



TWELFTH PARLIAMENT
THIRD SESSION



REPORT ON THE
PERFORMANCE OF
THE OFFICE OF
THE LEADER OF
THE MAJORITY PARTY
IN THE NATIONAL
ASSEMBLY
IN THE THIRD SESSION

DECEMBER 2019



TABLE OF CONTENTS

PROFILE.....	3
FOREWORD	5
State of the Nation Address Delivered on April 4, 2019	6
Question Time	6
Mediation Committees.....	6
Supremacy Battles between the Senate and National Assembly	7
Parliamentary Diplomacy: The Role of Parliament in Kenya’s Foreign Policy.....	10
Parliamentary tools of shaping foreign policy	11
The National Assembly’s role in shaping foreign policy and its inter-linkage with the Executive.....	11
The Place of Parliament in the Review of the Constitution	13
Review of the Constitution by Parliament: Opportunities and Challenges.....	16
Majority Leader in the United States Congress	16
Acts Of Parliament Assented To In The Session.....	17
Pending Government Sponsored Bills As At December 5, 2019.....	18
Diplomatic Courtesies	19
Business after the Long Recess.....	23
PICTORIAL	24
List of Staff in the Office of the Leader of Majority Party	31

PROFILE

"If a man is called to be a street sweeper, he should sweep streets even as Michelangelo painted or Beethoven composed music or Shakespeare wrote poetry. He should sweep streets so well that all the hosts of heaven and earth will pause and say, "here lived a great street sweeper who did his job well"."

– Martin Luther King, Jr.



Whatever your life's work is, do it well. This is the mantra that drives the Hon. Aden Duale, EGH, M.P. He is the Leader of the Majority Party in the National Assembly of the Parliament of Kenya. He has served for two consecutive terms in that capacity. He was the first Leader of Majority Party under the current dispensation of the Constitution of Kenya 2010. He is the Member of Parliament for Garissa Township Constituency where he has served for three consecutive terms. He was first elected to Parliament in 2007 to represent Dujis Constituency.

Even though the Office of the Leader Majority is anchored in Article 108 (2) the 2010 Constitution of Kenya, the supreme law remained silent on the roles of the office holder, thus leaving it to comparative jurisprudence and the party holders to shape those roles based on demands and expectations that would be placed on them.

Over time through traditions, practices and indeed experiences of the term of the Eleventh Parliament, the first under the new constitutional order that created the office, Hon Aden Duale being the founding holder of the office has gradually defined the roles of the Office based on the habitual day to day duties performed.

Here are some of the roles performed by the Leader of Majority Party in the National Assembly since 2013-

1. He has sponsored the Government agenda in the House, with influence over legislative and budgetary program of the National Government. He schedules legislation for floor consideration and assists in planning daily, weekly and annual legislative agendas.

2. Liaising with the Speaker, Whips from both sides; and consulting with Members of the National Assembly to gauge their positions on issues undergoing consideration in the House.

3. Is the Chairperson of the Committee on Selection; a member of the House Business Committee, Committee on Appointments and the Liaison Committee. The Committee on Selection nominates Members into all committees of the House,

while the House Business Committee prepares the Parliamentary Calendar and determines the daily agenda of the House. Similarly, the Committee on Appointments vets President's nominees for appointment as Cabinet Secretaries.

In Kenya the Party or coalition of parties with the largest number of Members of Parliament following a General election is designated the "**Majority Party**" in each House, whereas the party or coalition of parties with the second largest number of members is designated as the "**Minority Party.**" These designations are significant because the Majority Party has substantial influence during election of the Speaker. Further, the Leader of Majority Party is technically the Leader of Government Business in the House. In our case, the Jubilee Party holds the 'majority' in both Houses.



Hon Aden Duale, EGH, M.P., The leader of Majority Party in the National Assembly, during the swearing in of members for the 12th session of parliament in the National Assembly Chambers, on August 31, 2017

I am delighted to inscribe this foreword for this Report. It is my hope that it will highlight some of the key activities undertaken during this Third Session of the 12th Parliament. The Office of the Leader of the Majority Party is responsible for sponsoring the legislative agenda of the Executive in the National Assembly in terms of Article 108 of the Constitution and Standing Order 114A.

The Third Session has been a weighty one, in addition to being faced with many intricacies. Several Bills have been passed, while others are at various stages of consideration.

In summary, 26 Bills were passed by the House and assented to by H.E. the President during that period. We also saw an increase in the number of Members' Bills totaling 52, unlike in previous sessions which had considerably less. The year ended with several other Bills at various stages of consideration by the House as follows:

- i. 20 Bills sponsored by the Leader of the Majority Party;
- ii. 10 Bills sponsored by Committees; and
- iii. 34 Bills from the Senate.

We faced challenges in passage of the Division of Revenue Bill, 2019 whereby two Mediation Committees were formed to resolve the stalemate between the two Houses. This Bill was eventually passed by both Houses in September 2019 and as such unlocked funding for the Counties.

Despite these hiccups, the National Assembly and its Committees were able to consider and pass several crucial Bills such as the Appropriation Bill and other budget-related Bills, the Petroleum Bill, the Energy Bill, the Data Protection Bill, the Statistics (Amendment) Bill, the Kenya Coast Guard Service Bill, the Kenya Accreditation Service Bill, the National Cohesion and Integration Commission (Amendment) Bill, the Parliamentary Service Bill, and the Health Laws (Amendment) Bill, among others.



H.E the President Uhuru Kenyatta paid a visit to the Office of the Leader of Majority Party in Parliament Buildings, with the Deputy President Hon. Dr William Ruto and the Speaker of the National Assembly Hon. Justin Muturi

State of the Nation Address Delivered on April 4, 2019

On April 4, 2019, H.E. the President addressed a Joint Sitting of the Houses of Parliament and tabled the following Reports -

- (a) 6th Annual Report on the Progress made in fulfillment of the International Obligations of the Republic;
- (b) 6th Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance; and
- (c) Annual Report to Parliament on the State of National Security.

The President in his address reiterated his commitment to the realization of the Big Four Agenda. He called on all leaders and institutions to play their constitutional roles in achieving the President's transformation agenda for this country. The House was able to debate the address by H.E. the President for four consecutive sittings as is provided for in our Standing Orders.

We also witnessed a rare occurrence whereby the Head of State visited various offices in Parliament

starting with the Office of the Leader of the Majority Party, the Speakers' Offices.

Question Time

1. Question Time remained popular, with a continued rise in the number of questions submitted by Members for both oral and written reply.
2. A total of 664 questions were submitted during the Third Session. Out of these, 534 were ordinary questions, 45 were questions by private notice and 15 were for written reply by Constitutional Commissions and Independent Offices.
3. Question Time as currently framed has not fully responded to Members' wishes to hold the Executive to account, as at times some Cabinet Secretaries are unavailable or unwilling to respond to questions or the responses provided are inadequate. There is still a desire by the House to have Cabinet Secretaries be Members of Parliament, to enable more robust engagement.

