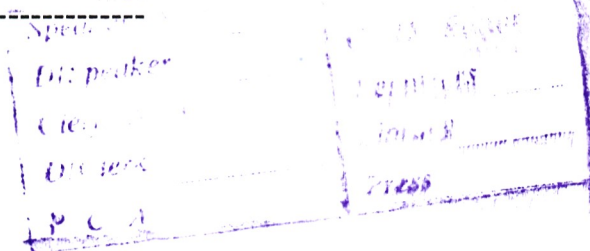




REPUBLIC OF KENYA



REPORT OF THE

**RETREAT ON FAST-TRACKING THE IMPLEMENTATION OF THE
CONSTITUTION FOR MINISTERS, ASSISTANT MINISTERS, SPEAKER OF
THE NATIONAL ASSEMBLY, CHAIRPERSONS AND DEPUTY CHAIRPERSONS
OF PARLIAMENTARY DEPARTMENTAL COMMITTEES**

HELD AT THE LEISURE LODGE RESORT, UKUNDA, KWALE
ON 12TH – 13TH NOVEMBER, 2010

NOVEMBER, 2010

TABLE OF CONTENTS

ABBREVIATIONS AND ACRONYMS	iii
EXECUTIVE SUMMARY	iv
1.0 INTRODUCTION	1
2.0 RETREAT OBJECTIVES AND EXPECTATIONS	1
2.1 Retreat Objectives	1
2.2 Retreat Expectations	1
3.0 RETREAT CONTENT	2
Presentations:	2
Session 1: Procedure and Process of Accountability of Ministers and Accounting Officers to Parliament.	2
Session 2: Implications of the Organization of National and Devolved Governments.	3
Session 3: Enforcement of Ethics and Integrity in the Public Service: The Singapore Experience.....	3
Session 4: Financial Management Responsibilities between the Executive and Parliament as well as Commission for Revenue Allocation	4
4.0 PRESENTATION SYNOPSES	4
4.1 Welcome Remarks: Amb. Francis K. Muthaura, EGH, Permanent Secretary, Secretary to the Cabinet and Head of the Public Service.....	4
4.2 Introductory Remarks: Hon. Mutula Kilonzo, EGH, MP, Minister for Justice, National Cohesion and Constitutional Affairs.....	5
4.3 Remarks: Hon. Kennedy Marende, EGH, MP, Speaker of the National Assembly.....	7
4.4 Remarks: H.E Hon. Stephen Kalonzo Musyoka, EGH, MP, Vice president and Minister for Home Affairs of the Republic of Kenya.....	7
4.5 Statement: Rt. Hon. Raila Amolo Odinga, EGH, MP, Prime Minister of the Republic of Kenya	8
4.6 Opening Speech by H.E Hon. Mwai Kibaki, C.G.H, MP, President and Commander in Chief of the Defence Forces of the Republic of Kenya	9
4.7 Ministers and Assistant Ministers in-house Plenary Session.....	11
5.0 SESSION PRESENTATIONS AND PLENARY DELIBERATIONS	13
5.1 "Procedure and Process of Accountability of Ministers and Accounting Officers to Parliament", by Hon. Kennedy Marende, Speaker of the National Assembly.....	13
Discussant: Prof. Githu Muigai.....	17
Discussant: Prof. Peter Wanyande	18
Discussant: Mr. Mutakha Kangu	18
5.2 "The New Constitutional Dispensation: System of Devolution" by Hon. Njoki Ndungu.....	22
5.3 "Enforcement of Ethics and Integrity in the Public Service: The Singapore Experience" by Dr. Victor Koh	24

5.4 "Implementation of the New Constitution of Kenya: Background, Context, Opportunities and Challenges" by Mr. Nzamba Kitonga, Advocate	25
5.5 "Financial Management Responsibilities between the Executive and Parliament as well as Commission for Revenue Allocation" by Prof. Terry Ryan, Strathmore University	28
PLENARY SESSION	29
6.0 CLOSING REMARKS BY: H.E HON. MWAI KIBAKI, C.G.H, MP, PRESIDENT AND COMMANDER-IN-CHIEF OF THE DEFENCE FORCES OF THE REPUBLIC OF KENYA	31
7.0 RESOLUTIONS.....	32
Communiqué	32
Appendix I	36
Retreat Programme.....	36
Appendix II.....	41
Implementation/Action Matrix	41
Appendix III	46
Speeches and Remarks.....	46
REMARKS BY AMB. FRANCIS K. MUTHAURA, EGH., PERMANENT SECRETARY, SECRETARY TO THE CABINET AND HEAD OF THE PUBLIC SERVICE	46
REMARKS BY HON. MUTULA KILONZO, EGH, EBS, SC, M.P MINISTER FOR JUSTICE, NATIONAL COHESION AND CONSTITUTIONAL AFFAIRS.....	49
REMARKS BY HON. KENNETH MARENDE, EGH, MP, THE SPEAKER OF THE NATIONAL ASSEMBLY.....	52
TALKING NOTES BY THE RIGHT HONOURABLE PRIME MINISTER RAILA ODINGA, EGH, MP.....	57
SPEECH BY HIS EXCELLENCY HON. MWAI KIBAKI, C.G.H., M.P., PRESIDENT AND COMMANDER-IN-CHIEF OF THE DEFENCE FORCES OF THE REPUBLIC OF KENYA	60
CLOSING REMARKS BY HIS EXCELLENCY HON. MWAI KIBAKI, C.G.H, M.P., PRESIDENT AND COMMANDER-IN-CHIEF OF THE DEFENCE FORCES OF THE REPUBLIC OF KENYA ..	63
Appendix IV	65
List of Participants.....	65
Secretariat.....	70
Rapporteurs	71

ABBREVIATIONS AND ACRONYMS

CDF	-	Constituency Development Fund
CFS	-	Consolidated Fund Service
CIC	-	Commission for the Implementation of the Constitution
PCIOC	-	Parliamentary Constitutional Implementation Oversight Committee
COE	-	Committee of Experts
CRA	-	Commission on Revenue Allocation
DC	-	District Commissioner
FY	-	Financial Year
GDP	-	Gross Domestic Product
HoPS	-	Head of the Public Service
IEBC	-	Independent Electoral and Boundaries Commission
ICT	-	Information Communication Technology
JSC	-	Judiciary Service Commission
KACC	-	Kenya Anti-Corruption Commission
KRA	-	Kenya Revenue Authority
LATF	-	Local Authority Trust Fund
MP	-	Member of Parliament
MOF	-	Ministry of Finance
MOJNCCA	-	Ministry of Justice, National Cohesion and Constitutional Affairs
MOLG	-	Ministry of Local Government
MP	-	Member of Parliament
MSPS	-	Ministry of State for Public Service
MSPA&IS	-	Ministry of State for Provincial Administration and Internal Security
O&M	-	Operations and Maintenance
OP	-	Office of the President
PM	-	Prime Minister
PSCK	-	Public Service Commission of Kenya

EXECUTIVE SUMMARY

From 12th to 13th of November, 2010, Cabinet Ministers, Assistant Ministers, Chairmen and Vice-Chairmen of the Departmental Committees of Parliament and several high-ranking Government officers congregated at the Leisure Lodge Resort, Kwale to consult and build consensus over the implementation of the new Constitution - promulgated by H.E. President Mwai Kibaki, CGH, MP, on 27th August, 2010. The theme of the Retreat was "Fast-Tracking the Implementation of the Constitution" while the Retreat's main objective was "to develop a common understanding and approach to the implementation of the new Constitution".

The Retreat was a sequel to the adoption by the Cabinet of the broad framework and budgetary estimates for the implementation of the Constitution on 17th October, 2010. The Retreat came against the backdrop of a Retreat for Permanent Secretaries/Accounting Officers held at the Serena Hotel, Mombasa, from 17th to 18th September 2010, which recommended a Ministerial Retreat to deal with some high-level policy issues relating to the implementation of the Constitution. This report, therefore, covers the highlights of the speeches, presentations, deliberations, observations, resolutions and communique made during the Retreat.

The Retreat was convened by the Office of the President and the Office of the Prime Minister and co-ordinated by a Steering Committee of Permanent Secretaries chaired by the Permanent Secretary, Secretary to the Cabinet and Head of Public Service, Amb. Francis K. Muthaura, EGH. The Retreat was officially opened and closed by H.E. the President. The sessions of the first day of the Retreat were chaired by the Rt. Hon. Prime Minister while H.E. the Vice-President, chaired the sessions of the second day and read the Retreat Communique.

The Retreat covered the following areas: the Procedure and Process of Accountability of Ministers and Accounting Officers to Parliament; Enforcement of Ethics and Integrity in the Public Service (in respect of which participants were taken through the Singapore experience); the Legislative Agenda, focusing on the implementation of the new Constitution in terms of its background, context, opportunities and challenges, and Financial Management responsibilities between the Executive and Parliament as well as the Commission of Revenue Allocation.

The deliberations started with a Key Note Address by H.E. the President, a Statement by the Rt. Honourable Prime Minister and Remarks by H.E. the Vice-President. Thereafter, a closed session for Ministers and Assistant Ministers was held to discuss issues related to working relationships and collective responsibility.

The Chairpersons and Deputy Chairpersons of Departmental Committees of Parliament, were invited to specifically participate in the Session on "*Procedure and Process of Accountability of Ministers and Accounting Officers to Parliament*". The aim of the Session was to discuss the way forward on the current manner and conduct of Parliamentary Committees in demanding ministerial accountability and responsibility.

At the end of the Retreat, resolutions were summed up in a Communiqué (*see item no. 7.0*) which outlined the way forward on fast-tracking the implementation of the Constitution.

1.0 INTRODUCTION

Following the promulgation of the Constitution of Kenya on 27th August 2010, the Government of Kenya organized a high-level consultative Retreat for Honorable Ministers and Assistant Ministers to deliberate on expeditious and smooth implementation of the Constitution. Invited to the Retreat also were the Speaker of the National Assembly, Chairpersons and Deputy Chairpersons of all Parliamentary Departmental Committees to discuss the way forward on the current manner and conduct of Parliamentary Committees in relation to ministerial accountability and responsibility.

The theme of the Retreat was "***fast-tracking the implementation of the new Constitution***".

The two day Retreat held on 12th and 13th November, 2010, at the Leisure Lodge Resort, Ukunda, Kwale, underscored the Government's commitment to ensuring that the Constitution is fully, systematically and efficiently implemented as per the provided timelines.

2.0 RETREAT OBJECTIVES AND EXPECTATIONS

2.1 Retreat Objectives

The objectives of the Retreat were to:

- (i) Develop synergy and a common approach for expeditious implementation of the new Constitution.
- (ii) Provide an opportunity for the Executive and the Legislature to harmonize their working relationship necessary for expeditious development of policies and laws for the smooth implementation of the Constitution.

2.2 Retreat Expectations

The main expectations of the Retreat were:

- (i) Appreciation of the need to fast-track the Constitution implementation process.

- (ii) United approach in the application of collective responsibility in the management of public affairs, governance and implementation of the Constitution.
- (iii) Teamwork for improved working relationship between the Executive and the Legislature.
- (iv) Better understanding of the implications of the organization of national and devolved governments.
- (v) A Communiqué outlining Resolutions of the Retreat.

3.0 RETREAT CONTENT

The content of the Retreat consisted of:

(a) Remarks and Speeches

- (i) Welcome Remarks by Amb. Francis K. Muthaura, EGH, Permanent Secretary, Secretary to the Cabinet and Head of the Public Service.
- (ii) Remarks by the Minister for Justice, National Cohesion and Constitutional Affairs, Hon. Mutula Kilonzo, EGH, SC, MP.
- (iii) Remarks by the Speaker of Parliament, Hon. Kenneth Marende, EGH, MP.
- (iv) Remarks by H.E. the Vice-President, Hon. Stephen Kalonzo Musyoka, EGH, MP.
- (v) Statement by the Prime Minister, Rt. Hon. Raila Odinga, EGH, MP.
- (vi) Keynote address by H.E. the President and Commander-in-Chief of the Defence Forces of Kenya, Hon. Mwai Kibaki, CGH, MP.
- (vii) Closing Remarks by H.E. the President and Commander-in Chief of the Defence Forces of Kenya, Hon. Mwai Kibaki, CGH, MP.,

(b) Presentations:

Session 1: Procedure and Process of Accountability of Ministers and Accounting Officers to Parliament

Moderator: Rt. Hon. Raila Amolo Odinga, EGH, MP, Prime Minister of the Republic of Kenya.

Presenter: Hon. Kenneth Marende, E.G.H., MP., Speaker of the National Assembly.

Discussants:

- (i) Prof. Githu Muigai, Advocate of the High Court of Kenya.
- (ii) Prof. Peter Wanyande, University of Nairobi.
- (iii) Mr. Mutakha Kangu, Law Lecturer, Moi University.

Session 2: Implications of the Organization of National and Devolved Governments.

(i) The New Constitutional Dispensation: System of Devolution

Moderator: Rt. Hon. Raila Amolo Odinga, E.G.H., M.P., Prime Minister of the Republic of Kenya.

Presenter: Hon. Njoki Ndung'u (Former Member of the Committee of Experts on the Review of the Constitution of Kenya).

(ii) Implementation of the New Constitution of Kenya: Background, Context, Opportunities and Challenges

Moderator: H.E. Hon. Stephen Kalonzo Musyoka, E.G.H., M.P., Vice-President of the Republic of Kenya and Minister for Home Affairs.

Presenter: Mr. Nzamba Kitonga, SC, Advocate of the High Court of Kenya (Former Chairman of the Committee of Experts on the Review of the Constitution of Kenya).

Session 3: Enforcement of Ethics and Integrity in the Public Service: The Singapore Experience

Presenter: Dr. Victor Koh, Singapore.

Session 4: Financial Management Responsibilities between the Executive and Parliament as well as Commission for Revenue Allocation

Presenter: Prof. Terry Ryan, Strathmore University, Nairobi.

(iii) **Communiqué** by H.E. the Vice-President, Hon. Stephen Kalonzo Musyoka, EGH, MP.

