

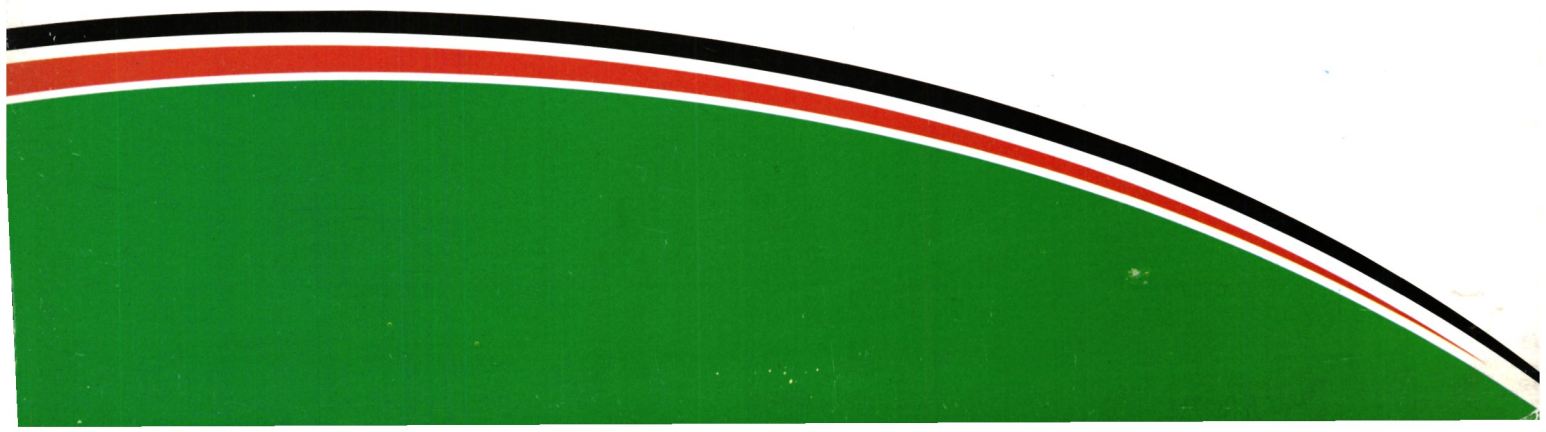
PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

**REPORT
OF
THE LEADER OF MAJORITY PARTY
IN THE 11TH PARLIAMENT**

MARCH 2013 - JUNE 2017





HON. ADEN DUALE, E.G.H, M.P

Profile of the Hon. Aden Duale, EGH, MP

The great American statesman Harry S. Truman once observed that men make history and not the other way around. In era's deficient of quality leadership, society virtually comes to a standstill. Progress is only guaranteed when courageous, skillful leaders seize the opportunity to change things for the better. This observation by the 33rd President of the United States can be used to describe the passion and dexterity with which the Hon Aden Bare Duale executed the duty of the first Leader of Majority Party in the National Assembly. Born in 1969 in Garissa County, of the then North Eastern Province, young Duale joined Boys Town Primary School in 1975 and then proceeded to Garissa High School in 1982 and thereafter, Moi Forces Academy in 1986 where he completed his secondary education. He holds a Bachelor's Degree in Economics from Moi University and a Master's Degree in Business Administration from Jomo Kenyatta University of Agriculture and Technology.

Throughout his career, he has undertaken several professional courses which include Conflict Management, Project Management, Livestock Marketing & Value Chain, Livestock Cross-Border Trade, Animal Disease & Traceability System, and Conflict Resolution & Peace Building. This exposure has equipped him with relevant skills to handle the social and economic problems facing the people of Garissa and Kenya at large.

Hon. Duale started his career as a graduate teacher at Sankuri Secondary School in 1992. He later joined Kenya Broadcasting Corporation (KBC) in 1999 as a Director and served up to 2003. He is an accomplished businessman and strategist and to this end he has served in several organizational boards and advisory committees. He was a founder member and Chief Executive Officer of the Livestock Marketing Society of Kenya.

He was first elected to Parliament in 2007 to represent the people of Dujis Constituency and in April 2008, H.E. President Mwai Kibaki appointed him as an Assistant Minister for Livestock in the then Grand Coalition Government. While serving in the Ministry of Livestock and in the Orange Democratic Movement (ODM) Party, Hon. Duale spared no effort and resources in his endeavor to serve Kenyans. He rolled up his sleeves and went about his duties with missionary-like zeal. He has served in other crucial roles most notably in the realization of the new Constitution of Kenya 2010 where he served as the North Eastern Province 'YES' Team Leader. He was also the ODM National Vice Chairman in charge of Political Affairs until 2011 when he differed with his party leadership on policy matters.

Following that disagreement and inspired by the words of Vietnamese leader Ho Chi Minh who said: "Remember, the storm is a good opportunity for the pine and the cypress to show their strength and their stability" and prior to the 2013 General Elections, Hon. Duale and Hon. William Ruto formed the United Republican Party (URP). Thereafter, having emerged victorious at the Elections, the United Republican Party and The National Alliance (TNA) led by H.E President Uhuru Kenyatta, consolidated to form the Jubilee Alliance.

Dujis Constituency was later split into two Constituencies namely Garissa Township and Balambala. Hon. Duale contested to represent the newly created Garissa Town Constituency as its Member of Parliament under the URP Party during the 2013 General Elections. He was overwhelmingly re-elected on the strength of his development record, commitment to his constituents and his practical approach to social and economic challenges facing his people. He garnered an overwhelming 9,847 votes and beating his opponent in the Orange Democratic Movement.

Hon. Duale who was unanimously elected the Leader of Majority Party in the National Assembly in the 11th Parliament. He has played a vital part in the legislative role of Parliament and as the link to the Executive arm of the Government.

