

THE PARLIAMENTARY SERVICE COMMISSION

**ANNUAL REPORT OF OPERATIONS OF THE COMMISSION
FOR 1999/2000**

**Presented to the National Assembly in pursuance of Section
25 of the Parliamentary Service Act, 2000**

LAI D ON THE TABLE OF THE NATIONAL ASSEMBLY

APRIL, 2001

PARLIAMENTARY SERVICE COMMISSION

The First Annual Report of Operations 2000

1. This Report, which is the pioneer report of the Parliamentary Service Commission, is prepared in fulfillment of the provisions of Section 25 of the Parliamentary Service Act, 2000.

Formation and Content of the Report

2. The form of this First Annual Report may be unique in that most of it is the exploratory work the Commission has undertaken to establish the modalities for its operations. Thus, most of the content is the report of the activities undertaken to lay ground to enable the Commission take off. Similarly, no specific mention has been made of the activities of sectors of the Parliamentary Service, since the Service is in the process of being restructured. It is hoped that subsequent Annual Reports will have a different format and content that will address the work of specific directorates.

PREFACE

1. One of the remarkable achievements in human civilization through ages, has been the successful experiments made to perfect the processes of managing public affairs. This public management is now commonly referred to as governance. Governance has in turn been defined and delineated into specific components through which certain aspects of provision of services and facilities to the public are delivered. In present day governing practice, the Government executes its mandate through three arms, i.e. the Legislature (the Parliament), the Executive (referred to as the Government) and the Judiciary.
2. Each of the three arms of the Government has specific mandate, role and functions to fulfill. The three arms are partners engaged, though, through slightly different mechanisms, in corporate service. Nonetheless, in the course of delivering the corporate service, rivalries do arise over how certain services may be best delivered. This has led to calls for provision of separate structures and processes by which each arm may accomplish the roles and functions appropriately falling within its purview.
3. The need and call for separate structures and processes to enable each arm execute the requisite mandate has caused each arm of the Government to establish such mechanisms. Hence, the creation of the Parliamentary Service and the Parliamentary Service Commission should be seen as a response to the hope and belief that it would enable Parliament accomplish the mandate, role and functions more effectively and efficiently. These two organs are the creation of parliamentarians whom they serve and are answerable to.
4. The Parliamentary Service Commission comprises a membership of ten-all being parliamentarians. The main and prime pre-occupation of the Commission is to serve the

Parliament as a body corporate and parliamentarians in their individual capacities. To that end, the Commission, working in accordance with the established legal regime, ensures availability of adequate and appropriate resources (material and human) to facilitate the work and operations of Parliament. The contribution of the Commission to the parliamentary process and its in-put in the governance is summed up in the Mission of the Commission which is:-

To facilitate the Members of Parliament to efficiently and effectively fulfil the constitutional function in a representative system of Government by holding and ensuring the autonomous status of the Parliament in its corporate relationship with other arms of the Government.

5. The brevity of this First Annual Report is due to the fact that the Commission has been in existence for just one year. During this period, the Commission has spent most of the time exploring the modalities by which their mandate may be executed. I am confident that most of the exploratory works having been done, the second year will see steady implementation of the Strategic Plan and indeed a significant part of the mandate of the Commission.



**HON. K.F.X. ole KAPARO, EGH, MP
SPEAKER AND CHAIRMAN
PARLIAMENTARY SERVICE COMMISSION**

APRIL, 2001

PARLIAMENTARY SERVICE COMMISSION

Brief History

1. The quest by Parliament in Kenya to acquire an autonomous and independent process to by which the management and administration of procurement of requisite facilities and services appropriate for its proper operation, with minimal consultative engagement of other arms of the Government, is lengthy and goes back to the First Parliament (1963 to 1969) of independent Kenya. A cursory review of the records and journals of Parliament indicates the quest having been waged intermittently by parliamentarians. Indeed evidence of the quest are abundantly available in the Questions, Motions introduced and the statements made by parliamentarians.

2. The crusade to wrest the control of the management and administrative process and structure of the Parliament from the confines of the Executive and vest them in organs created by, from and directly answerable to Parliament and parliamentarians has been persistently waged by the Parliament. Among the specific substantive moves and which assumed a more focused push came after the return to multi-partyism in 1993, and they include:-
 - (i) A Motion for a resolution by the late Hon. Jean Marie Seroney, M.P. to give the budgeting autonomy to Parliament i.e. to be self-accounting and to vest such autonomy in the Clerk of the House, as the Accounting Officer, was moved, debated and adopted by the House on March 20, 1970. Action to implement this resolution was taken starting July 01, 1970, by the Assembly becoming self accounting.

 - (ii) Notice of a Motion for a resolution urging the Government to introduce a constitutional amendment to facilitate creation of a Board of Commissioners to manage the affairs of the Parliament was introduced by the late Hon. Jean Marie Seroney, M.P. on May 10, 1972. Although the Motion was not debated, it was an improvement on the Member's resolution of March 20, 1970.

 - (iii) A Motion for a resolution by the former Member for Butere, the Hon. Joseph M. Shikuku, E.B.S. M.P. for the Speaker's Committee to carry out a study and recommend to the House how the process of gaining autonomous and independent

"governance" for the Parliament could be carried out, was moved, debated and adopted on July 07, 1993. No action was taken to implement this resolution.

- (iv) The Speaker of both the Seventh and Eighth Parliaments, the Hon. Kausai F.X. ole Kaparo, EGH, MP, set the tone of reform that became truly unrelenting, in his brief and robust Address of welcome to H.E. the President to inaugurate the First Session of the Eighth Parliament, on February 03, 1998; when in part he stated thus:-

As a House, we shall be called upon to give leadership not only on economic liberation but also on political liberalization. This House must therefore begin by liberalizing itself. We shall be called upon to provide leadership in the area of national unity. We should not be an example in sectarian disunity. As a House we must provide leadership for hard work devoid of mudslinging, malice, ill-will, rumour and personalized attack. Our debates should target ideas and ideals.

As we head towards the next century, the House must create an environment that will enable honourable Members to give their best to society. This will entail the provision of space, material and personnel to enable Members discharge their duties to the country and their electorate. This will call for resources and goodwill from all concerned.

