

**NATIONAL ASSEMBLY  
REGISTRY  
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P. O. Box 41842, NAIROBI**

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**PROJECT REPORT  
ON**

**PARLIAMENT  
OF KENYA  
LIBRARY**

**FAST TRACKING/ACCESSING OF  
BILLS, MOTIONS & QUESTIONS  
IN THE KENYA NATIONAL ASSEMBLY**

**PRESENTED BY:**

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**TO:**

**DIRECTOR, BUSINESS SCHOOL, EASTERN &  
SOUTHERN AFRICAN MANAGEMENT INSTITUTE (ESAMI) IN  
PARTIAL FULFILMENT OF THE REQUIREMENT FOR A  
DIPLOMA IN MANAGEMENT & SECRETARIAL STUDIES**

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## **DEDICATION**

This project is dedicated to my wife and children for their love, understanding and support throughout the study period.

## **ACKNOWLEDGEMENT**

I wish to pay special tribute to the Parliamentary Service Commission for providing training opportunities for the staff of Kenya National Assembly; the Clerk of the National Assembly, Mr. Samuel W. Ndindiri, for recognizing and approving my application for this training; the three Deputy Clerks, Messrs P.C. Owino Omolo, P.G. Gichohi and Murumba Werunga for their words of encouragement to strive for higher grades and the Deputy Finance Officer, Mrs. Muraguri for availing training funds for various courses with ESAMI.

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I also wish to acknowledge the invaluable assistance and guidance by Mr. Augustine Mwangi of Nairobi University for his input in preparing this report.

Lastly, very special regards go to my family for their patience during the period I was away from home.

## **ABSTRACT**

Past studies on Parliament have shown the importance of Bills, Motions and Questions. However, no study has been conducted to assess the management of the same in the Kenya National Assembly. This fact has necessitated this study. The main purpose of the study was to assess the effect of the tracking/management of Bills, Motions and Questions as passed by Parliament and how they affect its performance.

The objectives of the study were to find out how the current management of Bills, Motions and Questions affect the performance of Parliament, to establish the challenges faced and their effect as well as to determine the possible solutions.

The sample of the study was drawn from staff of Parliamentary Service Commission. Purposeful sampling technique was used. An interview in form of simple questionnaire was used to collect data. The data was analysed using the simple statistics. The Kenya National Assembly may find the findings of this study useful in the improvement of the tracking the movement of these important legislative items. Regional parliaments such as the Pan-African Parliament and the East African Legislative Assembly may also find the results of this study useful. Members of staff working at the Clerks Chambers may use the findings of the study on their day-to-day management of Bills, Motions and Questions.

## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.1 Background Information**

Parliament is the supreme law making institution in the land. The developments that have culminated into the present Parliament of Kenya can be traced to the white settlers who came at the start of the century in search of fortune and home in Kenya.

There is concern amongst the public and Members of Parliament that the House does not respond as it should to the public. Public perceptions and expectations of Parliament appear to be changing and there is evidence to indicate that the public participation in the political process appears to be declining.

The first parliament of Kenya since the attainment of independence on December 12, 1963, was convened on December 13, 1963. In the period between the inauguration of the First Parliament on June 07, 1963 and the current Ninth Parliament, Parliament has undergone many changes, for instance, the establishment of the Parliamentary Service Commission (PSC). According to the PSC Strategic Plan of Parliament (2000-2012), the establishment of the Commission towards the end of the Third Session of the Eighth Parliament (1998-2002) was a culmination of the deeply rooted efforts going back to the Second Parliament (1970- 1974).

The PSC was created by the Constitution of Kenya (Amendment) Act, No. 3 of 1999, enacted on November 17, 1999, assented to by the President on November 18, 1999 and which came to effect on November 19, 1999. The Commission comprises of ten Members. Three of them hold office by virtue of the positions and office held in Parliament, viz: the Hon. Speaker, H. E. the Hon. Vice President/Leader of Government Business and the Leader of the Official Opposition Party. Among the other seven, all from the backbench, four (4) are nominated by the ruling party while three (3) are from the Opposition.