His Values and Principles

Hon. Duale is a staunch Muslim who does his five daily prayers, is married and has five children. He holds a lot of value in the family unit as demonstrated in many of his public speeches and indeed his personal affairs. He has continued to encourage and inspire his people to build their lives around their loved ones and maintain unity and togetherness. In addition, he is strongly advocates for peace, reconciliation and national development.



Hon. Aden Duale, EGH, MP addressing the nation in June 2016 following a resolution to form a Joint Parliamentary Select Committee to deliberate on the IEBC stalemate. In- attendance is H.E. President Uburu Kenyatta, EGH, H.E the Deputy President William Ruto, EGH, and leaders & members of the Jubilee Party.

Acknowledgement

I wish to first and foremost thank God for His good tidings and blessings upon myself, my family, the leadership of this great country, fellow Kenyans and all people across the globe. I further wish to extend my heartfelt gratitude to H.E the President of the Republic of Kenya, H.E. Uhuru Kenyatta, H.E. the Deputy President William Ruto, the Speaker of the National Assembly Hon. Justin B.N. Muturi, the leadership of both Houses, the Government in general and the Jubilee Party for having shown great faith in me as exemplified by the massive support accorded to me as the Leader of the Majority Party in the National Assembly. Their unreserved cooperation is truly appreciated. In addition, I further wish to acknowledge the support accorded by our brothers and sisters in the CORD Coalition in pursuant of democracy.

I also wish to thank staff of Parliament led by the Clerk of the National Assembly Mr. Michael Sialai and the former Clerk Mr. Justin Bundi, my office staff including Ms. Sylvia Ocharo, Ms. Fatuma Aden, Ms. Dorothy Njagu, Mr. Muhyadin Abdi and Mr. Hiram Omondi.

HON. ADEN DUALE, E.G.H, M.P

Preamble

The Eleventh Parliament is the first Parliament to incorporate the structural reforms laid out in the 2010 Constitution, which re-established the Senate and increased the size of the National Assembly from 224 Members to 349 Members.

Kenya ushered in a new Constitution in 2010. Prior to this, the country's constitutional order was largely based on the Westminster model, which had been immensely altered through a myriad of amendments. The pecking order was generally hazy and sometimes improperly defined, especially in situations where a minister other than the Vice-President was also the Leader of Government Business in Parliament.

In the current dispensation, a powerful office emerged, which also transcends one arm of government. This is the Office of the Leader of the Majority Party. Some analysts have attempted to equate this office as presently constituted with that of the Leader of Government Business.

The Hon. Aden Duale, M.P served as the first Leader of the Majority Party in the National Assembly, thus he was tasked with setting precedence on the roles of future Leaders of the Majority Party in the House. In absence of Ministers in the House, the Leader of the Majority Party remained a crucial person in pushing the agenda of the Government. The practice is akin to the congressional system of the United States of America. In the United States, the House of Representatives, with its large membership, has chosen majority and minority leaders since the 19th Century to expedite legislative business and to keep their parties united.

ESTABLISHMENT OF THE OFFICE OF THE LEADER OF THE MAJORITY PARTY

Article 108 (2) of the Constitution of Kenya, 2010 provides for the Office of the Leader of the Majority Party. It specifies that the Leader of the Majority Party is the leader in the National Assembly of the largest party or coalition of parties. The rules of procedure in the National Assembly (i.e. the Standing Orders) give effect to the Constitutional provisions by prescribing the manner in which the Leader of the Majority Party is elected to Office.

Standing Order 19 provides that:

19. “(1) The largest party or coalition of parties in the National Assembly shall elect-

(a) a member of the National Assembly belonging to the party or coalition of parties to be the Leader of the Majority Party;

(b) a member of the National Assembly belonging to the party or coalition of parties to be the Deputy Leader of the Majority Party.

(2) In electing members under paragraph (1), the largest party or coalition of parties in the National Assembly shall take into account-

(a) any existing coalition agreement entered into pursuant to the Political Parties Act;

(b) the need for gender balance.

(3) A member elected under paragraph (2) may be removed by a majority of votes of all members of the largest party or coalition of parties in the National Assembly.”

Pursuant to this provision, the Hon. Aden Duale, M.P and and Hon Naomi Shaban, MP were duly elected as the First Leader and Deputy Leader of the Majority Party respectively during a convention held at the Safari Park Hotel in March 2013 attended by all members of the Jubilee Coalition and its leadership including His Excellence the President and H.E. the Deputy Presidents. The decision was thereafter formally conveyed to the Speaker of the National Assembly and subsequently communicated to the House.

The Constitution specifically creates the Office the Leader of the Majority Party and specifies the order of precedence by recognizing the Leader of the Majority Party as being second to the Speaker.

COMPARATIVE JURISDICTION:

LEADER OF THE MAJORITY IN THE UNITED STATES

The United States Congress is made up of the House of Representatives and the Senate. The House of Representatives, with its 435-strong membership, has chosen majority and minority leaders since the 19th Century to expedite legislative business and to keep their parties united. These leaders are elected every two years through secret balloting of the party caucus. The majority leader is elected by U.S. Congressmen in the political party holding the largest number of seats in the House. While the responsibilities vary depending on the political climate, the Majority Leader of the United States House of Representatives typically sets the floor agenda and oversees committee chairmen. This is not very different from the practice developing in Kenya's nascent democracy under the new Constitution. In the United States Senate, with its 100-strong membership, the Majority Leader is the chief spokesperson of the majority party.

The role of the majority leader has largely a matter of practice historical practices and tradition. The office holder is charged with scheduling legislation for floor consideration; planning the daily, weekly, and annual legislative agendas; consulting with Members to gauge party sentiments; and generally working to advance the goals and agenda of the majority party.

