



1. Introduction

Kenya's transition from single party to multi-party politics has livened up debate in Parliament a great deal. Members now go to the House prepared to make meaningful contribution to the debate of the day.

Kenya is however still evolving to pluralism and democracy. There is still a major tendency among Members of Parliament, and Kenyans generally, to view those on the opposite side of the political divide as enemies, rather than as partners in development.

The media, being a part of society, must encourage the plurality of ideas and inform the public on the continuing debate, as Kenyans continue to define their future. This is so that multi-partyism does not become synonymous with hatred, tension and violence, but instead represents the accommodation of divergent views and the building of consensus.

Journalists have always been an integral part of Parliament. They act as the eyes and ears of millions of Kenyans who are unable to attend the House and witness its proceedings.

In Parliament, journalists are under great pressure to report the proceedings of the House with accuracy and fairness. Parliamentary writer, David Okwembah, summarises the rather difficult challenges of parliamentary reporting thus: "Reporting in Parliament remains the only true test of good journalism."

In 1996, Okwembah faced disciplinary action from his newspaper, *the East African Standard*, for allegedly misreporting what the then Agriculture Minister, Mr Simeon Nyachae, had said. Indeed the *Hansard*, the verbatim report of Members' contributions on the floor, showed that Okwembah had distorted the Minister's speech. Standing Orders allow Members to edit the *Hansard* report but not to change the meaning of what they said, or to vary its context. Fortunately for Okwembah, he had based his report on the raw,



unedited copy of the Minister's verbatim report. That alone saved his job.

This book seeks to introduce Parliament and parliamentary procedure to individuals with little or no knowledge of the subject. It is particularly targeted at media practitioners with limited experience in reporting from Parliament, and especially women. It aims to provide facts on Parliament and guidelines to reporting in an easy, accessible format that can be used by journalists and editors at every level. Every attempt has been made to ensure that laypersons can understand the language used. In trying to achieve this goal, some of the nuances of parliamentary language may have been lost, although every effort has been made to ensure that definitions remain as accurate as possible.

Although there is a general dearth of journalists with the capacity to report Parliament accurately, women journalists are specifically singled out, because their numbers are negligible. The absence of women reporters and commentators on law and policymaking is the beginning of an unfortunate cycle that is reflected in the absence of women's issues and views from the mass media.

This guide to Parliamentary Journalism aims at demystify the structures and processes of Parliament. It also shows that with the basic knowledge, interest and hard work, the challenge of good parliamentary reporting and writing can be met. Reporting from Parliament need no longer be a process of trial and error.

Although support has been received from various sources, African Woman and Child Feature Service is solely responsible for the contents of this book. We hope that the book will inspire journalists to take up the challenge of reporting and commenting on Parliament.



2. Useful background information

The three arms of Government

Government in Kenya is made up of *a three-tier system*. **Parliament** is one of the three arms that make up this tier. The others are the **Executive** and the **Judiciary**. According to our law, these three arms of Government are supposed to work independently, but with checks and balances on each other.

The Executive

Chapter 2 of the Constitution of Kenya has established the Executive Arm of Government, *headed by an elected President*. The President appoints a Vice-President and Ministers to work with him. Together, they make the **Cabinet**. According to Section 23 of the Constitution, *the Executive authority of the Republic of Kenya vests in the President*. This means that subject to the Constitution and to any other law, the powers of constituting or abolishing offices for the Republic of Kenya and for appointing people to those offices and removing them are the exclusive preserve of the President.

The Judiciary

The judiciary (or the judicature) is established by **Chapter 4** of the Constitution of Kenya. It is made up of *various levels of the Court system*, with each level having very clearly defined authority (also known as mandate or *jurisdiction*). The High Court of Kenya is a *superior court with unlimited jurisdiction* in civil and criminal matters. The High Court is made up of the **Chief Justice and at least eleven other judges**. It is mandatory that there shall not be less than eleven other judges. These other judges are also known as *puisne judges*. The primary responsibility of the Judiciary is the administration of justice in civil and criminal matters.



Why Parliament?

The parliamentary system of Government derives its origins from ancient Greece. Ancient Greeks believed that every member of their society had the right to decide on how *he* should be governed. In the beginning, male adults met in assemblies where they debated issues and made laws on their society. This was called **direct democracy**. The name democracy comes from the Greek word *demos*. “*Demos*” was the name given to the Greek assemblies. Later on, units of Government became too large for everyone to participate directly. **Representative democracy** therefore developed, in which the people’s will was expressed through their elected representatives. Present day Parliamentary practice is a descendant of Greek democracy. It is understood that the people elect leaders who then make laws and govern on their behalf.

NOTE :

Although the Greeks claimed that they were democratic, their democracy was flawed, for women were not allowed to participate in law making. The Greek assemblies were therefore exclusive men’s affairs that failed to achieve the democracy that they set out to realize.

Democracy and majority rule

Unanimity in any given community is impossible to realize. People rarely agree entirely on anything. Democratic rule has in practice therefore come to mean **majority rule**. People’s elected leaders vote on a given issue. The majority view becomes the rule or the law, although everybody may not necessarily support it.

NOTE :

The majority’s power in a democracy is never unlimited. Minority and majority alike have certain guaran-



teed rights, such as freedom of speech and assembly. In effect, a democracy must never deny to a minority the right to convert itself into a majority by peaceful persuasion.