(iv) **Closing Remarks** by H.E. President and Commander-in-Chief of the Defence Forces of Kenya, Hon. Mwai Kibaki, CGH, MP.

4.0 PRESENTATION SYNOPSES

4.1 Welcome Remarks: Amb. Francis K. Muthaura, EGH, Permanent Secretary, Secretary to the Cabinet and Head of the Public Service

In his welcome remarks and on behalf of the Steering Committee that organized the Retreat, the Permanent Secretary, Secretary to the Cabinet and Head of the Public Service, Amb. Francis K. Muthaura, EGH, welcomed the Hon. Ministers and Assistant Ministers to the Retreat. He stated that the Retreat came in the wake of a Workshop organized for all Permanent Secretaries and Accounting Officers held at Serena Beach Hotel, Mombasa, on 17th and 18th September 2010, and which focused on the same theme of the implementation of the new Constitution of Kenya. Arising from the deliberations and resolutions of the Permanent Secretaries'/Accounting Officers' Retreat, it was felt necessary to organize a consultative Retreat for Ministers and Assistant Ministers, owing to the crucial policy roles they are supposed to play in the implementation of the Constitution.

The Head of Public Service outlined the theme of the Retreat which was to "fast-track the implementation of the Constitution" while the main objective was to "develop a common understanding and approach to the implementation of the New Constitution".

The Head of the Public Service highlighted the issues that were considered during the Retreat for Permanent Secretaries as follows:

- (i) The implications of the new Constitution;
- (ii) The operations of the two levels of Government;
- (iii) The application of the Bill of Rights in the Public Service;
- (iv) Re-organization of the Government, and especially the provincial tier of Government;
- (v) The process of devolution, establishment and staffing of County Governments;
- (vi) Execution of National Policy at the National and County levels of Government;
- (vii) Implications of the new Constitution on the management and accountability of Public Finance, and,
- (viii) The relationship between the various Constitutional Commissions and other arms of Government.

He noted that the output of the Permanent Secretaries Retreat were firm resolutions and work plans which have since then been shared with relevant authorities in Government for implementation.

He concluded by giving an assurance that Permanent Secretaries/Accounting Officers and other lower levels of Government were committed to ensuring that the Constitution is implemented efficiently and effectively.

4.2 Introductory Remarks: Hon. Mutula Kilonzo, EGH, MP, Minister for Justice, National Cohesion and Constitutional Affairs

In his remarks on "Developing a Common Understanding and Approach to the Implementation of the New Constitution", Hon. Mutula Kilonzo, EGH, SC, M.P., the Minister for Justice, National Cohesion and Constitutional Affairs began by noting that the new Constitution renews the ethical foundations of Kenya and that it introduces a new set of values and principles upon which the Nation must be governed. He also noted that the Constitution seeks to foster national unity by recognizing diversity while also facilitating decentralization of state organs, functions and services, away from Nairobi.

The Minister noted that the timing of the Retreat was right due to the fact that Kenyans were excited about the prospects of implementing the Constitution but were also skeptical about the Government's commitment to the implementation process. He added that there was need to restore the citizen's confidence in the Government's commitment to the Constitution implementation process.

In the area of transparency, the Minister acknowledged that the country had started on the right footing by displaying a level of transparency never witnessed before in post independent Kenya. He cited the example where H.E. the President had invited the public to apply for vacancies in public office such as on the Commission for the Implementation of the Constitution (CIC) and the Judicial Service Commission (JSC). He also gave the example of the emerging role of the Parliamentary Committees to scrutinize the suitability of persons to hold public office. The Minister noted that Kenya was now sending a strong message to those who desire to serve the public that they must espouse servant leadership, competence and integrity. He laid emphasis on moral and financial probity and advised that those with a penchant for easy virtue and morbid dislike for integrity should seek alternative employment outside the Public Service.

Regarding the timelines set out in Schedule 5 of the Constitution, the Minister observed that so far the stipulated timelines had been complied with without having to seek any extension. Nonetheless, the Minister noted that there was a real likelihood that some legislation may lag behind if relevant Ministries do not take the initiative to necessary actions. Consequently, the Minister encouraged Ministers and Assistant Ministers to identify the required legislation and initiate proposals for onward transmission to the Attorney General and the Kenya Law Reform Commission for drafting.

Further, the Minister asked Ministries to identify the key institutions under the new Constitution that fall within their various dockets and begin formulating action plans for their establishment. On this note, the Minister commended the Deputy Prime Minister and Minister for Local Government for his initiative in setting up the Task Force on Devolution.

With regard to budgetary support towards the implementation of the Constitution, the Minister advised Ministries to give budgetary preference to matters of

implementation. He encouraged Ministries to consider cutting down on some expenditures to accommodate the costs of implementing the Constitution.

In concluding his remarks, the Minister highlighted the critical role of the executive in the legislative process for implementing the Constitution. He called for support by all Ministers and Assistant Ministers for proposed Bills not only in Cabinet, but also on the floor of the house. He lamented cases of quorum hitch in Parliament and pointed out that Ministers should avail themselves in Parliament. He expressed hope that the Retreat would come up with key resolutions which would assist fast-tracking the implementation of the Constitution.

4.3 Remarks: Hon. Kennedy Marende, EGH, MP, Speaker of the National Assembly

The Speaker appreciated his invitation to the Retreat and for being given the opportunity to make a presentation on the Accountability of the Ministers and Accounting Officers to Parliament. He noted that the forum provided an opportunity to appreciate the interface of the three arms of Government and especially the interface between the Legislature and the Executive.

The Speaker stated that there is no pure form of separation of powers among the three Arms of Government and emphasise that all arms are part and parcel of governance of this country. He pointed out that the forum would also provide an opportunity for participants to reflect and appreciate the fact that all arms of Government are players in the governance of the country. He reiterated that the Executive had nothing to fear if it played its role appropriately.

The Speaker pointed out that there was no new Constitution any more but a new set of laws that came into effect after the referendum which now needed to be applied for the new political dispensation.

4.4 Remarks: H.E. Hon. Stephen Kalonzo Musyoka, EGH, MP, Vice president and Minister for Home Affairs of the Republic of Kenya

The Vice President appreciated the timely hosting of the retreat and reiterated that there is no new Constitution as such but birth of a new political dispensation following promulgation and operation of the Constitution. He stated that the

Retreat would provide an opportunity for better understanding on undertakings required for expeditious and smooth implementation of the Constitution. The Vice President lauded the invitation and participation of Parliamentary Departmental Committees Chairmen and Deputy Chairmen as this will enhance harmony between the Executive and Legislature in the implementation of the Constitution. He commented that the Executive was not out to muscle Parliament which has a cut-out role in the new political dispensation.

4.5 Statement: Rt. Hon. Raila Amolo Odinga, EGH, MP, Prime Minister of the Republic of Kenya

In his statement titled "Low Hanging Fruit: Talking Notes on the Implementation of the Constitution", the Prime Minister, Rt. Hon. Raila Odinga, EGH, MP, noted that Kenya's new Constitution was one of the best and most democratic Constitution ever written. He also noted that the Constitution offered many opportunities for the growth and development of the country. He called upon Ministers to lead the process of implementation and invited Members of Parliament to dialogue with the Executive to add value to the implementation of the new Constitution because this is a special government put together by a well defined mandate.

The Prime Minister noted that there are many areas that require reforms and change of attitude. He gave an example of the Judiciary and Police which have in the past failed to deliver causing the public to lose confidence in the two institutions. He warned that retaining the old structure would cause Kenyans to lose faith in the possibility of the Constitution bringing about the envisaged change. He therefore stressed the need to implement the necessary governance structures envisaged in the new Constitution.

Appreciating that the Constitution implementation process was a long-term feature, the Prime Minister emphasized the need for immediate implementation of those provisions of the Constitution, that constituted "low hanging fruit" and argued that if implemented immediately Kenyans could begin to realize their vast potential. Firstly, he stated that reforms in the judiciary must start immediately. Secondly, governance structures envisaged by the new Constitution should also be implemented immediately. He reminded participants that many Kenyans still view

the State with suspicion and argued that implementing the new devolution structures would change this image right away.

The Prime Minister stated that land reforms was one of the most contentious issues in the country that required action and especially with regard to the problem of landlessness which needed to be tackled without fear or favor.

Other areas that need urgent attention are development of infrastructure especially in marginal areas, and insecurity which will be addressed by educating Kenyans on the Bill of Rights and how Kenyans can work with law enforcement agencies to create safe neighborhoods.

The Prime Minister argued that there is need to reconcile the people of Kenya who are deeply divided by ethnicity. He asked leaders to teach Kenyans that the law will be applied equally and to stop seeking refuge behind their communities when called to account for their actions.

He recognized the very sensitive place and role of women in society and asked political parties and Government state organs to lead by example by applying the one-third principle of inclusivity of women in public affairs.

The Prime Minister concluded his statement by asking participants to immediately identify areas that needed review and passage of new legislation so that relevant Ministries and State organs can start to put the new Constitution to work for the people of Kenya.

4.6 Opening Speech by H.E Hon. Mwai Kibaki, C.G.H, M.P., President and Commander in Chief of the Defence Forces of the Republic of Kenya

In his Key Note Address His Excellency the President Hon. Mwai Kibaki, CGH, MP, stated that following the promulgation of the new Constitution on 27th August 2010 the next critical step is full, systematic and efficient implementation of the new Constitution.

To this end, the President stated that it is necessary to develop synergy between the Executive and Legislature in the implementation of the new Constitution and especially to expedite passage of new laws by Parliament.

His Excellency further recognized that Ministries have embarked on drafting the necessary legislation required to implement the new Constitution and emphasized that consultations are needed to achieve implementation goals. He further emphasized that implementation time lines are necessary to ensure that the Executive is able to table Bills to Parliament for discussion and passage.

His Excellency further noted that the new Constitution has fundamentally changed institutions and has re-energized Parliament in its mandate to provide oversight on public finances and the conduct of the public affairs. He further noted that this positive development was especially beneficial in the fight against corruption and that corruption must have no place in society and Kenyans must re-dedicate themselves to fighting the vice.

H.E. the President informed participants that the Retreat provided an opportunity to consult with the Speaker of National Assembly and Chairs of various Parliamentary Committees, and to build consensus on necessary procedures, processes and structures of executive accountability and responsibility as provided for in the new Constitution.

H.E. the President also noted that the new Constitution has created a devolved system of governance where well structured, properly governed and soundly administered Counties will be the next source of growth and development of Kenya. He pointed out that Counties provided new destination for local and international investments and presented new economic opportunities needed for equitably distributed prosperity.

The President stated that the Government was committed to putting in place the necessary conducive legal and macro-economic environment needed to fully tap emerging economic opportunities.

The President emphasized that there was need to reaffirm the citizen hopes and aspirations created by the new Constitution.

In concluding the address, H.E. the President observed that the Nation expects visionary leadership to set the pace in the fight against absolute poverty and ensure

provision of shelter, food security, employment creation and security. In this, leaders are expected to carry out their responsibilities with renewed commitment to make Kenya a prosperous equitable, democratic and developed country by the year 2030. He further observed that the entrenchment of leadership code and national values could transform leadership and governance with emphasis on competency, integrity and vision.

In his off-cuff remarks, H.E. the President noted that Kenya is endowed with highly qualified people necessary to generate the urgently needed economic growth. He challenged leaders to place more focus on implementation of the national development agenda. He observed that the country was in a good mood and that leaders should set aside conflict and work together to make Kenya a greater nation.

4.7 Ministers and Assistant Ministers in-house Plenary Session

During the closed plenary session a number of issues were raised including:

- (i) The emerging worrying trend where Cabinet ministers, Assistant Ministers and Permanent Secretaries publicly trade accusations and contradicted each other on policy matters. This worrying trend also happens on the floor of the House and during Parliamentary Departmental Committee sessions. The trend portrays a bad image and confuses the public. Ministers and Assistant Ministers were advised to utilize the office of the Prime Minister in resolving contentious matters.
- (ii) In adequate consultation in Government especially between Ministers, Assistant Ministers, Permanent Secretaries and senior government officials. This situation undermines harmonious working relationships and the practice of collective responsibility in Government.
- (iii) Members of Parliament had been infuriated by the criteria used to create new constituencies. It was stated that the matter is volatile and needed to be resolved urgently.

- (iv) The need for the two Principles (H.E the President and the Rt. Hon. Prime Minister) to meet Assistant Ministers once in three months in addition to the monthly Cabinet meetings.
- (v) Ministries needed to revamp the Executive Committee meetings involving Ministers, Assistant Minister(s), Permanent Secretary, and Heads of Departments as a way of enhancing consultations and the work environment. In such meetings minutes should be taken and tracking of the implementation of decisions made should be undertaken.
- (vi) A culture of impunity, lack of discipline, and dishonesty had crept in Government. This called for respect and application of the rule of law.
- (vii) Diplomatic envoys were not conducting themselves with decorum and cases were cited where some foreign envoys went around the country demeaning Ministers and Members of Parliament. It was emphasised that envoys should in their course of tour in the country observe diplomatic etiquette as enshrined in the Vienna Conventions on diplomatic relations.
- (viii) The new constitution contained errors, contradictions and anomalies that needed to be addressed even as the Constitution is implemented. Examples were Article 20 on the formation of the Judicial Service Commission, that refers to Article 171 {4(c)} which does not exist; Article 173 (4), which conspicuously establishes a "*Judicary Fund*" instead of a Judiciary Fund.
- (ix) The presence of the Executive need to be felt in Parliament through regular attendance of Parliament by members of the front bench.
- (x) Ministers and Assistant Ministers need to separate politics from the Ministry operations to avoid accusations of political scheming for 2012 General Elections.
- (xi) Political leadership should be carefully managed during the transition period to secure the future of the country.

