society. Legislatures in totalitarian nations are generally of this type, as they simply endorse decisions made elsewhere. Sometimes proponents of very strong party systems, in which political parties are expected to go to the people with a detailed program, advocate limited legislative involvement – arguing that the legislature should “rubber stamp” the program voted for by the citizens. Rubber stamp legislatures require little, therefore, in the way of internal complexity and information processing capacity.

We will skip over emerging legislatures now and go to arena legislatures. **Arena legislatures** are bodies where societal differences are represented and articulated. Arena legislatures draw their legitimacy from their representativeness and not through actively shaping public policy. As these legislatures do not play a major role in shaping policy, they tend not to be internally complex and do not require a great deal of information processing capacity. The British House of Commons is an example of an arena legislature.

An **emerging legislature** is in the process of change from one type to another. One could argue that the legislatures of both Kenya and Uganda, which we will examine in more detail later, are emerging legislatures.

Finally, the rarest type of legislature, one that both represents and shapes societal demands, is a **transformative legislature**. Transformative legislatures both represent and lead, and to do so requires an internal structure capable of channeling conflict and reconciling differences, as well as information capacities capable of initiating and perfecting policies. The United States Congress is an example of a transformative legislature.

I believe that Kenya’s Eighth Parliament is moving to the right on this arrow – in the direction of the transformative legislature. You are in the challenging process of adapting to your institution’s rapidly growing demands.

### **Democracy’s Third Wave and Legislative Changes in East Africa**

Why this change in Kenya? I believe that the answers are primarily local, but for now I will simply note that Kenya is one of a number of nations in the process of democratic change. Political scientist Samuel Huntington has observed that we are experiencing democracy’s “Third Wave”. According to Huntington, the first wave of nations transitioning from authoritarian to more democratic systems occurred from 1828 – 1926, and the second from 1943 – 1964, and each was

followed by a reverse wave of democratic breakdowns. Examples from the third wave, which began in 1974, include the following:

- **In Southern Europe**, civilian governments replaced dictatorships in Greece and Spain in the 1970s.
- During the 1970s and 80s, civilian governments replaced nearly every dictatorship **in Latin America**. From Central America, to the *Altiplano* of Bolivia, to the Southern Cone, civilian governments replaced military in nations such as Ecuador, Peru, Uruguay, Honduras, Argentina, and Chile. Bolivia's never-ending cycle of military coups appears to be broken, as civilian governments are completing their second decade. And a new era of competitive politics has arrived in Mexico, where last year the PRI, for the first time in more than 70 years, lost the presidency and both houses of Congress.
- Democracy appears to have taken hold in much of **Asia**, with India's return to democracy in 1977, and with democratic regimes in countries such as the Philippines, Korea, and Taiwan.
- Following the breakup of the Soviet Union, elections have been held in its former nations, in both **Eastern Europe and Central Asia**.

According to one measure, in 1950, only 31% of the world's population lived in countries that could be defined as democracies. By 2000 the figure had doubled.<sup>1</sup>

Democracy has also grown in many parts of **Africa** over the past decade. Apartheid is now history, and multiparty politics began in the first half of the 1990s in nations such as Kenya, Mozambique, Ethiopia, and Benin. The argument used in the years following independence in African countries – that development needs are so great that African nations cannot afford competitive politics – has lost currency. Instead, the last decade has witnessed the drive for multi-party politics, greater freedom of expression, and more active civil societies. Parliaments in a number of African nations (e.g., Kenya, Uganda, Ghana, South Africa, Mozambique) are seeking to play a greater role in governing their nations. We examine both Uganda and Kenya below.

### **Changes to the Uganda Parliament**

Although Uganda's current regime does not allow political parties to field candidates for public office, its Parliament is probably the most active and powerful in its history. Uganda's 1995 constitution gave significant powers to the Parliament, including the power to censure ministers (Section 118). Section 91 of the Constitution empowers committees to introduce legislation, and grants

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<sup>1</sup> Adrian Karatnycky, "Freedom: A Century of Progress". The Annual Survey of Political Rights and Civil Liberties, Freedom House, New York, 2000, p.8.

them "the powers of the High Court" for compelling witnesses to appear. Parliament has not been shy about exercising these powers. Its committees routinely introduce legislation and amend legislation introduced by the Executive (of 10 Government measures introduced in 1999, Parliament made significant changes to eight). Parliament has also sacked a number of ministers.

Uganda's Parliament has used its legislative authority to expand its powers since the return to civilian rule in 1996. Like Kenya, Uganda introduced and enacted private member legislation granting the Parliament independence from the Executive. The Administration of Parliament Act of 1997 established the Parliamentary Commission, and set the stage for the development of a large (for Africa), professional, central research staff. Parliament expanded its powers further through the Budget Act 2000 (also a private member bill), which increased Parliament's authority in the budget process and established an independent budget office within Parliament. One can consider the Ugandan Parliament an emerging legislature, which has moved to the right on Chart 1. Aggressive MPs, a professional research and budget staff, and an active committee system are helping the Parliament to shape public policy in Uganda.

### **Changes to the Kenya Parliament**

For those of us who watch parliamentary developments, changes to the Kenyan Parliament over the past few years have been remarkable. Consider the following developments:

- o Parliament introduced and passed Constitutional Amendments in 1999 and 2000 which established the Parliamentary Service and the Parliamentary Service Commission (PSC), giving the Parliament power over its own budget and staffing, and over virtually all matters related to its management.
- o Parliament enacted major salary increases for MPs (passed over Executive opposition) and staff.
- o Parliamentary committees have become much more active, making major changes to every piece of legislation they handle.
- o Parliament significantly increased its Medium Term Expenditure Review Budget for the current fiscal year, and much of this increase is dedicated to staff and equipment for a more effective Parliament.
- o The PSC has developed and adopted, and Parliament is enacting a 12-year development plan (the Blue Print) to strengthen Parliament.

Have these changes made Parliament more powerful? If one thinks of power as the ability to get someone to do something he otherwise would not do, or to stop someone for doing something he wishes to do, Parliament has indeed become more powerful. Parliament now **amends** virtually every piece of legislation it

receives from the Executive. It **blocks legislation** it opposes or considers to be poorly drafted (such as the KACA bill in 2001). Parliament **introduces and passes private member bills** (e.g., PSC legislation, interest rate legislation), and it **made a number of significant amendments to the 2001 Finance Act** (including eliminating the VAT on commercial property). The National Assembly is playing an unprecedented role in shaping public policy in Kenya.