Mediation Committees

Article 112 of the Constitution provides that- "If one House passes an Ordinary Bill concerning counties and the second House rejects the Bill, it shall be referred to a mediation committee ap-

pointed under Article 113.”

The Speakers of both Houses are required to appoint an equal number of members of each House to attempt to develop a version of the Bill that both Houses will pass.

During this Session, the Leader of Majority Party was appointed by the Speaker to represent the National Assembly in six mediation Committees for the following Government-sponsored Bills:

1. The Land Value Index Laws (Amendment) Bill, 2017;
2. The Physical Planning Bill, 2017;
3. The Irrigation Bill, 2017;
4. The Warehouse Receipt System Bill, 2017;
5. The Kenya Roads Bill, 2017; and
6. The Division of Revenue Bill, 2019

Four of these Bills were agreed to in the mediation committee and agreed versions of the Bills were passed by both Houses. However, much to the shock and dismay of many, mediation for the Kenya Roads Bill, 2017 and the Division of Revenue Bill, 2019 failed.

The failed mediation on the Kenya Roads Bill, 2017 and the Division of Revenue Bill, 2019 raised various pertinent questions: Why would mediation on a Bill like the Kenya Roads Bill, a critical Bill for defining standards for both national trunk and county roads fail? Why would mediation on the Division of Revenue Bill fail and thus cause a definite paralysis of the functioning of the counties if Senate truly had the counties at heart?

We were appalled to observe that the Senate which represent the interest of counties and is meant to protect devolution, fail to focus on passing legislation that seeks to promote the interests of county governments.

Supremacy Battles between the Senate and National Assembly

Disharmony between the two Houses of Parliament in 2019 led to each House debating a motion on the actions of the other House, which was unprecedented. In the end, the Senate took an extra step by going to court over the passage of several Bills by the National Assembly. This matter is still ongoing in courts, and will hopefully end in an amicable manner.



H.E the President Uhuru Kenyatta and the Deputy President Hon. William Ruto when they paid a courtesy call to the Leader of Majority Party Hon. Aden Duale at his office in Parliament with his Staff (from left: Abdi Muhyadin, Fatuma Aden, Sylvia Ocharo, Dorothy Njagu, Allan Odhiambo and Hiram Omondi)



“
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(125)
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In view of the foregoing, the Senate challenged a total of one hundred and twenty-five (125) Acts of Parliament which were all government-sponsored Bills. The Senate challenged the laws on grounds that the Acts were passed in violation of Article 110(3) of the Constitution which provides that before either House considers a Bill, the Speakers of both Houses shall jointly resolve any question on whether a Bill is a Bill concerning county governments.

Article 96 of the Constitution is clear that the Senate “participates” in law making. Therefore, its role is limited.

It is also worth noting that most of the Acts being challenged were Bills that emanated from the Executive. The Bills were forwarded and subsequently introduced in the National Assembly following approval by the Cabinet. Some of the Acts that were challenged, were as follows-

1. The Kenya Coast Guard Service Act 2018

The Act establishes the Kenya Coast Guard Service and provides for its functions, discipline, organization and administration. The Service plays a critical

role in maritime security and safety, pollution control, prevention of trafficking of the narcotic drugs, prohibited plants and psychotropic substance, prevention of trafficking of illegal goods and for the protection of maritime resources including fisheries. Late last year, H.E the President commissioned a vessel to be used by the Service in promoting maritime security and safety. Further, in July 2019, the President commissioned the Bandari Maritime Academy as a centre for maritime training as part of ongoing reforms in the maritime industry in the country.

The Statute Law (Miscellaneous Amendments) Act 2018

The Act amends fifty-three Acts of Parliament including the Registration of Persons Act (Cap. 107). The reason why the amendments carried by the Registration of Persons Act are critical is because the Huduma Number finds its basis in it. The Registration of Persons Act was amended in the Statute Law to establish the National Management Integrated Identity System Management System. The functions of the system are to among other things create, manage, maintain and operate a national population register as a single source of personal

information of all Kenyan citizens and registered foreigners resident in Kenya, assign a unique national identification number to every person registered in the register and harmonise, incorporate and collate into the register, information from other databases in Government agencies relating to registration of persons. The registration of huduma number was concluded countrywide few months ago and the executive incurred huge public expenditure in undertaking the exercise. The registration of persons shall ensure efficiency of service delivery to Kenyans and more so boost the national security of this country.

The Health Laws (Amendment) Act, 2019

The Act amended ten Acts of Parliament including the Radiation Protection Act (Cap 243), the Medical Practitioners and Dentists Act (Cap 253), the Kenya Medical Training College Act (Cap 261) and the Kenya Medical Supplies Authority Act (No. 20 of 2013). The amendments were largely focused on aligning the various governance structures in the various statutes with the Mwongozo Code of Governance for State Corporations in order to ensure efficiency in the manner in which various health professions and bodies operate and function. One of the Big

Four Agenda by the current Administration is Universal Health Care which shall ensure that the citizens of this country can access quality health services hence the Health Act, 2017 and subsequently the Health Laws (Amendment) Act, 2019. The latter is now under threat of being declared unconstitutional which in effect shall slow down the strive towards Universal Health Care.

The Appropriation Act, 2018; the Appropriation Act, 2019; the Supplementary Appropriation Act, 2018 and the Supplementary Appropriation Act, 2019

Pursuant to Article 221 of the Constitution, the Appropriation Act authorizes withdrawal from the Consolidated Fund of the money needed for expenditure and for the appropriation of that money for the purposes mentioned in the Act. This is the basis for meeting expenditure necessary for services of the national government to continue functioning including the financing of national government projects.

Finance Act, 2018 and the Tax Laws (Amendment) Act, 2018

The Finance Act amended eighteen Acts of Par-



A mediation meeting for the Division of Revenue Bill, 2019



The Leader of Majority Party Hon. Aden Duale held a meeting with the U.S Ambassador HE Kyle Mc. Carter

liament whereas the Tax Laws (Amendment) Act amended three Acts of Parliament. These two Acts, enacted last year, had revenue-raising measures which means that the Kenya Revenue Authority collected taxes using the two laws which were then used to fund public projects undertaken by the national government.

Parliamentary Diplomacy: The Role of Parliament in Kenya's Foreign Policy

On July 31, 2019 the Leader of Majority Party was invited to address the newly-appointed Ambassadors, High Commissioners and Consuls-General during their induction. They had been appointed on May 3, 2019 by H.E the President and were unanimously approved by the National Assembly. He was required to give his thoughts on the role of Parliament in Kenya's Foreign Policy. Here are the excerpts from his speech:

Article 132(2)(e) of the Constitution gives power to the President to nominate and with the approval of the National Assembly appoint or dismiss the high commissioners, ambassadors and diplomatic and consular representatives.

Article 132 is the first role that the National Assembly plays in shaping foreign policy. The persons approved by the National Assembly to act as high commission-

ers, ambassadors and diplomatic and consular representatives carry the image and policy of Kenya within them. They assist the country in making decisions on foreign policy. That is why the National Assembly is keen to ensure that in accordance with the Public Appointments (Parliamentary Procedures) Act, 2011, it approves the best suitable persons who can carry, advocate for and entrench our agreed policies on foreign policy.