- (v) A Motion for a resolution by the Member for Alego Usonga, the Hon. Peter Oloo Aringo, EGH, M.P., for the Government to facilitate the establishment of the Parliamentary Service Commission, was moved on November 04, debated and adopted on November 11, 1998. No action was taken to implement this resolution.
- (vi) A second Motion for a resolution by the Hon. Oloo Aringo, MP, seeking leave of the House to enable him introduce a Public Bill to amend the Constitution to facilitate the establishment of the Parliamentary Service and Parliamentary Service Commission was moved, debated and adopted on a Division on May 12, 1999. Action to implement this resolution was taken in (vii) below.

- (vii) A Public Bill by the Hon. Aringo, M.P. to amend the Constitution to establish the Parliamentary Service and Parliamentary Service Commission was moved, debated and enacted in a rare one hour of the sitting of November 11, 1999. This Bill, the Constitution of Kenya (Amendment) Bill, 1999 was assented to by the President on November 17, and commenced on November 19, 2000.
 - (viii) A Motion by the Hon. Aringo, M.P. seeking leave of the House to facilitate the introduction of a Public Bill, for the effective carrying out of the provisions of the Constitution of Kenya (Amendment) Act, 1999 was moved, debated and adopted on November 10, 2000.
 - (ix) A Public Bill by the Hon. Aringo, M.P. the Parliamentary Service Bill, 2000, to augment and fulfill the intentions of the Constitution of Kenya (Amendment) Act, 1999 was moved, debated and enacted on November 28, 2000. The Parliamentary Service Bill was assented to by the President on November 29, 2000 and commenced on the same date as Act No. 10 of 2000.
3. In spite of the long history of the attempts and expressions of the desire to attain an autonomous and independent status, definite practical steps aimed at the implementation of the resolutions and statements in form of law, only begun to be taken by the Eighth Parliament. The moves to take definite practical legal measures begun with the introduction and subsequent enactment of the Constitution of Kenya (Amendment) Act, on November 11, 1999. (see paragraph 6 (vii) above. This move was followed by the introduction and enactment of the Parliamentary Service Act, on November 28, 2000.
4. By the enactment of the Parliamentary Service Commission and the Parliamentary Service, both of which are fully constituted and operational, the embryo planted on March 20, 1970, has grown to full maturity. The next legal instrument for the Commission to put in place is the Regulations under the provisions of section 36 of the Parliamentary Service Act.

Establishment and Composition

5. The Constitution of Kenya (Amendment) Act, Act No. 3 of 1999, creating the Commission was enacted by the House on November

11, assented to by the President on November 17 and came into effect on November 19, 1999.

6. The Commission consists of three appointed and seven elected members.
7. The Commission was fully constituted on December 06, 1999 and comprised the following:
 - (i) membership by virtue of office held in Parliament i.e the appointed members, pursuant, respectively, to section 45B (1) (a), (b) and (c) are:-
 - (a) The Hon. Kausai F. X. ole Kaparo, EGH, MP;
Speaker and Chairman (section 45B(I) (a));
 - (b) Prof. the Hon. George Saitoti, EGH, MP;
Leader of Government Business in the House
(section 45B(1)(b); and
 - (c) The Hon. Mwai Kibaki, EGH, MP;
Leader of the Official Opposition Party
(section 45B (1)(C).
 - (ii) Membership upon election by the House, pursuant to section 45 B(1) (e) (i) and (ii):-
 - (d) The Hon. Abubakar M. Badawy, MP }
}
 - (e) The Hon. Samuel L. Pogishio, MP }
}under section
 - (f) Dr. the Hon. Abdullahi I. Ali, MP }45B (1) (e)
}(i)
 - (g) The Hon. Wycliffe W. Osundwa, MP² }
 - (h) The Hon. Peter Oloo Aringo, EGH, MP¹ }
}under section

² The Hon. Wycliffe W. Osundwa, MP, was appointed an Assistant Minister in the Office of the Vice President and Ministry of Home Affairs, Sports and National Heritage on September 27, 2000.

¹ The Hon. Peter Oloo Aringo, EGH, MP; was unanimously elected the Vice Chairman of the Commission at the First Meeting of the Commission on January 25, 2000.

Meetings of the Commission

11. The Commission held the First Meeting on Tuesday, January 25, 2000 and had held a total of seventeen meetings (17) by the end of the year under review. Attendance of Commissioners was high at virtually all Meetings. The decisions and resolutions at all Meetings were arrived at by consensus.
12. The subjects dealt with at Meetings of the Commission were varied and yet within their purview. Specific subjects and other matters, were introduced to the Commission in form of Commission Papers. The Commission Papers were prepared by the Secretary at the direction of the Commission. As at the end of the year under review, the Commission had dealt with thirty-nine (39) Papers. The object of Commission Papers is that they contain background information on subject matters, on which the Commission desires to make decisions or resolutions that set out policy guidelines for handling such matters or issues in the future.

Seminar on operations of the Parliamentary Service Commission

13. As a way of laying the ground and setting the stage for the operations of the Commission, a resolution was made under MIN.NO. PSC/6/2000 at the First Meeting on Tuesday, January 25, 2000, to mount a Seminar for all Members. The Seminar was held at the Safari Park Hotel on Thika Road, Nairobi on February 13 to 15, 2000.
14. The objectives of the Seminar were:-
 - (i) the first two days-February 13 and 14 were devoted to enlightening and sensitizing Members on the mandate, role and functions of the Commission and to seek their in-put;
 - (ii) to deliberate in general on the matters/issues of management of the Parliament; the Seminar deliberated a draft of the Parliamentary Service Bill, 2000, to which they made substantial in-put.