### **The PSC Vision for Parliament**

Some of these changes have taken place through the actions of individual MPs, but Parliament as an institution has also articulated a specific plan for its development, and defined what it wishes to become. In February 2001, the PSC released its development plan for Parliament. The PSC 12-year plan gives specific goals for the development of the PSC, for Parliament as an institution, for MPs, and for staff. The plan also presents what the PSC sees as the legitimate functions of the Parliament. These are:

- (i) Legislation
- (ii) Financial appropriation and control
- (iii) Oversight and supervision of governance
- (iv) Checks and balances on the other two arms of government
- (v) Representation of the people in the Government
- (vi) Leadership of the people and the nation
- (vii) The making and unmaking of the Government
- (viii) Watchdog of democracy<sup>2</sup>

According to the vision, Parliament is to play a strong role in governing Kenya – writing, amending and enacting legislation, appropriating funds and exercising control of the finances of the nation, practicing oversight of the Government, checking and balancing the executive and judicial branches, representing and leading the people of Kenya, making and unmaking the Government, and assuring the secure exercise of democracy in Kenya.

### **How will these changes affect the job of parliamentary staff?**

As an outside observer who has worked with several parliaments (and has read the PSC plan) I expect that life for parliamentary staff is changing in several ways. I will mention several below, which we might discuss in greater detail later in the program.

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<sup>2</sup> Parliamentary Service Commission: *Strategic Plan of the Parliament (2000 – 2012)*. The Parliament of Kenya, February 2001, p 2

### **Greater complexity**

As Parliament plays a more substantive role in policy-making and oversight its needs become greater. In a more complex legislature, with growing numbers of MP "policy entrepreneurs" (i.e., those seeking leave to introduce private member bills), where committees scrutinize and change legislation, where budgets are examined more closely – and are changed, work in Parliament becomes at once more difficult and more interesting.

### **More staff, new kinds of staff**

Parliament needs more staff to carry out its expanding role, so the PSC plan calls for staff increases. The plan also describes new kinds of staff to be assigned to the institution. These include professional researchers to provide MPs and committees with information they need for developing and amending legislation, IT specialists to develop and maintain new IT systems, information specialists to serve in the improved parliamentary library, legal specialists to provide bill drafting services, and public relations specialists to help Parliament better tell its story to Kenyans.

### **Organizational changes**

Organizational structures that served an institution with fewer needs, which responded to fewer masters, need to be changed to serve the needs of a more complex institution. The PSC plan describes a series of directorates, and presents new organizational structures to meet the needs of the more active Parliament.

### **Greater need for training**

As Parliament changes staff will be called on to perform new tasks, and they will need training in order to do so. This is especially true in the IT area.

### **Greater need to deal with people outside the institution**

To shape policy Parliament needs information from government and non-government experts and interested parties from outside the institution. Some staff people need to become adept at contacting such experts and institutions, and security staff will need to deal with greater numbers of people entering Parliament. New Member offices will mean that constituents will be able to find their MPs in Nairobi, so greater numbers will be seek to enter Parliament buildings.

### **Possible communication changes**

This more complex parliament will need to process information more rapidly and will need to respond to new demands. More frequent and regular contact among different section (or directorate) heads may be required to facilitate communication. PR staff, for example, which has to be able to answer questions of the media and citizens, might need to know agendas for plenary sessions as

well as the status of various projects in Parliament (such as the salary review process under way). Committees inviting individuals to testify at meetings may need ways to communicate with them more quickly, and the Sergeant-at-Arms may need to be informed of who is coming to testify.

### **Conclusion**

The work of the staff of the Kenyan Parliament is becoming more complex, and the next years are likely to be times of profound – and challenging – changes. At the same time, Parliaments contribution to the governing of the nation is growing, and Parliamentary staff can take pride in the important role that they and their institution are playing.

interests with a narrow focus can exert a preponderant influence over the legislative process. In other words, by increasing the points of contact the American people have to their government, Congress can do a better job ensuring its develops and passes legislation that is in the best interest of the greatest number of citizens.

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A third advantage is that a large congressional staff can carry out diligent oversight functions of the executive branch and American society. Aggressive oversight can help prevent malfeasance by government officials and hold individuals and corporations accountable for unethical or illegal actions.

### **The Disadvantages to a Large, Professional Staff**

One of the overriding desires of Congress to increase its staff was to help ease the workload of the individual members. Ironically, many believe that the expansion of congressional staff has actually increased the workload of the members. As Senator Peter Domenici said during a 1979 debate to limit the number of staff assigned to committees: "To justify its existence, staff generates new bills and new amendments and new hearings. More legislation ... is not better legislation. More staff is not better staff ... We are simply inflicting complexities upon ourselves with more people winding up more and more ideas that produce more and more debates and more hearings and more markups."<sup>15</sup>

A second consequence to expanded staff has been a decentralization and fragmentation of the congressional decision making process. Because each member has his or her own fiefdom of analysts and experts, they have the ability to develop their own legislation and forge individual areas of control over the policy process. Instead of Congress acting in unison, it often is going 535 different directions at once. As a result, it has become more difficult for Congress to act in a unified, coherent, and expedient matter when addressing issues of national importance.

A third consequence has been the growth of power and influence staff – who are not elected by the American people – has over the legislative process. Generally, the more technical and arcane an issue the greater the power of the staff has in the legislative process. For example, Ronald Brownstein noted that, in area such as the regulation of the banking and financial services industries, "the relative lack of interest in financial issues among the rank-and-file of [Congress] cedes a tremendous amount of power to ... the congressional aides..."<sup>16</sup> Furthermore, there are not clear guidelines for the appropriate role of staff in the policy making process. In fact, "Staff admit that they usually 'learn where the boundaries are through trial and error.'"<sup>17</sup> In fact, "staffers sometimes act more like members of Congress than do the ones who were elected."<sup>18</sup>

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<sup>15</sup> *Congressional Record*, April 4, 1979, p.3922 as quoted in Sundquist, *The Decline and Resurgence of Congress*, p.409.

<sup>16</sup> Ronald Brownstein, Standing in the Shadow of Legislation: Low-Profiled Staff Aides Have Influence and Impact," *The American Banker*, v.149, October 21, 1984.

<sup>17</sup> Barbara Romzek, "The Accountability of Congressional Staff."

<sup>18</sup> Amy Waldman, "Newt's Minions," *Washington Monthly*, v.27, March 1995.