We therefore do hope having been approved you will assist this country in shaping its foreign policy for the political, social and economic development of this country. As you proceed to your different mission stations, the famous saying about diplomacy and foreign policy is one which should guide all of you as you discharge your duties. It says "A real diplomat is one who can cut his neighbor's throat without having his neighbor notice it." What this means is that you must be very astute in decision making, yet calm as a dove.

Article 2(5) of the Constitution provides that the general rules of international law shall form part of the law of Kenya. Further, Article 2(6) of the Constitution provides that any treaty or convention shall form part of the law of Kenya under the Constitution. This means Kenya is a monist State as international law automatically becomes part of the law of Kenya. However, in practice this is not the case.

Parliamentary tools of shaping foreign policy

The National Assembly shapes foreign policy in exercising its representative, legislative and oversight role under Article 95 of the Constitution through--

- (a) Bills to domesticate international conventions which are used either to adopt or modify the provisions of such conventions.
- (b) Motions by Members of Parliament which are also used to urge the Executive to make certain decisions relating to foreign policy.
- (c) Questions by Members of Parliament to Cabinet Secretary for Foreign Affairs requesting for information on certain matters relating to foreign policy.
- (d) Petitions by Members of Parliament to the National Assembly on matters relating to Foreign Policy. (For example Petition to the National Assembly on illegal imprisonment of Kenya citizens in South Sudan).
- (e) Budgetary allocations to the Ministry of Foreign Affairs and Regional Integration.
- (f) Approval hearings and proceedings by Committees of the National Assembly of diplomats, Cabinet Secretaries and Principal Secretaries on foreign affairs and regional integration.

- (g) Appointment of Kenyan representatives to regional Parliaments.

The National Assembly's role in shaping foreign policy and its inter-linkage with the Executive

1. Through use of the parliamentary tools, the National Assembly has convinced the Executive to change tact on foreign policy including the approval of the Mutual Defence Pact between Kenya and the United Kingdom on military base in Kenya; Petition on Kenyan Citizens imprisoned in South Sudan forcing the Executive to mediate on the issue which saw the release of the Kenyans; and Questions on mistreatment of Kenyan immigrant workers abroad forcing the Executive to device mechanisms of protecting Kenyan workers abroad, among others.
2. The structural design of the 2010 Constitution is one that recognizes the independence of each arm of government in performing its functions and more importantly the separation of powers between each arm of government. In this case, it is not possible for any arm of government to usurp the powers of the other in shaping foreign policy.



The Leader of the Majority Party, Hon. Aden Duale, with Mr. George Obbo - Assistant High Commissioner (3rd from left), Hon. Katoo Ole Metito - Chairperson, Departmental Committee on Defence and Foreign Relations (2nd Left), Ms. Clementine Salami - Regional Director for East and Horn of Africa (4th from right), H.E. Amb. Cleophas Mailu - Permanent Representative of Kenya to the United Nations Office in Geneva (3rd right) and Mr Raouf Manzou (1st right) at UNHCR Offices in Geneva, Switzerland

The Constitution clearly defines the role of the National Assembly as stated earlier in shaping foreign policy which is through its legislative and oversight mandates and that of the Executive which is policy implementation.

Opportunities and Challenges

1. Parliamentary diplomacy is a channel for interpersonal connections and open discussions between one parliament and another. The interpersonal associations can strengthen existing relationships between countries or create new ones with other countries.

2. Our representatives in various missions can foster relationships between the National Assembly and other Parliaments hence creating opportunities for learning, capacity building and possible creation of trade ties by exploring opportunities in the foreign countries that the National Assembly can exploit in seeking to create areas of cooperation with other countries.

3. Lack of consultation between the Executive and National Assembly on positions on foreign policy is another challenge. In the US, the US diplomats are said to be at the beck and call of White House and the US Congress. The flow of information is seamless and this ensures that decisions on foreign policy are well coordinated. There is need

to create synergy between the National Assembly and the Executive on foreign affairs matters. Henry A. Kissinger who served as Secretary of State under President Richard Nixon and Gerald Ford one said : “No foreign policy , no matter how ingenious has any chance of success if it is born in the minds of a few and carried in the hearts of none”. Representatives in foreign missions must keep the information flowing back home and consult the Executive and Legislature.

4. Lack of timely response on matters touching on foreign policy. One needs to address a dispute as it arises, not when it manifests. There is need for the Executive to ensure that responses to any of the questions or petitions in the National Assembly on any foreign matters are timely.

5. There is need to explore alternative dispute resolution mechanisms so as to address any issues between Kenya and other States to avoid escalation of diplomatic rows.

6. Foreign affairs, foreign policy and international trade are exclusive functions of the national government in terms of paragraph 1 of Part 1 of the Fourth Schedule to the Constitution. This means that the Senate has no role in foreign affairs matters and it is therefore important that the Executive understands the mandate of National Assembly for purposes of future engagements. Although



Hon Aden Duale addressing the members of the Editors Guild and officials of the Media Council

the Senate is seeking to amend the Treaty Making and Ratification Act so as to provide that treaties shall be approved by both Houses of Parliament, the provisions of paragraph 1 of Part 1 of the Fourth Schedule to the Constitution are clear and hence only the National Assembly has the exclusive jurisdiction to deal with all foreign affairs matters.

The Place of Parliament in the Review of the Constitution

There was an annual meeting between Editors Guild Members, the Media Council and the leadership of the National Assembly led by Speaker Hon. Justin Muturi on enhancing collaboration towards service delivery to citizenry while safeguarding the National Interest held in Kisumu County.

In this meeting, held on November 1st, 2019, the Leader of Majority Party made his remarks on the Place of Parliament in the Review of the Constitution. Below are excerpts from his speech:

The Constitution of Kenya 2010 has inbuilt devices and mechanisms for review of the Constitution as espoused in Chapter Sixteen of the Constitution which provides for the amendment of the Constitution either through parliamentary or popular initiative.