15. The Seminar was split into four Working Groups to facilitate wider participation. At the end of the Seminar, eight Members, two from each Working Group were selected to team up with the Commission to finalize the draft of the Parliamentary Service Bill, 2000.
16. The Commission invited six eminent resource persons from within the Commonwealth, to facilitate the deliberations, viz:
 - (i) The Hon. Pius Msekwa, MP.,
Speaker of the National Assembly,
TANZANIA.
 - (ii) The Hon Francis Joash Ayume, MP.,
Speaker of Parliament,
UGANDA.
 - (iii) The Hon. Salamu Musumba, MP,
Member of the Parliamentary Service Commission,
UGANDA.
 - (iv) Mr. Mwelwa N. Chibesakunda,
Clerk of the National Assembly,
ZAMBIA.
 - (v) Mr. Charles Winnifrith,
Clerk of Committees
House of Commons
UNITED KINGDOM.
 - (vi) Mr. Luc Desroches,
Director General,
Financial and Human Resources Services,
House of Commons,
CANADA.
 - (vii) Mr. Robert Wilson,
Clerk of the Overseas Office,
House of Commons,
UNITED KINGDOM.
 - (viii) Mr. Abdullahi M.H. Sharawe,
Chairman,
Public Service Commission,
KENYA.

(ix) Oasis N. Musamirapamwe,
Counsel to Parliament,
ZIMBABWE.

17. The Third day of the Seminar i.e. February 15, 2000 was devoted to a Seminar for the staff. The objective of this was basically similar to that for the Members. The Staff Seminar was attended by fifty-three staff comprising the Heads of Divisions and their deputies. The officer-resource persons addressed and guided deliberations.
18. Commission Paper No. 4 of April 07, 2000, containing the record and report of the proceedings of the Seminar was deliberated upon and adopted at the Second Meeting of the Commission on April 07, 2000. Copies of the report are in the National Assembly Library.

Consultancy on the Needs Assessment for the Parliament

19. In line with the discussions on how to set the stage for operations, one of the major outputs of the Seminar was the need to commission a Consultancy on the Needs Assessment for the Parliament. This subject remained on the agenda of the Meetings of the Commission through the year. The Commission made a definite policy decision to have a Consultancy whose terms of reference were contained in Commission Paper No. 5 of April 07, 2000. This Paper was deliberated upon at the Second Meeting of the Commission on April 07, 2000 and adopted. However, by the end of the year under review, the Consultancy was just beginning to take shape.

Retreats of the Commission

The First Retreat

19. As part of the on-going efforts to set the stage for proper operation, the Commission resolved at the Tenth Meeting of August 01, 2000 to mount a two-day Retreat out of Nairobi, to facilitate in-depth study and scrutiny of its mandate and the management/administrative set-up and operation of the Parliament. The First Retreat, was attended by Commissioners and the Heads of Divisions of the existing centres of operation of the Parliamentary Service. The venue of the Retreat was the Mt. Kenya Safari Club, Nanyuki during the period August 10 to 12, 2000.

The following Commissioners were present;

The Hon. K.F.X. Kaparo, E.G.H., M.P. Chairman
The Hon. Peter Oloo Aringo, E.G.H., M.P. - Vice Chairman
The Hon. A.M. Badawy, M.P.
Dr. the Hon. A. Abdullahi, M.P.
The Hon. George Odeny Ngure, M.P.
The Hon. Daniel L. Khamasi, M.P.

Absent with apology:

Prof. the Hon. George Saitoti, E.G.H., M.P. - Vice
President and
Leader of
Government
Business
The Hon. Mwai Kibaki, E.G.H., M.P. - Leader of the
Official
Opposition
Party
The Hon. Samuel L. Poghisi, M.P.

**In attendance, were the following officers of the
Parliamentary Service;**

Mr. Samuel W. Ndindiri - Clerk of the National
Assembly/Secretary to
the Commission
Mr. Murumba Werunga - Deputy Clerk
Mr. Patrick G. Gichohi - Deputy Clerk
Peter C. O. Omolo - Deputy Clerk
Mr. B.R.M. Ndetei - Senior Principal Personnel
Officer
Mrs. Irene W. Muraguri - Senior Finance Officer
Mr. John M. Muchira - Accounts Controller

21. **The Objectives of the First Retreat were:-**

- (i) to engender an environment conducive to in-depth analysis and deliberations among the Commissioners on the mandate, role and functions of the Commission;
- (ii) to facilitate an elaborate review of the existing structures and process of provision of service of Parliament;
- (iii) to enable the Commission come up with a Strategic Plan for the Parliament; and
- (iv) to facilitate deliberation and free exchange of ideas/ views on the possible way forward.

22. **The Agenda comprised the following:-**

- (i) Parliamentary Service Commission Mission Statement.
- (ii) Strategic Plan.
- (iii) Structures of the work of the Commission.
- (iv) Facilitation of work of the Commission.
- (v) Procedures and rules for the operation of the Commission.
- (vi) Funding of the work of the Parliament.
- (vii) Creation of a Budget Office of Parliament.
- (viii) Any Other Business.
- (ix) Date for the next Retreat.

23. The Commission deliberated at length on the above agenda and reached the following resolutions:-

- (i) adopted the draft Strategic Plan of the Parliament for the period 2000 to 2012, which was to be re-drafted incorporating the amendments proposed at the Retreat for final deliberation at a future retreat;
- (ii) re-organization of the departments, divisions of the Parliamentary Service; a new organization chart incorporating the decisions, suggestions at the Retreat to be incorporated for final deliberation at a future retreat;

- (iii) the measures specified in the report of the Retreat (Page 24 and 25) be effected to facilitate the work of Commissioners;
- (iv) a Second Retreat be organized in September, 2000 whose two days would be utilized as follows:-
 - (a) **Day One** - to be attended by all Leaders of political parties, their Whips, Chairmen of Select Committees, Commissioners and Heads of Divisions. The agenda would include, matters of decorum, dignity, conduct of Members within the precincts of Parliament; *et cetera*
 - (b) **Day Two** – to be reserved for business of the Commission. To be attended by Commissioners and staff.

24. Full details of the First Retreat of the Commission are in the Report, which is in the National Assembly Library.

The Second Retreat

25. Pursuant to one of the resolutions of the First Retreat of the Commission, held at the Mt. Kenya Safari Club, Nanyuki, from August 10 to 12, 2000, a Second Retreat was held on October 13 and 14, 2000 at the Aberdare Country Club, Mweiga. The resolution to mount the Second Retreat was further affirmed at the Twelfth and Thirteen Meetings of the Commission, respectively, held on September 05 and September 14, 2000.
26. The agenda for the Second Retreat was very much in line with resolutions at the First Retreat, and comprised.