Parliamentary versus presidential democracy

A Parliamentary democracy exists in an arrangement that allows two or more political parties to compete for seats in Parliament. The party that wins more seats forms Government. Its leader becomes the head of Government. On the other hand, a Presidential system of Government allows the people to vote directly for the President (or even a Prime Minister) as the head of Government and Chief Executive. In principle it is possible to have an elected President who does not have a Parliamentary majority.

Legislative Government in Kenya

To legislate is to make laws. In Kenya, Parliament is the institution that is vested with legislative power. This power has been given to Parliament by the Constitution of the land. At ***Section 30, in Chapter 3*** the Constitution of Kenya says, “The legislative power of the Republic shall vest in the Parliament of Kenya, which shall consist of the President and the National Assembly.”

Kenya has had Legislative history since 1907, when the first Legislative Council (LEGCO) came into existence. Ours is one of the oldest functioning legislatures in Commonwealth Africa. The present National Assembly is a direct descendant of the Legislative Council. The first LEGCO had six nominated European civil servants and two nominated European non-officials (non-civil servants).

The British Government appointed the Council. It met in a corrugated iron sheet building at White House Road (today's Haile Salassie Avenue. It stood on the plot where the Nairobi Railway Club is today situated, on Haile Selassie Avenue.



The British first declared a Protectorate over Kenya in 1885. From 1885 to 1900, legislation by Parliament governing the East African Protectorate was carried out in Britain. It took the form of ***Royal Instructions***. These were directives from the King or Queen. The directives were also known as ***Orders-in-Council*** from the House of Lords. Sir Arthur H. Hardinge, who acted as Her Majesty's Agent and Consular General of Zanzibar, implemented the Orders. The introduction of the LEGCO allowed the officers of the colonial government to propose and discuss changes to the law, although enactment was still left to the British Parliament.

The LEGCO held its first official sitting on August 16, 1907. The Governor at that time, Sir James Hayes Sadler, chaired the sessions. The first Bill brought before the LEGCO was the ***"Abolition of the Legal Status of Slavery throughout the East African Protectorate."*** The House of Lords had earlier passed this Bill. The Second Bill, ***"Regulation of the Sale of Intoxicating Liquors in the East African Protectorate,"*** did not become law.

Origins of elections in Kenya

The proposal to elect rather than nominate unofficial members to the Legislative Council was first brought up in July 1911, but the British Secretary of State rejected it. It was proposed again in 1913 but received no response. ***In frustration, the nominated Members of the Council resigned their seats.*** It was the first time lawmakers were resigning in protest.

In February 1917, the colonial office indicated it would concede to their demands. Council members resumed their positions as steps were taken to provide for the election of ***11 European Members*** of the Legislative Council. The law passed in 1919, with the first election being held the following year. In the same year, the status of the country changed from an ***East African Protectorate*** to the ***Colony and Protectorate***





of Kenya. Consideration was given to representation of “other races” on the Legislative Council.

Five years later, in 1924, the *Legislative Council (Amendment) Ordinance* provided that, in addition to the elected European Members, there should be *five Indian* Members elected to serve the Indian Community and *one Arab* representative. The first Arab elected Member took his seat in May 1924, while the *Rev. J.A. Arthur* was nominated to represent African interests. In a surprise turn of events, the Indian Community boycotted the elections to protest over being registered on a separate voters’ roll. A small number were encouraged to enrol and by 1927, some 360 names were on the Indian voter’s roll. The single Indian candidate who presented himself for election was declared elected unopposed.

Five years later, at the next election in 1932, *five Indian representatives were elected but refused to take their seats* to protest at the Government’s failure to provide a common roll and the lack of representation for Africans. After discussion, this was amended and the Indian lawmakers eventually took their seats in April 1934. A European priest, the *Rev. L. J. Beecher, was nominated by the Council to represent African interests.*

Direct African representation

It was not until 1944 that Africans were directly represented on the Council by one of their number. *Eliud W. Mathu* was nominated by the Legislative Council to serve alongside Rev Beecher. Following Mathu’s nomination, other Africans formed the *Kenya African Union (KAU)* to act as *an advisory group to Mathu*, but the Legislative Council did not embrace KAU, believing it to have a hidden political agenda. It was subsequently renamed *Kenya African Study Group (KASG)* and headed by *James Samuel Gichuru.*

In 1946, *Fanuel W. Odede*, another African, acted briefly



in place of Canon Beecher. When the Canon retired in 1947, **B. Apollo Ohanga** replaced him.

During this historical period, Mzee Jomo Kenyatta returned to Kenya from the United Kingdom where he had gone in 1931 to make presentations to the British Government over African land rights. Kenyatta took over the leadership of KASG from Gichuru. He gave it its old name of KAU. Both Ohanga and Mathu served in the LEGCO until March 1957, when **they lost their seats in the first direct election** of African members to the Council.

The lead up to African voting

Several key events took place before Africans were allowed to elect their own representatives to the LEGCO. On 16 February 1954, the **first Parliament Buildings** were opened. The Sultan of Zanzibar attended the ceremony, which was presided over by Major F.W. Cavendish-Bentick. The same year, the **Lyttelton Constitution** was introduced to replace **the 1922 Constitution**, which had outlawed racial segregation outside the White Highlands, while also allowing Asians to elect four members to the LEGCO. In the new Constitution, a Council of Ministers was set up, with six official members from the Civil Service as well as two nominated members also appointed by the Governor. The unofficial members were appointed from elected representatives, three being Europeans, two Asians and one African. Ohanga became the first African Minister. The composition of the Legislative Council had by this time expanded to 54 members, with Africans still holding only two (2) seats.