- (xii) The number of Ministries should be reduced so that savings can go to the implementation of the Constitution.
- (xiii) Parliamentary standing orders should be revised to ensure consistency with the presidential system of government following the departure from the current parliamentary system. The Parliamentary Departmental Committees should be guided by the Constitution in implementing their mandates.
- (xiv) Parliamentary Departmental Committees should make use of and utilize the expertise available at the Efficiency Monitoring Unit, Inspectorate of State Corporations and the Internal Audit Unit in investigating and addressing impropriety.
- (xv) Implementation of the Constitution should be fast-tracked through expeditious legislation and enactment of the identified 49 enabling bills.

5.0 SESSIONS PRESENTATIONS AND PLENARY DELIBERATIONS

5.1 "Procedure and Process of Accountability of Ministers and accounting officers to Parliament", by Hon. Kennedy Marende, E.G.H., M.P., Speaker of the National Assembly

In his paper on "Procedure and Process of Accountability of Ministers and Accounting Officers to Parliament", Hon. Kenneth Marende, E.G.H., MP, Speaker of the National Assembly began by noting the importance of the joint forum for the two key arms of Government: the Executive and Legislature. He stated that that the Government has three arms: Parliament (Chapter 8); the Executive (Chapter 9), and the Judiciary (Chapter 10) of the Constitution. The Speaker identified the roles of Parliament as protection of the Constitution; promotion of democratic governance.

The Speaker noted that the new Constitution provides for the establishment of two Houses: the Senate and the National Assembly. He referred to Article 95 of the Constitution which sets out the work of National Assembly, especially with regard to determining the allocation of national revenue between the various levels of

Government; appropriate expenditures by the national government and other state organs; and exercise of oversight over national revenue and expenditure.

With regard to the role of the Senate, the Speaker noted that the Senate represents the Counties and serves to County their interests, particularly on revenue allocation and also to exercise oversight over the national revenue allocated to County Governments. The Senate shall enjoy special responsibilities of monitoring the conduct of state officers, including the impeachment of the President or Deputy President, and when the need arises.

The Presenter also discussed the Constitutional principles of service to the people, the structure of the Cabinet and the functions of the President under Articles 131-132 of the Constitution. He pointed out that Parliament manifests the will and diversity of the people, and thereby safeguards the sovereignty of the people and that Executive authority should be exercised in accordance with the principles of good governance. He noted that the purpose of executive accountability is, *inter alia*: to ensure the rule of law; representative governance; effective representation and efficient service delivery in line with the principles of taxation.

Regarding the mechanism of accountability, the Presenter identified several issues for intervention namely: how roles will be performed; the rule of law; effective representative and efficient delivery of justice. He pointed out that the mechanisms for accountability are set out under the Constitution, the statutes and rules of procedure.

On procedural issues, the Speaker focused on the status of the Standing Orders of Parliament, which are established under Article 124 of the Constitution. He noted that Standing Orders are anchored in the Constitution hence constitutional. He indicated that most of the Standing Orders in force have been in existence since 1997.

The Speaker referred to Article 198, which provides for the establishment of the Committees of the House, Standing Order No. 183 on Ministers' reports, Part XIII on public petitions, Part XI on the Prime Minister's Time and Part XII on Questions. He argued that the concept of Parliamentary accountability is based on the premise

that Parliament has a duty to check on the activities of the Executive through diverse measures.

Nonetheless, the Speaker acknowledged that under the new Constitution, since the President and Cabinet Secretaries will not be Members of Parliament, hence there will no longer be Parliamentary Questions in the traditional sense. In the past, such questions have been a useful tool for ministerial accountability for policies, expenditure and programmes. He, therefore, recommended the development of an equally effective mechanism for accountability. The Speaker cited the example of Australia where some form of Question Time was still being used even where Ministers are not Members of Parliament. Even then, the Speaker noted that the new mechanisms for Parliamentary accountability will revolve around Committees of the Senate and the National Assembly and that the committees will have more powers and responsibilities and will be more inquisitive than before.

Further, the Speaker observed that investigatory/watchdog committees will continue to scrutinize the reports of the Auditor General and file appropriate reports to Parliament while Departmental Committees will continue to conduct investigations and enquiries and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments in line with Standing Order No. 198(3).

Furthermore, the Speaker noted that Article 125 of the Constitution provides for the power of Parliament to call for evidence. Consequently, Parliamentary Committees have the same powers as those of the High Court in terms of adduction of evidence; production of documents, and appearance of witnesses. Under the current Powers and Privileges Act, the Committees of Parliament can still summon and conduct investigations.

The Speaker advised Accounting Officers to ensure that there is limited or no deviation from approved budgets and that budget implementation focuses on agreed policies and strategic objectives and not just accounting for inputs. He referred to Article 226 of the Constitution which provides that Accounting Officers of national public entities are accountable to Parliament for their financial management. For that reason, the Speaker advocated a shift from the current post-

mortem approach to financial accountability on the basis of input and process scrutiny, to a more dynamic system of accountability.

With regard to the relationship between the Executive and Parliament over budget approval issues, the Speaker called for the development of appropriate strategies to help address any stalemates or stand-offs between the two arms of Government.

In his conclusion, the Speaker called on the Executive not to be afraid of Parliamentary oversight but to ensure that it puts its house in order, especially through the application of the principle of collective responsibility and discipline of its members. He noted that collective responsibility entails everyone in a given sector standing up to say the same thing.

He also advised that, among other things: the Executive should ensure that one of the key results in the performance contract relates to Parliamentary matters; Parliamentary matters should be given priority and as such issues such as lack of quorum, which may force the Speaker to invoke Standing Order 97, should not arise; inadequate responses to issues and questions in the House is a fertile ground for impeachment; and Parliament has responsibility to deal with issues of misappropriation of public funds or corruption. On the issue of summoning of Ministers and all other citizens, the Speaker indicated that this should be done with civility and courtesy and not through press conferences and that all summons against Ministers would originate from the Clerk of the National Assembly. He also advised that decisions to summon Ministers should arise out of formal Committee meetings that recommend the invitation of a Minister. In every case, minutes of the Committee meeting making such a recommendations should be kept.

In response to the Speaker's presentation, the Minister for Justice, National Cohesion and Constitutional Affairs thanked the Speaker for the insightful presentation. He informed the Retreat that some of the provisions of the old Constitution were still applicable to Parliament and that other provisions of the new Constitution were in use. He referred the meeting to pages: 63, 192 (especially the 6th Schedule Section 2(c), which states that "Articles 129 to 155 of Chapter Nine, that the provisions of the Chapter relating to the election of the President shall apply to the first General Elections under this Constitution"). He also referred to Section 3(2) of the same Schedule on the extension of the application of some of

the provisions of the former Constitution. In effect, he argued that the previous Standing Orders were still in force and so are the principles of the National Accord. He also noted that the powers and privileges of Parliament still remain in force. Further, he referred to Part 2 of the Sixth Schedule, and especially Section 7 (page 195) of the Constitution), and argued that all existing laws presently in force in Kenya would remain in force. In a nutshell, the Minister observed that the old Constitution and new Constitution have some provisions that are in force while others have been suspended.

Discussant: Prof. Githu Muigai

Prof. Githu Muigai, one of the discussants, started by commending the Speaker for the good presentation. He observed that a Constitution has two important parts: First, it is a political statement – which speaks in many voices –e.g. republicanism and minority rights. Secondly, it is a legal instrument, which means that it requires a coherent legal interpretation. For this to happen, there is need for robust institutions. The Discussant emphasized the need for the Government (Executive; Parliament, and Judiciary) to read from the same hymnbook, especially on matters of national interest such as the fight against corruption.

Further, the Discussant argued that under the new Constitution, the oversight role and power of Parliament had been enhanced. Consequently, the Departmental Committees were bound to be more powerful and influential. Nonetheless, he noted that the ethical and professional responsibilities of the Committees would increase, especially in the area of vetting of public officials. He stated that this is a power which must be used to ensure that the right public officials are appointed and that Committees should not substitute the candidate of the nominating authority with their own since the role of Parliament is to ensure that nominees have met set criteria. He emphasised that the power to appoint still rests with the Executive and added that if Parliament denied the Executive the role to appoint, the Executive powers will have been compromised unconstitutionally. Similarly, for the Judiciary, if a Government officer has taken a decision as per the law, a judge cannot second-guess what the officer should have done.

Regarding the issue of Parliamentary enquiries, the Discussant argued that they are Constitutional and ensure that Government runs as per the law. However, the

enquiries must be fair and in national interest. He added that even when Parliament is conducting its business; it should be done in national interest. In conclusion, the Discussant stressed the need for a healthy working relationship between the Executive and Parliament. He also added that it is for the Judiciary to apply the law as enacted by Parliament.

Discussant: Prof. Peter Wanyande

The second Discussant, Prof. Peter Wanyande observed that the issue of accountability arises from two premises: First, accountability is central to any democratic governance and as a democratic practice must be observed at all times. He stated that accountability is not a one-way process. Other arms of Government are also accountable for their actions. Second, there is only one Government: the Legislature, the Executive and Judiciary and that strict separation of powers of these arms of Government is sometimes difficult. There is need for room for consultations between the three arms of Government. Separation of powers should be viewed as a guide or a principle since one arm of Government cannot operate without the others.

Further, the Discussant posed a rhetorical question that the Executive is accountable to Parliament but who is Parliament accountable to? As Parliament takes the Executive to account, Parliament should also be accountable. He concluded by saying that the current Constitution sets out the powers and functions of each arm of Government and echoed Prof. Muigai's opinion that a Constitution is a political as well as a legal document. He also emphasized the need to develop a culture of Constitutionalism.

Discussant: Mr. Mutakha Kangu

In his intervention, the third Discussant, Mr. Mutakha Kangu, observed, *inter alia*, that:

- (i) Some of the provisions of the Constitution which are not operational should be enabled to become operational at the right time.
- (ii) Article 2 (1) of the Constitution states that the Constitution is the supreme law of the republic. This establishes Constitutional supremacy of the Constitution.

- (iii) The Constitution is the supreme law of the land. None of the three arms of the Government can operate outside the limits of the Constitution. This means that the legislature, even when doing investigations or exercising oversight, cannot overstep its mandate. According to Article 2(2) of the Constitution, no person may exercise state authority except as per the Constitution.
- (iv) Under Article 2(4) of the Constitution, any law, including customary law, which is inconsistent with the Constitution is invalid. If the Executive makes a decision that offends the Constitution, the decision will be invalid. At the same time, Parliament cannot pass a law that offends the Constitution.
- (v) Section 7 (p. 195 of the Constitution), states that existing laws shall be applied *mutatis mutandis* (with the necessary changes being made). Thus, there is need to review laws to determine whether they are consistent with the Constitution.
- (vi) Under the old Constitution, any person could apply for bail unless charged with a capital offence even under the Criminal Procedure Code (CPC)(Cap. 75). However, the new Constitution provides for bail even for capital offences.
- (vii) It is necessary to determine whether there are some clauses in some of the Standing Orders of Parliament which may be considered to be inconsistent with the new Constitution, with a view to facilitate harmonization.
- (viii) Parliament should not usurp the power of the Executive, such as purporting to recruit public officers. Under the new Constitution, the Executive should nominate, Parliament should approve and the Executive should make the appointment on the approval.
- (ix) If the Executive creates a search committee, it is for Executive to accept or reject the nominees of the Committee. The Executive must present to Parliament names of persons meeting integrity standards under Chapter 6 of the Constitution.
- (x) There are some areas that require procedures and processes to assist in accountability – through Acts of Parliament or Standing Orders, such as:

- The Constitution created an office of the Controller of Budget (COB), under Article 228, who reports to Parliament. There is need for a detailed Act on the powers and functions of COB – to vest him with power to investigate and report to Parliament and to infuse measures of accountability.
 - Article 229 creates the office of Auditor General, an office which can also be used effectively by Parliament. Parliament can ask the office to report to Parliament. It is the equivalent of the Government Accounting Office of USA, which can be asked by Congress to investigate and report on a matter.
 - Article 152(6)-(10) – Parliament can impeach a Minister and have him removed. There is need for legislation in this area in order to ensure due process.
 - Article 145 on the impeachment of the President needs a detailed Act of Parliament on the matter. The same case will apply to the impeachment of Governors in the Counties.
- (xi) Parliament has powers to make the Executive account to it. In some countries there is a Code of Conduct to avoid conflicts of interest between the Executive and Parliament. In the UK there is a register of personal interests in particular matters. Chapter 6 of the Constitution sets out ethical standards which should be adhered to and an Act of Parliament is necessary to operationalise the Chapter. There is need for Parliamentarians to walk the talk in terms of observing ethics and integrity.

During the Plenary Session, it was observed that:

- (i) There is need for development of laws to guide the implementation of the Constitution by the various Departmental Committees of Parliament.

- (ii) There are no clear laws to govern the work of Departmental Committees and to guard against speculative investigations against a Minister or Civil Servant.
- (iii) There is need to protect civil servants against unwarranted investigations decisions made in good faith.
- (iv) Parliament should respect the Standing Order that provides that once a matter has been disposed of by Parliament, it should not be raised in Parliament again until six (6) months are over.
- (v) Departmental Committees are conducted as if the Chairman were the Speaker of the National Assembly.
- (vi) Public officers should play by the law. Some Ministers and public officers are making major decisions that are not within the law.
- (vii) The Public Accounts Committee (PAC) of Parliament may enquire into cases where public officers do not spend allocated funds.
- (viii) The relationship between the Government and the backbench should be harmonious.
- (ix) Although the oversight role of Parliament should be appreciated, Parliament should ensure that the exercise of that oversight power does not inhibit the discharge of Ministerial duties.
- (x) Ordinarily, Ministers and their technical staff are given 7 days within which to appear before Parliamentary committees.
- (xi) Parliament is accountable:
 - To the public – through the voting in elections.
 - Under the Powers and Privileges Act.
 - Under the State Corporations Act.
- (xii) Vetting of public appointments should be limited to senior public officers and judges.
- (xiii) Parliament should set up rules that regulate the conduct of Members of Parliament.
- (xiv) There should be criteria for determining who can be elected to Parliament.

While summing up the session, the Rt. Honourable Prime Minister observed that:

- (i) The work of Executive and Parliament is complementary.