(i) **Day One – October 13, 2000**

(i) Management of Committee Process;

- (a) involvement of Committees in formulation of the budget of the Parliament;
- (b) the need to instill financial discipline in managing budgets of Committees;

- (c) the need to work out ways and means of reducing expenditure of Committees by apportioning some of the costs to other items of expenditure within the budget of Parliament;
- (d) the need to devise measures to deal with issues that affect the effective and efficient working of Committees, for instance,
 - Members who make technical appearances,
 - Members who do not attend any sittings and mode of payment for attendance of more than one committee meeting;
- (e) the need to ensure parity treatment of all Committees, specifically, with regard to allocation of resources and opportunities for training through exposure to operations in other Parliaments;
- (f) frequent changes in membership of Committees due to appointments to positions in the Government;
- (g) the modalities governing donor funding;
- (h) the role of political parties in the appointment of members to Committees during the life of a Parliament;
- (i) the need to enhance the current rate of Attendance Allowance;
- (j) the membership of committees by members belonging to minority parties;
- (k) inadequate staff to service the Committees;
- (l) the need to review the scope of Departmental Committees to ensure equitable allocation of Government Departments among them;

(m) the need to expand the mandate of the Liaison Committee to empower it supervise all Select Committees;

(n) the need to review and harmonize the mode paying Travelling Allowance; *et cetera*.

(ii) Management of the Parliament

(a) the need for measures to deal with incidents occurring on the Precincts of Parliament that derogate on the decorum and dignity of Parliament;

(b) the unprocedural introduction of strangers to the Precincts of Parliament – e.g. certain Members introducing strangers on behalf of their colleagues;

(c) the role of the Speaker and the Chair in enforcing the dignity of Members and Parliament;

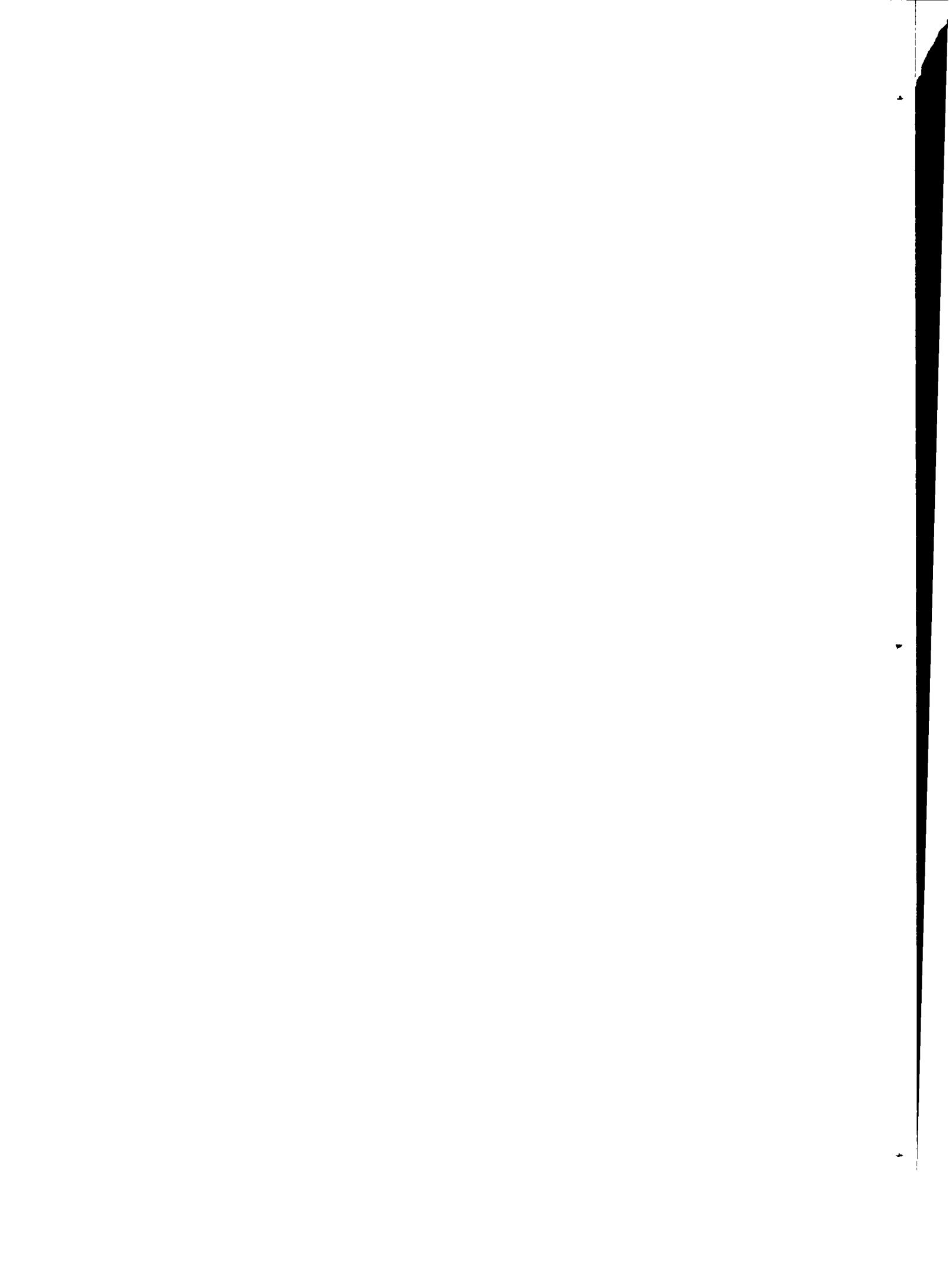
(d) the role of Members in upholding the dignity of Members and the Parliament;

(e) the role of the police manning the gates to Parliament in ensuring the orderly admission of strangers to the Precincts of Parliament;

(f) the role of the staff in enforcing the Speaker's Rules on the entry and conduct of strangers on the Precincts of Parliament;