It should be noted that the expansion of staff in the 1970s, during which Congress sought to hire more skilled and knowledgeable aides, has served to exacerbate this problem. Highly educated and "preconditioned by high ideals and a belief in self-sacrifice, the more ambitious among" the staff thrive on the demands of the job.<sup>19</sup> As a result, there is the problem pointed out by Senator Domenici that the staff actually creates more work for the institution in order to justify their existence.

These issues raise a very serious concern of accountability: Who is the staff accountable to? Although there are significant limitations on the authority of staff – the members of Congress can easily hire and fire their staff, ethical guidelines have been put in place by Congress, and there is an unwritten code of conduct shared by many in the Congress – the fact of the matter is that staff are not elected by the American people. In a democratic society, public officials are held accountable through the electoral process. This is not the case with the staff. They are public officials (their salaries and benefits are paid by the American taxpayer) yet they never have to face an election.

### **Conclusion**

The American political system has placed a great deal of responsibility on the legislative branch and its members. Congressmen and congresswomen face a myriad of demands on their time that make their jobs quite difficult. In order to lessen their workload and buttress the ability of Congress to carry out its institutional and constitutional roles, the members of Congress have dramatically increased the quantity and quality of the staff in the last 30 years. While this trend has had many positive benefits for the American people, there are some disadvantages, including concerns about the proper role of un-elected staff personnel in a democratic society.

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<sup>19</sup> Bill Thomas, *Club Fed*, (New York: Charles Scribner's Sons: 1994), p.151.

process is similar to that of developing legislation, but it usually takes place over a much shorter period of time.

The second responsibility of Congress is to exercise oversight over the activities of the executive branch. Generally, this takes the form of congressional hearings and inquiries that focus on a particular aspect or program of the federal government. This is an essential duty because "The passage of laws rarely ends congressional involvement in the matter. Congress is responsible for overseeing the activities of the executive agencies charged with implementing policy."<sup>9</sup> Those members with the most direct role in creating and passing the legislation often take an aggressive stance in ensuring the executive branch is correctly implementing the measure.

In the oversight role, it is congressional staff that handles in the day-to-day oversight of executive branch activities. Because of the demands of the job, members of Congress often turn much of their attention to other legislative matters by the time a law is being implemented by the executive branch. Therefore, it is incumbent upon the staff to maintain close watch on the execution of the law in order to ensure the interests of the member and his or her constituents are being properly served by the executive branch.

Third, Congress examines issues of national importance in attempt to educate the American public and, if necessary, propose solutions to those matters. In particular, Congress conducts public hearings on a broad spectrum of issues ranging from examining the failures of the American intelligence agencies to warn the nation before the September 11 terrorist attacks to the recent collapse of the energy firm, Enron.

Again, the members of Congress set the broad parameters for the inquiries and the staff is responsible for much the actual exploratory and analytical work. In preparation for the hearings, the staff meet with potential witnesses and interested parties, prepare lengthy briefing memos for the members, prepare questions for the members to ask during the hearing, and assemble support materials the legislators might need to highlight a particular issue or buttress an argument.

Fourth, Congress assists the American public with problems or questions they might have about the federal government. This duty is commonly known as "casework." Members of Congress hire anywhere from three to 20 staff persons whose responsibility it is to assist the constituents with routine matters such as enrolling them in federal programs to serious matters such as assisting those who have been the victim of an illegal business practice. According to Kelly Patricia O'Meara, "In any given month, a congressional office might have 300 pending cases, not including requests that are [quickly] resolved by phone."<sup>10</sup>

Constituent casework is perhaps the most important role of congressional staff. Because members spend so much time in Washington, DC, it is often the staff placed in the home

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<sup>9</sup> Gitelson, et.al., *American Government*, p.277.

<sup>10</sup> Kelly Patricia O'Meara, "For Constituents, Help is on the Hill," *Insight on the News*, v. 15, February 22, 1999.

district offices that represent the member to his or her constituents. "Indeed, most lawmakers consider their constituent services the 'bread and butter' of reelection and pretty much make it policy not to turn away any request."<sup>11</sup> Despite the appearance of less than noble motives in casework, the fact of the matter is that the constituent casework efforts performed by congressional staff have helped improve the everyday lives of millions of American taxpayers.

### **The Advantages to a Large, Professional Congressional Staff**

Perhaps the most important advantage of having its own bureaucracy is that it improves the ability of Congress to fulfill its constitutional duties. Unlike many other democratic countries in which the "effective initiation of policies and laws has been taken over by the executive branch," the United States Congress has "to a large extent retained its power over the initiation and passage of laws."<sup>12</sup> The role of the staff in this struggle cannot be overlooked. As Senator Mike Gravel said in the midst of Congress's effort to reassert its constitutional authority in the 1970s:

We have just passed through one of the most difficult periods in American history. One in which the Executive tried to run over the American people, the Constitution, the Congress ... Far too often we see the following scenario. The White House formulates a legislative idea; a department [of the executive branch] immediately breaks off into 10, 20, 30 staff to research and draft the proposal; it is introduced in the Senate and in the final analysis is referred to a subcommittee which may have no staff ... The stage is set for another steamroller job by the Executive. The Congress must stop performing its crucial functions in this passive function. We must enhance our factfinding, investigative, and technical capacity.<sup>13</sup>

Because of the expansion of its staff, Congress is much less dependent on the executive branch for the development, analysis, and evaluation of policy proposals. Sundquist also noted that, "The expanded staff enables a senator or representative to expand his [or her] reach, keep informed on more subjects, [and] exert influence on more matters."<sup>14</sup> By strengthening itself with the expansion of its staff, Congress is better able to act as a constitutional check on the executive branch and prevent the onset of executive dominance.

The second advantage to a large and professional legislative staff is that it allows the American people and interested parties greater access to the political process. It goes without saying that a congressional staff of 20 can address the needs and concerns of the constituents more effectively, efficiently, and quickly than a staff of one or two. By allowing for broader public input, there is a smaller chance that a small group of special

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<sup>11</sup> Ibid.

<sup>12</sup> Alan Grant, *The American Political Process*, p.29.

<sup>13</sup> *Congressional Record*, February 5, 1975, pp.2479-2480 as quoted in Sundquist, *The Decline and Resurgence of Congress*, p.407.

<sup>14</sup> Sundquist, *The Decline and Resurgence of Congress*, p.412.

Perhaps the clearest example of Congress attempting to reassert its legislative authority came in the early 1970s. Because of the Cold War and the personal strength of the presidents from that era, the executive branch enjoyed almost complete control over the policy making process of the federal government in the decades following World War II. After assuming office in January 1968, President Nixon expanded upon the powers of the executive branch in many ways, perhaps the most egregious being the expansion of America's war in Vietnam into neighboring countries without so much as notifying Congress or the American public. Showing a further disregard for the Constitution, President Nixon was soon embroiled in the Watergate controversy in which he tried to use the powers of the presidency to cover-up a political scandal involving senior White House and executive branch officials.