Africans become restless

Africans were getting restless about having their representatives chosen for them. They agitated to elect their own leaders. They got the chance in **March 1957**. In these elections, the number of **African representatives increased to eight. (NAME THEM)** The elected Africans created a **Constitutional crisis**



when they refused to take their seats in Parliament, unless the Constitution was revised to increase their numbers in Council. The British Colonial Secretary, *Sir Lennox Boyd*, flew to Nairobi in November 1957 to address the issue.

The *European and Asian Ministers resigned* so that the Constitutional stalemate could be resolved. The Constitution was revised and replaced by the *Lennox-Boyd Constitution, signed on 3 April 1958*. Consequently, *Africans had the same number of elected representatives as Europeans*. Of 36 elective seats, 14 were claimed by Europeans, 14 by African, four by non-Muslim Asians, two by Muslim Asians and two by Arabs.

Push for independence

However, elected Africans were still dissatisfied with the Constitution. In 1959, they formed the Kenya Independence Movement led by Jaramogi Oginga Odinga and Thomas Joseph Mboya, as president and chairman respectively. A year later, British Prime Minister *Sir Harold Macmillan*, made the world famous '*Wind of Change*' declaration in which he acknowledged the inevitability of granting independence to all colonised people. Following this, the new Colonial Secretary, *Ian Macleod*, convened the historical *Lancaster House Constitutional Conference in January 1960* in London. It was the first constitutional meeting to map out the future of Kenya.

With the Macleod Constitution, *Africans had the majority of elected Members*: 33 Africans, 10 Europeans, eight Asians and three Arabs were to be elected to the Legislative Council in addition to the three ex-officio Members and the Speaker.

In February *1962, the second Lancaster House Constitutional Conference* was held and chaired by Colonial Secretary Reginald Maulding. Alongside preparations for granting Kenya independence, the conference discussed mechanisms for protecting the *interests of the minority white settler community*. An Upper House or Senate was created as a



constitutional safeguard for minority rights.

Two Houses

Parliament was at this point comprised of two houses. *The Senate* and the *Lower House*. The Senate, which occupied what is County Hall in Nairobi today, had 41 members whose *powers were severely limited*. Most financial matters and decisions were debated and passed by the Lower House, where the people's representatives sat. The Lower House acted as the people's voice, irrespective of ethnicity and race.

The delegation to the Lancaster Conference consisted of five political groups led by Mzee Jomo Kenyatta (Kenya African National Union, KANU which grew out of KAU) Ronald

Ngala (Kenya African Democratic Union, KADU), L.R.M Welwood (Kenya Coalition), O. Basaddiq, Paul Ngei (APP) and the Kenya Cross Benchers.

Following the constitutional talks, an interim coalition between KANU and KADU was formed and the party leaders were appointed Minister of State for Constitutional Affairs and Administration and Minister of State for

Constitutional Affairs and Economic Planning respectively.

General elections and independence

A General Election was held between May 18 and 25 May 1963. KANU, led by Kenyatta, won against Ronald Ngala's KADU and the African People's Party led by Paul Ngei. On 1 June 1963 – the day that came to be known as Madaraka Day – internal Government was granted. *After the stroke of midnight on 11 December 1963, Kenya gained independence (Uhuru) and December 12 became known as Uhuru Day*. Mzee Jomo

Kenyatta became Prime Minister of the new government with a governor-general representing Her Majesty in Kenya. This com-



From left: R. Matano, Ole Tipis, M. Muliro, R. Ngala and J. M. Seroney at Lancaster Conference.



Paul Ngei: led APP.



position of the legislature and the government remained in place until the first anniversary of Kenya's independence.

On 12 December 1964, the Opposition merged with KANU. Kenya also declared itself a sovereign Republic (Jamuhuri) within the Commonwealth. ***Kenyatta became the first president, heading a Cabinet of 18 ministers.*** The name of the day was changed to Jamhuri (Republic) Day.

First Return of the Opposition

Due to political and ideological differences with Kenyatta and Mboya, Kenya's first Vice-President, Oginga Odinga, resigned from Government on 14 April 1966 and formed the Opposition ***Kenya People's Union***, reintroducing multi-party politics. Joseph Anthony Murumbi, then Minister for Foreign Affairs, succeeded Oginga as vice-president on 3 May 1966.



Oginga Odinga

NOTE :

At the end of 1966, the Upper House or the Senate, and the Lower House, or the House of Representatives, were amalgamated to form the National Assembly. Murumbi resigned as vice-president and Daniel arap Moi was appointed to the post on January 3, 1967. In August 1969, Odinga's party was proscribed prior to the dissolution of Parliament.

Second and Third Parliaments

The First Parliament of independent Kenya was dissolved on 7 November 1969 and elections for the Second Parliament were held on 3 January 1970. During the second Parliament, ***Grace Akinyi Onyango became the first woman to be elected to Parliament***, representing Kisumu Town. The third General Election was held on 11 November 1974, after the dissolution of the Second Parliament on 8 September 1974.