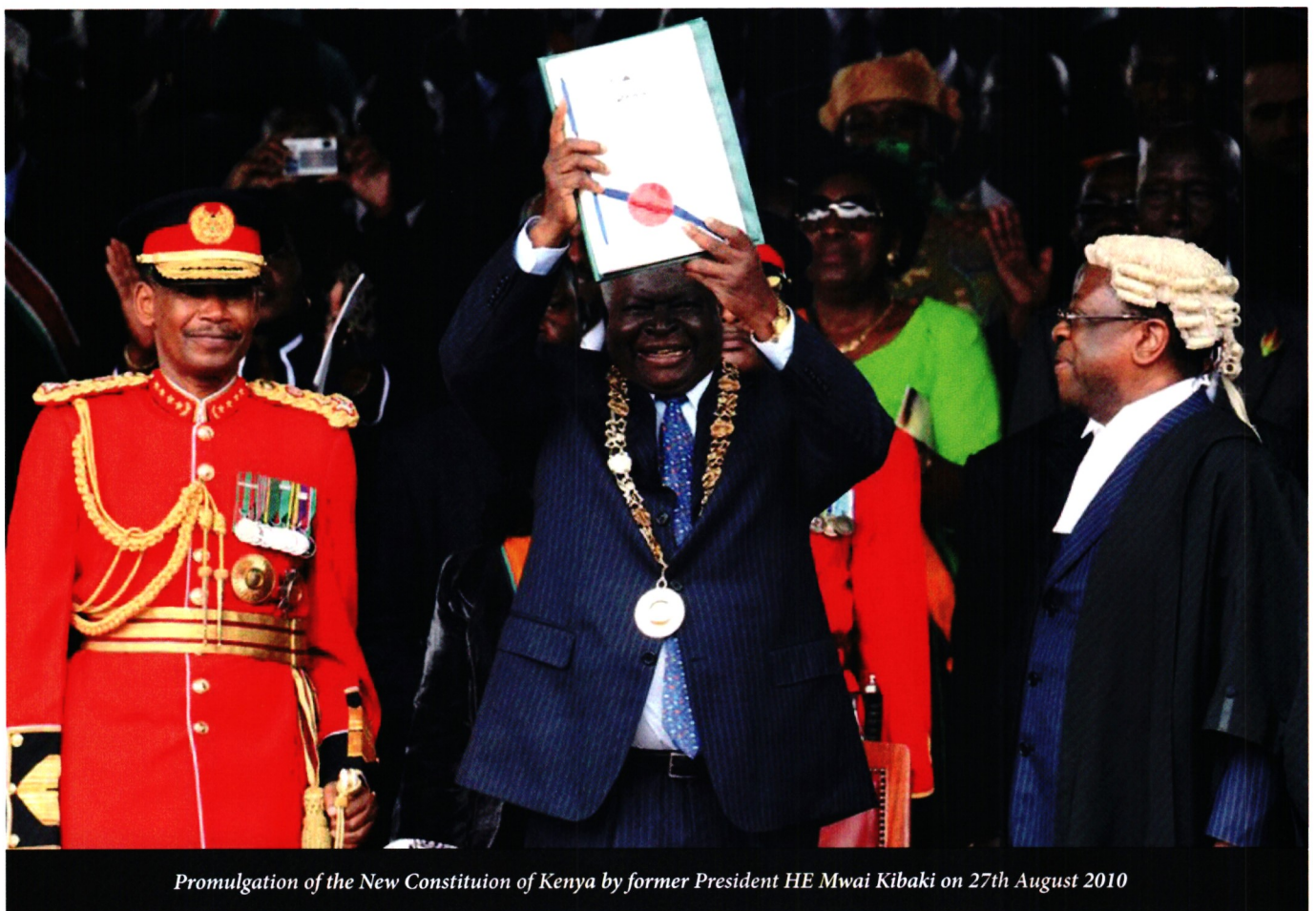
Article 256 of the Constitution provides for amendment of the Constitution by Parliament while Article 257 of the Constitution provides for amendment of the Constitution through popular initiative which again ends up in Parliament for consideration.

It is noteworthy that a Bill to amend the Constitution may be introduced in either House of Parliament and it has to be passed by each House of Parliament by not less than two-thirds of all the Members of that House in both its second and third readings.

This means that in the National Assembly for instance, a Bill to amend the Constitution must garner at least 233 Members support for it to sail through Second and Third Reading.

Again, the Constitution makes it a requirement that Parliament shall publicize any Bill to amend the Constitution and facilitate public discussion about the Bill.

It is estimated that it can take at least six months for a Bill to amend the Constitution under Article 256 of the Constitution to be considered and passed by one House of Parliament. The Constitution provides that for Second Reading alone, a Bill cannot be called for



Promulgation of the New Constituion of Kenya by former President HE Mwai Kibaki on 27th August 2010

Second Reading within ninety days after the First Reading.

Further, noting both Houses of Parliament must consider and pass a Bill to amend the Constitution, it would therefore appear one would require at least 12 months for a Bill to amend the Constitution on matters not relating to Article 255 of the Constitution to be passed by both Houses. The process would therefore even be longer if a Bill passed by Parliament proposes an amendment on the matters contained in Article 255 of the Constitution which would require approval through referendum.

With all these procedural requirements, one can certainly say the drafters of the Constitution embraced “a rigid” rather than “a flexible” approach of amending the Constitution perhaps with a view of protecting its sanctity. In fact, it therefore appears it is not as easy to amend the Constitution as there are timelines to be observed, thresholds to be attained, and activities to be undertaken prior to amending the Constitution.

Since the commencement of the 12th Parliament, we have witnessed a proliferation of proposals to amend the Constitution by Members of the National Assembly. So far, there are over ten legislative proposals by Members of the National Assembly proposing amendments on myriad of issues including proposals for abolishment of the Senate, proposals for creation of a parliamentary system of government, proposals for appointment of members of Parliament as Cabinet Secretaries which is a feature of a Parliamentary System, proposals for abolishment of the two-thirds gender rule and proposals for strengthening the oversight role of the National Assembly vis-à-vis the supervisory role of the High Court are already being considered

by the Departmental Committee on Justice and Legal Affairs among others.

In the 11th Parliament, the Bills to amend the Constitution focused on two main issues, one of them was the implementation of the two-thirds gender rule and another was on change of election date; Bills which failed due to failure to garner the 233 votes at Second Reading. In fact, the famous “Duale Bill”, I do not know why it got such a title, which sought to amend the Constitution to implement the two-thirds gender rule suffered the same fate.

Looking at the amendment of the Constitution through popular initiative, we have had various initiatives dating back to the 11th Parliament, where you would recall we had the Okoa Kenya, Punguza Mzigo, Pesa Mashinani, Boresha Katiba, and Punda Amechoka Initiatives. These initiatives never saw the light of the day and never found their way into Parliament. However, the Constitutional Implementation Oversight Committee of 11th Parliament attempted to consider all the proposals by the initiatives with a view to formulating one Bill to carry all the proposed amendments; however, this also lost traction.

We now have the Punguza Mzigo Initiative whose demise also appears apparent and may never find its way in Parliament. We are still waiting to see whether the Governors will bring their Ugatuzi Initiative.

From the proliferation of legislative proposals in Parliament sponsored by individual Members of the National Assembly, the various initiatives in terms of Article 257 and the Building Bridges Initiative which was established to formulate ways of finding lasting peace and stability in our governance structures, it is clear



Group photo taken during an induction workshop for the newly appointed Ambassadors and High Commissioners at the Safari Park Hotel, Nairobi 2019



Held a meeting with the new Ambassador of the Federal Republic of Germany to Kenya HE Annett Günther.

that time is ripe for a review of the Constitution. This is a debate that is long overdue.

The Constitution is a document that seeks to espouse the aspirations of Kenyans. It is a document that at any one time should reflect this and hence we need to engage it and see whether presently as it is, it reflects our aspirations as Kenyans especially on the form of government and if not, then we should review it.