- (ii) Members of the Executive should be allowed to perform their work so that they can also generate work for Parliament.
- (iii) There are watchdog and good governance institutions that are credible whose services could be utilized in investigations besides Parliament, such as: (a) the Controller and Auditor General - which has power and capacity to investigate and (b) the Kenya Anti-Corruption Commission (KACC), which has power and capacity to investigate cases of corruption and economic crime.

5.2 "The New Constitutional Dispensation: System of Devolution" by Hon. Njoki Ndungu

Hon Ndungu presented a paper titled "The New Constitutional Dispensation: System of Devolution". She started by pointing out the inconsistencies and mistakes in the document which were as a result of lack of time for the Parliamentary Select Committee (PSC) to complete architectural details, and for the CoE to make fundamental changes that were made by Parliamentary Select Committee. She added that the draft was closed for editing before key negotiated agreements were finalized and there were little formal consultations between CoE and the technical Government bodies. The Presenter, advised that the Government should immediately identify the areas that need amendments, or drafting of bills. Further, she added that rules of practice and/or judicial interpretation and case law should be done for silent or grey and untidy areas.

With regard to the devolved government (Counties), Hon. Njoki defined it as a cross-breed between a district and local authorities, but will take over most of the functions of both. She noted that councils and councillors as we know them would cease to exist. Further the Presenter added that there is a provision in the new Constitution for the governance and management of urban areas and cities and the need to establish criteria for classifying areas as urban areas and cities, establish the principles of governance and management of urban areas and cities; and to provide for participation by residents in the governance of urban areas and cities. In addition, there will also be mechanisms for identifying the different categories of urban areas and cities.

The Presenter gave a detailed account of the relationship between the National and County Governments with regard to devolution, public land, and representation of the people; relationships between the devolved and national governments. Here she pointed out that cooperation between National and County Governments would be through Joint Committees/authorities and there will be need for support for County Governments in terms of adequate financial support and capacity.

The Presenter outlined the main functions of the Public Service Commission of Kenya (PSC) as: establishment and abolishing offices in the public service; and, hearing and determining appeals in respect of County Governments.

She also highlighted the powers and functions of the Salaries and Remuneration Commission as setting and reviewing the remuneration and benefits of all state officers, and advise to the National and County Governments on the remuneration and benefits of all other public officers.

With regard to the Commission on Implementation of the Constitution (CIC), Hon. Ndungu stated the main functions as monitoring; facilitating and overseeing development of necessary legislation and administrative procedures required for implementation of the Constitution; co-ordination with the AG and Law Reform Commission in preparation for tabling in Parliament legislation to implement; giving progress reports to the PSCOI; and making annual reports to the Head of State. Further the Presenter argued that the role of the Parliamentary Select Committee is to coordinate with AG, CIC and relevant parliamentary committees to take appropriate action on reports of COI.

With regards to transitional arrangements, the Presenter argued that after promulgation on August 27, 2010, the new constitution came into effect BUT the sections on devolved government were SUSPENDED until the date of the first elections for counties. She added that the Laws relating to devolved government under Schedule 6 and chapters 11 and 12 would follow the timetable in Schedule 5.

The presenter further argued that the Old Constitution was suspended except for:

- (i) Chapter 7 except for next General Election,
- (ii) Chapter 8 except for issues relating to next General Election,

- (iii) Chapter 9 art 129 to 159 except for next Presidential Election,
- (iv) Section 93 until new Section 15 and 18 are enacted,
- (v) Sections 30 – 40 and 43 – 46 & 48 – 58 on Parliament,
- (vi) The National Accord and provisions on Executive,
- (vii) 108 (2) until the National Police Service is established.

Hon. Ndungu concluded by reminding participants that there is still a lot that needs to be done with regards to new Bills, and amendments to existing Acts of Parliament both minor and substantive, and new subsidiary legislation, she pointed out the areas that need legislation before the next General Elections. First, there is need for laws regarding provision of campaign finances for political parties and, the structures and mechanisms to enable Kenyans to vote from abroad as provided for in the new constitution. Second there is an urgent need to draft new Bills with regards to the Kenyan territory and County boundaries, land matters, the Judiciary and financial management.

5.3 "Enforcement of Ethics and Integrity in the Public Service: The Singapore Experience" by Dr. Victor Koh.

Dr. Koh highlighted the evolution of Singapore from a 3rd World to a first world country in one generation and presented the key indicators of development in Singapore in 2010. The indicators included GDP Per Capita of USD 37,000, creation of full employment, foreigners as % of the population and that 90% of the population live in quality, modern and affordable public housing among others. Stated also were the Vision and values of the founding fathers at which the Presenter reiterated that leadership needs to build capacity in the quest for transformation and sustainable development. The values stated were to build a harmonious, prosperous, multi-racial, multi-religious, social democratic society, based on justice, equality and meritocracy; transform from Third World to First in one generation; a nation led by leaders of integrity; elimination of the societal scourge of corruption; disciplined, hard-working, highly productive society; delayed gratification; national self reliance; statesmanship; patriotism, and nation building; tripartism; among Government, labor and business; employment; and housing for all.

The Presenter emphasized the need for leaders to conduct themselves with integrity as a key component to transformation and realization of national visions. He also emphasised the need for commonality of vision and core values.

Dr. Koh pointed out that the new Constitution lays a strong foundation for national values and principles of governance similar to the Singapore case. The challenge to this country is to live the values and principles. He urged that urgent implementation of the Constitution is required to build patriotism, national unity, sharing and devolution of power, the rule of law, democracy, and participation of the citizens. There is also need to religiously mainstream human dignity, social justice, inclusiveness, equality and protection of the marginalized in the pursuit for socio economic development.

He emphasized the importance of eliminating corruption in society as a requisite for development.

5.4 "Implementation of the New Constitution of Kenya: Background, Context, Opportunities and Challenges" by Mr. Nzamba Kitonga, Advocate.

Mr. Kitonga presented a paper themed "Background, Context, Opportunities and Challenges offered by the new Constitution". He started by comparing the independence Constitution to a car which had a predictable life span and was meant to delink us from our colonial past and propel Kenya into self governance. He noted that many amendments had been made to the old Constitution which resulted to the complete merger of the roles of the three arms of government into one arm - the Executive. He emphasized that the old Constitution was no longer useful in the current state of affairs.

The Presenter argued that the system of central governance had created imbalanced development and rural-urban migration which has led to the virtual inability of cities to meet the infrastructural requirement of uncontrollable population. He attributed the 2008 post election explosion to the belief by supporters of politicians that capturing the Presidency was a highway to personal benefit and development for respective regions. He complimented the political leaders for sacrificing Ministerial flags for the sake of the stability of the country.

The Presenter outlined main features of a Presidential system as follows:

- (i) The President is the Head of the State and Government with generous but checked Executive authority to run the country without the negative abuse of office of the past.
- (ii) The Legislature is a separate and independent institution with two chambers. The principal role of the Legislature is to check the Executive authority of the Presidency and the Government and to ensure fairness and justice in the distribution of resources and political power in terms of personnel.
- (iii) The County Governance structure is a replication of the pure Presidential system of Government at grassroots level. The structure eases pressure from the centre and also protects the Counties from overbalance by the centre.

The Presenter reminded the Executive that it is indeed the cog-wheel and fulcrum of the implementation process. According to Mr. Kitonga, the first challenge for the Executive is to develop an overall implementation strategy which should recognize that almost every Ministry is a player in the implementation process. In this regard, he proposed the creation of a sub-committee of the Cabinet to coordinate the implementation process. The Sub-Committee would then make appropriate recommendation in respect of policy formulation to the Cabinet, liaise with the Office of the Attorney-General and the Ministry of Justice, National Cohesion and Constitutional Affairs and the Law Reform Commission who would thereafter coordinate with the CIC to coherently develop all necessary legislation and test all formulated policies for constitutional integrity and adherence. The Presenter further argued that this strategy will serve to ensure that when the CIC reports to PCIOC, it will have received all the necessary input from the Government, the public and the private sector. The end product of this exercise will not only ensure the enactment of the forty nine (49) contemplated new legislations but also sanitize the existing legislations to give them constitutional legitimacy.

The second challenge according to Mr. Kitonga will be to internalize change and to ensure that the entire machinery of Government vibrates with the new order. He argued that the Government should recognize the timelines and the urgent need for all sectors of the Public Service and its institutions to focus on what needs to be

done to comply with the Constitution. He cited an example of the Ministry of Local Government which seems to be acutely aware of the mammoth task ahead and hence has commenced operations action.

Another challenge cited by Mr. Kitonga is strategy on how to avoid turf wars between Ministries, Ministers and Permanent Secretaries. He argued that there would be instances where one Ministry feels that another is encroaching upon its work. However, he advised that exchanges in public only serve to diminish public confidence and to bring the Government and its functionaries to ridicule. He called upon participants to deal with misunderstandings of this nature behind closed doors and where necessary the Cabinet Sub-committee to serve as a dispute resolution mechanism.

The Presenter raised concern with regard to the issue of politicians viewing counties as the new frontiers of leadership and professionals speaking of the need to convert counties into viable economic units without the unwelcome intrusion of politicians. This antagonism, he argued, is a needless and misguided sideshow as leaders must appreciate that in elective office there is no such thing as a pure professional and a pure politician. He gave an example of H.E. the President who professionally is an economist, the Prime Minister who professionally is an engineer and H.E. the Vice-President who professionally is a lawyer. He argued that all three serve as politicians who had to be elected in the first place and therefore the negative energy generated between politicians and professionals would be better utilized in confronting the real challenges facing the country with regard to implementation of the Constitution.

The Presenter added that there is need to urgently, adequately and comprehensively prepare for the next General Elections. He argued that although the current IIEC performed admirably during the just concluded referendum the next General Elections will require vast resources and organizational capacity. He added that preparations for 2012 elections should commence as early as possible.

The Presenter further argued that by far the most critical and formidable challenge will be how to manage political turbulence within the Coalition and its affiliates in the context of implementing the Constitution. He further argued that the

implementation process is largely dependent on peace and stability within the Coalition and its various affiliates, off-shoots and regional blocks. Mr. Kitonga challenged leaders to inoculate the implementation process from the vagaries of coalition politics.

Mr. Kitonga concluded by urging the leaders present to encourage Kenyans to inculcate a culture of constitutionalism that allows all decisions and pronouncements to be tested against the Constitution. He noted that the Constitution provides a framework within which the ills that afflict our country can be addressed. These ills include tribalism, corruption and the non-adherence to the rule of law.

5.5 "Financial Management Responsibilities between the Executive and Parliament as well as Commission for Revenue Allocation" by Prof. Terry Ryan, Strathmore University

The Presenter stated that all countries have similar national development objectives of economic growth, equity and sustainability. He noted that the new Constitution has good provisions for achievement of equity in addition to reasonably good provisions for sustainability. In particular the Equalization Fund is significant in that it will address issues of regional equity.

Prof. Ryan further noted that the Constitution does not expressively deal with environment matters hence sustainability issues would have to be interpreted in a manner that provides for sustainable management of the environment.

Of the three desirable national development objectives, the Presenter was of the opinion that the Constitution does not comprehensively address the issue of how economic growth will be generated. Rather the Constitution stipulates how the national cake should be shared out without reference to how to grow the National cake.

The Presenter drew attention to the three elements of a national budget - Revenue collection; Borrowing; and Expenditure noting that the country cannot spend what it does not have. Furthermore, borrowing to bridge the budget deficit raises the debt while pending bills erode credibility. He advised that the country should

emphasize foreign direct investments to attract resources needed to generate growth.

The Presenter stated that to ensure prudent financial management, the country should be able to determine the resource envelope at the start of the Financial Year (FY). This will serve to inform resource allocations to comply with Constitutional requirements for the Equalization Fund; Transfers; Consolidated Fund Service (CFS) as well as what funds will be allocated to Recurrent and Development expenditures.

He noted that specific legislation governing the Treasury Circular that sets the budget guidelines, including the budget calendar, must be undertaken. There is, therefore, urgent need to legislate into law elements of the Treasury Circular that include Revenues, borrowing, CFS, labour, Operations and Maintenance (O&M).

Prof. Ryan reiterated that efficient and effective financial management calls for well defined institutions, responsibilities and financial management instruments. In particular it is necessary to tabulate what Parliament is responsible for as well as who is Parliament responsible to.

To facilitate financial management at the devolved level, Prof. Ryan stated that Parliament must come up with the requisite legislation for financial management at the County. The Professor emphasized that tough decisions need to be made to avoid challenges associated with an incompatible budget. He concluded that point with a poser – Is Parliament the right institution to do this?

PLENARY SESSION

The plenary was moderated by H.E Hon. Stephen Kalonzo Musyoka, the Vice President of Republic of Kenya, who invited reactions from the participants. The following issues were raised and discussed:

- (i) Who Parliament is accountable to.
- (ii) The change of date of General Elections from December to 2nd August of every election year. Advice given was that the current Parliamentarians may need to negotiate for a compensation package for the four months between August - December, 2012. This is to allow subsequent General

Elections to be held on every 2nd of August of an election year in line with the new Constitution.

- (iii) Shifting blame among the Executive, Legislature and the Judiciary should be avoided as all arms play a role in governance and in the management of public affairs.
- (iv) Urgent need for legislation to govern financial management and budget making process in compliance with the new Constitution;
- (v) Concern was raised on how Counties will benefit from resources found within the Counties but categorized as national: e.g. national parks, ports and what happens to the so called "protected constituencies" after 2012.
- (vi) The original concept of the Constituency Development Fund (CDF) will need to be reviewed and especially to confirm that Counties have the capacity to absorb the funds. In this regard, it was recommended that there is no need to rush to repeal the CDF Act. The case of LATIF will also need to be addressed.
- (vii) Need for all leaders to be familiar with the provisions of Chapter Six of the Constitution, on Leadership and Integrity, and to uphold the values and principles enshrined therein.
- (viii) Need for a strong code of conduct to guide operations of political parties.
- (ix) That Cabinet Ministers have taken the oath of office while members of Parliamentary Oversight Committees are not on oath. This threatens confidentiality of information provided to the Committees.
- (x) There is the possibility of asymmetric development among Counties and hence the need to build capacity to ensure equitable growth of Countries for balanced national development.
- (xi) There might be need to legislate the caliber and qualifications of County representatives to ensure efficient management of resources. In addition, there is need to build capacity to support devolved public affairs management.
- (xii) That some Members of Parliament were not observing the Public Officer Ethics Act and still participate in Harambee drives. However, are outlawed for public officers as they encourage corruption.
- (xiii) Need for H.E the President, the Rt. Hon Prime Minister and H.E. the Vice President to mount a national campaign for promotion of a one nation culture.