The majority leader is often assisted in his role by Whips, whose job is to enforce party discipline on votes deemed to be crucial by the party leadership and to ensure that members vote along predetermined party positions.

THE LEADER OF MAJORITY PARTY IN THE KENYA NATIONAL ASSEMBLY

During the 11th Parliament, the Leader of the Majority Party oversaw the passage of key legislation, statements and Motions that shaped the policy of the Government of Kenya towards ensuring the social, economic and political development of the country. He worked tirelessly in performing his responsibilities and did so diligently. Hon. Duale was greatly inspired by Ronald Reagan, the 40th President of the United States, who worked diligently and executed his duties effectively. His philosophy of life which the Leader of Majority gives regard to was that once conferred with a duty to perform, one must make up his or her mind and work hard towards that goal without losing focus. Hon. Duale leaves behind a legacy of having executed his duties with great dedication and commitment which ensured excellent service delivery to the people of Kenya. His tasks and responsibilities are precedent-setting.



Hon. Aden Duale during the EALA nomination briefing in County Hall Chambers

Duties of the Leader of Majority Party:-

- a) Combines the duties and functions of the Leader of Government Business with the extra powers as understood in the American system. The Leader of the Majority Party heads legislative programmes of the Government (i.e. the Executive) in the House, scheduling legislation for floor consideration, and helping plan daily, weekly and annual legislative agendas.
- b) Works closely with the Speaker and Party Whips and consults with Members to gauge their sentiment on various issues. He urges his colleagues to either support or oppose resolutions on the floor, and communicates the position of his party to the House.
- c) All Government appointments and positions that must be vetted by Parliament typically get to his Office first before being introduced in plenary. These include Cabinet Secretaries, Principal Secretaries, Ambassadors, High Commissioners and other constitutional office-holders.
- d) Communicates the Government's position to party members and the members' sentiments to the Government. In essence, he is the coordinator of Government activities in the House. He is in essence the party spokesman in view of the fact that he is elected at the party's caucus.
- e) Sits in the **House Business Committee** pursuant to the provisions of the National Assembly Standing Orders. The Committee performs the following functions; Prepares and if necessary adjusts the Parliamentary Calendar with approval of the House, oversees the implementation of the House Business and programmes,

implements Standing Orders respecting the scheduling of business of the House, determines the order in which the reports of committees are to be debated, may issue directive to prioritize or postpone any business of the House, seeking concurrence of the Leader of Majority Party or the Leader of Minority Party as may be the case and considers other matters connected to the business of the House

- f) Is the **Chairperson of the Committee on Selection**. As a chairperson, he presides over the meetings of the committee and is the spokesperson of the committee. The Committee nominates in consultation with parliamentary parties, Members to serve in various Committees of the National Assembly (save for membership of the House Business Committee and the Committee on Appointments).
- g) Is a member of the **Committee on Appointments**. The Committee considers, for approval by the House, appointments of Cabinet Secretaries.

ACHIEVEMENTS OF THE LEADER OF MAJORITY PARTY

As the first occupant of the office, the Leader of the Majority Party established structures to ensure the smooth running of the office. His staff include: Legal Officers, Researcher, Clerk Assistants, Secretaries, Personal Assistant and Office Assistant.

During his tenure in the Eleventh Parliament, Hon. Duale constantly consulted individual Members of Parliament (MPs), Committee Chairpersons, the leadership of the governing Jubilee Party as well as the leadership of the CORD Coalition and the staff of Parliament in order to achieve consensus in the passage of Bills, Motions and Committee Reports. The Office of the Leader of Majority Party was the central processing and coordination point within the National Assembly for all requests for legislative proposals emanating from Government Ministries and Departments. The Leader of Majority Party served as the mover and signatory of all Government Bills.



H.E the President assenting Bills into law, in the presence of the Attorney General Prof. Githu Muigai, the Speaker of the National Assembly Hon Justin Muturi, Hon Duale, Hon Johnson Sakaja and the Former Clerk Mr. Justin Bundi

GOVERNMENT BILLS SPONSORED BY THE LEADER OF THE MAJORITY PARTY

Hon. Duale sponsored and oversaw the passage of various Bills during the term of the 11th Parliament, which are categorized as follows:

- A. Bills enacted to implement the Constitution pursuant to Article 261 and the Fifth Schedule to the Constitution;
- B. Ordinary Government Bills passed and assented to since 2013
- C. Other Ordinary Government Bills Passed;
- D. Pending Government Bills

Bills enacted to implement the Constitution pursuant to Article 261 and the Fifth Schedule to the Constitution-

Following the passage of the Constitution of Kenya, 2010 and in accordance to the Fifth Schedule to the Constitution, the 11th Parliament was scheduled to enact legislation to implement the Constitution within specified timelines. The 11th Parliament rose to the occasion and was able to pass all the 27 legislation required to implement the Constitution save for that of the two third gender rule which was left in abeyance by the time of Sine Die Recess. All these legislations were introduced and sponsored in the National Assembly by the Leader of Majority Party, and they include:-

1. The Matrimonial Property Bill, 2013;
2. The Protection Against Domestic Violence Bill, 2013;
3. The Kenya Information Communications (Amendment) Bill, 2013;
4. The Media Council Bill, 2013;
5. The Fair Administrative Billion Bill, 2014;
6. The Victims Protection Bill, 2014;
7. The Persons Deprived of Liberty Bill, 2014;
8. The Environment Management and Coordination (Amendment)Bill, 2014;
9. The Prevention and Control of Marine Pollution Bill, 2014;
10. The Public Audit Bill, 2014;
11. The Public Procurement and Asset Disposal Bill, 2014;
12. The Public Service (Values and Principles) Bill, 2014;
13. The Marriage Bill 2014;
14. The Mining Bill, 2014;
15. The Judiciary Fund Bill, 2015;
16. The Forest Conservation and Management Bill, 2016;
17. The Protection of Traditional Knowledge and Traditional Cultural Expressions Bill, 2016;
18. The Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2016;
19. The Community Land Bill, 2016;
20. The Land Laws(Amendment) Bill, 2016;

21. The Seeds and Plant Varieties (Amendment) Bill, 2016;
22. The Access to Information Bill, 2016;
23. The Organization and Administration of the Court of Appeal Bill, 2016;
24. The Organization and Administration of the High Court Bill, 2016;
25. The Small Claims Court Bill, 2016;
26. The Magistrates Court Bill, 2016;
27. The Legal Aid Bill, 2016.