NOTE :



Jomo Kenyatta



Grace Onyango was re-elected in 1974 and was joined by **Dr. Julia Auma Ojiambo** (Busia Central) and **Philomena Chelagat Mutai** (Eldoret North). Ojiambo was appointed Assistant Minister. **Dr. Eddah Gahukia** and **Jemimah Gecaga** were also nominated to Parliament, bringing the number of women Members of the National Assembly to five.

During the Third Parliament, a group of Members tried unsuccessfully to amend the constitution so that the vice president would not automatically assume the presidency on the death of the president. It was seen as an attempt to prevent the then vice president, Daniel arap Moi, from assuming presidency in the event of President Kenyatta's death. This group of members included some senior Cabinet Ministers. They came to be known as the **"Change-the-Constitution" Group**.

The Moi years

Kenyatta's death on August 22, 1978, in the fourth year of the Third Parliament, marked the end of an era. Moi succeeded him and dissolved the Third Parliament on 20 September 1979. During the General Election held on 8 November 1979, half of the members of the Third Parliament lost their seats. Onyango, Ojiambo and Mutai were re-elected. **Phoebe Asiyo made a debut in Parliament** to represent Karachuonyo Constituency. **Philip Leakey became the first Kenyan of European descent to be elected MP** for Lang'ata Constituency while Krishan Chander Gautama, an Asian, won the Parklands seat.



Daniel arap Moi

It was during the Fourth Parliament that **Kenya became a one-party State by law**. Until June 1982, Kenya had been a single party State in practice but political pluralism was not expressly outlawed. The change meant that KANU became the only legal political party in Kenya. The Fourth Parliament was dissolved on



22 July 1983 and the fifth General Election was held on 26 September 1983. The Fifth Parliament was dissolved on February 5, 1988 and elections for the Sixth Parliament held on 21 March 1988.

NOTE :

The March 1988 elections were preceded by controversial party nominations to run for Parliament on a KANU ticket. They were conducted by queue voting (see Chapter 7 – A to Z of Parliament) in which a candidate who secured over 70 per cent of votes through this highly flawed electoral system was declared the winner. In constituencies where a nominee received 70 per cent of the vote, the queue voting was not followed up by election through the secret ballot.

The Sixth Parliament was dissolved on October 28, 1992 and elections subsequently held on 29 December 1992. Those elections ushered in multi-partyism and a volatile Seventh Parliament. Members elected represented the ruling party, **KANU**, the opposition **Ford-Kenya, Ford-Asili, Democratic Party of Kenya, Kenya Social Congress, Kenya National Congress** and the **Party of Independent Candidates of Kenya**.

The Seventh Parliament was dissolved on 10 November 1997. Elections for the Eighth Parliament were held on 29 December 1997, bringing 210 elected Members of Parliament and 12 nominated parliamentarians with a margin of four seats between KANU and the combined opposition.

The Eighth Parliament was dissolved on.....November 2002. These were landmark elections in which the incumbent, President Moi, stepped aside, having served a maximum two term presidency under a Constitutional amendment put in place in 1992. President Moi forced Uhuru Kenyatta upon his party as the Presidential candidate. This generated open rebellion within the party. A significant splinter group joined ranks with the Opposition to form the National Rainbow Coalition



(NARC). They settled on Mwai Kibaki of the Democratic Party as their Presidential candidate. In the subsequent elections on 27 December 2002, the united Opposition gave KANU a resounding defeat and brought to an end its close to forty years of dominance in Parliament and on the national political landscape. KANU became the official Opposition party and Uhuru Kenyatta the leader of the official Opposition in Parliament.

The number of elected representatives has risen from 158 in June 1963 to the current 210. The number of nominated members has remained at 12.

Gender and Parliament

Of Stereotypes and staid beliefs

It is useful to remind ourselves that when we talk about gender issues, we refer primarily to *social construction of roles*, depending on whether one is male or female. Gender as such has nothing to do with one's being male or female, but has everything to do with roles being assigned to men because they are men, while others are assigned to women, because they are women.

Most of the time, these roles arise out of *hackneyed and stereotypical beliefs* that there are things only men should do and others that only women should do. Women have regrettably ended up being assigned inferior roles in life generally, starting from the home, to the school and other learning institutions, all the way to the place of work. In some places of work, the disparity is so glaring that no woman sits on the company board of directors, or no woman can be promoted beyond a certain managerial level.

Women are the *vital missing link in the national equation*, on account of this social construction of roles. Parliament in Kenya has not been left out in this construction. The Standing Orders expressly talk of





Mister Speaker, suggesting that the Speaker of the House can only be a man! The overriding flavour of the Orders, moreover, is heavily masculine and assumes that no woman will be a Member of Parliament! And as shown elsewhere in this guide, there have been very few women in the House since independence. The total number of women members over the years is not even half of the First Parliament, which had only 108 members, as opposed to the present 222 members!

Turning the tide

There is clear need to turn this tide. Gender concern with regard to Parliament must be fast-tracked to achieve the required change. It is noteworthy, too, that there have been very few women journalists covering politics and Parliament. Women have generally tended to cover what are considered to be “women’s issues”. These have generally been taken to be concerns like fashion, beauty and how to look good, children, food and nutrition, house care and home keeping, domestic shopping and the like. It is important for women journalists to ***break through the glass barrier*** that has confined them into this narrow territory. A bold leap of faith is essential on the part of each female journalist.



Nyiva Mwendwa:
First woman Minister.