6.0 CLOSING REMARKS BY: H.E HON. MWAI KIBAKI, C.G.H, MP, PRESIDENT AND COMMANDER-IN-CHIEF OF THE DEFENCE FORCES OF THE REPUBLIC OF KENYA

H.E. the President opened his remarks by thanking participants for their contribution and participation in the ground breaking Retreat that brought together members of the Executive and Legislature. He stated that the Retreat provided an opportunity to exchange views and to arrive at a consensus on how the Executive and Legislature shall work together to deliver the fruits of the Constitution to the people. He upheld the agreement between the Executive and the Legislature to work together, with each arm of Government doing its duty to ensure full and timely implementation of the Constitution.

He noted that time was of essence, and that all actors must not be distracted from the existing task. He stated that the Executive and Parliament shall give top priority to passing the laws and establishing the institutions and structures that are needed to entrench the new Constitutional dispensation.

The President observed that the country was in transitional period that would fundamentally change the manner in which Kenya is governed. There is therefore need to understand clearly what the new rules and institutions are, and ensure that they are internalized by all leaders. He further observed that Retreat participants had renewed the vigor needed to entrench the national values and principles, and that the leadership and integrity code are enshrined in the Constitution.

He appealed to the participants to let go of the old order that was ended by the Constitution and to fully embrace the new order. More importantly, he emphasized the need to spend time with wananchi, to sensitize them on the need forthcoming embrace the forthcoming fundamental changes at the grassroots of all forty seven (47) Counties.

H.E. pointed out that the task ahead was achievable if all concerned parties worked with determination to transform the country and to put to an end to absolute poverty and hunger, create enough jobs, and to ensure enjoyment of fundamental rights. He stated that this will allow all Kenyans to live decent and dignified lives.

7.0 RESOLUTIONS



REPUBLIC OF KENYA

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**RETREAT FOR MINISTERS, ASSISTANT MINISTERS, SPEAKER OF THE
NATIONAL ASSEMBLY, CHAIRPERSONS AND DEPUTY CHAIRPERSONS OF
PARLIMENTARY DEPARTMENTAL COMMITTEES ON FAST-TRACKING THE
IMPLEMENTATION OF THE NEW CONSTITUTION**

LEISURE LODGE RESORT, UKUNDA, KWALE: 12TH – 13TH NOVEMBER, 2010

COMMUNIQUÉ

WE, the Ministers and Assistant Ministers of the Government of the Republic of Kenya, the Chairpersons and Vice chairpersons of various committees of Parliament meeting at the Leisure Lodge and Resort, Kwale, from 12th to 13th November, 2010;

RECALLING WITH PRIDE the passing of the new Constitution of Kenya by the people on 4th of August 2010 and the promulgation of the same by H.E. the President on 27th August, 2010 at 10:27 am;

EMPHASIZING the importance and the need to maintain cohesion and stability of the Grand Coalition Government;

APPRECIATING the good will, the impetus and the firm foundation for socio-economic transformation of our country that has been created by the new Constitution;

COGNIZANT of the immense capacity and competencies that are available in our Parliament, the Judiciary, and Executive arms of Government and the country as a whole;

ACKNOWLEDGING the need for cooperation and consultation among the Executive; Legislature, and the Judiciary arms of the Government for purposes of effective and timely implementation of the Constitution;

AWARE of the importance of the Constitution to the socio-economic and political development of Kenya and in particular the delivery of Vision 2030;

CONSIDERING the amount of work that has already been undertaken by the Government and aware of the enormous legislative work that lies ahead towards the implementation of the new Constitution;

COGNIZANT of the high public expectations from the leadership of this country on the Constitution and the need for its expeditious implementation;

CONCERNED that corruption hinders economic development and hence the employment opportunities for our sons and daughters;

STRESSING the importance of an efficient financial management framework under the new Constitution;

AFFIRMING our commitment to fully, systematically and efficiently implement the new Constitution;

NOW MAKE the following resolutions:

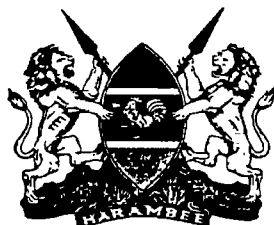
1. To increase the frequency of Executive Committee meetings of Minister, Assistant Minister, Permanent Secretary and Heads of Departments in Ministries to ensure harmony in the working environment.
2. Cabinet Ministers and Assistant Ministers shall abide by the principles of collective responsibility.
3. Cabinet Ministers and Assistant Ministers will abide by the oath of secrecy and keep Government secrets.
4. To ensure that public officers, Ministers, Assistant Ministers, Members of Parliament; Permanent Secretaries and all civil servants comply with the integrity and ethical values elaborated in the Constitution; as well as Public Officer Ethics Act which, among others, prohibits public officers from presiding over harambee functions.

5. To intensify and sustain the fight against corruption at all levels of Government.
6. To collectively and individually implement the provisions of the Constitution in the discharge of our duties taking into account the information that has been provided in this Retreat.
7. To urgently develop a new law to guide members of Parliament in the vetting of state officers at the same time balancing the responsibilities of the appointing authority and the oversight role of Parliament.
8. To fast track the development of policies and laws to expedite the implementation of the new Constitution in our respective Ministries.
9. To take into account the provisions of the new Constitution and the transitional provisions in carrying out our duties in Ministries and in accounting to Parliament.
10. To ensure that there is a good and harmonious working relationship between the Executive, the Judiciary and the Legislature.
11. To harmonize the processes and schedules of accountability of the Executive to Parliament through consultations.
12. To expedite the drafting of policies and laws on areas that will expedite the implementation of the Constitution in our respective Ministries and Departments.
13. To facilitate the development of policies, procedures, and laws necessary for the operationalization of County governments.
14. To facilitate the building of capacity for effective devolution and operationalization of County governments.
15. To develop an organic financial management law that governs the management of public finances at the national and county levels of Government.
16. To hold regular meetings, in addition to the Cabinet meetings, of Ministers and Assistant Ministers under the chairmanship of His Excellency the

President, to consult and monitor the implementation of the Constitution and discuss emerging issues.

17. To hold regular consultative meetings between the Executive and the Legislature to be able to harmonize the working relationship and improve the efficiency of the work of government on the basis of law and mutual respect.

Retreat Programme



REPUBLIC OF KENYA



**RETREAT FOR MINISTERS, ASSISTANT MINISTERS, SPEAKER OF THE
NATIONAL ASSEMBLY, CHAIRPERSONS AND DEPUTY CHAIRPERSONS OF
PARLIMENTARY DEPARTMENTAL COMMITTEES ON FAST-TRACKING THE
IMPLEMENTATION OF THE NEW CONSTITUTION**

LEISURE LODGE RESORT, UKUNDA, KWALE: 12TH – 13TH NOVEMBER, 2010

PROGRAMME

Theme : "Fast-tracking the implementation of the Constitution"

**Objective : "To develop a common understanding and approach to the
implementation of the New Constitution"**

THURSDAY, 11TH NOVEMBER, 2010

4.00 p.m. - 11.00 p.m. Check-In

DAY ONE: FRIDAY, 12TH NOVEMBER, 2010

TIME	ACTIVITY/SESSION
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Opening Session

8.00 a.m. – 8.40 a.m.	Registration
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8.40 a.m.	Arrival of the Prime Minister and the Vice President
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8.55 a.m.	Arrival of His Excellency the President
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9.00 a.m. – 9.05 a.m.

Opening Prayer

Welcome Remarks by: Amb. Francis K. Muthaura, E.G.H., Permanent Secretary, Secretary to the Cabinet and Head of the Public Service

9.05 a.m. – 9.10 a.m.

Remarks by: Hon. Mutula Kilonzo, E.G.H., M.P., Minister for Justice, National Cohesion and Constitutional Affairs

9.10 a.m. – 9.20 a.m.

Statement by: Rt. Hon. Raila Amolo Odinga, E.G.H., M.P., Prime Minister of the Republic of Kenya

9.20 a.m. – 10.00 a.m.

Keynote Address: His Excellency, Hon. Mwai Kibaki, C.G.H., M.P., President and Commander-in-Chief of the Defence Forces of the Republic of Kenya

10.00 a.m. - 10.15 a.m.

Group Photograph

10.15 a.m. – 10.45 a.m.

HEALTH BREAK

Moderator: Rt. Hon. Raila Amolo Odinga, E.G.H., M.P., Prime Minister of the Republic of Kenya

10.45 a.m. - 1.00 p.m.

Plenary

1.00 p.m. - 2.30 p.m.

LUNCH BREAK

Session 1

Moderator: Rt. Hon. Raila Amolo Odinga, E.G.H., M.P., Prime Minister of the Republic of Kenya

2.30 p.m. – 2.50 p.m.

Procedure and Process of Accountability of Ministers and Accounting Officers to Parliament

Presenter: Hon. Kenneth Marende, E.G.H., M.P., Speaker of the National Assembly

Discussants:

1. Prof. Githu Muigai, Advocate, High Court
2. Prof. Peter Wanyande
3. Mr. Mutakha Kangu

2.50 p.m. – 5.00 p.m.

Plenary:

5.00 p.m. – 5.30 p.m.

HEALTH BREAK

Session 2

Moderator: Rt. Hon. Raila Amolo Odinga, E.G.H., M.P., Prime Minister of the Republic of Kenya

5.30 p.m. – 6.10 p.m.

Implications of the Organisation of National and Devolved Governments: (a) Kenya Devolved Government under the New Constitution

Presenter: Hon. Njoki Ndungu

6.10 p.m. – 6.55 p.m.

Plenary:

Session 3

Moderator: Rt. Hon. Raila Amolo Odinga, E.G.H., M.P., Prime Minister of the Republic of Kenya

7.15 p.m. – 7.35 p.m. (b) *Enforcement of Ethics and Integrity in the Public Service: The Singapore Experience*

Presenter: Dr. Victor Koh, Singapore

7.35 p.m. – 8.20 p.m.

Plenary:

8.30 p.m.

Dinner / Cocktail

----- ♦ **END OF DAY ONE** ♦ -----

DAY TWO: SATURDAY 13TH NOVEMBER, 2010

Session 4

Moderator: H.E. Hqn. Kalonzo Musyoka, E.G.H.,
M.P., Vice President and Minister for Home Affairs

Legislative Agenda

8.30 a.m. – 9.00 a.m. ***Implementation of the new Constitution of Kenya: Background, Context, Opportunities and Challenges***

Presenter: Mr. Nzamba Kitonga, Advocate

9.00 a.m. – 10.00 a.m.

Plenary

Session 5

Moderator: H.E. Hon. Kalonzo Musyoka, E.G.H.,
M.P., Vice President and Minister for Home Affairs

Financial Management in the Public Service

10.00 a.m. – 10.30 a.m. ***Financial Management responsibilities between the Executive and Parliament as well as Commission for Revenue Allocation***

Presenter(s):

1. Prof. Terry Ryan, Strathmore University
2. Prof. Olusanya Ajakaiye, Director, African Economic Research Consortium

10.30 a.m. – 11.45 a.m.

Plenary:

11.45 a.m. - 12.00 noon

HEALTH BREAK

12.00 noon – 1.15 p.m.

CLOSING CEREMONY

Mombasa Communiqué

Presenter: Rt. Hon. Raila Amolo Odinga,
E.G.H., M.P., Prime Minister of the Republic of
Kenya

› Closing Remarks:

**His Excellency, Hon. Mwai Kibaki, C.G.H.,
M.P., President and Commander-in-Chief of
the Defence Forces of the Republic of Kenya**

1.15 p.m. - 2.15 p.m.

L U N C H

2.15 p.m.