President Ubukenyatta at State House Nairobi signing 9 Bills into law in June 2017. These included the Division of Revenue Bill 2017, the Finance Bill (2017), Supplementary Appropriation Bill (2017), Insurance Amendment Bill (2017), Health Bill (2015), Hydrologist Bill (2016), the Clinical Officers Bill (2016), Basic Education Amendment Bill(2016) and National Coroners Service Bill (2016).

Ordinary Government Bills passed and assented since 2013

These pieces of legislations emanated from various Ministries and were sponsored by the Leader of Majority Party in the National Assembly. They were passed in the term of the 11th Parliament and assented to by the President. These include;

1. The Truth, Justice and Reconciliation (Amendment) Bill, 2013
2. The Division of Revenue Bill, 2013
3. The Wildlife Conservation and Management Bill, 2013
4. The County Allocation of Revenue Bill, 2013
5. The National Social Security Fund Bill, 2013
6. The National Police Service (Amendment) Bill, 2013
7. The Kenya Heroes Bill, 2013
8. The National Flags, Emblems and Names (Amendment) Bill, 2013
9. The Public Finance Management (Amendment) Bill, 2014
10. The National Police Service Commission (Amendment) No. 18 Bill, 2013
11. The National Police Service (Amendment) No. 18 Bill, 2013
12. The Division of Revenue Bill, 2014
13. The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 24 of 2014)
14. The Security Laws Amendment Bill, 2014
15. The Companies Bill, 2015
16. The Insolvency Bill, 2015
17. The Special Economic Zones Bill, 2015
18. The Business Registration Service Bill, 2015
19. The Companies Bill and Insolvency Legislation (Consequential Amendments) Bill, 2015
20. The Division of Revenue Bill, 2016
21. The Anti-doping Bill, 2016
22. The Anti-doping (Amendment) Bill, 2016
23. The Statute Law (Miscellaneous Amendments) Bill, 2014
24. The Statute Law (Miscellaneous Amendments) (No.2) Bill 2013
25. The Excise Duty Bill, 2015
26. The Prohibition of Anti-Personnel Mines Bill, 2014
27. The Transfer of Prisoners Bill 2014
28. The Statute Law (Miscellaneous Amendments) (No.57) Bill 2015
29. The Supplementary Appropriations Bill, 2016
30. The Private Security Regulation Bill, 2014
31. The Tax Procedures Bill, 2015
32. The Controller Budget Bill, 2015
33. The Miscellaneous Fees and Levies Bill, 2015
34. The Civil Aviation (Amendment) Bill, 2016
35. The Water Bill, 2014
36. The Kenya Regiment (Territorial Force) (Repeal) Bill, 2015
37. The Election Laws (Amendment) Bill, 2016
38. The Election Offences Bill, 2016

39. The Bribery Bill, 2016
40. The Witness Protection (Amendment) Bill, 2016
41. The Universities (Amendment) Bill, 2015
42. The Insurance (Amendment) Bill, 2016
43. The Competition (Amendment) Bill, 2016
44. The Contempt of Court Bill, 2016
45. The Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2015
46. The Privatization (Amendment) Bill, 2016
47. The Prevention of Torture Bill, 2016
48. The Movable Property Security Rights Bill, 2016
49. The National Coroners Service Bill, 2016
50. The Statute Law (Miscellaneous Amendments) Bill, 2016
51. The Public Service Commission Bill, 2016
52. The Insurance (Amendment) Bill, 2017
53. The Health Bill, 2015
54. The Hydrologists Bill, 2016

Other Ordinary Government Bills passed in the National Assembly

The following 20 Bills which were sponsored by the Leader of Majority Party were debated and passed by the 11th Parliament but have not been assented to become law.

1. The Kenya Qualifications Framework Bill, 2013
2. The Persons Deprived of Liberty Bill, 2014
3. The Scrap Metal Bill, 2014
4. The Law Society of Kenya Bill, 2013
5. The Fisheries Management and Development Bill, 2014
6. The Kenya Roads Bill, 2015
7. The Warehouse Receipts System Bill, 2015
8. The Kenya Defence Forces (Amendment) Bill, 2015
9. The Land Value Index Laws (Amendment) Bill, 2016 (forwarded to Senate)
10. The Public Finance Management (Amendment) Bill, 2015
11. The Public Private Partnership (Amendment) Bill, 2016
12. The Sacco Societies (Amendment) Bill, 2016
13. The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2016
14. The Nairobi International Financial Center Bill, 2016
15. The President's Award Bill, 2017
16. The Legal Metrology Bill, 2017
17. The Companies (Amendment) Bill, 2017

Pending Bills

By the time of the Sine Die Recess Period of the 11th Parliament on June 15, 2017 the following pieces of legislative proposals sponsored by the Leader of Majority Party were left pending, while some of the Bills had already been sent to Senate, others were left in abeyance at First Reading.