In response to these abuses and a growing realization that it had abdicated many of its constitutional duties, Congress began to aggressively reassert itself in the political process. Congress quickly realized that, in order to regain an equal standing to the executive branch, it would need to dramatically increase the size and professionalism of its staff. Previously dependent on the large bureaucracy of the executive branch for policy creation and implementation, Congress passed the Legislative Reorganization Act of 1970 in order to meet its need for more expertise in policy development and analysis. The 1970 act also created the General Accounting Office to Congress in evaluating executive branch programs and the Congressional Budget Office to help Congress in the federal budget process.<sup>4</sup>

The result of these reforms was a virtual explosion in the number and professionalism of congressional staff. James Sundquist pointed out that, by the mid-1970s, the legislative aides "could match the resources of the executive branch in competence, if not in depth of numbers." Between 1968 and 1972, the number of congressional staff responsible for policy development and analysis rose from 1,491 to 2,312. By 1978, the number had grown to 4,804 – an increase of 3,313 in a span of 10 years.<sup>5</sup>

Congressional staff personnel work for the committees created by the House and Senate as well as the individual members of Congress. The staffs whom work for the committees tend to focus on specific policy areas. For example, the staff assigned to the Senate Banking Committee tends to be experts in the various areas of financial services and insurance law and federal agencies such as the Federal Deposit Insurance Corporation (FDIC) that help ensure the soundness of banks and other lending institutions. The staff hired by the individual members focus primarily on issues of interest to the member and his or her constituents. Their tasks range from answering constituent mail to working with the committee staff in negotiating legislation, writing press releases and speeches, to organizing events.

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<sup>4</sup> James Sundquist, *The Decline and Resurgence of Congress*, (Washington, DC: The Brookings Institution, 1981), pp.403-404

<sup>5</sup> *Ibid*, pp. 404-408.

## The Role of Congress and its Staff in the Political Process

As the National Democratic Institute correctly points out, "The legislature is the fundamental component of democratic government. Indeed, the need for strong legislatures is reflected in the very meaning of democracy: 'rule by the people.'"<sup>6</sup> This observation is particularly true in the American system, for Congress is the only institution in which the members are elected directly by the voters.<sup>7</sup>

Because Congress serves as the link between the American public and the political process, its members face an enormous workload. With the exponential growth of congressional staff, individual members now have more resources available to them to fulfill these tasks. Observers such as Barbara Romzek have accurately noted that, "Members of Congress delegate substantial autonomy to staff because members themselves rarely have the time, skill, or inclination to manage their congressional enterprises."<sup>8</sup> Members of Congress now act much like CEOs and delegate the vast majority of the day-to-day responsibilities to their staff while they focus on broad picture items such as major policy issues or getting re-elected.

The first, and most important, responsibility of Congress is to develop and pass legislation to meet the needs of the nation. Often working with executive branch staff, interest groups, and outside experts, Congress produces thousands of pieces of legislation each year to deal with issues ranging from tax cuts, to agricultural subsidies, to health insurance protections. However, it should be noted that only a small fraction of bills introduced actually become law.

Most members of Congress have a personal interest in a limited number of issues; and it is in these areas they focus the majority of their policy-related efforts. In the development of legislation, the member generally sets the broad parameters of the policy proposals and the staff is left to fill in the details. As a result, the staff becomes the true experts on the issue and is responsible for melding the broad goals of the member into actual legislation. Generally, this involves a great deal of background research, lengthy negotiations with interested parties, and detailed conversations with the specialized legal experts that actually write the legislation. This process can take anywhere from a few months to a few years.

Members and their staff also work to draft amendments to legislation. Amendments are often offered and debated during consideration of the relevant legislation in the committees or before the full House and Senate. Many other measures are accepted in behind-the-scenes negotiations between members and staff. The amendment drafting

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<sup>6</sup> The National Democratic Institute, "Strengthening Legislative Capacity in Legislative-Executive Relations," p.4.

<sup>7</sup> The president is not elected by popular vote. Instead, the American voters elect members of the so-called "Electoral College" who, in turn, cast ballots for the president. This was a safeguard put in place by the architects of the Constitution in order to prevent the "passions" of the masses from electing a person unfit for the presidency. In the 2000 presidential elections, Al Gore actually won the popular vote but was not elected president because George Bush gained more electoral votes.

<sup>8</sup> Barbara Romzek, "Accountability of Congressional Staff," *Journal of Public Administration Research and Theory*, v.10 (April 2000), p.413.

## Introduction

There are three guiding principles of the United States government: First is the concept of republicanism in which the decisions of the government are made by elected or appointed officials who are ultimately responsible to the American people. Second is the principle of separation of powers in which the authority of the government is divided among three branches: the executive, legislative, and judicial branches. Despite the separation of powers, the three branches were not designed to act independent of each other because the third principle, that of checks and balances, which spreads some of the constitutional authority between the institutions. As a result, the three branches of the government are often dependent on each other in the policy-making process.<sup>1</sup>

The legislative branch – known as Congress – is further separated into two distinct institutions: The House of Representatives, which has 435 members that serve two-year terms, is based on proportional representation in which each member is responsible for approximately 700,000 citizens. The Senate has 100 members – two members from each of the 50 states – and they serve for six-year terms.

In the American system of government, the legislative branch plays a unique and important role in the political and legislative process. The architects of the Constitution gave Congress the sole authority to make laws and it is the only branch of government in which all its members are elected directly by the people. As a result, it is the institution most responsible for representing the needs and interests of the American public in the political process. Because of these constitutional duties, members of Congress have a wide range of responsibilities: making and passing legislation, overseeing the executive branch, conducting public hearings on matters of importance to the public, and serving as the link between their constituents and the federal government.

Because of the separation of powers concept, Congress has largely retained the powers granted to it in the Constitution.<sup>2</sup> However, because of the concept of checks and balances, there has been an ebb and flow in the law making prerogative of Congress. In particular, Congress saw a substantial erosion of its authority in the decades following World War II. It was not until constitutional abuses by a succession of presidents that Congress reasserted its institutional responsibilities in the early and mid-1970s.