The forgotten issues

A survey of Hansard Reports over the years shows that issues of crucial importance to women and through them (to) society generally have from time to time come to the floor of the House and received serious and in-depth attention. These have ranged from matters touching on women and their rights over their sexuality and use of contraceptives, domestic violence, discrimination against women in institutions of learning and in the place of work, ownership of property and citizenship, among others. Regrettably, most of these issues have been forgotten in the House. Journalists have failed to pick them up and positively mainstream



them in their work.

Will you make the difference?

Both male and female journalists have a high moral responsibility to society to ensure that gender concerns are not forgotten in the House, but that they are brought into public limelight for further

reflection and *debate*; and for the *sensitisation of society* on the full magnitude of their implications. Sub-editors have been known to spike gender-related stories from Parliament – and indeed from other walks of life. If as a sub-editor you will remember that women's issues are also societal issues, you are likely to give these issues more prominence than you have done in the past. Indeed,



Grace Ogot:
One of the
few women
to become
an MP.

your own reporters get frustrated each time their story is spiked, no matter how good they considered it to be. In the event that you are habitually killing gender related stories, your reporters will give up that angle of coverage altogether. As a sub-editor, you sit in a very important position in the *setting of the national agenda*. You can make all the difference by giving a thought to gender issues. You will not only bring the searchlight sharply on these issues, but you will also *influence policy formulation*. Are you willing? We invite you to bear this in mind as you go through the rest of the following pages of this handbook on *Parliamentary Journalism*.

3. The Function of Parliament



Parliament is also known as *the National Assembly* or the *Legislature*. It consists of the *elected members* and *nominated* representatives of the Kenyan people. It is primarily charged with making laws in Kenya.

NOTE :

Section 33 of the Constitution of Kenya recognizes that there are various minority groups whose interests risk finding no voice in Parliament. They include the physically disabled, minority racial groups, religious groups – among others. It is because of the need to protect such minority interests that the nomination clause exists. However, successive government – from Kenyatta to Moi and Kibaki – have paid little attention to this concern. Nominated positions have instead been given to the leaders' friends either to strengthen their voting power in the House, or as what would appear to be personal rewards for their friendship and loyalty.



Ndolo Ayah: Served as nominated MP.



Parliament Building

Besides its many roles and functions, *Parliament makes laws*, which become binding on all people living within Kenya's borders. *It authorises, through legislation, the collection of taxes* proposed by the Government and *allows the Government to spend public money*. Parliament also ensures that the Executive arm of the Government accounts for all its activities. While this does not necessarily mean that there are flaws in the management of public affairs, Parliament, as the representative of the people, must confirm that all is as it should be. *It monitors the Executive* through Questions and Motions, brought before Parliament, *Select Committees* such as the *Public Accounts Committee* and the *Public Investment Committee*, members' *half-hour-statements* and *debates on Bills* that affect the public.



Government dominance

Political parties make promises during election campaigns. The winning party is expected to implement its pledges. To a large extent, the Government controls the legislative programme in the House because it dominates the *House Business Committee*. The House Business Committee allocates time for motions and other relevant matters to be discussed in the House. Through this committee, the Government can bring into Parliament Bills that can bring into force such laws as will enable it to implement its promises and policies to the electorate.

The Government may also introduce legislation on the recommendation of its departmental officials when they believe that some laws need to be amended or repealed to reflect current realities. Sometimes special interest groups, such as the business sector or people with disabilities, *lobby the Government* and draft Bills to be brought to the House for debate when they consider them appropriate.

The President

The President is an elected Member of Parliament, under the Constitution of Kenya (Sections 5, 32 and 42) According to the Standing Orders (11 to 16), there are three possible sitting arrangements for the President whenever he or she is in the House.

1. The President can occupy the *Chair of State*, beside the Speaker's chair. He or she can on such occasion address the House on matters not touching on any interrupted business of the day. He or she will be heard in complete silence. When he or she has addressed the House, she will not be asked any question nor receive any comment. However, when the President occupies this seat, he or she cannot participate in any other way in the proceedings of the House.



Moi



Kibaki



Kenyatta



2. The President may also address the House on Ceremonial occasions from the *Speaker's Chair*.
3. Under Standing Order No. 15, the President may at any time, move from the Chair of State to the *front Government benches* and while there participate in the proceedings of the House in the same manner as any other member. The President will then be subject to and comply with all the Standing Orders of the House. In the life of the Eighth Parliament, for example, President Daniel arap Moi turned up and sat on the Government benches to vote against the *Central Bank of Kenya Amendment Bill (the Donde Bill)*, after he had rejected it as passed by Parliament. But the government lost the vote all the same.

Under the Constitution of Kenya, the President *summons Parliament* to meet, *prorogues* and *dissolves* Parliament and *gives assent to Bills* passed by the National Assembly before they can become law.

Public expenditure

Every Bill brought to the National Assembly must state whether its implementation, if passed, will affect public expenditure. The Legislature is not allowed by the Constitution to debate a Motion or Bill whose implementation is likely to increase public expenditure if the President has not consented to it. (See Chapter 4 – How Law is Made).

An interesting recent example of how this can play out is in the passing of the *Parliamentary Pensions (Amendment) Act*. The Act increased Members' pensions and generated heated public comment. Beyond complaints that legislators should not have increased their earnings at a time when the Kenyan economy was ailing, some observers noted that the process used was unconstitutional.