Review of the Constitution by Parliament: Opportunities and Challenges

Whereas Parliament has indeed a clear role of amending the Constitution whether through Parliamentary Initiative or Popular Initiative there exists a lacuna in law on a number of issues-

(1) Reading Article 256(5) of the Constitution, it is not clear within what timeline the President is required to request the IEBC to conduct a referendum if a Bill to amend the Constitution relating to matters under Article 255 of the Constitution has been passed by Parliament. The provision only provides for the timelines within which a national referendum is to be undertaken.

(2) Even if this is done, except for the provisions contained in the Elections Act of 2011 there is no law providing on the manner in which a referendum is to be conducted. Presently, I am aware that CIOC is in the process of developing a Bill on referendum procedures and elections and this is indeed paramount as we cannot talk of constitution-

al review without a law on referendum.

(3) Reading through Article 257 of the Constitution, there exists even more gaps that need to be legislated on. Assuming we have say ten initiatives over a period of time all proposing to amend the Constitution and each comes months after each other, does it mean we will be having a referendum for each initiative and hence ten referendums albeit the cost of conducting referendum?

(4) What does the verification processes by IEBC involve?

(5) What does the approval process by county assemblies involve?

(6) Can County Assemblies amend the draft Bill during its consideration?

(7) What is the threshold for approval of a draft Bill by county assemblies?

(8) Prior to introduction of a draft Bill in Parliament upon approval by county assemblies, can the draft Bill be redrafted without changing the substance to ensure it takes the right form and style?

(9) Who sponsors such a Bill in Parliament in terms of introduction?

(10) What is the period for introduction of a draft Bill in Parliament upon approval by county assemblies?

All these matters need to be specifically provided for without which review of the Constitution will not materialize. For instance, without timelines for introduction of a draft Bill in Parliament upon approval by county assemblies, assuming the Pungu-



Hon Aden Duale & Majority Chief Whip Hon. Benjamin Washiali hosted a Delegation of United States House of Representatives representing the House Democracy partnership (HDP) led by Chairman congressman David Prince in his office at Parliament Buildings, Nairobi

za Mzigo Initiative had passed at the county assemblies, there would be no responsibility on any one to introduce such a Bill in Parliament and hence the process would risk ending there.

A law on referendum therefore ought to not just provide how a referendum shall be conducted but also prescribe the missing links in Articles 256 and 257 of the Constitution.

Conclusion

1. The Constitution confers upon Parliament the role of amending the Constitution.
2. Time is ripe for review of the Constitution. However, there is need to develop a law on referendum in light of the gaps that exist in Articles 256 and 257 of the Constitution.
3. Although there are already proposals in the National Assembly to introduce a law on referendum, there is need for concerted efforts between Parliament, IEBC and the Attorney-General's office on the development and formulation of the Referendum Law and other consequential matters that may need to be legislated on for a successful Constitution review process to take place.

Majority Leader in the United States Congress

Ernest William McFarland was selected to be Senate Majority Leader for the 82nd U.S. Congress. He

was a Democratic Senator from Arizona from 1941 to 1953 (Majority Leader from 1951 to 1953) before he was the tenth governor of Arizona from 1955 to 1959. Finally, McFarland sat as Chief Justice on the Arizona Supreme Court in 1968. As majority leader, McFarland hosted a monthly lunch meeting to which he invited all committee chairmen and all freshmen senators. He used the informal setting as a forum to conduct a variety of Senate business.

For two years, McFarland had sat next to Harry Truman while they were both in the U.S. Senate. The two men had become friends during this time, a situation that made it easy for the Senate Majority Leader to work with President Truman. McFarland believed it was part of his duty as Majority Leader to inform the President with an accurate view of what his fellow senators felt. "I never hesitated to present views contrary to those of the President in our conferences. As I've said before, I think that too frequently, the President is only told things people think he wants to hear. I would like to emphasize that it is not pleasant to present a view contrary to that of the President in such conferences." He felt that his duties as majority leader were separate from those of representing the interests of his constituents.

Just like McFarland, the Leader of Majority Party

has throughout his tenure worked closely with other Members of Parliament and the Executive considering under the current dispensation he is the bridge between the legislature and the Executive. Also being the sponsor of all Government Bills, he works very closely with the State Law Office and the various Ministries and briefs the President from time to time on the status of the Bills.

Acts Of Parliament Assented To In The Session

The Leader of Majority Party is responsible for sponsoring the all legislative agenda from the Executive in the National Assembly in terms of Article 108 of the Constitution and Standing Order 114A.

The following 22 Bills were passed and assented to by H.E the President during this Third Session of the Parliament -

1. The Irrigation Act, 2019
2. The County Governments Retirement Scheme Act, 2019
3. The Statute Law (Miscellaneous Amendments) Act, 2019
4. The Supplementary Appropriation Act, 2019
5. The Appropriation Act, 2019
6. The Energy Act, 2019;
7. The Petroleum Act, 2019;
8. The Physical and Land Use Planning Act, 2019;
9. The Data Protection Act, 2019;
10. The Finance Act, 2019;
11. The Parliamentary Service Commission Act, 2019;
12. The Copyright (Amendment) Act, 2019;
13. The Kenya Accreditation Service Act, 2019;
14. The Statistics (Amendment) Act, 2019;
15. The Health (Amendment) Laws Act, 2019;
16. The Division of Revenue Act, 2019;
17. The Land Value (Amendment) Act, 2019;
18. The National Cohesion and Integration Act, 2019;
19. The Sports (Amendment) Act, 2019;
20. The Insurance (Amendment) Act, 2019;
21. The Supplementary Appropriation Act(No.2), 2019; and
22. The Kenya Roads Board (Amendment) Act 2019;
23. The Competition (Amendment) Bill, 2019; and
24. The Insurance (Amendment) Bill, 2019.



H.E President Uhuru Kenyatta signs Second Supplementary Appropriation Bill of 2019 ,looking on are the Speaker of the National Assembly, Hon Aden Duale ,the Attorney General, the Clerk of the National Assembly and the Deputy Chief of Staff at State House

Pending Government Sponsored Bills As At December 5, 2019

I. PASSED AND FORWARDED TO THE SENATE

1. The Government Contracts Bill (NA Bill No. 9 of 2018);
2. The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018;
3. The National Drought Management Authority (Amendment) Bill, 2019;
4. The Sacco Societies (Amendment) Bill (NA Bill No. 1 of 2018);
5. The Sectional Properties Bill, 2019;
6. The Public Finance Management (Amendment) Bill (NA Bill No. 51 of 2017);

II. AWAITING/UNDERGOING SECOND READING

7. The Refugee (Amendment) Bill, 2019;
8. The Waqf Bill, 2019
9. The County Governments (Revenue Raising Process) Bill, 2018
10. The Business Laws(Amendment) Bill 2019

III. AWAITING MEDIATION

The Public Private Partnerships (Amendment) Bill (NA Bill No. 52 of 2017) (Senate Amendments;

IV. BILLS THAT WERE LOST IN DEBATE

11. The Constitution of Kenya (Amendment) Bill (NA Bill No. 4 of 2018);
12. The Kenya Roads Bill (NA Bill No. 47 of 2017) (mediation failed);

V. WITHDRAWN BILLS

13. The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2017
14. The Nairobi Metropolitan Area Transport Authority Bill, 2017

VI. LAPSED BILLS

15. The Election Offences (Amendment) Bill, 2017

Diplomatic Courtesies

A. Meeting with Norwegian Ambassador

On October 22, 2019 the Leader of Majority Party held talks with H.E. Elin Bergithe Rognlie, Norwegian Ambassador to Kenya and Deputy Head of Mission Ambassador Stian Christensen at 11.00 am. The Ambassador had paid a courtesy call to the Leader in his office.