1. The Physical Planning Bill, 2015- the Bill passed by the National Assembly on 16/12/2015 and forwarded to the Senate for consideration. The Bill still pending at the Senate.
2. The Energy Bill, 2015- the Bill referred back by the President to Parliament in terms of Article 115 of the Constitution.
3. The Petroleum Exploration and Production Bill, 2015- Bill referred back by the President to Parliament in terms of Article 115 of the Constitution.
4. The Data Protection Bill, 2015- the Bill was not forwarded by the Attorney-General to Parliament for processing.
5. There were 5 Government Bills sponsored by the Leader of Majority Party were left in abeyance at Second Reading in the National Assembly. These include-
 - a. The Constitution of Kenya (Amendment) No. 6 Bill, 2015
 - b. The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2017
 - c. The Parliamentary Service Bill, 2017
 - d. The Building Surveyors Bill, 2017
 - e. The Election Offences (Amendment) Bill, 2017
6. Two Government Bills sponsored by the Leader of Majority Party were also left in abeyance at pending First Reading. They are -
 - a) The Computer and Cyber Crime Bill, 2017
 - b) The Copyright (Amendment) Bill, 2017
7. Finally, there were other Bills sponsored by the Leader of Majority Party were left in abeyance, these include -
 - a. The Statute Law (Miscellaneous Amendments) (No.2) Bill 2015 which was withdrawn by the Leader of Majority Party after noticing that the proposed amendments were not miscellaneous but substantive enough to form stand-alone Bills.
 - b. The Election Laws (Amendment) (No.2) Bill, 2015 which lapsed at the end of the fourth session.
 - c. The Information Communication Technology Practitioners Bill, 2016.

Below is a summary of the **Government Bills** sponsored by the Leader of Majority Party:

Government Bills Passed and Assented to:	72
Government Bills Passed by the National Assembly:	20
Government Bills Pending at various stage:	7
Total No. of Bills, 2013-2017	99

The Leader of Majority Party sponsored **a total of 101 Bills** during the term of the 11th Parliament; out of which 92 were considered, passed and assented into law, while 7 were left in abeyance at either First Reading of Second Reading.

STATEMENTS

The Leader of Majority Party in accordance to Standing Order 44 conveyed Statements to the House relating to his responsibilities in the House.

During the Statement Hour every Thursday he presented a Statement informing the House of the business to be transacted the following week as agreed upon by the House Business Committee.

Members also requested for Statements from the Office of the Leader of Majority Party pursuant to provisions of Standing Order 44. In 2014 he had received a total of 50 statements from his fellow Members of Parliament, 34 of which he responded to while 16 were suspended upon amendments of the Standing orders to delete the provisions of Standing Order 44 (a). The Statements were used as a means of presenting issues of concerns to Member.

Some of the Statements requested by the Members, which the Leader of Majority responded to, include:

- 1) The Statement requested by the Hon. Junet Sheikh Nuh, M.P relating to the alleged sackings and transfers of staff in the Office of the Deputy President;
- 2) The Statement requested by the Hon. Nicholas Gumbo, M.P regarding the implementation status of Government programmes and promise on security, food security, free lap tops, free maternity and youth employment;

- 3) The Statement requested by the Hon. Rachael Shebesh, M.P relating to the alleged increased prostitution in some universities and institutions of higher learning in Kenya;
- 4) The Statement requested by the Hon. David Wafula, M.P regarding the terrorism of residents of Muroki market, Saboti Constituency;
- 5) The Statement requested by the Hon. Chris Wamalwa, M.P on the mode of disbursement of Kshs. 6 billion initially earmarked for a Presidential runoff, to be disbursed to the youths and women groups across the Country;
- 6) The Statement requested by the Hon. Gladys Wanga, M.P regarding the sacking of former Managing Trustee of National Social Security Fund (NSSF), Mr. Tom Odongo;
- 7) The Statement requested by the Hon. Irungu Kang'ata, M.P regarding the alleged enforcement of anti-gay laws in the country by various organs of the National Government;
- 8) The Statement requested by the Hon. Sakaja Johnson, M.P regarding the visit by the Chief Justice and other state officers to Senegal, and meeting with the United States of America President;
- 9) The Statement requested by the Hon. Kanini Kega, M.P on the conduct of Non-Governmental Organizations (NGOs) in the country; and
- 10) The Statement requested by the Hon. Opiyo Wandayi, M.P. regarding the expulsion and suspension of 12 students from Kenyatta University following March 15, 2013 students unrest.

Following amendments of the Standing orders in 2014 and deletion the provisions of Standing Order 44 (a) relating to Statements, the National Assembly introduced the use of Questions by Members of Parliament as a tool for addressing issues raised by their constituents at local and national levels. Cabinet Secretaries were invited to appear before Committees of the House every Tuesday between 10.00am and 12.30pm to respond to questions directed to their respective dockets as requested by Members. The Questions Systems era commenced on October 14, 2014, replacing the statement system whereby the Leader of Majority Party and Committee Chairpersons used to response to questions from Members on behalf of the Executive.

MOTIONS

The Leader of Majority Party proposed over 50 Motions for debate. Some of the motions he moved include:

1. Approval of Government Guarantee in support of Restructuring of Kenya Airways;
2. Noting on the Reports submitted by the President in fulfillment of the provisions of Articles 132(1)(c) and 240(7) of the Constitution: a) Report on Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance; b) Report on Progress made in fulfillment of the International Obligations of the Republic; and c) The Fourth Annual Report to Parliament on the State of National Security.
3. Motion on the approval of the deployment of the Kenya Defence Forces in South Sudan for purposes of regional peace support operations.