Section 48 of the Constitution of Kenya says:

“Except on the recommendation of the President signified by a Minister, the National Assembly shall not –

- a) proceed upon a Bill (including an amendment to a Bill) that, in the opinion of the person presiding, makes provision for any of the following purposes:
 - “ The imposition of taxation or the alteration of taxation otherwise than by reduction; or
 - “ The imposition of a charge on the Consolidated Fund or any other fund of the Government of Kenya or the alteration of any such charge otherwise than by reduction; or
 - “ The payment, issue or withdrawal from the Consolidated Fund or any other fund of the Government of Kenya of moneys not charged upon the fund or an increase in the amount of payment, issue or withdrawal; or
 - “ The imposition or remission of debt due to the Government of Kenya.”

An Opposition Member of Parliament moved that the Bill be amended, against the wishes of the Minister.

4. How Law is Made

Bills

- ***A proposed law is known as a Bill.*** Any Member of



Structure of Parliament



Parliament may introduce a Bill after drafting it and following the appropriate procedures. ***There are two types of Bills – Public and Private.***

- ***Public Bills*** are those ***introduced by Members*** and which address matters that ***generally affect all people*** or make laws that must be obeyed by all people in Kenya.
- ***Private Bills have a specific effect.*** Not all people are expected to be subject to their provisions or to obey them. A Private Member (not a Minister) who serves as a facilitator on behalf of the people may introduce a Private Bill in the House. Such Member acts on behalf of a body or organisation such as the Association of Manufacturers or an Association for the Disabled.
- There are basic differences in the way that bills introduced by a Minister vary from those introduced by a Private Member. ***Bills introduced by ministers are known as Government Bills. Ministers are not allowed to ask Questions, move Private Motions or propose Private Bills.*** The staff at the Attorney-General's Chambers drafts Government Bills.
- A Bill introduced by a Member who is not a Minister is known as ***a Member's Bill***. There are other types of Bills that may be introduced, either by a Minister or any other Member of Parliament. These include ***Local Bills***, which are promoted by a local authority to deal with a particular matter in its locality. A company or a group of individuals may lobby a ***Private Member*** to introduce in the House legislation to deal with matters relating directly to them through promotion of ***Private Bills***.

Stages a Bill Passes Through

A Bill must pass through a number of ***Stages in the House*** before it can become law. These stages are designed to permit Members to consider the Bill carefully and to allow members of the public to



voice their opinions and forward suggested amendments before it becomes law, or is defeated through majority vote against it.

The stages a bill passes through in the House are known as *Readings*. *There is no debate on the Bill during the First Reading*, when the Bill is merely announced to the House and is read out by the Clerk of the National Assembly.

Public Input into Bills

1. After the First Reading, all Bills are referred to their relevant *Departmental Committees* for detailed study. These committees thoroughly investigate all aspects of the Bill, including its *technical viability*. The committee may seek expert submissions on the Bill and request evidence from the Government, particularly from the Minister in charge of the Bill. As well as receiving written submissions from the public, a Departmental Committee can also conduct public hearings where private individuals may be given a chance to appear in person and present their views. In this way, the Committee is able to take the views of the public into account when compiling the *Committee Report*.
2. This Report is laid on the *Table of the House*, with sufficient copies placed in the library at Parliament Buildings for members to peruse it. The Committee Report assists Members to debate the Bill from more informed points of view and tackles the technical aspects of the Bill. *The Report Stage* follows, during which the Speaker is briefed on proceedings and advised on whether the Bill was passed with amendments or not.
3. The Bill then goes to the *Second Reading*. At the Second Reading, debate is held on the main principles of the Bill. Members decide whether or not the Bill should proceed.
4. After this, the Bill reaches *the Committee Stage* where *clauses are scrutinised* by the Members and *each clause*



is put to the vote. During this stage, *the House constitutes itself into the Committee of the Whole. The Speaker, who is not a member of the Committee, leaves the Chair.*

The Chairperson of the Committee takes over the proceedings from the seat usually occupied by the Clerk-at-the-Table. Proposed amendments are inserted or deleted at this point.

5. In addition to these Readings, *a Public Bill must be published in the Kenya Gazette.* The Bill then proceeds to the *Third Reading*, the final stage before it is passed. *Technically, the Bill can still be defeated at this stage.* During the Third Reading, a few Members are allowed to make brief speeches. Then, it is proposed that the Bill be read out for a third time.

Presidential Assent

If the Bill passes the *Third Reading*, it is forwarded to the President for assent. *The President may refuse to sign the Bill even at this stage.*

The President must assent to the Bill *within 21 days of its presentation.* If the President has misgivings about the Bill, these must be communicated to the Speaker within *14 days through a memorandum.* The Bill is then passed back to the National Assembly where the President's recommendations are considered. *Presidential assent is then required within 14 days.*

Overtaking Presidential veto

The President's power of veto over Bills carries with it consequences. If the President declines to assent to a Bill, Parliament can pass the contentious Bill by a *65 per cent majority of Members' votes.*



Parliament's Financial Control on Government Expenditure

Government cannot lawfully spend any money without permission from Parliament. Each year, therefore, Parliament authorises the Government to spend public money. Although these laws are like any others and proceed through the House as Government Bills, the House has developed special procedures to deal with Bills of this nature.