(g) the need to curb the growing tendency of strangers using their access to the Bunge Staff Canteen to gain entry to Parliament Buildings and to approach Members;

(h) the influx of strangers, individually or in gangs on the Precincts of Parliament;



- (i) the apparent preference by some Members to transact business other than Parliamentary Business within the Precincts of Parliament;
- (j) the growing tendency of former Members to use Parliament Buildings to transact their own business or affairs;
- (k) the continuous presence of the Military Personnel on the Precincts of Parliament despite expression of the need to move them out;
- (l) the continued presence of the personnel of the Directorate of State Intelligence Service within the Precincts of Parliament;
- (m) the need to review provisions of the National Assembly (Powers and Privileges) Act, Cap 6, Laws of Kenya, to provide for ways to handle the recent development of Members emitting violence and harassment on each other;
- (n) the need to effect measures to bring about discipline in the Members' Car Parks especially by allocating specific parking bays to individual Members;
- (o) indiscipline among staff and their failure to implement decisions of the various governing organs of the Parliament;
- (p) the need for specified processes of handling Media issues touching on Parliament – and hence the need to a Public Relations Office and a Press Desk;
- (q) the need to close the section of Harambee Avenue running between the Main Parliament Buildings and County Hall to public use,
- (r) the need for parity in payment of Travelling Allowance to claims by Party Whips;

- (s) the need for a Workshop to enlighten Members on the Standing Orders, procedures and the role and status of the Speaker;
- (t) the need for a follow-up Workshop to monitor the implementation of decisions taken at substantive fore such as this Retreat.

The Agenda for Day Two;

1. Report of the First Retreat held at Mt. Kenya Safari Club, Nanyuki, on August 10 to 12, 2000.
2. Any matters arising from the Report of the Retreat.
3. The Agenda deferred at Nanyuki
 - (i) Procedures and Rules for the operation of the Commission.
 - (ii) Funding of the work of Parliament.
 - (iii) Any Other Business.
 - (iv) Date of the next Retreat.

The participants at the Second Retreat were as resolved at the First Retreat and they comprised:-

Commissioners

The Hon. K.F.X. Kaparo, E.G.H., M.P.	-	Chairman
The Hon. Peter Oloo Aringo, E.G.H., M.P.	-	Vice Chairman
The Hon. Abubakar M. Badawy, M.P.		
Dr. the Hon. Abdullahi I. Ali, M.P.		
The Hon. George Odeny Ngure, M.P.		
The Hon. Daniel L. Khamasi, M.P.		

Absent with apology:

Prof. the Hon. George Saitoti, E.G.H.,M.P.- Vice President
& Leader of
Government
Business
The Hon. Mwai Kibaki, E.G.H., M.P. - Leader of the
Official
Opposition Party

The Hon. S. L. Pogishio, MP

**Party Leaders, Whips, Chairmen's Panel, Chairmen of
Committees.**

PRESENT:

The Hon. Michael K. Wamalwa, M.P. - Ford-Kenya
The Hon. Owino Achola, M.P. - Chairman – PIC
The Hon. David M. Musila, M.P. - Chairman – DC-F
The Hon. Anthony K. Kimetto, M.P. - Chairman – DC-E
Dr. the Hon. Newton W. Kulundu, M.P. - Chairman – DC-D
The Hon. Gitobu Imanyara, M.P. - Chairmen's Panel
The Hon L.S. Sifuna, M.P. - Chief Whip Ford K

Absent with apology:

The Hon. Musalia Mudavadi, M.P. - Deputy Leader of
Government Business
The Hon. Joab H.O. Omino, M.P. - Deputy Speaker
The Hon. Charity K. Ngilu, M.P. - (SDP)
The Hon. Darius M. Mbela, M.P. - Chairman-DC-E
The Hon. Simeon M. Mkalla, M.P. - Chairman DC-F

**In attendance, were the following officers of the
Parliamentary Service;**

Mr. Samuel W. Ndindiri - Clerk of the National
Assembly/Secretary to
the Commission
Mr. Murumba Werunga - Deputy Clerk

Mr. B.R.M. Ndetei - Senior Principal
Personnel Officer

Mrs. Irene W. Muraguri - Senior Finance Officer

Mr. John M. Muchira - Accounts Controller

(ii) **Day Two – October 14, 2000**

The Hon. K.F.X. ole Kaparo, E.G.H., M.P. - Chairman
The Hon. Peter Oloo Aringo, E.G.H., M.P.- Vice
Chairman

The Hon. Abubakar M. Badawy, M.P.
The Hon. George O. Ngure, M.P.
Dr. the Hon. Abdullahi I. Ali, M.P.

Absent with Apology:

Prof. the Hon. George Saitoti, E.G.H.,M.P.-Vice President &
Leader of
Government
Business

The Hon. Mwai Kibaki, E.G.H.,M.P. - Leader of Official
Opposition Party

The Hon. Samuel L. Poghisi, M.P.
The Daniel L. Khamasi, M.P.

In Attendance

Mr. Samuel W. Ndindiri - Clerk of the National
Assembly/Secretary to
Commission

Mr. Murumba Werunga- Deputy Clerk

Mr. P.C. Owino Omolo - Deputy Clerk

Mr. P.G. Gichohi -Deputy Clerk

Mrs. Irene W. Muraguri - Senior Finance Officer

Mr. B.R.M. Ndetei - Senior Principal Personnel
Officer

Mr. Joseph M. Machanje - Editor of Hansard

Mr. Michael T. Kirusua - Chief Serjeant-at-Arms

Mr. Sospeter A. Okoth -Chief Supplies Officer

Mr. John.M. Muchira - Accounts Controller

26. At the end of Day Two of the Second Retreat, the Commission had arrived at various decisions, made recommendations for further action and resolution to be implemented; viz:
- (i) adoption of the report of the First Retreat of the Commission;
 - (ii) adoption of the proposed restructure of the Parliamentary Service and the Organization Chart;
 - (iii) adoption of the second draft of the Strategic Plan of the Parliament for the period 2000 to 2012. Further decisions to revamp and augment some of the strategies were made at the Sixteenth Meeting of the Commission held on November 21, 2000 at which Commission Paper No. 33 of November 21, 2000 containing the final version of the Strategic Plan was deliberated upon and adopted.
 - (iv) adoption of the final draft of the Strategic Plan;
 - (v) adoption of the proposal for the restructure of the working of the Commission by establishing Committees to facilitate execution of mandate.
27. The record and report of the deliberations of the Second Retreat of the Commission is the National Assembly Library.
28. The final version of the Strategic Plan was adopted with the request that it be re-edited and formulated into a booklet as the "**Blue Print**".