One means by which Congress sought to regain an equal standing with the executive branch was to dramatically increase the quantity and quality of its staff. The congressional staff assist the members of Congress in every aspect of their official duties. Furthermore, Congress has established a number of agencies – such as the Congressional Budget Office and the General Accounting Office – to further assist the institution in its activities and to help ensure the legislative branch does not become subservient to the executive. These developments have had a number of benefits and drawbacks for the institution, its members, and the American people.

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<sup>1</sup> Alan Gitelson, Robert Dudley, and Melvin Dubnick, *American Government*, 4<sup>th</sup> ed., (Boston: Houghton Mifflin Co., 1996), pp.47-50.

<sup>2</sup> Alan Grant, *The American Political Process*, 5<sup>th</sup> ed., (Brookfield, VT: Dartmouth Publishing Co., 1994), p.29.

### **The Presidential System – the US Model**

Perhaps the greatest difference between a parliamentary government and the presidential system developed by the United States is that, unlike a parliamentary system, neither the American president, nor his cabinet, are members of the legislative branch. Instead, the American people elect the president separately from the individual members of Congress. The president is subject to an election every four years.

The National Democratic Institute (NDI) recently published a paper that outlined a series of characteristics of a presidential system. The first characteristic is that the president and Congress have their own electoral mandate. Because they are elected independently of each other, both the President and the members of Congress have the right to claim a mandate from the American people in their efforts to govern the nation. As a result, the president is not dependent on the legislature for his support, as may be the case in a parliamentary system.

Second, it is common to find instances of divided government in which different parties control the executive branch and the legislative branch. This was the case for six of the eight years of President Clinton's time in office in which the Republicans controlled Congress and President Clinton, a Democrat, controlled the executive branch. It is also true today. A Republican, George W. Bush, is President and Congress is divided between the Republicans, who have a majority in the House of Representatives, and the Democrats, who have a majority in the Senate.

Third, the legislature in a presidential system can remove a president, but only if the president has been found guilty of committing "high crimes and misdemeanors" by two-thirds of the Senate. This is a rarely invoked power in which only two presidents – Andrew Johnson and Bill Clinton – have faced an impeachment trial in the Senate. Because two-thirds of the senators did not vote for conviction, neither man was removed from office.

Fourth, the president has the authority to appoint and dismiss members of his cabinet. Under the Constitution, the Senate is given the authority to approve the heads of the federal agencies, but Congress does not wield significant power over the president's cabinet. Instead, the members of the cabinet are largely subservient to the interests of the president.<sup>3</sup>

### **The Growth of the Congressional Bureaucracy**

One consequence of the constitutional framework is a continual shift in the balance of power between the two branches. In times of national crisis or in the case of a president with a strong popular mandate, the executive branch tends to gain the upper hand. Conversely, if the same party controls Congress and the factors that might lead to a strong executive are not present, the legislature tends to be stronger. Even when the same political party controls both branches, institutional tension can exist as the Congress and executive attempt to protect and expand their power.

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<sup>3</sup> The National Democratic Institute, "Strengthening Legislative Capacity in Legislative-Executive Relations," Paper #6 (2000), p. 6.

**APPENDIX 4: PAPERS PRESENTED**

**Notes:**

- The participants will be divided into two groups. Each group will appoint a chairperson and a rapporteur. The rapporteur will record all the deliberations and report to the plenary.
- The resource persons will meet every evening to review the day's work and plan for the next day.
- The papers to be ready for photocopying by Tuesday 26 February 2002.
- The conference proceedings to be compiled soon after the conference
- Participants will be required to evaluate the workshop based on some agreed criteria to be worked out before the workshop.
- The facilitator will at some point on Day one explain to the participants what the expectations are.
- All workshop materials for the participants to be made available in folder on arrival at Mountain Lodge

**DAY THREE: FRIDAY 1<sup>st</sup> March, 2002.**

9.00A.M -9.45A.M	Managing Change in an Uncertain Environment- Sam Mwale (Deputy Director – SUNY- Kenya)
9.45A.M -10.30A.M	Facilitated Plenary Discussion- P. Omolo-Owino (Deputy Clerk)
10.30A.M -11.00A.M	<b>Coffee /Tea Break</b>
11.00A.M-13.00P.M	Group Work Group 1 facilitated by Johnson Group 2 facilitated by Mwale
13.00P.M - 14.00P.M	<b>Lunch</b>
14.00P.M-15.00P.M	Group Work continues
15.00P.M – 15.30P.M	Reports from Group 1 presented by the group Rapporteur
15.30P.M – 1600P.M	Discussion of group 1 Report (Chaired by Gichohi)
16.00P.M-16.20P.M	<b>Tea / Coffee break</b>
16.20P.M –17.00 P.M	Report from group 2 by rapporteur of group 2
17.00P.M-17.30P.M	Discussion of group 2 report (Chair Omolo Owino)
17.30P.M-18.30P.M	The Way Forward – Summary of workshop report by P.Wanyande
18.30P.M-19.30P.M	Closing Remarks –Patrick Gichohi (Deputy Clerk)

**DAY FOUR: SATURDAY 2<sup>nd</sup> March, 2002.**

8.00A.M	Check-out
9.00A.M	Bus depart for Nairobi

## **WORKSHOP FOR PARLIAMENTARY STAFF**

**VENUE: MOUNTAIN LODGE**

**DATES. 27 FEBRUARY – 2 MARCH 2002**

### **PROGRAMME**

**DAY ONE: WEDNESDAY 27 February 2002**

3.30P.M

- Depart for Mountain Lodge
- Arrival and registration

**DAY TWO: THURSDAY 28 February 2002**

- 9.00 A.M.- 10:00A.M      Opening Remarks (Peter Omolo, Deputy Clerk To National Assembly)
- 10.00A.M -10.30A.M.                      **Coffee Break**
- 10.30A.M - 11.15A.M      The Place of Parliament in a Democratic Society- P. Wanyande
- 11.15A.M-12.30P.M      Plenary Discussion. Deputy Clerk - Patrick Gichohi
- 12.30P.M - 14.00P.M                      **Lunch**
- 14.00P.M - 14.45P.M      Recent Changes in the status of Parliament - J. Johnson
- 14.45P.M -15.30P.M      Facilitated Plenary Discussions  
Patrick Gichohi (Deputy Clerk National Assembly)
- 15.30P.M-16.00P.M                      **Coffee Break**
- 16.00P.M -16.45P.M      The Role of Parliamentary Staff- Robert Ludke
- 16.45P.M-17.30P.M      Facilitated Plenary Discussion- Patrick Gichohi (Deputy Clerk)