OTHER DUTIES CARRIED OUT BY THE LEADER OF MAJORITY PARTY

During the period under review, the Leader of Majority Party was involved in hosting various:-

A. Diplomatic Courtesies

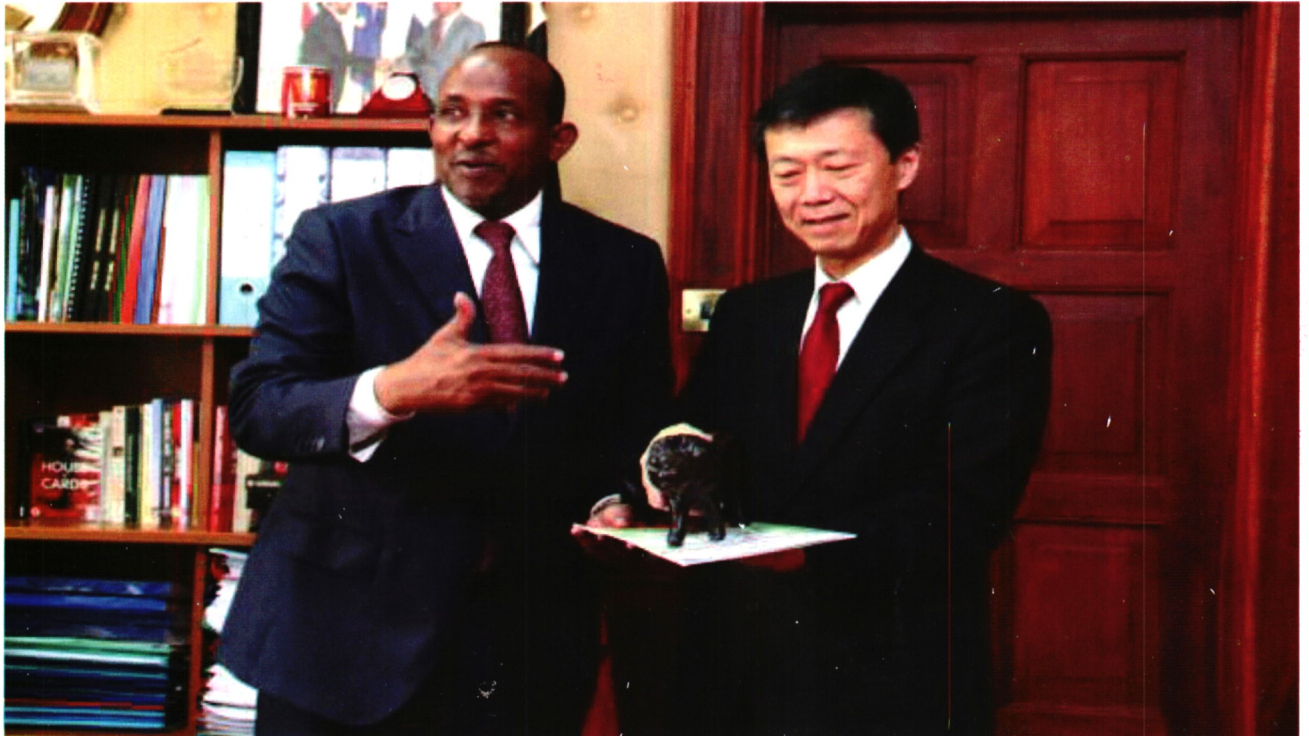
These include -

1. The Saudi Arabia Ambassador H.E Dr. Mohammed Abdulghani Khaya in June 14, 2017;
2. The U.S Ambassador H.E Robert Godec;



With the US Ambassador to Kenya Robert Godec at the 90th birthday ceremony of Queen Elizabeth II of England hosted at the British High Commissioner's residence in Nairobi

3. The China Ambassador in 2016;
4. The Romania Ambassador H.E. Jutta Frasch in June, 2016;
5. H.E. **Dr. Christian Turner** (British High Commissioner) and **Rt. Hon. Philip Hammond, British Foreign Secretary** on 19th March, 2015
6. The Finland Ambassador H.E Sofie
7. The Amb. Japan and his Deputy H.E. **Mikio Mori**, 2016



H.E. the Ambassador of Japan receiving a gift from Hon. Duale in his Office in Parliament Buildings.



Courtesy Call by a Delegation from Japan at the Office of the Leader of Majority Party in Parliament led by H.E. the Ambassador of Japan to Kenya.

8. Mr. **Pekka Haavisto**, Finland's Foreign Minister's Special Representative on Regional Mediation on Tuesday 15th September 2015
9. H.E Rafiuzzaman Siddiqui, High Commissioner Pakistan
10. The Ambassador of France H.E. Remi Marechaux



Receiving a delegation from United Kingdom in his office



Hon Duale with Rt. Hon Mark Field MP, UK Conservative Party International Chairman in his Office in Parliament



Courtesy Call by a Delegation from Sudan at the Office of the Leader of Majority Party in Parliament



Courtesy Call by the Algerian Ambassador to Kenya in Hon. Duale's Office

National Day's and Conferences

Hon. Duale attended as Guest of Honor to various National Day's and Conferences. Key among them include:

1. The Commemoration of the National Day of the Federal Democratic Republic of Ethiopia, on 31st May, 2017;
2. Guest of Honor at the occasion of the 56th Independence Day and 26th Liberation Day of the State Of Kuwait, 23rd February, 2017 at the Villa Rosa Kempinski Hotel, Nairobi;



During the occasion of the 56th Independence Day and 26th Liberation Day of the State of Kuwait



The Guest of Honour Hon. Duale with the Kuwait Ambassador

3. The National Day Reception of the United Arab Emirates (UAE), 2nd December, 2016;
4. The Reception to Celebrate the Birthday of His Majesty the Emperor of Japan on Thursday 24th November, 2016;
5. The National Day of the Sultanate of Oman, 21st November, 2016 at the Laico Regency Hotel, Nairobi;

The National Day of the Republic of Turkey on 31st October, 2016 at the Residence of the Turkish Ambassador in Muthaiga