Strategic Plan of the Parliament – 2000 to 2012

29. The Strategic Plan of the Parliament for the period 2000 to 2012, was finally adopted to be the basic document, the "**Blue Print**" on which all future planning and development of the work of the Commission and the Parliament would be based at the Seventeenth Meeting of the Commission on December 19, 2000.

Structure of Parliamentary Service Commission

30. In the deliberations on setting the stage, the Commission also considered how they could restructure the Commission to facilitate effective supervision of the operations of the Parliamentary Service and their effective discharge of mandate. The need for this was evident at the First Meeting of January 25, 2000; at which the following pertinent decisions were made:-
- (i) The Hon. Peter Oloo Aringo, EGH, MP, was elected unanimously the Vice-Chairman.
 - (ii) to put in place a legal regime, the Commission established its own Committee to oversee the finalization of drafting of the Parliamentary Service Bill and the Regulations. The Committee comprised:-
 - (i) The Hon. K.F.X. ole Kaparo, EGH, MP
Chairman
 - (ii) The Hon. Peter Oloo Aringo, EGG, MP
Vice Chairman
 - (iii) The Hon. Samuel L. Poghisio, MP
 - (iv) The Hon. Wycliffe W. Osundwa, MP
 - (iii) To put in place processes and to facilitate Commissioners execute their mandate, a Committee of the following was established to study pertinent issues and needs and make recommendations for:-
 - (a) regulations for proceedings of the Commission, pursuant to provisions of section 45B(7);
 - (b) allowances for attendance at Meetings;
 - (c) office accommodation, *et cetera*.

(d) the Committee comprised:-

- The Hon. Mwai Kibaki, EGH, MP
- The Hon. George O. Ngure, MP
- The Hon. Abubakar M. Badawy, MP
- The Hon. Daniel L Khamasi, MP

31. The above two Committees having accomplished their mandate, the need to set up structures and processes to give the Commission continuous oversight of the work and operations of the Parliament was revisited at the Sixteenth Meeting of November 21, 2000. Guided by Commission Paper No. 35 of November 21, 2000, the Commission resolved to established the following four Committees with the following membership:-

(i) **Committee on Finance**

- (a) The Hon. Mwai Kibaki, EGH, MP- Chairman
- (b) The Hon. Peter Oloo Aringo, EGH, MP
- (c) The Hon. Samuel L. Poghisiu, MP
- (d) Dr. the Hon. Abdullahi I. Ali, MP

(ii) **Committee on Staff**

- (a) The Hon. Abubakar M. Badawy, M.P. - Chairman
- (b) The Hon. David M. Musila, M.P.
- (c) The Hon. Daniel L. Khamasi, M.P.
- (d) The Hon. George O. Ngure, M.P.

(ii) **Committee on Tender and Procurement**

- (a) The Hon. George O. Ngure, M.P.- Chairman
- (b) Dr. the Hon. Abdullahi I. Ali, M.P.
- (c) The Hon. Samuel L. Poghisiu, M.P.
- (d) The Hon. David M. Musila, M.P.

(iii) **Committee on Members' Welfare**

- (a) The Hon. Daniel L. Khamasi, M.P.- Chairman
- (b) The Hon. Mwai Kibaki, E.G.H., M.P.
- (c) The Hon. Peter Oloo Aringo, E.G.H.,M.P.
- (d) The Hon. Abubakar M. Badawy, M.P.

Status and Structure of Parliamentary Service

32. As part of the processes of setting the stage for effective and efficient operation and delivery of service, the Commission resolved to review the status and structure of the Parliamentary Service. The review was the main out-put of the two Retreats of the Commission, the First on August 10 and 12, 2000 and the Second on October 13 to 14, 2000. Out of these two Retreats, the Commission has come up with a Strategic Plan of the Parliament for the period 2000 to 2012 (the Retreats and the Strategic Plan are discussed elsewhere in this Report).
33. Among the key issues the Commission discussed and resolved on were:-

(i) **Staff opting to serve the Commission**

At the Second Meeting on April 07, 2000, the Commission received the report of the Secretary that a total of two hundred and fifty-three (253) staff opted to serve with the Commission pursuant to provisions of Section 45B(2) of the Constitution of Kenya (Amendment) Act, 1999. However, the Commission did not resolve to admit the staff into their service, until at the Twentieth Meeting of March 13, 2001, when all staff other than the Deputy Clerks and Heads of Divisions were admitted with effect from November 19, 1999.

(ii) **Staff Compliment**

One of the strategies of the Strategic Plan of the Parliament for the period 2000 to 2012, is to increase the current staff complement in view of the expansion of the services and facilities of Parliament. The details of the numbers are in the Strategic Plan which is in the National Assembly Library.