**'Managing Change" Staff Workshop at Mt.Kenya Lodge-Nyeri  
27th February - 2nd March, 2002**

**List of Participants**

<b>Name</b>	<b>Affiliation</b>
1 Mr. P.G.Gichohi	Deputy Clerk
2 Mr P.C.O. Omolo	Deputy Clerk
3 Mr. J.M. Machanje	Hansard Editor
4 Mr.J.M.Mwania	Deputy Hansard Editor
5 Ms. Gladys Ingoyi	Assistant Hansard Editor
6 Ms. Anne Njoroge	Assistant Hansard Editor
7 Mr. I. Songoro	Librarian
8 Mrs. Esther Kamau	Librarian
9 Ms. Grace Mwakio	Librarian
10 Mr.B.R.M. Ndetei	Senior Principal Personnel Officer
11 Mr. J.M. Muchira	Accounts Controller
12 Mr. S.J.V. Makoma	Chief Accountant
13 Mr. Paul Gachiguah	Catering Manager
14 Mr.John Johnson	Director SUNY/IDG-Kenya
15 Mr. Sam. M. Mwale	Deputy Director SUNY/IDG-Kenya
16 Mr. Ludke Bob	Visiting Scholar
17 Prof. Peter Wanyande	Professor University of NBI
18 Francis Angila	Cida
19 Nancy Gitau	USAID

- Introduce tailor made courses for staff in the Hansard Division. They should understand the accepted parliamentary language. This kind of training should also focus on commonly used parliamentary terminologies
- Introduce or train staff of the Clerk's Chamber on report writing skills
- Conduct joint training between the Hansard and Clerk's chambers on parliamentary procedures
- Conduct courses on records management, research skills, and information retrieval, training in indexing.
- Provide for post-graduate training for existing staff of the library department
- The department also requires training on Public Relations.
- The staff of Accounts department should be sponsored to attend CPA courses
- Design a standard security course on investigation and intelligence for the Sergeant-at-Arms that is relevant to parliament
- Conduct First Aid courses and establish networks with other agencies that provide emergency services
- The staff of the division of sergeant-at-arms should also be trained on how to handle electronic surveillance equipment.

# Managing Change In An Uncertain Environment<sup>1</sup>

By Sam Mwamburi Mwale<sup>2</sup>

## **Introduction**

The word change brings out various responses in different people. One common reaction people have when faced with sudden change that they were unprepared for is confusion. When change comes in too rapidly and unexpectedly causing confusion, what most people do is sit in and wait for better times. The hope is that the experience one is undergoing will be short, and sooner or later sanity will return in the form of the familiar way of doing things. Only then will the confused person step out, in an environment where is some form of familiarity with the landscape.

A second response is an urgent search for certainty and security. In this case, instead of sitting in and waiting out change, one begins to face, and starts to take the steps that are necessary for their survival in the uncertain environment. So they begin to take hold of, and own some of the changes taking place, in this manner, begin to find some certainty and even security in the changing environment. With time, as they grasp even more elements of what is changing, their level of certainty and security grows, as does their confidence in adapting to change.

A third response, which is open to all, but rarely taken, is to recognize that while change is inevitable, nothing ever remains the same, it is not predictable or predetermined. Change is itself open to being changed and is open to influence. Those who recognize this, find themselves in a most interesting position, that of being agents of change, shaping its form and direction.

Keep in mind always that the outcomes of change depends on what we did yesterday, what we will do today, and what we will do tomorrow. In whatever change that will arise in our environment over the coming five years, we have three choices. To dig in, be passive, and in the process, be dragged along by events as we wait for certainty at unknown time in the future. Or to accept change, and look immediately what we recognize and hang on to this, thereby adapting ourselves to the changing environment. Or to look change in the eye, so to speak, and to realize that we can help create the future, by taking every opportunity to influence tomorrow's outcomes by today's action – thereby managing rather than coping with or coping out of change.

## **Attitudes Toward Change**

Attitudes towards change vary greatly. They are largely formed by the responses described above. They tend to be informed by what we think or believe changes means for us – will it be good or bad? If we think change will be good for us, we tend to

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<sup>1</sup> This paper is largely inspired by Dr. David Cormack's "Change Directions – New Ways Forward", Monarch Publications, 1995.

<sup>2</sup> Deputy Director, SUNY-IDG Kenya. The views in this paper are the author's only.

support. If we think it will be bad for us, we tend to oppose it. Individual values and principles, as well as current benefits and costs as opposed to future benefits and costs, are main determinants of whether we will tend to support or oppose change.

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Those who believe they have learned all they need to learn, and they know all they need to know, and the status quo is as good as it gets are usually completely committed to preserving or maintaining things as they are. They will tend to strongly oppose any new ideas, any new ways of doing things, or any movement that will alter the status quo. For such people, change is seen as bad, or wrong, and must be avoided at all costs. They are also those who believe that everything can be changed there is nothing worthy of preserving or maintaining, and that that anything and everything can be changed at any time. These ones tend to wish to overthrow the existing order as quickly as possible, and bring in a totally new order. The former we call traditionalists, and the latter we can call radicals or revolutionaries.

They are those who believe that many of the traditions of the institution are sound, but there is need to accommodate the changing environment in which parliament for example is operating. These minimal changes would allow the institution to prosper in its new environment without losing its roots. These are conservatives, who can be contrasted with the progressives, who believe that while some of the traditions of say parliament are sound, a greater number needed to be changed as they have become outdated, and that parliament would need to develop and adopt new principles and values, without losing the few traditions that are still sound, in order to prosper in the new environment.

Let's put it this way. Consider the example of a fruit tree, of say an orange tree, and a farmer who must adapt to new market demands. A traditionalist farmer would unswervingly believe in his tree and its fruit, and leave it to itself to produce fruit as it always has done, the market demands be damned. Conservatives, who may want larger and juicier oranges, will trim, prune, water, or fertilize the tree so as to achieve the better fruit hoping to meet the market demands. The progressive will shop for the new variety that will meet market demands, and having found it graft it on the stem and roots of the old tree with is adapted to local conditions. The radical will uproot the old tree, turn into firewood, and plant the new one that meets market demands, without fully considering whether or not the new variety is adaptable to the local conditions.

Most people are in the middle. They are either conservatives or progressives. The problem is that the radicals are usually very loud, while the traditionalists are equally loud. Whenever change is contemplated, the most vocal voices with those who are totally satisfied with the status quo and are completely opposed to change, and those who are totally dissatisfied with the status quo and are totally committed to changing everything. Usually, the traditionalist hold the power and authority in the institution, often seeing themselves as guardians of a tradition, a legacy, and of a way of doing things that can never be matched. The radicals are usually people who are totally outside of the system, have been outsiders for as long as anyone can remember, and have very little chance of ever becoming insiders under the status quo. Radical change would make them insiders, and turn out the traditionalists into the outer darkness.