During the Celebrations of the National Day of the Republic of Turkey



Hon. Duale was the guest of honor at the National Day of the Republic of Turkey



With the Turkish President H.E Recep Tayyip Erdoğan, the Speaker of the National Assembly Hon. Justin Muturi and the Nairobi Governor Dr. Evans Kidero at the Mzee Jomo Kenyatta's Mausoleum at Parliament Grounds



H.E. President of the United States Barrack Obama meets Hon. Aden Duale in the presence of H.E. President Uhuru Kenyatta at State House Nairobi

Commemoration of the 22nd Anniversary of Rwanda's Liberation Day on July 8th 2016



With the Rwandan Ambassador during Commemoration of the Rwanda National Day



Chief Guest at the National Day of the Federal Democratic Republic of Ethiopia, 28th May, 2015 at the Ethiopian Embassy



Guest of Honor at Ethiopia National Day

6. The occasion to commemorate 21 years of South Africa's Independence on May 27th 2015;
7. Guest of Honour Pakistan National Day on 23rd March, 2015.
8. The 36th Anniversary of the Victory of the Islamic Revolution of Iran on 11th February, 2015;
9. The National Liberation Revolution Day Of The People's Democratic Republic Of Algeria On 1st November, 2014;
10. International Panel of Parliamentarians for Freedom of Religion or Belief in New York, USA from 17th to 19th September 2015;
11. Represented the Kenya Government in the General Convention of the National Congress Party in Sudan in October, 2014;
12. Accompanied H.E the President for the Sixth Ordinary Sitting of the Third Parliament of the Pan African Parliament Johannesburg, Republic of South Africa;
13. Accompanied H.E the President to Uganda for a 3 day State Visit, where he also addressed the Ugandan Parliament from 8th to 10th August, 2015; and
14. Accompanied H.E the President to high-level United Nations meeting in New York, USA from 23rd to 29th September 2015.



With Amb. Godec of the U.S during the United States of America National Day



The Speaker of the National Assembly Hon Justin Muturi with H.E the Deputy President Hon William Ruto and Hon. Duale at a function in Intercontinental Hotel



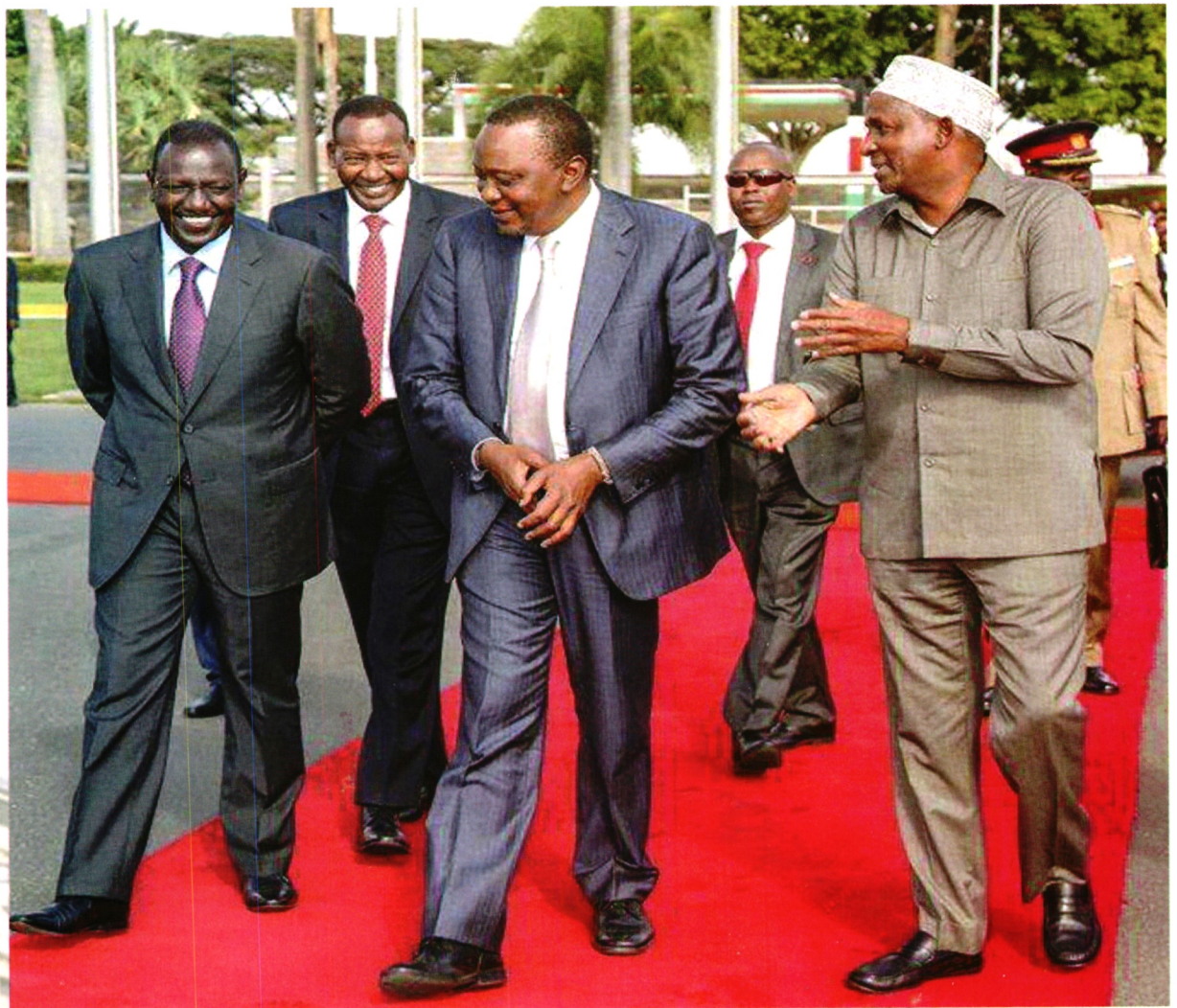
Guest of Honor at the Somalia Independence Day