The public availability of legislative information is crucial to parliamentary openness. In most established democracies, parliamentary information is generally available whether or not the public chooses to access it. In many African countries, Kenya included, this is not the case. While in some instances this may be due to resource constraints, it is also often due to a tendency to restrict information and control access. Openness can help parliamentarians function more effectively. Media coverage as well as opinion polls by individual organisations may increase public awareness and assist parliamentarians in gauging public reaction to parliament achievements.

### **1.2 Statement of the problem**

Parliament plays a central role in the governance of any country with a parliamentary system such as Kenya. The role of Members of Parliament includes legislation, checking the Executive for excess of power as well as representation. The Members perform their roles mainly through Bills – for law enactment and amendments; Questions – for channelling of constituency demands or for checking the Executive; Motions - for legislation and policy matters. Given the importance of these items on the performance of parliament and noting the fact that no study has been done in the Kenyan Parliament, there was need to conduct this study.

### **1.3 Objectives of the study**

The objectives of the study were: -

- i) to find out and assess the current tracking/movement of Bills, Motions and Questions in Parliament ;
- ii) to establish the challenges faced; and
- iii) to determine the possible solutions to the problems faced as well as come up with a suitable system.

#### **1.4 Research Questions**

- i) how does the current tracking/movement of Bills, Motions and Questions affect the performance of parliament?
- ii) what are the challenges faced? and
- iii) what are the possible solutions and the way forward to the problems faced?

#### **1.5 Significance of the Study**

The Kenya National Assembly may find the results of this study useful in the improvement of the management of parliamentary business. Regional Parliaments such as the Pan-African Parliament and the East African Legislative Assembly may also find the findings of the study useful. Members of staff working in the Clerks Chambers department may use the findings in their day-to-day parliamentary duties.



## CHAPTER TWO

### LITERATURE REVIEW

#### 2.1 Introduction

This study sought to assess the tracking the movement of Bills, Motions and Questions through the various normal stages for effective performance of Parliament. The primary purpose of this chapter, therefore, is to review and summarize the literature on the operation of Parliament, its administration as well as Members of Parliament.

#### 2.2 Operation of Parliament

A Bill is a proposal for a new law. Normally, it cannot become law as an Act of Parliament until it has been agreed to by Parliament and has received assent from the President. The Government introduces most Bills, some of which will be implementing policies that were promised in its election pledges while others will be responding to economic and social issues as they develop. It is also possible for individual Members to introduce Bills and Motions, commonly referred to as 'Private Members' Bills' and "Private Members' Motions" respectively.

#### 2.3 Members of Parliament

In order to operate effectively, Members of Parliament should have access to the basic essential such as constituency offices, support staff services, facilities and sources of information.

Members in some parliaments depend on their parliamentary incomes, in which case they need to be sufficient to provide a reasonable livelihood, but not such as to attract parliamentary candidates for the money alone. In some countries such as the United States, legislators are generously remunerated. In others, such as the Soviet Union, membership of Parliament is not regarded as a profession in its own right and Members continue to draw the salaries or wages attaching to their normal occupations. (*Laundry 1989*).

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

This chapter deals with the method used in the whole study. It presents the design, location, population, sample size and data collection and analysis.

#### **3.2 Research Design**

The study design was a descriptive survey. *Mugenda and Mugenda (1999)*, argue that such a design is appropriate where the researcher is to investigate and report factual information in a descriptive manner.

#### **3.3 Location**

The study was located in the Kenya National Assembly. The location was selected due for familiarity and accessibility by the researcher. Parliament has over 500 members of staff serving in various sections. The study sampled only a number of those who directly deal with Legislative duties in the Clerk's Chambers department.

The sample of the study was obtained through purposeful sampling. Two Clerks Assistant charged with the responsibility of Bills, Motions and Questions were sampled. Four Executive Assistants/Secretaries serving in the same department were also purposefully sampled.

Purposeful sampling was used because it allows the researcher to pick on only those responses that are information rich. (*Kothari, 2003*).

Two research methods were used. One was a simple questionnaire, which was given to the Executive Assistants. The second was a structured interview schedule, which was used to obtain information from the Clerk Assistants. The two

instruments contained information on the management challenges as well as proposals for improvement.

The researcher distributed the questionnaires and collected them immediately after to ensure continuity in the report writing. The results were then interpreted and presented in Chapter Four.