D E P A R T U R E

Appendix II

Implementation/Action Matrix

Action line	Ministries/Agencies involved	Lead Ministry/Agency	Time-frame
1 Identify required legislation to enable implementation of Constitution	- All Ministries - State Law Office - Kenya Law Reform Commission	- MOJNCCA - State Law Office	20 Months
2 Make proposals on identified areas for legislation to AG & Kenya Law Reform Commission for drafting.	- All Ministries - State Law Office - Kenya Law Reform Commission	- MOJNCCA - State Law Office	20 Months
3 Draft policies and legislation for implementation of the new Constitution.	- All Ministries	- MOJNCCA - State Law office	Continuous
4 Identify institutions to be established in Ministries under the new Constitution and formulate Action Plans for their establishment.	- All Ministries	- HoPS - Ministry of Finance - SLO - MSPS	6 Months
5 Implement Reforms in the Judiciary, Police and Lands	- Min of Local Govt - Provincial Admn. & Int. Security - MOJNCCA - Judiciary - Ministry of Lands	- PM's Office - HoPS - Chief Justice - Provincial Admn. & Int. Security	20 Months
6 Implement the governance structure as provided for in the new Constitution	- OP - PM's Office - HoPS - Min of Finance - MSPS	- PM's Office - HoPS - MOJNCCA	20 Months

Action line		Ministries/Agencies involved		Lead Ministry/Agency	Time-frame
7	Set timelines for passage of new laws by Parliament required for timely implementation of the new Constitution	- MOJNCCA - State Law Office		- State Law Office	3 Months
8	Entrench Leadership Code and National Values	- MOJNCCA - MSPS - HoPS - National Economic and Social Council (NESC)		- MOJNCCA - MSPS - HoPS	6 Months
9	Convene quarter yearly meetings for Assistant Ministers & H.E the President & the Prime Minister	- OP - PM's Office - HoPS - All Ministries		- HoPS - PM's Office	1Month
10	Revamp the Ministerial Executive Committee meetings involving Ministers, Assistant Ministers, H.E the President & PM	- All Ministries		- HoPS - MSPS	Immediate and continuous
11	Address errors, inconsistencies, contradictions and anomalies in the new Constitution	- MOJNCCA - State Law office		- MOJNCCA - State Law Office - Kenya Law Reform Commission	Immediate
12	Reduction of the number of Ministries	- OP - PM's Office - HoPS		- OP - PM's Office - HoPS	20 Months
13	Revision of Parliamentary Standing Orders to accord with the Presidential system of government	- MOJNCCA - Parliament - State Law Office - PM's Office		- Parliament	20 Months
14	Operationalise Chapter 6 of the Constitution on leadership and integrity through an Act of Parliament	- MOJNCCA - State Law Office - MSPS - Kenya Anti-Corruption Commission (KACC)		- MOJNCCA - MSPS	3 Months

Action line	Ministries/Agencies involved	Lead Ministry/Agency	Time-frame
15 Undertake benchmarking on Parliamentary accountability	- MOJNCCA - Parliament	- MOJNCCA - Parliament	6 Months
16 Preparation of Bills on the Kenya territory, county boundaries, land, judiciary and financial management in accordance with the Constitution	- MOJNCCA - State Law Office - Finance - Min of Lands - Judiciary - Prov. Administration	- MOJNCCA - State Law Office	1 year
17 Create Sub-Committee of the Cabinet to coordinate the Constitution implementation process.	- OP - PM's Office - MOJNCCA - HoPS - State Law Office	- PM's Office - HoPS	1 Month
18 Develop an overall Constitution implementation strategy	- MOJNCCA	- MOJNCCA	3 Months
19 Form Ministerial Teams of Professionals to develop policies and to recommend enactment of amendments of legislation relevant to specific Ministries in compliance with the Constitution	- All Ministries	- MOJNCCA	1 Month
20 Develop legislation for financial management at the county level	- MOJNCCA - Min of Local Govt. - State Law Office - Ministry of Finance	- Min of Local Govt - Ministry of Finance	3 Months
21 Develop Code of Conduct to guide the operations of political parties	- MOJNCCA - Registrar of Political Parties - Interim Independent Electoral Commission - State Law Office - Kenya Law Reform Commission	- MOJNCCA	6 Months

Action line	Ministries/Agencies involved	Lead Ministry/Agency	Time-frame
22	Mount National Campaigns for promotion of a one nation culture to be spearheaded by H.E the President, the Rt. Hon. Prime Minister & H.E. the Vice President	- OP (HOPS) - PM's office - Ministry of Culture and National Heritage - MOJNCCA	3 months
23	Enforce prohibition of public officers from presiding over harambee functions as stipulated in the Public Officer Ethics Act, 2003.	- All Ministries - All the Responsible Commissions provided for or established under the Public Officer Ethics Act, 2003	Immediate
24	Intensify fight against corruption at all levels of government.	- All Ministries - KACC - National Anti-Corruption Campaign Steering Committee (NACCSC)	Immediate
25	Implement the Ministers and Assistant Ministers Leisure Lodge, Retreat resolutions	- All Ministries	Continuous
26	Develop a new law to guide members of Parliament in vetting state officers	- MOJNCCA - MSPS - HoPS - PM's Office - MOJNCCA	Immediate
27	Fast-track the development of policies and laws to expedite the implementation of the new Constitution in respective Ministries	- All Ministries - MOJNCCA - State Law Office	Immediate
28	Facilitate the development of policies, procedures and laws necessary for the operationalization of County Governments	Min. of Local Govt	Immediate
29	Build capacity for effective devolution and operationalization of County governments	- Min of Local Govt, - HoPS, - MSPS, - MOJNCCA	Immediate

	Action line	Ministries/Agencies involved	Lead Ministry/Agency	Time-frame
30	Develop an organic financial management law that governs the management of public finances at the national and county levels of government	- MOJNCCA, - Min of Finance	Min of Finance	Immediate
31	Hold regular consultative meetings between the Executive and the Legislature for improving working relationship.	- OP, - PM's Office, - HoPS, - Parliament	- HoPS, - Parliament	Immediate
32	Facilitate compliance with the Oath of Secrecy and the principle of collective responsibility for Cabinet Ministers and Assistant Ministers	- All Ministers and Assistant Ministers - HoPS - PM's Office - VP's office - All Permanent secretaries/Accounting Officers	- OP (HoPS) - PM's office - VP's office	Immediate
33	Facilitate the development of a good and harmonious working relationship between the Executive, the Judiciary and the Legislature.	- All Ministries - MOJNCCA - HoPS - PM's Office - VP's office - All Permanent Secretaries/Accounting Officers	- MOJNCCA - HoPS - PM's Office - MOJNCCA	Continuous
34	Introduce as a key result area in the Performance Contracts, handling of Parliamentary matters	- PM's Office - Performance Contracting Dept.	- Performance Contracting Department	Immediate

Appendix III

Speeches and Remarks

REMARKS BY AMB. FRANCIS K. MUTHAURA, EGH., PERMANENT SECRETARY, SECRETARY TO THE CABINET AND HEAD OF THE PUBLIC SERVICE, DURING THE RETREAT FOR MINISTERS AND ASSISTANT MINISTERS ON "FAST-TRACKING THE IMPLEMENTATION OF THE NEW CONSTITUTION OF KENYA", HELD AT THE LEISURE LODGE & RESORT, UKUNDA, KWALE COUNTY, 12-13 NOVEMBER 2010:

**Your Excellency the President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, Hon. Mwai Kibaki, CGH, MP,
The Right Honourable Prime Minister, Hon. Raila Amolo Odinga, EGH, MP;
Your Excellency the Vice President, Hon. Stephen Kalonzo Musyoka, EGH, MP,**

Honourable Deputy Prime Ministers;

Honourable Ministers and Assistant Ministers;

Permanent Secretaries present;

Invited guests;

Ladies and Gentlemen.

On behalf of the Steering Committee that has organized this retreat; I am greatly honoured to welcome you all to this important event. This retreat comes in the wake of a retreat for all Permanent Secretaries and Accounting Officers held at Serena Beach Hotel, Mombasa, on 17th and 18th September 2010, which focused on the same theme of the implementation of the new Constitution of Kenya. Arising from the deliberations and resolutions of the Permanent Secretaries'/Accounting Officers' retreat, it was felt necessary to organize a consultative retreat for Ministers and Assistant Ministers, owing to the crucial policy roles they are supposed to play in the implementation of the Constitution.

The theme of the Retreat is to **"fast-track the implementation of the Constitution"**.

While the main objective is to **"develop a common understanding and approach to the implementation of the New Constitution"**.

**Your Excellency,
Ladies and Gentlemen,**

Allow me to give you brief highlights of the issues that were considered during the retreat for Permanent Secretaries recently at the Serena Beach Hotel on 17th and 18th September. During that retreat, the PSs were sensitized on the provisions of the Constitution and several issues were raised. Eventually, the PSs came up with firm resolutions and work plans, which have now been shared with the relevant authorities in Government for purposes of implementation.

The Permanent Secretaries Retreat focused on, among other things:

- (i) The implications of the new Constitution;
- (ii) The operations of the two levels of government;
- (iii) The application of the Bill of Rights in the Public Service;
- (iv) Re-organization of the Government, and especially the provincial tier of Government;
- (v) The process of devolution, establishment and staffing of County Governments;
- (vi) Execution of National Policy at the National and County levels of Government;
- (vii) Implications of the new Constitution on the management and accountability of Public Finance, and,
- (viii) The relationship between the various Constitutional Commissions and other arms of Government.

**Your Excellency,
Ladies and Gentlemen,**

In conclusion, I wish to assure you of the commitment of the Permanent Secretaries and other lower levels and structures of Government, to ensure that the Constitution is implemented efficiently and effectively.

With those few remarks, it is now my humble pleasure to invite the Minister for Justice, National Cohesion and Constitutional Affairs, Hon. Mutula Kilonzo, to make his remarks.

Karibu Waziri.

REMARKS BY HON. MUTULA KILONZO, EGH, EBS, SC, M.P MINISTER FOR JUSTICE, NATIONAL COHESION AND CONSTITUTIONAL AFFAIRS ON "DEVELOPING A COMMON UNDERSTANDING AND APPROACH TO THE IMPLEMENTATION OF THE NEW CONSTITUTION" DURING THE RETREAT FOR MINISTERS AND ASSISTANT MINISTERS ON THE IMPLEMENTATION OF THE NEW CONSTITUTION HELD AT THE LEISURE LODGE RESORT, UKUNDA, 11TH NOVEMBER, 2010

Your Excellency President Mwai Kibaki, President and Commander in Chief of the Defence Forces of Kenya

The Rt Hon. Raila Amolo Odinga, Prime Minister of the Republic of Kenya, His Excellency Dr. Stephen Kalonzo Musyoka, Vice-President of the Republic of Kenya

Fellow Colleagues

Distinguished Ladies and Gentlemen,

1. It gives me great pleasure to share my thoughts with this distinguished forum on how we can fast-track the implementation of our new Constitution.
2. This Constitution renews the ethical foundations of this Country. It introduces a new set of values and principles upon which the Nation must be governed. It seeks to foster national unity by recognizing diversity while also facilitating decentralization of state organs, their functions and services, away from Nairobi.
3. In view of these lofty aspirations, I could not agree more with the timing of this retreat. It comes at a time when Kenyans remain extremely excited about the prospects of implementing their new supreme law while at the same time they maintain their suspicion concerning the Government's Commitment in the implementation process.
4. We therefore have a perfect opportunity to restore the citizen's confidence in our commitment to the process. I believe we have started on the right footing by displaying a level of transparency never witnessed before in post independent Kenya.
5. For the first time in our history, Your Excellency the President has invited the public to apply for vacancies in public office. Similarly for the first time, members to the Judicial Service Commission have been transparently elected

to serve in the Commission. Further still you may have noted the scrutiny by Parliamentary committees on suitability of persons to hold public office.

6. In essence, we are sending a very clear message to those who desire to serve the public. We are reiterating servant leadership, competence and above all, integrity.
7. We are insisting on moral and financial probity; we are telling those with a penchant for easy virtue to seek alternative employment.
8. Similarly we are advising those with a morbid dislike for integrity, that public service is not their calling.
9. This message must go out loudly and clearly. We must clearly demonstrate that we are rebuilding a new Country. Failure to display this level of Commitment will seriously negate all the efforts we have invested in this process.
10. Allow me also Your Excellency, to direct our focus on the stringent timelines set out in schedule 5 of the Constitution. I am happy to observe that so far, we have managed to stick to the stipulated timelines without having to seek any extension.
11. However, there is real likelihood that some legislation may lag behind if the relevant Ministries do not take the initiative. In this regard, I would encourage and urge those of us gathered here today, to identify the required legislation and initiate proposals for onward transmission to the Attorney General and the Kenya Law Reform Commission for drafting.
12. Similarly we have to identify the key institutions under the new Constitution that fall within our various dockets and begin formulating action plans for their establishment. In this regard, we have to commend the Deputy Prime Minister and Minister for local Government for his initiative in setting up the task force on Devolution.
13. But even as we take this initiative, we must give budgetary preference to matters of implementation. We may even have to cut down on some of our expenditure to meet the cost of implementation. This I believe is not a very huge price to pay.
14. Finally Your Excellency, permit me to mention our role as the executive in the legislative process. This role remains very critical in the implementation process. I would urge that the same zeal with which we have discussed

proposed bills in Cabinet should be replicated on the floor of the house. We must provide the numbers when it matters most – cases of quorum hitch should never be attributed to members of the front bench.

15. It is my sincere hope that we will openly and candidly deliberate on this issues and that we will leave this town with key resolutions that will assist fast-track the implementation of the Constitution.

Thank you and May God bless you.

REMARKS BY HON. KENNETH MARENDE, EGH, MP, THE SPEAKER OF THE NATIONAL ASSEMBLY ON THE PROCEDURE AND PROCESS OF ACCOUNTABILITY OF MINISTERS AND ACCOUNTING OFFICERS TO PARLIAMENT, LEISURE LODGE, KWALE, 12TH NOVEMBER 2010

**His Excellency, the President of the Republic of Kenya Commander in Chief of the Kenya Defence Forces, Hon Mwai Kibaki,
The Right Hon. Prime Minister, Raila Odinga,
The Vice-President and leader of Government Business, Hon. Kalonzo Musyoka,
Honorable Ministers,
Honorable Assistant Ministers,
Chairs of Parliamentary Committees,
Honorable Members,
The Clerk of the National Assembly,
Ladies and Gentlemen.**

I am greatly honoured and privileged to join you and to make remarks at this auspicious retreat, that brings together the two arms of the Government of the Republic of Kenya. I want to sincerely appreciate the Prime Minister's Office for generating this forum which I believe will leave all us a better packaged to deliver good governance.

The New Constitution sets out elaborate provisions about Parliament and its role. These functions include among others; protection of the Constitution and promotion of democratic governance.

It also provides for two Houses, namely the Senate and the National Assembly and defines their respective roles and functions.

Your Excellency, Honorable Members,

Pursuant Article 95 for example, the National Assembly is expected to; a) determine Allocation of national revenue between the various levels of Government; b)

appropriate funds for expenditure by the National Government and other state organs; c) and exercise oversight over national revenue and its expenditure.

On the other hand, the Senate represents the Counties and serves to protect their interest and in particular to determine the allocation of revenue and exercise oversight over the national revenue allocated to the county governments. Further the Senate will participate in the oversight over state officers including impeachment of the President and Deputy President.

The Constitution has provided for the role and functions of the Executive and also enumerates the principles within which this authority shall be exercised. The principle of service to the people of Kenya, their well being and benefit cannot be over-emphasized in this regard.