With National Treasury Cabinet Secretary Henry Rotich, Devolution and Planning CS, Mwangi Kiunjuri, National Treasury PS Dr. Kamau Thugge and Budget and Appropriations Committee Chairperson Hon. Mutava Musyimi outside Parliament Buildings ahead of Budget Reading 2016



Welcoming Ethiopian Prime Minister Hailemariam Desalegn at Parliament in June 23, 2016





Hon. Aden Duale with the H.E. the President and H.E. the Deputy President



Hon. Duale receiving the South African President H.E. Jacob Zuma at Parliament Buildings



With the South African President H.E. Jacob Zuma at Parliament Buildings. This is the first State Visit by a South African Head of Government to Kenya.

Speaker's Rulings

On matters requiring technical interpretations of House procedures, Hon. Duale did not hesitate to seek the Speaker's guidance through Considered Ruling on certain matters crucial to the House and to the Party. Some of the issues included the following:

1. **On the matter of the alleged Breach of Privilege by Members of the Public Accounts Committee.** Hon. Duale sought the guidance of the Chair on the claims of malpractices within the PAC as a whole including its Chairperson. In particular, the Leader of the Majority Party sought directions on the following issues:- (i) Whether the claims made by Members of the PAC against the Chair and against each other constitute a breach of the privileges and/or conduct of Members of Parliament; and (ii) Whether following the allegations, the PAC would be in order to continue discharging its mandate of offering oversight of other Government institutions and agencies on behalf of this House.

The Speaker later delivered his ruling and stated as follows:

"Having said that, let me make it clear that by referring this matter to the Committee of Privileges, it is not to put the Public Accounts Committee under trial, but it is to allow the relevant body of this House as required by the law and practice of the House, to attend to the allegations of breach of privilege and/or code of conduct so as to assist the House to make a decision. As I conclude, I wish to call upon the Members of this House to search their souls and conscience as to whether some of our actions befit the status of Members of this House. One famous British politician, commonly known to many people as the war general, Winston Churchill, stated that:- "If you have integrity, nothing else matters. If you do not have integrity, nothing else matters". May I also paraphrase a saying of Confucius, one of the greatest philosophers from the book that I am reading. He said:- "The strength of a nation derives from the integrity of Parliament". In our case, this strength is founded in Article 94(2) of the Constitution of Kenya, which provides that Parliament manifests the diversity of the nation, represents the will of the people and exercises their sovereignty. We, therefore, must have moral authority to be the peoples' representatives and to perform the mandate they have bestowed upon us."

2. On the matter of the Lack of Decorum and Grossly Disorderly Conduct in the House that constituted a breach of the Standing Orders
3. On whether a Bill to amend the Constitution may be amended by the House. The Leader of the Majority Party sought guidance of the Speaker on whether that particular Bill will require the approval of the people of Kenya by way of a referendum as contemplated under Articles 255 and 256(5)(a).

The Speaker ruled as follows:

"THAT, the determination as to whether a Bill proposing to amend the Constitution requires the approval by a referendum in terms of Articles 255 and 256 of the Constitution is outside the purview of the Speaker."

The Upcoming 2017 General Elections

The 11th Parliament enacted several key pieces of legislation to further support the framework for free and fair elections. These include the Election Offences Act, 2016 which seeks to consolidate the offences relating to elections into one Act in order to enhance the administration of elections and prosecution of offences relating to elections and the Elections Laws (Amendment) Act, 2016 which seeks to amend the Elections Act, 2011, the Independent Electoral and Boundaries Commission Act, 2011, the Political Parties Act, 2011, the Supreme Court Act, 2011 and the Registration of Persons Act, Cap 106, in order to address concerns noted by the Joint Committee on matters relating to the Independent Electoral and Boundaries Commission and the conduct of elections.

In the words of Boutros Boutros-Ghali an Egyptian politician, diplomat and the sixth Secretary-General of the United Nations from January 1992 to December 1996 *“While each State must determine its own path, a fundamental prerequisite for democratization is the existence of a State which is able and willing not only to create the conditions for free and fair elections, but also to support the development and maintenance of the institutions necessary for the ongoing practice of democratic politics.*

From his words it is certainly clear that the ropes that gives thrust to the pendulum of democracy is free and fair elections and institutions that will ensure that the same is achieved. The concept of free and fair elections is one that exists in every democratic state all over the world and our Constitution indeed also espouses this concept.

Quotable Quotes

Edmund Burke, who was a Member of British Parliament, had this to say of Parliament:

“Parliament is not a congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not a member of Bristol, but he is a member of parliament.”

Summary and Conclusion



Hon. Aden Duale, EGH, MP, served as the head of legislative programmes of Government in the House. He along with other House Business Committee Members, scheduled legislation for floor consideration, and helped in planning daily, weekly and annual legislative agendas. The Office of the Leader of Majority Party acted as the central processing and coordination point within the National Assembly for all requests for legislative

proposals emanating from Government Ministries and Departments.

The 11th Parliament passed a total number of **180 Bills**, out of this, **101** were **Government Bills** sponsored by the Leader of Majority Party. He was the signatory of all Government Bills. This was no mean feat; it called for sacrifice, dedication and commitment. Hon. Duale will go into the records of History for his exemplary performance as the first Leader of Majority Party in Kenya under the current dispensation and Constitution. He set high standards for the office during his tenure.

A quote by **Vince Lombardi** aptly describes the Hon. Duale that, any man's finest hour, his greatest fulfillment to all he holds dear; is the moment when he has worked his heart out in a good cause and lies exhausted on the field of battle victorious.