As a general principle, *Parliament does not authorise the levying of taxes or the spending of public money for more than one year in advance*. In this way, Parliament is able to monitor the process used to authorise expenditure by the Government. It also ensures that Parliament must convene every year to discuss the Government budget. Parliament's annual control of finance is of high Constitutional significance. After the budget has been adopted, the Minister responsible must set a date when the Act becomes operational.

NOTE :

It is undesirable for Parliament to authorise certain expenditure items on the basis of one year at a time. The salaries of judges, for instance, are not subject to parliamentary control and can be paid for an indefinite period (see A to Z of Parliament, Budget).

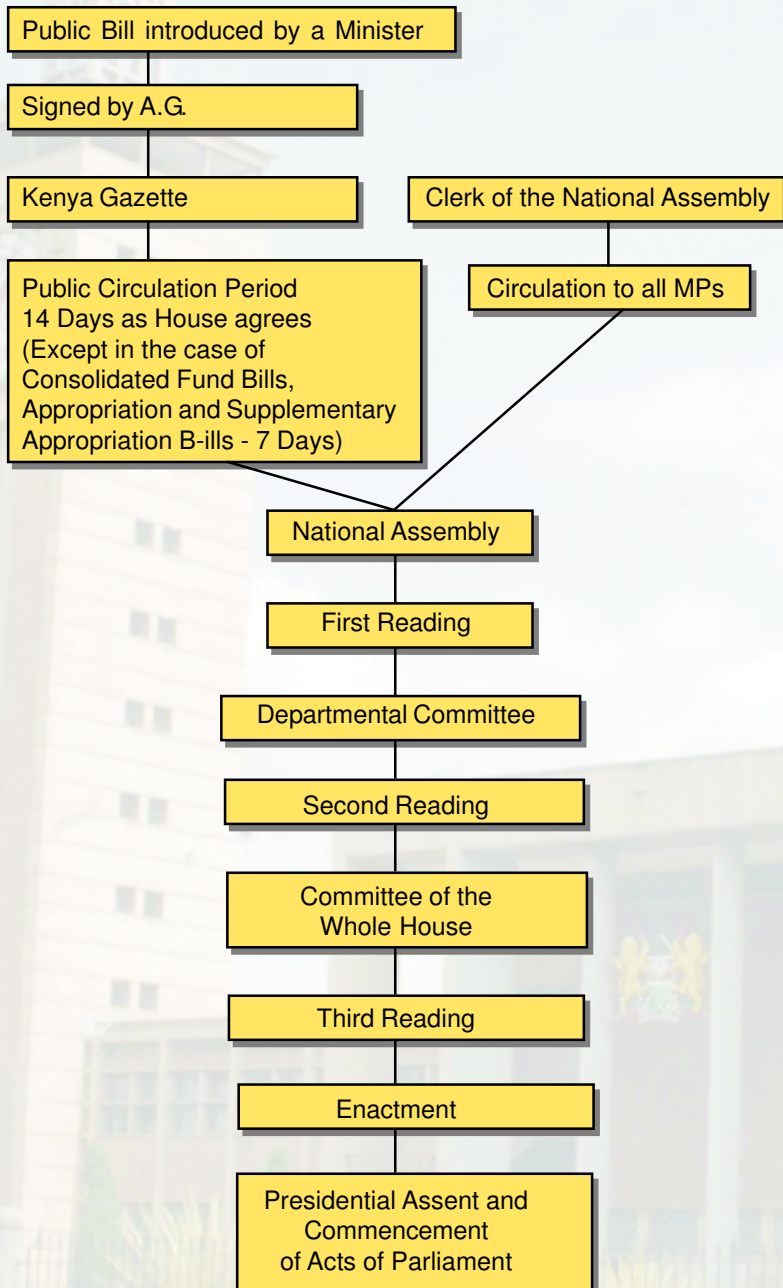
5. Officers of the House

The Speaker of the National Assembly

The Speaker's Office is a Constitutional Office. It has been created by the Constitution of Kenya (*Section 36*). It is important