The structure of the Executive will include the President, Deputy President and the Cabinet, the composition of which shall reflect the regional and ethnic diversity of the people of Kenya. Sections 131 and 132 of the Constitution amplify the authority and the functions of the President.

Honorable Members,

Parliament manifests the diversity of the people, represents the will of the people and exercises their sovereignty while the Executive authority is expected to be exercised in accordance with the principles of good governance.

From the foregoing, it is clear that the key objective of the Constitution is to provide service to the people and safeguard their sovereignty. I therefore hasten to add that as Government organs, we need to partner together to ensure that we serve the citizens to their expectations to the best of our ability.

Honorable Members

I have given the general functions of Parliament and those of the Executive. The lingering question at this moment is about how these functions shall be performed in a systematic manner taking cognizance of the fact that the Parliament is the custodian of the sovereignty of the people while the Executive also has the mandate of the people to govern.

The purpose of executive accountability is to ensure the rule of law, representative governance, effective representation and efficient service delivery in accordance with the principles of taxation. The mechanisms to ensure the accountability of Government are provided for in the Constitution, the statutes and our rules of procedure. The Standing Orders, as we are all aware, are provided for by both the former Constitution and now the Constitution at Article 124. In particular standing order 198 provides for Committees of the House, standing order 183 on Ministers' Reports, Part XIII on public petitions, Part XI on Prime Minister's Time and Part XII on Questions.

The concept of Parliamentary accountability is based on the premise that Parliament, as the highest representative organ of Government, has the duty to check on the activities of the Executive through a number of measures. Thus champions of accountability must first be accountable to themselves.

Honorable Members,

It is worthwhile to note the fundamental paradigm shift in the Constitution in the structure of the Government where for instance, the President and Cabinet Secretaries are no longer Members of Parliament. This in effect means that there will be no Parliamentary questions in the traditional manner we have known them. They have been a very popular mechanism for accountability over Ministerial policies, expenditure and programmes. The House will however need to devise innovative mechanisms to ensure that this important device of accountability continues to be sustained in our procedure.

The main mechanisms for Parliamentary accountability will now centre on committees in the Senate and in the National Assembly. Parliamentary Committees will therefore have more powers and responsibilities and will be inquisitive than hitherto.

Investigatory/watchdog Committees will continue to scrutinize the reports of the Auditor general and report their findings to Parliament while the departmental Committees will continue to investigate, inquire into and report on all matters relating to the mandate, management, activities, administration and operations and estimates of the assigned Ministries and departments. as clearly stated in standing

orders 198(3); a mandate which I as the Speaker have sworn to defend, protect and safeguard.

Honorable Members,

Your Excellency

The Accounting officers as the technical persons should ensure that there is limited or no deviation between the two and that Budget implementation focuses on achievement of agreed policies and strategic objectives, and not necessarily limited to accounting for inputs. Section 226 of the Constitution provides that the Accounting officers of a National Public entity are accountable to the National Assembly for its financial management. There is therefore need to change from the current postmortem approach that addresses financial accountability on basis of input and process scrutiny, to a more dynamic system of accountability.

It is imperative that strategies be developed to avoid stalemates or stand-offs between the executive and Parliament over budget approval as it has happened in other jurisdictions.

Your Excellency, Honorable Members,

In conclusion, may I share a few thoughts on this important matter.

- The Executive should not be surprised or otherwise feel harassed when Parliament seeks to oversight it.
- The Executive must not depend on the Chair to defend it in the House.
- The principle of collective responsibility and discipline is the purview of the Executive.
- The Executive must ensure that one of the key results in the performance contract is to Parliamentary matters.
- Attendance of the Executive in Parliament to attend to and address Parliamentary matters is of ultimate priority. This week, for instance we had to defer a number of questions and statements, to the extent that the chair has resort to the provisions of s.o. 97.
- Inadequate responses to issues and questions raised in the House is a fertile ground for impeachment.

- Misappropriation of public resources, or more properly, corruption, has adverse effects on governance and therefore Parliament takes it as a part of its fundamental responsibilities.
- The summoning of Ministers and indeed all other citizens must be undertaken with civility and courtesy and not through press conferences. The Chair has directed that all summonses for Ministers must originate from one source, the Clerk of the National Assembly.

With these remarks, I wish you fruitful deliberations.

Thank you

TALKING NOTES ON IMPLEMENTING THE CONSTITUTION, PRIME MINISTER RAILA ODINGA NOVEMBER 11, 2010

Each time we meet like we do today, I want us to remind ourselves that this is a special government, put together under very unique circumstances with a very clearly defined mandate. In many ways, this government is more like the first one formed at independence to lay the foundation for the independent Kenya. The Grand Coalition was formed to chart a new course that reflects the new Kenya that has emerged in the last 47 years.

On August 27 this year, Kenya changed forever. For the first time, we have a democratic state on paper. It is going to be a hard and arduous process to translate what is on paper into reality on the ground - to make the new democratic constitution a living reality for our people.

That is task for which we must provide leadership. Our legacy to this great nation must be that we rose to the occasion and turned our backs on state tyranny. The greatest gift that we can give to ourselves - and to posterity - is the practical implementation of one of the most democratic constitutions ever written.

Ministers need to lead the process. The Constitution does not specify every detail but intention is clear. There are major changes which will require change of attitudes.

There are key areas of the new constitution that I believe can be implemented immediately so that Kenyans can begin to realize their vast potential. I call these key areas the low hanging fruit.

First, justice is a word that is on the lips of every Kenyan. But in our context, the word is often used to express frustration with the failure of our judiciary to deliver justice to the people. If there is one reason why the state does not enjoy the confidence of the public, it is because justice is either not done, or not seen to be done. We have to reform the judiciary, and start to do so immediately. This must be accompanied by changes in

the AG's office and the entire law enforcement machinery. Some of these will be changes of personnet but we must change the culture of these institutions. I therefore see the reform of our legal system as a matter that we must tackle immediately.

Second, we must immediately start to implement the governance structures envisaged by the new constitution. Many Kenyans view the State with suspicion. Many think it is removed from them. Others feel that our state is a predator. We can start to change this image right away by implementing the new devolution structures in the constitution. The longer we retain old and anachronistic structures, the more the people will lose faith in the transformative power of the new constitution. Change in governance must mean one thing - that we reject obsolete structures and begin implementing or acting in the spirit of new structures. I know that some of these will have to wait until elections are held. But there are things we can - and should - do now.

Third/ we should embark on land reform. Land is one of the most contentious issues in our country. But we will never develop as a country unless we tackle this issue/ and do so without fear or favor. We must also tackle the problem of landlessness by taking measures that show our people that our government cares.

Fourth/ we must address the problem of insecurity right away. We need to conduct public campaigns to educate our people about the bill of rights/ and how citizens can work with law enforcement agencies to create safe neighborhoods.

Fifth/ we need to pay attention to marginal areas where infrastructure is threadbare. The construction of roads/ the provision of water/ and the electrification of these areas must be given priority under the new constitution. These services will stimulate economic growth/ enhance commerce/create jobs and contribute to a healthier population.

Sixth/ we must reconcile our people. We know that our people are deeply divided by ethnicity and as leaders/ we are daily contributing to widen the divide. The new constitution can stamp out this cancer. But to do so/ we must teach our people the law will be applied equally without a witch hunt, or the targeting of any community. Leaders must stop seeking refuge behind their communities when they are called to account. We must weigh our words. The law needs to be applied on those who can't guard themselves. We need to instruct the institutions in the constitution that are empowered to address these issues to do their work transparently, and in open daylight.

Seventh, the constitution is very sensitive about the place and roles of women in our society. It enshrines in it the one-third principle of inclusivity. No longer should the public arena be the exclusive preserve of the male gender. Political parties and state organs must lead the way without wasting another minute. We must urgently begin absorbing youth into ranks of our public life, in line with the constitution.

It is obvious that we need to pass many pieces of legislation to bring some of these matters into fruition. But there are many areas where we do not need to wait for the passage of the law to do what is right. I want to ask you to identify those areas so that the relevant ministries and state organs can start to put the new constitution to work for the people of Kenya.

I want to make a confession. Although I never despaired, I did not believe that I would live to see the enactment of the new constitution. But hope springs eternal. We fought the good fight. We listened to the people. And the rest, as they say, is history. That's why I am asking you today to join hands with me and President Mwai Kibaki and step boldly into the future.

**SPEECH BY HIS EXCELLENCY HON. MWAI KIBAKI, C.G.H., M.P.,
PRESIDENT AND COMMANDER-IN-CHIEF OF THE DEFENCE FORCES OF
THE REPUBLIC OF KENYA ON OFFICIAL OPENING OF RETREAT FOR
MINISTERS AND ASSISTANT MINISTERS AT LEISURE LODGE AND RESORT,
UKUNDA, KWALE ON 12TH NOVEMBER, 2010**

I am pleased to join you for this retreat. As we are all aware, the promulgation of our new Constitution in August was the first step towards the journey of putting in place a new constitutional order for our beloved country.

The next critical step is the full, systematic and efficient implementation of the new Constitution. This meeting could not, therefore, have come at a better time. It seeks to develop synergy on this important task before us. A key element in the implementation of the new Constitution is the passage of new laws by Parliament. I am pleased that most of your ministries are fully engaged in drafting the necessary legislation required to implement the new Constitution.

I look forward to the session on the legislative agenda that will deliberate on how we will achieve the goal of implementing the new constitution. Moreover, we will be able to develop time lines to ensure that the Executive is able to present the required Bills to Parliament for discussion and passage.

Since we promulgated the new Constitution, we have seen our institutions begin to change fundamentally. For instance, Parliament is re-energized in its mandate to provide oversight on public finances and the conduct of public affairs. We see this as a positive development with great benefits for our society, particularly in the war against corruption. Let us all re-dedicate ourselves to fighting this vice that must have no place in the new Kenya that we seek to develop.

I am also glad that we will have an opportunity to consult with the Speaker of the National Assembly and the Chairs of various Parliamentary Committees during this retreat. These consultations will enable us come to a consensus on the procedures, processes and structures of executive accountability and responsibility to Parliament in the new constitutional dispensation.

As you are aware, the new Constitution creates a devolved system of governance with 47 counties. It is my firm belief that well structured, properly governed and soundly administered counties will be the next source of growth and development for this nation. They will provide new destinations for local and international investment, uncover new resources and opportunities that can be turned into wealth and employment, and most important of all, distribute opportunity and prosperity equitably throughout our nation.

I am glad that the new Constitution provides a firm foundation for the economic transformation of our country. Indeed, local and foreign investors have expressed optimism in the growing fortunes of our economy. The grand coalition Government will continue putting in place a conducive macroeconomic and legal environment for investment and trade in order to tap the unfolding opportunities.

The requirements of the leadership code and the entrenchment of national values contained in the new Constitution will transform leadership and governance in our country. I urge you to familiarize yourselves with these values and seek to internalize them.

Indeed, a country that elects and appoints its leaders on the basis of merit, competence, vision and integrity can only become greater.

In conclusion, I would like to remind all of us that our nation expects us to provide visionary leadership at all times. Our people expect us to set the pace in the fight against absolute poverty and are looking upon us for better shelter. It is up to us to ensure food security as well as the employment of the sons and daughters of our country. Kenyans are also expecting and urging us to fight against insecurity and corruption.

Indeed, they expect us to carry out our responsibilities with a renewed commitment to making Kenya a prosperous, equitable, democratic and developed country by the year TWENTY THIRTY.

The full implementation of our new Constitution provides the base for this transformation. As we leave this retreat, let us reaffirm the hopes and aspirations the new Constitution has created in the hearts and minds of our people.

With these remarks, it is now my pleasure to declare the Ministerial Retreat on the Implementation of the Constitution formally open.

**CLOSING REMARKS BY HIS EXCELLENCY HON. MWAI KIBAKI, C.G.H,
M.P., PRESIDENT AND COMMANDER-IN-CHIEF OF THE DEFENCE FORCES
OF THE REPUBLIC OF KENYA AT THE MINISTERS RETREAT IN UKUNDA,
SOUTH COAST, 13TH NOVEMBER 2010**

I wish to thank you all for your contribution and participation in what has been a ground breaking retreat that brought together members of the Executive and Legislature. We have had an opportunity to exchange views and arrived at a consensus on how we shall work together, to deliver the fruits of the Constitution to our people. The Executive and the Legislature are agreed on the need to work together, with each arm of Government doing its duty to ensure the full and timely implementation of the Constitution.

We are also agreed that time is of essence, and we must not be distracted from this task. We shall as the Executive and Parliament give top priority to passing the laws and establish the institutions and structures that are needed to entrench the new constitutional dispensation.

Ladies and Gentlemen, We are now in the transitional period that will see us fundamentally change the manner in which our country is governed. We must understand clearly what the new rules and institutions are, and ensure that they are internalized by all of us as leaders. We are also leaving here renewed in our vigour to entrench the national values and principles, and the leadership and integrity code, enshrined in the Constitution.

We must be willing to let go of the old order that was ended by this Constitution and fully embrace the new order that is has ushered. This is our duty as the leadership of our country, and we must fulfill this obligation that we owe to our people. More importantly, as we leave this retreat, we must similarly spend time with wananchi, so they too can understand the forthcoming fundamental changes, and be ready to embrace them at the grassroots, in all our 47 counties.

When we the leaders and our people have a common understanding of the new dispensation and are ready for change, there will be nothing that will stand in our way as we seek to make our nation a great one. The task ahead of us is achievable. We who are gathered here will make it happen, because we have what it takes and the determination to transform our country. We must hasten the implementation of this Katiba so that wananchi can begin to enjoy the immediate benefits.

These include the end of absolute poverty and hunger, the creation of enough jobs to employ our people, and the enjoyment of fundamental rights. This will allow all our people to live decent and dignified lives.

Our people chose the new order on August 4th this year. As their elected leaders, we must obey the will of the people, and expeditiously implement this order. This is the only way to remain true to the oath that we all took as we promulgated the Constitution on 27th of August.