(iii) **Structure and Organization Chart**

- (a) One of the out puts of the Strategic Plan for the Parliament for the period 2000 to 2012 (hereinafter to be referred to as the "Blue Print") is to restructure the Parliamentary Service and come up with a new organization.
- (b) Following the adoption of the Blue Print at the Seventeenth Meeting on December 19, 2000, the Structure of the Service is:-

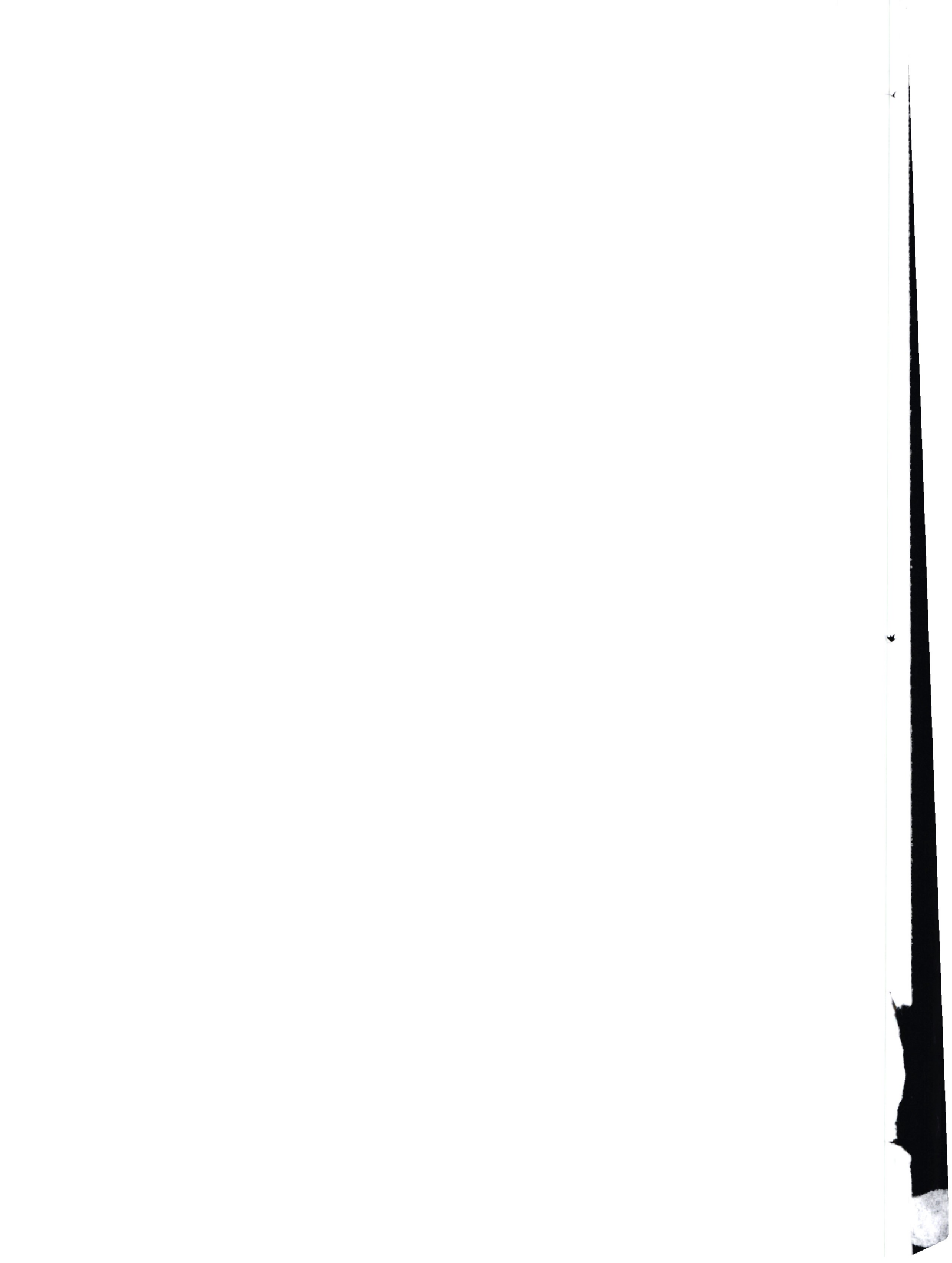
(i) the Clerk of National Assembly:-
the Chief Executive Officer of the Service, Principal Advisor on parliamentary procedure, practice, conventions; Accounting Officer/Secretary to the Commission;

(ii) Deputy Clerk:-
substantive deputy to the Clerk of the National Assembly, responsible for Protocol, Public Relations, Parliamentary and International Relations, Conferences, training, deputize for Secretary to Commission;

(iii) Directors heading the following Directorates:-

- Committee Services;
- Procedural Services;
- Corporate Service (Human Resource, Finance and Planning, Accounting, Supplies, Catering);
- Hansard;
- Security;
- Legal Services;
- Information Service (Library, Research and Information);
- Office of the Speaker.

- (c) The details of the new structure, together with the Organization Chart for each Directorate are



in the Blue Print, which is in the National Assembly Library.

(iv) **Remuneration for Staff**

- (a) Establishment of a Staff Group Personal Accident Insurance cover with effect from July 01, 2000, pursuant to Commission Paper No. 14 of June 27, 2000 was resolved upon at the Sixth Meeting on June 27, 2000.
- (b) Review of basic salaries for staff, effective July 01, 2000; resolution pursuant to Commission Paper No. 19 of July 04, 2000 at the Seventh Meeting of July 04, 2000.
- (c) Introduction of new allowances for staff and for particular categories, effective July 01, 2000; resolution pursuant to Commission Paper No. 25 of August 01, 2000 at the Eleventh Meeting of August 11, 2001.

Welfare of Members of Parliament

34. In terms of provisions of section 45B(5) (h) of the Constitution and section 23 of the Parliamentary Service Act, 2000, the Commission has taken the following steps to improve the welfare, in terms of remuneration of parliamentarians:-

resolved to increase the monthly Mileage Allowance from Kshs.118,000 to Kshs.336,000; pursuant to contents of Commission Paper No. 16 of June 22, 2000 adopted at the Sixth Meeting of June 27, 2000.