Their discussion focused on bilateral and parliamentary issues between the two countries. Norway like other Nordic countries has been in the forefront in supporting issues on governance, women, youth empowerment programs, the fight against FGM and gender-based violence.

Norway like Kenya is also seeking the United Nations Security Council non-permanent seat for the period

2021-2022 and asked for their support for Kenya's bid which has the endorsement of the African Union. On the regional front, Kenya as a member of IGAD is committed to the war on extremist elements and promote peace and security in the Horn of Africa.

B. Meeting with President of International Rescue Committee on October 22, 2019.

On October 22, 2019 the Leader of Majority Party met with David Wright Miliband, President and CEO of the International Rescue Committee (IRC) and a former Foreign Secretary of the United Kingdom at Parliament buildings, Nairobi.

He was on a visit to IRC regional and Kenyan operations. The two Leaders discussed wide range of issues between both country and IRC, with emphasis on refugees, host communities, and how refugees can play a role in working with national security agencies.



The Leader of Majority party in the National Assembly Hon Aden Duale met H.E Elin Rognlie, Norwegian Ambassador to Kenya when she paid a courtesy call to his office in Parliament Buildings, Nairobi

The Leader thanked IRC for hosting the regional office in Kenya where over 300 Kenyans endeavor. He was accompanied by Mohammed EL Montassir Hussein (Country Director, Kenya Program).

C. Meeting with Eritrean Ambassador to Kenya

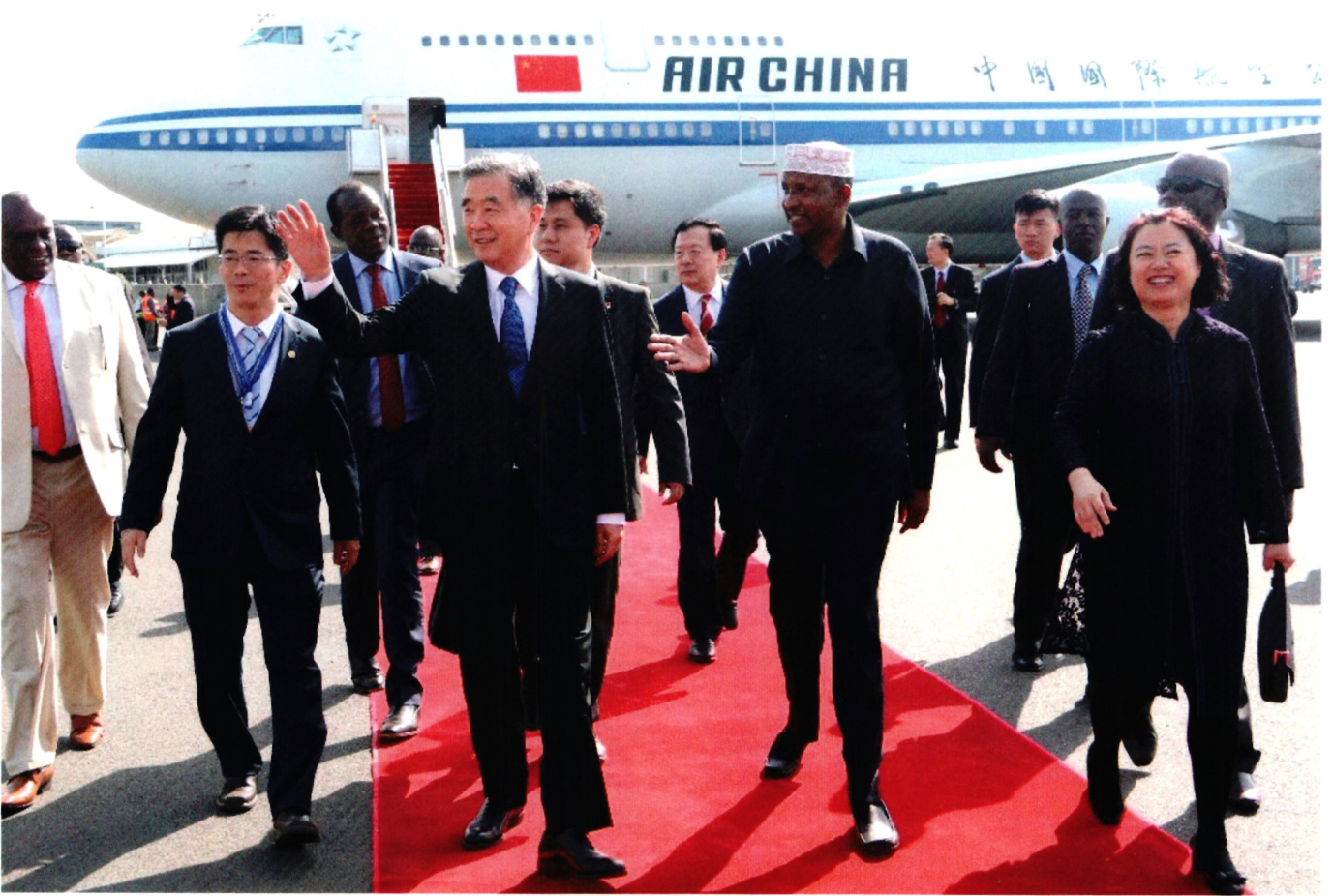
On October 17, 2019 the Eritrean Ambassador to Kenya and Dean of African Diplomatic Corps H.E. Beyene Russom paid a courtesy call to the Leader of Majority Party in his office at Parliament Buildings, Nairobi.