## CHAPTER FOUR

### RESULTS/FINDINGS AND DISCUSSION

#### 4.1 Bills

The study revealed that the tracking/management of Bills least affected the performance of Parliament. Only 2% of the respondents said that the current management has great effect; 30% said that it mildly affected, while 68% said that there was no effect.

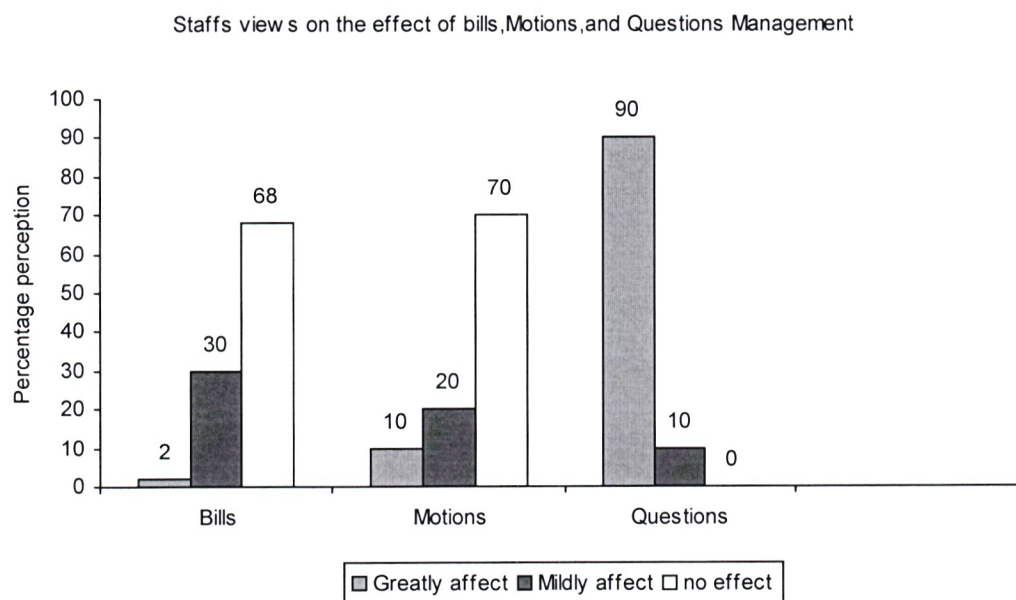
#### 4.2 Motions

The study further found out that only 10% said the access/management of Motions greatly affects the performance of Parliament with 20% arguing that Motions had effect.

#### 4.3 Questions

Interestingly, 90% of the respondents argued that parliamentary Questions access/management greatly affected running of Parliament. 10% argued against. The results are presented in figure 2.

The implication of the findings is that the current management/access of Questions is poor and needs to be looked into in order to improve efficiency. Studies have indicated that Questions play a central role in the running of Parliament (*Erskine May 1989; Laundry, 1989*). There is need to improve the management of Members' Questions for easy tracking. Although the majority of staff found no great problem with the current management system, the fact that some felt there was a problem is also a pointer to the need for improvement.

**Figure 2: Management of Bills, Motions and Questions**

#### 4.4 Challenges in the management of Bills Motions and Questions.

##### ***Questions tracing***

Majority (95%) of the respondents argued that one of the challenges they encountered was that of tracking the movement of a parliamentary Questions from one office to another as it progressed through various stages. The respondents expressed the desire to have a technology that would make Questions tracing easy. Although 5% of the respondents agreed that there was a problem in Questions tracing, they argued that this was not a major problem.

##### ***Poor Question presentation***

Furthermore, the respondents expressed dissatisfaction with the manner in which some Members drafted/presented their Questions. They argued that some Members made oral presentations or made very long drafts, which would at times be translated into several Questions. The main challenge here was to produce a Question without altering the intention of the questioner.

Another challenge identified by the study was the none-existent of a Question/answer management system. The respondents felt that this was a great challenge because it made it difficult for Members and staff to get responses to past Questions without going through the Hansard.

The study further established that the handling of Questions was handled in different offices by different officers in different computers, which are not networked. The challenge here is co-ordinating the disintegrated work to come up with one list without losing any data and without delay.