## The Change Leaders

Given that the traditionalists wish to have no change at all, and are loud about it, and the radicals want everything to change right now -- how then can sensible change take place?

The first indicator of whether or not sensible change will take place, surprisingly, is the level of discontent. Unhappiness is good then when it comes to change, and discontent is necessary for positive change. If parliament remains content, complacent, self-satisfied and self-congratulating, it decline into irrelevance even as it clings to its traditions. If parliament is too discontented, full of angry and frustrated people, and ripe for takeover by radicals, the fear of such radical change by the majority of its conservatives and progressives will also lead to apathy.

However, in real life, conservatives and progressives, despite being in the majority tend to work at cross-purposes, although they actually have a lot in common. The progressives tend to see the conservatives as traditionalists in disguise, while conservatives will often see progressives as camouflaged radicals, who would show their true colors once in power. As a result, the conservatives often find themselves in an uneasy alliance with the traditionalists in blocking necessary changes, while progressives are surprised by how they increasingly sounding radical. The beneficiaries of these misunderstanding among should be allies is that both wings cede their numbers and power back to the far fewer but noisier traditionalists and radicals. Unless there is a tiebreaker, such a change process becomes increasingly unpredictable, depending on which coalition has the upper hand. This creates a very messy process in which staff are apathetic waiting out the struggle between the factions to see which one wins, and then prepare to cope with return to some sanity, certainty and predictability of a traditionalist-conservative minimalist change, or progressive-radical fundamental change.

To have effective change, a tiebreaker is needed, a sort fifth columnist, the honest broker, whom all four factions trust and are willing to take counsel from. It is these fifth columnists, whom we may call conservative progressives or progressive conservatives, who are able to hold the center. They are often a silent but powerful few that understand change is necessary, but people view change differently. The traditionalists need to be encouraged to change, and be assured their experience, principles, values, and institutions are not totally irrelevant to the future. The radicals need to be cautioned that all change is not necessarily good, and any meaningful change must be rooted in the experience, principles, and institutions i.e., in the cultural space of those who would implement it.

If the conservative progressives are the more influential, then that society is likely to undergo orderly progressive change is substantial and yet recognizable and acceptable to most traditionalists. Even the radicals will come around to the change with time, as they see real progress is being made, if only to hasten the process. If the progressive conservatives are the more influential, then the society will undergo orderly and fundamental change that will sufficiently please the radicals, but also draw support from most of the conservatives. Even the traditionalists will come around, as they are increasingly able to identify a few things they could support, if only to end the process.

Any society, institution, or group going through or contemplating change must identify its conservative progressives or progressive conservatives – let's call them the beacons of change. Such beacons include Mahatma Gandhi, Martin Luther King Jr, Nelson Mandela, Jomo Kenyatta, and the like. It around such people that all factions find themselves assured of their wellbeing. Whether or not they are in formal leadership, such individuals eventually become the champions of change, and even win the somewhat reluctant admiration and support of traditionalists and radicals.

### **The Change Customers**

Having said all of the above, it still remains true that even in institutions that are ready to change, the various would be recipients or makers of change are of different characters. Those charged with leading this change, the beacons of change, need to understand these types, if only to be able to manage them positively. Therefore even as parliament contemplates change, each department, division, and section faces its most important test – how to manage the individuals in it. Every one of us can identify with some of these examples given below:

1. **The Steady Traditionalists:** These are steady, reliable, predictable and stable folks who believe as things were, so they are, and will continue to be – meaning they are staunch traditionalists, who will find it difficult to imagine a future different from the present. Since they value continuity, they may have great difficulty in seeing the need for change. They are often underestimated in terms of their ability to stymie change because they do not make as much noise as other traditionalists. In reality, they are truly effective in blocking change, since all they do is to continue in the old ways in their steady, reliable, and predictable way, avoiding the new ways as much as possible.
2. **The Diehard/Good Old Days Traditionalists:** They tend to be life's pessimists. The future is all behind them. They live in yesterday, in the good old days when things worked, and not like today when everything is falling apart. They dare not think about tomorrow for it shall surely be worse. While they are realistic enough to know that the good old days will never come again, they still spend all their time to revisit them. They are reluctant to think about tomorrow, and when it comes to change, they tend to underestimate what is possible. They will tend to avoid long or even short-term goal setting, preferring to manage by fudging or following past precedents. They will oppose any change taking them away from the good old days.
3. **The Transitional Conservatives:** For these people, life is full transitions. The past was good, the present is somewhat uncomfortable, but the future is bright. Usually the transitionalists are postponed optimists, things will get better but not yet. So because of this tendency, they tend to put off things, just for a little while of course- let's wait a while until things get better! This makes them some of the greatest procrastinators. As a result they'll do little to advance the course of change because of course they are waiting till the transitions are over, and things are better. They will keep putting off changes until they are overtaken by events, hence the reason their present is always somewhat uncomfortable!

4. The Here and Now Conservatives: Life tends to very busy of these conservatives, for whom only today is of significance. In their view, the world is a very uncertain and unpredictable place, therefore planning for the future is a waste time. And since the world changes so quickly, the best thing is to flow with the changes living now. They don't mind changes as long as they don't require long-term thinking. As result, these conservatives tend to be short-term in their thinking, and more reactive than proactive.
5. The Thoughtful Conservatives: These are thoughtful people who are very clear about where they have been, and know that their future is dependent on the present. Since they can makes all kinds of connections between the past, present, and future, they will tend to be cautious. Decisions made today will affect their tomorrow, therefore they take time to think it out again. Their main problem is because of such exhaustive thinking, they tend to suffer from indecision, and caution becomes the name of the game. Under such leadership, change can be very slow, perhaps too slow, because they will only move when they are sure.
6. The Conservative Progressives or Progressive Conservatives: These beacons of change are extremely rare. They tend to be sensitive the feelings of others. They tend to consider the past and future in their decision, but unlike the thoughtful conservatives, they also like to ask what effect the change will have on the people. They are good at making changes that will positively affect people. However, because they look too closely at changes in terms of how they affect people, this same thoughtfulness makes tend towards avoiding conflict. This means they find it difficult to take tough decisions, so that their tentativeness may end up slowing change.
7. The Butterfly Progressives: These are dynamic, imaginative, and creative folks who believe things have been good, they are becoming better now, and the future hold great promise. They are not afraid doing new things or taking new opportunities, and take advantage of every new opportunity that comes their way. The only problem is that they tend to overestimate what is possible, and therefore will follow lots of new initiatives without prioritizing or considering the cost. They are likely to be overwhelmed by so many new starts and half-finished activities.
8. The Expansive Progressives: These are dynamic people, who make the best entrepreneurs. For them, life is full of opportunities for a better future. There are often strong in their thinking, and make strong leaders. But being fast movers, they move too fast for the people, and often have no time or patience for the weak or slow ones. They are focused on tasks rather than people, and they are likely to be insensitive team members. However, they are most likely to make change happen, except that during the change their willingness to take casualties makes their leadership a painful but productive one.
9. The Radicals: They are full enthusiasm for the new. They just love new ideas and things, and will put their energy into any new project for a while, but they do not have staying power, and quickly lose interest with passage of time. So they will move on to the next new project, cause, or idea. Their reason for existence is to change the world, as often as possible. If there is no change happening around them, they can be counted to on to create it. However, like the butterfly progressive, they have difficult in completing what they start – and prefer to leave the details to others.