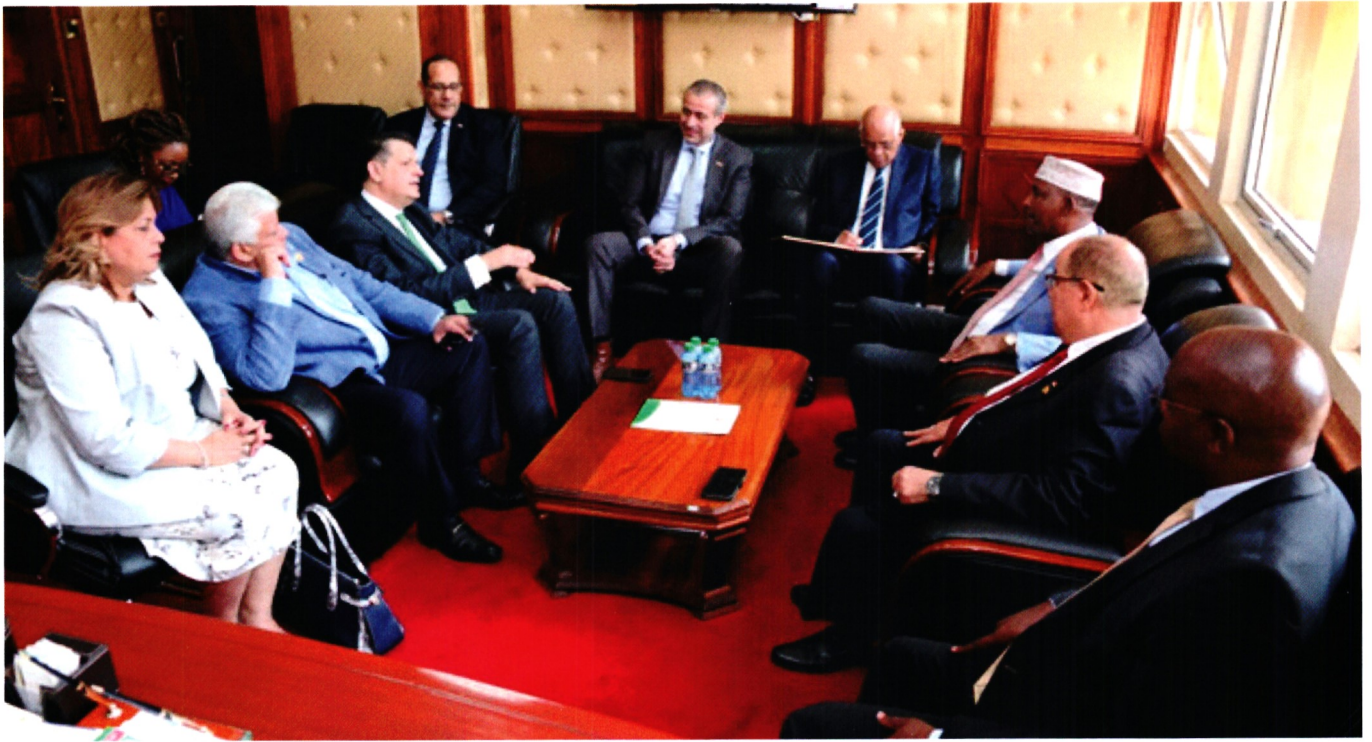
They discussed issues of common interest encompassing strengthening the relationship of our two countries and supporting all efforts to bring peace and security in the Horn of Africa.

The Leader appreciated the support by Eritrea as one of the countries that stood with Kenya in it's bid for the United Nations Security Council non-permanent seat position in 2020-2021.



ABOVE: Held talks with David Miliband, President and CEO of the International Rescue Committee(IRC), and a former Foreign Secretary of the United Kingdom at Parliament buildings, Nairobi.
BELOW : Received H.E. Wang Yang, Chairman of the National Committee of the Chinese Peoples Political Consultative Conference (CPPCC) who was on official visit in the country for bilateral talks between Kenya and China





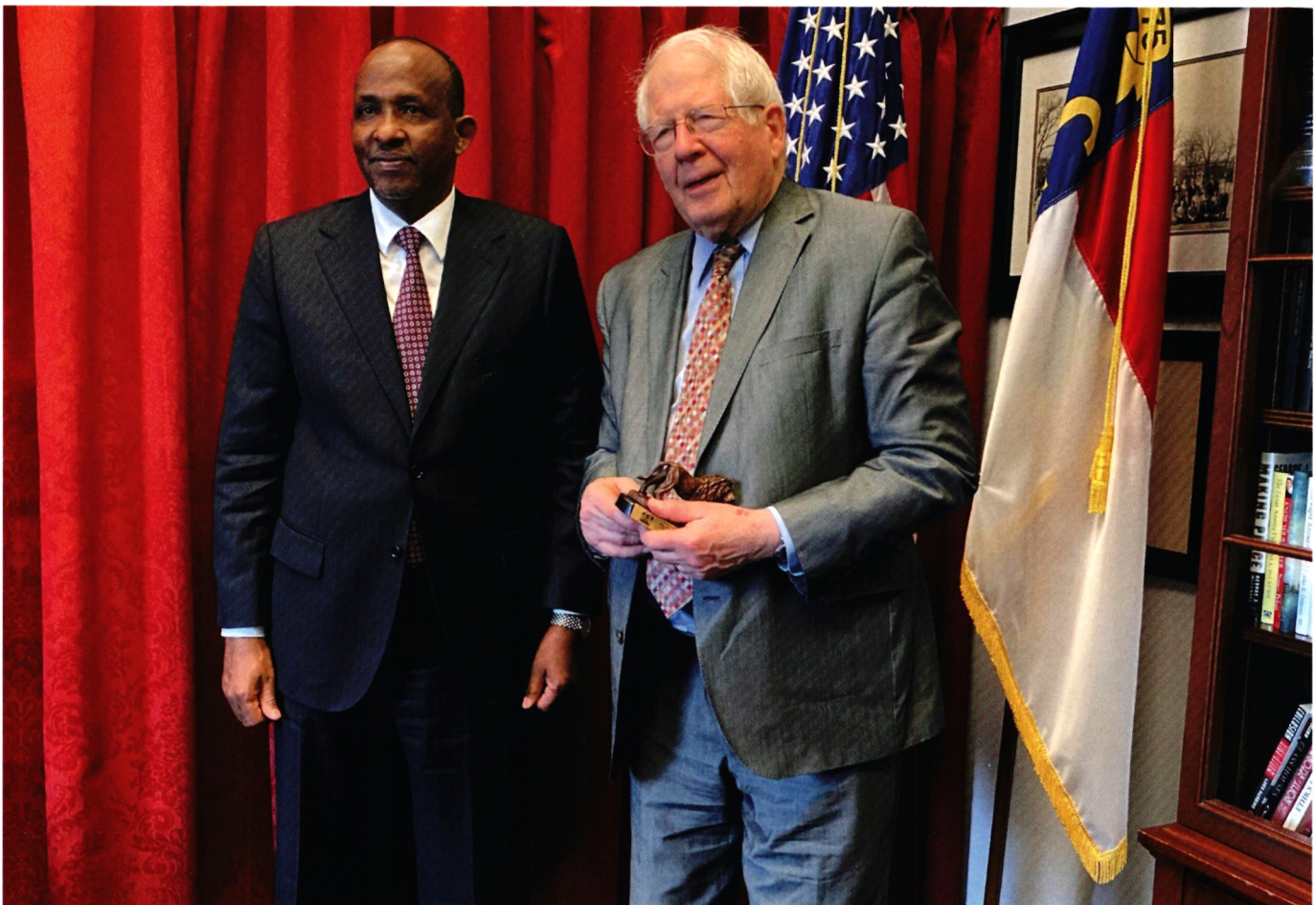
*ABOVE: A delegation from the House of Representatives Egypt paid a courtesy call to the Leader of Majority Party, Hon. Aden Duale
BELOW: Hon. Aden Duale with the Speaker of the House of Representatives Ali Abdel Aal*





ABOVE: Had a meeting with Ambassador of the State of Palestine H.E. Hazem M. Shabat when he paid a courtesy call at Parliament buildings, Nairobi.