The other issue that most of the respondents pointed out was the constant re-scheduling of answers to a Question in the absence of a Minister or Questioner/Member or the lack of a sufficient answer. This factor affected delay in scheduling other Questions in that a Question may appear in the Order Paper more than four times.

#### **4.5 Improvement areas**

##### ***Establishing a Network***

The respondents proposed that there is need to establish a program, which would enable them to trace Bills, Motions and Questions easily. This program should be structured such that members of staff working in various offices in Clerk's Chambers can access any information they need without delay. Members of Parliament can also trace their Questions from their offices in Continental House.

The study further established that the respondents wished that Members of Parliament submit their Questions electronically. They felt that this would reduce paperwork, which was unnecessary at such an age of computerization and information communication technology. Furthermore, each Member of Parliament currently has a computerized office and a Personal Assistant, making it easy to accomplish this.

The respondents expressed the need for establishment of a computerized library where information on all the Bills, Motions and Questions filed can be stored. Such a library cannot only be useful to members of staff and parliamentarians but it will also enhance research. It would be used as a referral resource on the performance of parliament. This would come in handy especially at a time like this when the media has put the performance of parliament to question.

The electronic library, if established, would act as a predecessor to the establishment of a parliamentary website which would make Kenya join the global trend of opening up parliament to the public.

### ***Train staff on Information communication technology***

The study revealed that the respondents argued that there was need to train staff on information communication technology so as to make them more efficient in their work. As at the time of filing this report, majority of staff had already undergone this training though few of them work with computers. However, those responsible for the proposed library would have to undertake further specialized training in this field.

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## **CHAPTER FIVE**

### **SUMMARY, CONCLUSION AND RECOMMENDATION**

#### **5.1 Summary of the research findings**

The results revealed that a majority of staff did not see much problems in the tracking of Bills and Motions as opposed to Questions. Among the factors outlined as causing problems in Question management included:-

- poor Question presentation;
- de-centralized Question management;
- poor ICT; and
- constant re-scheduling of Questions.

Among the areas singled out for improvement include:-

- the establishment of a network;
- Members submit their Questions electronically; and
- the need for an electronic library.

#### **5.2 Recommendations**

The following are recommendations based on the research results and conclusions.

- i) establish a complete network;
- ii) members to electronically submit their Questions; and
- iii) training of staff on Information Communication Technology.

#### **5.3 Suggestion for further research**

There is need for further research on Motions, Bills, Questions and establishment of a fully computerised referencing system for these items.



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**APPENDIX A: Questionnaire for staff**

My name is Joseph Kimani. I am pursuing a Diploma in Management and Secretarial Studies with Eastern and Southern Africa Management Institute (ESAMI). I kindly request you to provide me with the information required for my research project entitled **“Tracking the movement of Parliamentary Bills, Motions and Questions: Kenya National Assembly”**. All the information provided will not be used for any other purpose safe for this study. The information you give will be treated with confidence.

**Instructions:**

*Please answer by either filling in the blank space or ticking  $\surd$  the provided box.*

**Part A: General information**

What is your gender? Male

Female

What is the highest level of education?

Form four

Form six

Certificate

Diploma

Bachelors degree

Masters degree

How would you rate the effect of the access of Bills in regard to their effect of management of Parliament?

Great effect  Mild effect  No effect

**Motions**

Great effect  Mild effect  No effect

**Questions**

Great effect  Mild effect  No effect

the



**What are the key challenging areas:-**

tracking as well as management of:-

The area

a)

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b) Motions

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c) Questions

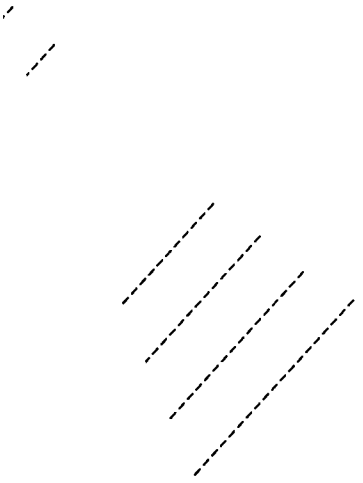
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What areas would you support improvement on?

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Please state some of the improvements you would suggest

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