## Creating A Purpose and Vision

Now we have to come to the place where we begin the process of implementing change. There can be no meaningful change unless the management revisits and clarifies to all involved in the change what the parliamentary staff's purpose, values, vision, and mission are. Let us define these terms so that we have common understanding of them.

Purpose: This is the business the parliamentary service is in i.e., the reason for its existence. This is unlikely to change, since the service was established to serve the institution of parliament, although dramatic changes in the Constitution or other laws may modify it. Every individual in the service needs to know the purpose of the parliamentary service, simply because this will be a unifying reminder to all no matter how different the divisions, and sections are.

Values: This how the service or division runs. The principles, guidelines, regulations, traditions, and customs that guide the service or division's behavior are its values. If it is not written down somewhere, it is worth the effort putting together a Values Statement for service or division. Values are what those in the service or division believe in and practice regularly. They provide the old hands and new recruits a common ethos that helps them make decisions, and do their work properly. For example, the clerical division could have amongst its values a commitment to ensure that each Member of Parliament receives the most competent procedural advice on request.

Vision: This is what the service or division aspires to, and should not be confused with purpose. Visions are future oriented, indicating what is to come. For example, a vision statement is a short summary statement of where the service or division hopes to be at the end of the 9<sup>th</sup> parliament. A vision should be directly related to purpose, inspire the service or division to higher achievement, be short enough to be memorized, be developed by involving all those who are to make it happen so that they have ownership of it. For example, the library division could have as its vision, a fully computerized library service by 2007.

Mission: This is a description of a task, and implies a temporary activity or activities that are working out of the vision and purpose. It is basically a short statement of how the service or division intends to achieve its vision. For example, the security division could have as its mission to secure all entrances to all of the parliament buildings within a year of the 9<sup>th</sup> parliament.

## Understanding The Stages of Change

Studies on organizational change show that there usually about 5 or so stages of change.

1<sup>st</sup> Phase: This is when key leaders in the organization become aware of the need or possibility of change. At this stage, there are very few change agents, and few if any people will support those calling for change. But if they persist, if they are able to explain clearly their dreams, and influence those who have the power and authority to initiate the

process, then change begins. During this phase, the change movers are in a discovery phase, tend to be very creative, but until authorized discuss informally. They also maintain a risk-taking and flexible approach to making their dream more appealing to those who have the power to make it real.

2<sup>nd</sup> Phase: By this time, one or two influential individuals have been won over, and have given a cautious ok to the change. At the same time, more and more people discontented with the status quo are finding their voice providing growing numbers of change converts. Yet, the change-movers, even as they expand, taking advantage of the cautious go-ahead, become less risk-taking, and instead seek to achieve some measurable milestones. At this time, since their change is not a threat yet to the status quo, the change movers have the room to keep moving, even if slowly. The danger is not moving, following which the change movement dies.

3<sup>rd</sup> Phase: If the change managers have managed to make the case, and show a lot of benefits, many people become joiners to the change, largely for themselves. The opportunists who are interested only in their selfish ends are dangerous to the change process. The change movers need to manage and control the process, so that it does not end by being crashed out of control by the self-seekers. Many change movements have died at this stage because they failed to recognize and deal with self-seekers. It is therefore important to identify and as far as possible, manage the problem of gold-seekers.

4<sup>th</sup> Phase: By this phase the momentum has been built so that the changes cannot be ignored. This phase is characterized by conflict. It is also at this point that the change movement is most vulnerable to counterattack. The traditionalists who have been in control or benefited from the status quo, and bent on preserving the status quo who will attack relentlessly, looking for any weaknesses. They will gleefully expose any damaging activities and actions. However, if the change managers were able to control the self-seekers and their destructive activities in the 3<sup>rd</sup> phase, they should be able to withstand their assaults, and with the numbers and powers on their side be able to entrench the changes as the new status quo.

5<sup>th</sup> Phase: The new status quo is now in place. By this time, conflict has ended, and ordinary people can benefit from the changes that have taken place. Those who were too weak or fearful to fight for change, are now able to thrive in the new environment, but once again, the visionaries will be considering the next change movement.

## **Conclusions**

The change leaders need to pace change so as to gain sufficient momentum to prevent apathy, and yet at the same time, not to go so fast as to precipitate a crisis. How then can change leaders raise the level of interest and commitment high enough to overcome apathy or crisis? By communicating clearly on what is expected.

First the problems of current practices that led to change must be communicated clearly, and understood. As long as people don't understand why they are changing, they will

develop apathy and have an attitude of we don't need this change anyway. Second, the vision must be attractive, inspiring and owned by everyone. Without a clear vision, there will not be sufficient interest and motivation for change. Third, the cost of the change must be addressed. All change has a cost, financial, technical, and even in terms of human resources. If it is shown the cost staying where we are now is greater than that of moving forward, even reluctant people will finally accept the change. Third, do not be afraid of going slowly, only of standing still. Fourth, avoid U-turns. Fifth, imposition creates resistance. Sixth, give as much control over the change as you can to others. Seventh, communicate, communicate, communicate.

Finally, the process of change will depend on these four factors. First, the leadership style, is it participative or directive? Second, the communication flow, is it top down or free flow? Third, the management focus- is it backward or forward looking. Fourth, the attitude to success and failure – is to blame others or take ownership of both and learn from each achievement?

However, all these can only be done if there is an effective change communication strategy.