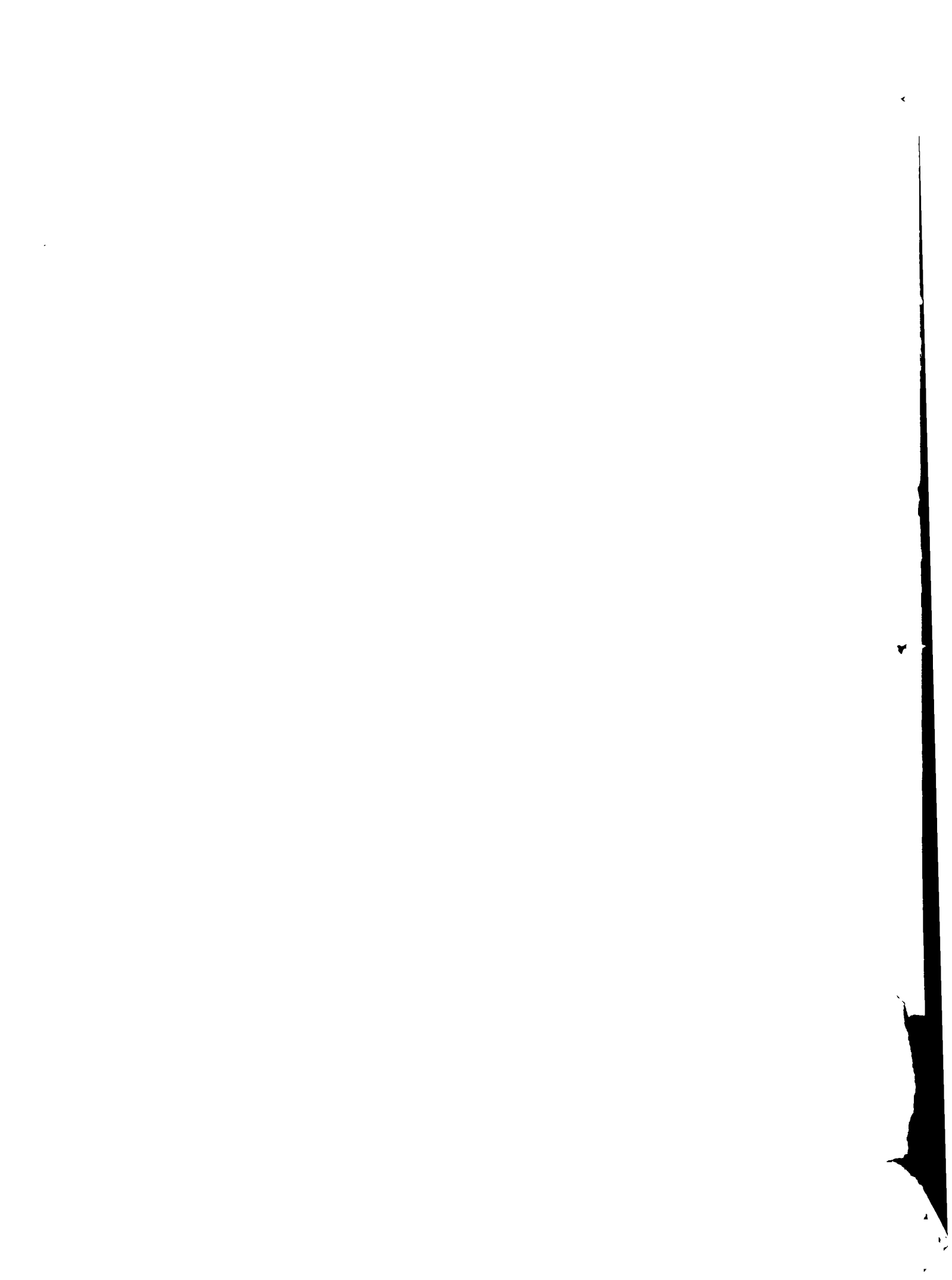
Accommodation (Office and Working Rooms)

35. In the year under review, the Parliament continued to experience shortage of accommodation both in terms of office space and working rooms. Regarding office space, the situation whereby at least two officers share an office was common. In some instances, as many as four to five officers were sharing one office (especially in the Human Resource and Accounting Unit).

36. The decision to provide an office for each Member remains the goal of the Commission. It is expected this would be realized once the reconstruction and refurbishment of the Continental Building was complete. At the same time, Continental Building would provide the following facilities:-
- (i) additional offices for staff;
 - (ii) a fully equipped Library and Research Centre, to modern standards;
 - (iii) a Members' only Health Club with in door games;
 - (iv) a Members only restaurant and bar;
 - (v) six Committee Rooms, fully equipped for recording of evidence;
 - (vi) a Bookshop;
 - (vii) a Post Office;
 - (viii) additional parking bays.
37. The deliberations on the work on the Continental Building has remained on the agenda through the year. It is estimated to be ready for use in the second half of 2001.

The Proceedings of the Parliament

38. The facilitation of the core business of Parliament and parliamentarians, which include:-
- (i) legislation (the making and unmaking of law);
 - (ii) deliberative (the debate and adoptions of resolutions) pressing for effecting certain policies and activities of public concern;
 - (iii) surveillance and oversight of the work and activities of governance;
 - (iv) the nurturing and training of national leaders; and
 - (v) watchdog and guide to democracy.
39. During the year under review, the Commission was able to avail virtually all necessary resources, both physical and human to enable the Parliament execute its mandate, role and functions. There could have been some shortfalls occasioned by factors beyond the competence of the Commission.



Budgeting for the Parliament

40. Pursuant to provisions of section 45B(5) (e)(i) of the Constitution and section 20 of the Parliamentary Service Act, 2000, the Commission has the mandate to budget for all financial needs of the Parliament. Once the Commission has finalized the estimates of the budget for the Parliament, the budget is then transmitted by the Chairman to the Minister for Finance. The budget which should be ready three months to the commencement of the next Fiscal Year, once adopted by the House, is defrayed from the Consolidated Fund and paid into the National Assembly Fund.

41. During the year under review, the Commission dealt with the following budgetary matters:-
 - (i) deliberated and adopted the Supplementary Estimates of the Budget for the Fiscal Year 1999/2000 on April 07, 2000;

 - (ii) deliberated and adopted the Estimates for the Budget of the Fiscal Year 2000/2001 contained in Commission Paper No. 9 of April, 07, 2000. Though the Commission resolved at the Second Meeting on April 07, 2000 to approve a budget of Kshs.1,864,700,200.00; this subject remained on the agenda until mid-July, 2000. Deliberations of the budget resurfaced at the Third Meeting on May 04, 2000, the Sixth Meeting of June 27, 2000 and at the Ninth Meeting on July 18, 2000; and

 - (iii) the elaborate deliberations on the budget were a result of increase in the Mileage Allowances for Members which had not been catered for in the original estimate.