BELOW: Hon. Aden Duale with Chairman United States Congressional House Democracy Partnership Representative David Eugene Price in Washington D.C



Business after the Long Recess

In the Fourth Session, we also expect to consider various inquiries undertaken by Committees on the following issues-

- i. A petition by the Executive on variation of the boundaries of Mount Elgon Forest Reserve;
- ii. Interdiction of teachers and violation of trade union rights;
- iii. challenges facing the Coffee Research Institute;
- iv. Declining prices for milk and milk products, and challenges affecting dairy farmers in the country; and
- v. The falling prices of tea.



PICTORIAL



ABOVE: From left, Leader of Minority Party, Leader of Majority Party and Speaker of the National Assembly with Speaker Malawian Parliament and other delegates

BELOW: North Eastern Leaders at the Garissa Socio-Economic Forum with various Governors and Ambassadors from various missions





*ABOVE: Hon. Aden Duale with leaders from North Eastern Region at the Interior Ministry
BELOW: Hon. Aden Duale addresses the press after a 12-member Committee representing leaders from the North Eastern Region was formed on Thursday, May 30, 2019 to work with the national government security team with a view of restoring peace in the North Eastern Region*





*ABOVE: H.E the President of France Emmanuel Macron at the late Mzee Jomo Kenyatta's Mausoleum in Parliament, accompanied by Speaker of the National Assembly and Leader of Majority Party
BELOW: Hon Duale welcomes the French president to parliament, alongside Nairobi Governor Mike Mbuvi Sonko and Leader of Minority in The National Assembly Hon. John Mbadi.*





ABOVE: The Leader of Majority Party Hon. Aden Duale with H.E Dr. Mohammed Khayat - Saudi Arabia Ambassador
BELOW : Hon .Aden Duale held talks with the current U.K Ambassador to Kenya H.E Amb. Jane Marriott





*ABOVE: Mr. Kenneth Wollack the Global President of the National Democratic Institute (NDI) with the Leader of Majority Party in his office at Parliament Buildings
BELOW: Mr .Kenneth Wollack receiving a newsletter from Hon. Aden Duale*





*ABOVE: Hon. Aden Duale with Chinese Head of Mission and his Deputy Head of Mission in Kenya
BELOW: Held talks with British High Commissioner to Kenya, Jane Marriott when she paid a courtesy call at my office, Parliament Buildings, Nairobi.*



LIST OF STAFF IN THE OFFICE OF THE LEADER OF MAJORITY PARTY

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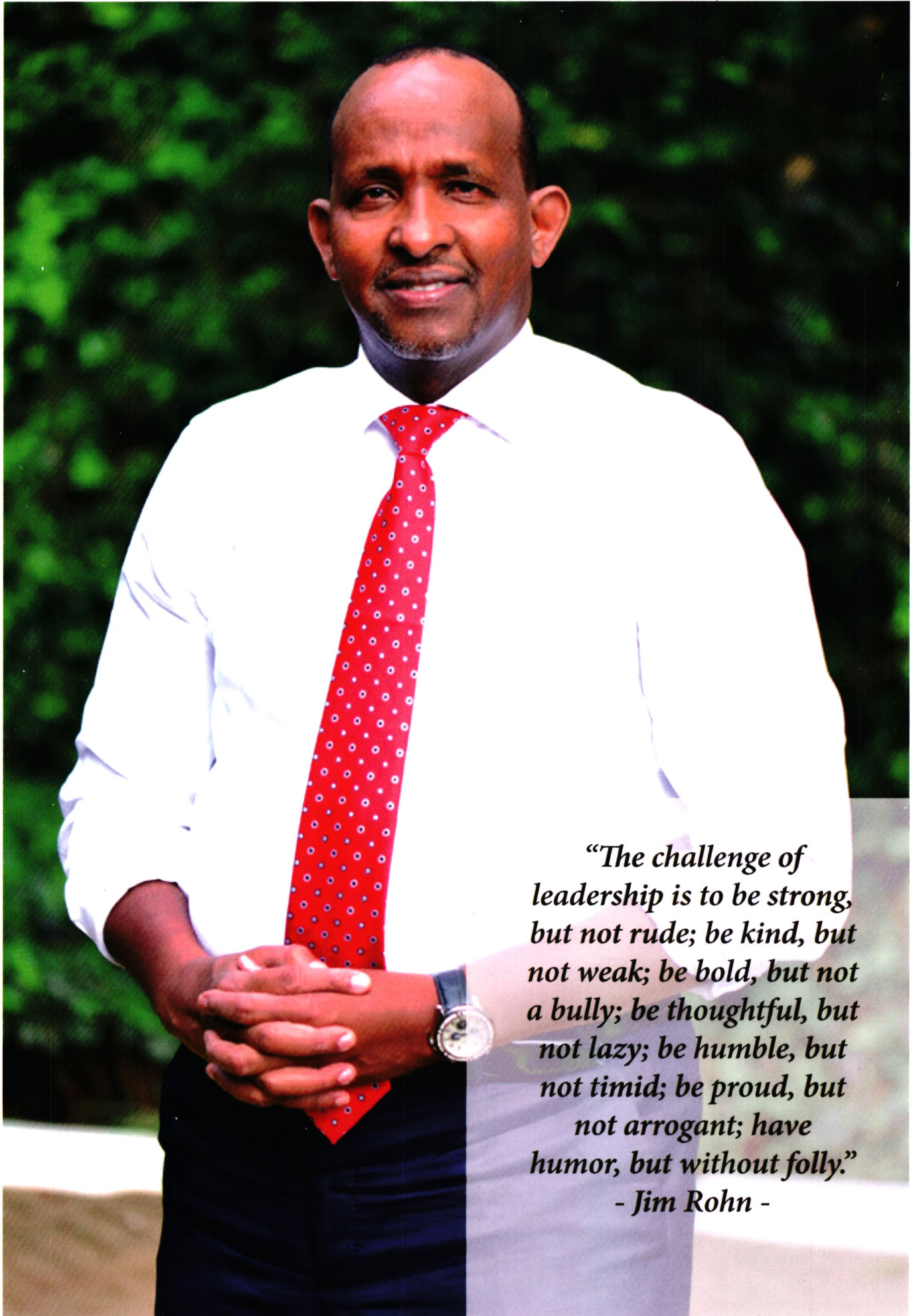
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“The challenge of leadership is to be strong, but not rude; be kind, but not weak; be bold, but not a bully; be thoughtful, but not lazy; be humble, but not timid; be proud, but not arrogant; have humor, but without folly.”

- Jim Rohn -



**Office of The Leader of The Majority Party
National Assembly
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