Once again, I thank you all for your contribution and renewed determination to make Kenya a great nation.

List of Participants



REPUBLIC OF KENYA

RETREAT FOR MINISTERS, ASSISTANT MINISTERS, SPEAKER OF THE NATIONAL ASSEMBLY,
CHAIRPERSONS AND DEPUTY CHAIRPERSONS OF PARLIAMENTARY DEPARTMENTAL
COMMITTEES ON FAST-TRACKING THE IMPLEMENTATION OF THE NEW CONSTITUTION
LEISURE LODGE RESORT, UKUNDA, KWALE: 12TH – 13TH NOVEMBER, 2010

LIST OF PARTICIPANTS

Name	Designation	Ministry/Department
MINISTERS		
1. H.E. Hon. Mwai Kibaki, CGH, MP	President and Commander -in -Chief of the Defence Forces of the Republic of Kenya	Office of the President
2. Rt. Hon. Raila Amolo Odinga, EGH, MP	Prime Minister of the Republic of Kenya	Office of the Prime Minister
3. H.E. Kalonzo Musyoka, EGH, MP	Vice President and Minister for Home Affairs	Office of the Vice President and Ministry of Home Affairs
4. Hon. Uhuru Kenyatta, EGH, MP	Deputy Prime Minister and Minister for Finance	Office of the Deputy Prime Minister and Ministry of Finance
5. Hon. Musalia Mudavadi, EGH, MP	Deputy Prime Minister and Minister for	Office of the Deputy Prime Minister and

Name	Designation	Ministry/Department
	Local Government	Ministry of Local Government
6. Hon. Amb. Chirau Ali Mwakwere, EGH, MP	Minister	Trade
7. Hon. Dr. Mohammed Kuti, EGH, MP	Minister	Livestock Development
8. Hon. Mohamed Elmi, EGH, MP	Minister	Development of Northern Kenya and other Arid Lands
9. Hon. Prof. Anyang' Nyong'o, EGH, MP	Minister	Medical Services
10. Hon. Amb. Prof. Sam K. Ongerj, EGH, MP	Minister	Education
11. Hon. Amos Kimunya, EGH, MP	Minister	Transport
12. Hon. Chris M. Obure, EGH, MP	Minister	Public Works
13. Hon. John Munyes, EGH, MP	Minister	Labour
14. Hon. Dr. Otuoma Paul, EGH, MP	Minister	Youth Affairs & Sports
15. Hon. James Orengo, EGH, MP	Minister	Lands
16. Hon. A.J. Kingi, EGH, MP	Minister	Fisheries Development
17. Hon. Mutula Kilonzo, EGH, MP	Minister	Justice, National Cohesion and Constitutional Affairs
18. Hon. Noah M. Wekesa, EGH, MP	Minister	Forestry & Wildlife
19. Hon. Yusuf M. Haji, EGH, MP	Minister	Defence
20. Hon. John N. Michuki, EGH, MP	Minister	Environment & Mineral Resources
21. Hon. Kiraitu Murungi, EGH, MP	Minister	Energy
22. Hon. Najib Balala, EGH, MP	Minister	Tourism
23. Hon. Esther Murugi Mathenge, EGH, MP	Minister	Special Programmes
24. Hon. Dalmas Otieno Anyango, EGH, MP	Minister	Public Service
25. Hon. Prof. George Saitoti, EGH, MP	Minister	Provincial Administration and Internal Security
26. Hon. Kilemi Mwiria, EGH, MP	Minister	Higher Education, Science and Technology
27. Hon. Henry K. Kosgey, EGH, MP	Minister	Industrialization
28. Hon. Beth Mugo, EGH, MP	Minister	Public Health and Sanitation
29. Hon. William Ntimama, EGH, MP	Minister	National Heritage & Culture
30. Hon. Soita Shitanda, EGH, MP	Minister	Housing
31. Hon. Robinson N. Githae, EGH, MP	Minister	Nairobi Metropolitan Development
32. Hon. Wycliffe Oparanya, EGH, MP	Minister	Planning, National Development and Vision 2030

Name	Designation	Ministry/Department
33. Hon. Dr. Naomi Shaban, EGH, MP	Minister	Gender, Children and Social Development
34. Hon. Joseph W.N. Nyagah, EGH, MP	Minister	Cooperative Dev. and Marketing
35. Hon. Dr. Sally J. Kosgei, EGH, MP	Minister	Agriculture
36. Hon. S.L. Poghio, EGH, MP	Minister	Information and Communications
37. Hon. Prof. George Saitoti, EGH, MP	Ag. Minister	Foreign Affairs
38. Hon. Fred Gumo, EGH, MP	Minister	Regional Development Authorities
39. Hon. Charity Ngilu, EGH, MP	Minister	Water and Irrigation
ASSISTANT MINISTERS		
40. Hon. Dhadho Godhana, MP	Assistant Minister For Communications	Information and Communications
41. Hon. Gen. (Rtd) Joseph Nkaissery, MGH, MP	Assistant Minister	Defence
42. Hon. Margaret Wanjiru, MP	Assistant Minister	Housing
43. Hon. Mwangi Kiunjuri, MGH, MP	Assistant Minister	Public Works
44. Hon. Bare Duale, MP	Assistant Minister	Livestock Development
45. Hon. Kones Beatrice, MP	Assistant Minister	Office of the Vice President and Ministry of Home Affairs
46. Hon. Richard Onyonka, MP	Assistant Minister	Foreign Affairs
47. Hon. Asman Kamama, MGH, MP	Assistant Minister	Higher Education, Science and Technology
48. Hon. David Musila, MGH, MP	Assistant Minister	Defence
49. Hon. Prof. Margaret J. Kamar, MP	Assistant Minister	Environment and Mineral Resources
50. Hon. Gideon M. Ndambuki, MP	Assistant Minister	Agriculture
51. Hon. Hussein T. Sasura, MP	Assistant Minister	Development of Northern Kenya and other Arid Lands
52. Hon. Katoo Ole Metito, MGH, MP	Assistant Minister	Regional Development Authorities
53. Hon. Nderitu Muriithi, MP	Assistant Minister	Industrialization
54. Hon. Manyala Keya, MP	Assistant Minister	Gender, Children and Social Development
55. Hon. John Harun Mwau, MP	Assistant Minister	Trade
56. Hon. Ferdinand Waititu, MP	Assistant Minister	Water and Irrigation
57. Hon. Gonzi Rai, MGH, MP	Assistant Minister	Lands
58. Hon. Kareke Mbiuki, MP	Assistant Minister	Agriculture
59. Hon. Amb. F. Bayah, MP	Assistant Minister	Immigration and Registration of Persons
60. Hon. Mohammed M. Ali, MP	Assistant Minister	Special Programmes
61. Hon. Lewis Nguyai, MP	Assistant Minister	Office of the Deputy Prime Minister and

Name	Designation	Ministry/Department
62. Hon. William Cheptumo, MP	Assistant Minister	Ministry of Local Government
63. Hon. Cecily Mbarire, MGH, MP	Assistant Minister	Justice, National Cohesion and Constitutional Affairs
64. Hon. Peter Munya, MGH, MP	Assistant Minister	Tourism
65. Hon. Wilfred Moriasi Ombui, MP	Assistant Minister	East African Community
66. Hon. Samuel Kazungu Kambi, MP	Assistant Minister	National Heritage and Culture
67. Hon. Lee Kinyanjui, MP	Assistant Minister	Medical Services
68. Hon. Amb. Mohamed M. Mahamud, MP	Assistant Minister	Roads
69. Hon. Simeon Lesrima, MGH, MP	Assistant Minister for Provincial Administration	Energy
70. Hon. Magerer A. Langat, MP	Assistant Minister	Provincial Administration and Internal Security
71. Hon. Simeon N. Ogari, MP	Assistant Minister	Energy
72. Hon. Prof. P. Ayiecho Olweny, MGH, MP	Assistant Minister	Transport
73. Hon. Dr. J.O. Gesami, MP	Assistant Minister	Education
74. Hon. Dr. Oburu Oginga, MGH, MP	Assistant Minister	Public Health and Sanitation
75. Hon. George Khaniri, MGH, MP	Assistant Minister	Office of the Deputy Prime Minister and Ministry of Finance
76. Hon. Aden Sugow Ahmed, MGH, MP	Assistant Minister	Information and Communications
77. Hon. Abu Chieba, MGH, MP	Assistant Minister	Public Service
78. Hon. Josphat Nanok, MP	Assistant Minister	Fisheries Development
79. Hon. Wavinya Ndeti, MP	Assistant Minister	Forestry and Wildlife
80. Hon. Ongoro Elizabeth Masha, MP	Assistant Minister	Youth Affairs and Sports
81. Hon. Alfred Khangati, MP	Assistant Minister	Nairobi Metropolitan Development
82. Hon. Sospeter Ojaamong, MGH, MP	Assistant Minister	Office of the Prime Minister
83. Hon. Peter Kenneth, MGH, MP	Assistant Minister	Labour
84. Hon. Joshua Ojodeh, MGH, MP	Assistant Minister for Internal Security	Planning, National Development and Vision 2030
NATIONAL ASSEMBLY		
85. Hon. Kenneth Marende, EGH, MP	Speaker of the National Assembly	Provincial Administration and Internal Security
86. Mr. Patrick G. Gichohi, CBS	Clerk of the National Assembly	Kenya National Assembly
87. Hon. James Rege, MP	Chair	Kenya National Assembly
		Parliamentary Committee on Energy and

Name		Designation	Ministry/Department
			Communications
88. Hon. Wilfred Odinga, MP			National Assembly/Parliament
89. Hon. Adan Keynan, MP			Parliament
90. Hon. Dr. Julius Kones, MP			Kenya National Assembly
91. Hon. Clement Wambugu, MP			Kenya National Assembly
92. Hon. Elias Mbau, MP			Kenya National Assembly
93. Hon. Dr. Joyce Laboso, MP		Vice	Implementation Committee
94. Hon. Omar M. Zonga, MP		Area MP	Kenya National Assembly
95. Hon. F.T. Nyammo, MP		Education and CFC	Kenya National Assembly
96. Hon. Sophia Abdi Noor, MP		Member of Parliament	Kenya National Assembly
97. Hon. David Ngugi, MP		Local Authorities	Kenya National Assembly
98. Hon. Peter Kiilu, MP		Vice Chair	Administration and National Security
99. Hon. Mohamed A. Affey, MP		Chair	Equal Opportunities Committee
100. Hon. Fred Kapondi, MP		Chairman	Committee on Administration and National Security
101. Hon. Thomas Mwadeghu, MP		Chairman	Local Government Funds and Accounts
102. Hon. Consolata Munga, MP			Kenya National Assembly
103. Hon. Ababu Namwamba, MP			Kenya National Assembly
104. Hon. Yusuf Chanzu, MP			Kenya National Assembly
105. Hon. Ntoitha M'Mithiaru, MP			Kenya National Assembly
106. Hon. Dr. Nuh Nassir Abdi, MP		Vice Chair	House Committee
107. Hon. Hassan Joho, MP		Foreign/Defence Committee	Kenya National Assembly
108. Hon. Mithika Linturi, MP			Kenya National Assembly
STERING COMMITTEE			
109. Amb. Francis K. Muthaura, EGH		Permanent Secretary, Secretary to the Cabinet and Head of the Public Service	Office of the President
110. Mr. Francis T. Kimemia, CBS		Permanent Secretary	Provincial Administration and Internal Security
111. Dr. Mohamed Isahakia, CBS		Permanent Secretary	Office of the Prime Minister
112. Dr. Romano Kiome, CBS		Permanent Secretary	Agriculture
113. Mr. Titus M. Ndambuki, CBS		Permanent Secretary	Public Service
114. Mr. Joseph K. Kinyua, CBS		Permanent Secretary	Office of the Deputy Prime Minister and Ministry of Finance

Name	Designation	Ministry/Department
115. Dr. Ludeki Chweya, CBS	Permanent Secretary	Office of the Vice President and Ministry of Home Affairs
116. Prof. Karega Mutahi, CBS	Permanent Secretary	Office of the Deputy Prime Minister and Ministry of Local Government
117. Amb. Amina Mohamed, CBS	Permanent Secretary	Justice, National Cohesion and Constitutional Affairs
118. Mr. Wanjuki Muchemi, CBS	Solicitor General	State Law Office
119. Mr. S.M. Mwale, CBS	Principal Administrative Secretary and Assistant Secretary to the Cabinet	Office of the President
120. Prof. Nick G. Wanjohi, EBS	Private Secretary to the President	State House

Secretariat

Name	Designation	Ministry/Department
1. Ms. Njoki Kahiga, OGW	Secretary/Human Resource Development	Ministry of State for Public Service
2. Mrs. Rose Masya	Director	Permanent Public Service Remuneration Review Board
3. Mr. Kennedy Kihara	Secretary/Liaison Parliamentary and Commissions	Office of the President, Cabinet Office
4. Mr. Maina Muhoro	Senior Deputy Secretary	Office of the Prime Minister
5. Mr. S.G. Wachinga	Assistant Director/Human Resource Development	Ministry of State for Public Service
6. Mr. Kennedy Buhere	Public Relations Officer	Ministry of State for Public Service
7. Ms. Lucy Njehu	Secretary	Ministry of State for Public Service
8. Ms. Philis Njue	Secretary	Ministry of State for Public Service
9. Mr. Kennedy Nyambati	Information Communication Technology Officer	GTI - Matuga
10. Ms. Pamela Odoyo	Support Staff	GTI - Matuga

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Name		Designation	Ministry/Department
1.	Dr. Romano Kiome, CBS	Permanent Secretary	Agriculture
2.	Mr. Stephen Lusweti	Deputy Director/Human Resource Development	Ministry of State for Public Service
3.	Mr. Waweru Kamau	Chief Economist	Ministry of State for Public Service
4.	Mr. John Tuta	Deputy Chief Legal Officer	Justice, National Cohesion and Constitutional Affairs
5.	Ms. Rose Komu	Chief Officer	Office of the Vice President and Ministry of Home Affairs