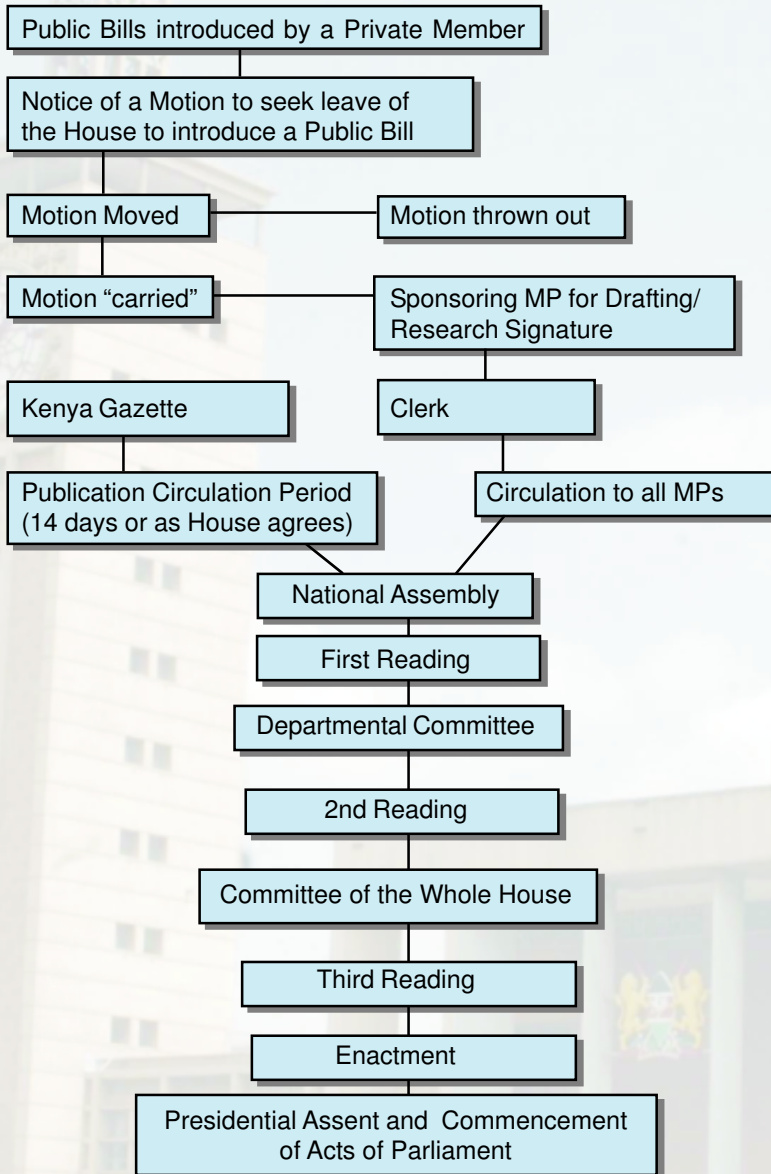


A Government Bill





Private Member's Bill



Public Bill Amending Existing Laws: All Bills seeking to amend provisions of the existing laws should reproduce the texts of the sections in the existing laws they seek to amend.

Memorandum of objects and Reasons: All Bills whether seeking to amend existing laws or to introduce new laws must give the objects and reasons necessitating their introduction including, as appropriate, the estimate of the expenditure upon enactment.



that someone should preside over debate in a fair and fashion. The first business of any newly elected Parliament is the election of the Speaker. No other business is possible without the Speaker having been elected. (Familiarize yourself well with **Sections 36 and 37** of the Constitution of Kenya).

From the moment of his or her election, ***the Speaker of the House reigns supreme within the precincts of Parliament***. The Speaker of the House is the representative of the House itself, its powers, privileges and immunities. The holder of the post of Speaker is the spokesperson or representative of the House in its relations with the President of Kenya and other authorities and persons outside Parliament. The Speaker presides over debate in the House. He enforces compliance to all the rules of procedure in the Chamber and within Parliament's precincts. The Speaker communicates resolutions made by the House to those at whom they are directed. The Speaker conveys the pleasure of the House, expresses its censure, reprimands and admonishes.



Francis Ole Kaparo
Speaker: 8th and 9th
Parliaments.

The Speaker in the House

The Speaker calls upon Members to speak. During debate, all ***speeches are addressed to the Speaker***. Whenever the Speaker talks; ruling or making a comment, he must always be heard in silence. ***No Member may rise when the Speaker is standing***.

Questioning the character or actions of the Speaker may be punished as a ***“breach of privilege”***. The actions of the Speaker cannot be criticised ***incidentally*** in debate or in any of the proceedings. The Speaker can only be discussed through a ***substantive Motion***.

NOTE :

The election of the Speaker is the first business that a new Parliament must transact during its first meeting following a General Election. The chief characteristics required of the office of the Speaker as presiding officer in the House are authority and impartiality.

Impartiality of the Speaker is key to the successful working of Parliament. There are many conventions meant to ensure the Speaker's impartiality. They include the following:

- The Speaker takes no part in debate in the House. He can only vote on an issue before the House when the votes on both sides are equal. Even then the Speaker can only vote in accordance with rules that do not allow him to clearly express his opinion on the issue being decided upon. Even when the Speaker votes on issue it is important to maintain the neutral *status quo* or preserve national unity. Voting by the Speaker is known as a casting vote. The Speaker is therefore said to hold *“the casting vote.” The casting vote breaks a tie.*
- The Speaker, upon being elected, *relinquishes all affiliation with any parliamentary party.* He or she cannot attend any party caucus, or participate in any partisan political activity. Members are not allowed to consult the Speaker from the floor of the House about the consequences of passing a resolution. *Hypothetical queries on procedure cannot be addressed to the Speaker from the floor of the House.*
- The Speaker cannot rule on *Constitutional questions* or decide on any questions of *interpretation of law*. These fall within the jurisdiction of the Judiciary, although legal issues may be raised as points of order.



Mati: Was the first African Speaker of the National Assembly.

NOTE :

Foremost among many responsibilities, the Speaker has the duty to maintain orderly conduct of debate in the House. The Speaker may refuse to allow the proposal of Questions, Motions and Amendments that are irregular



and call the attention of the House to Bills he considers to be *out [of order]*. The Speaker rules on Points of Order raised by Members on questions as they arise when the House is sitting.

Powers of the Speaker

The Speaker is the spokesperson of the House on all matters> He is the political head of the House and protector of the rights and privileges of Members. The Speaker has powers to make rulings on procedure and is *the principal officer of the House*. *Those who visit Parliament do so at the pleasure of the Speaker*. The Speaker decides whether an issue should be deemed secret, *sub judice*, or whether it constitutes a *matter of national security* or public health and therefore should not be discussed in the House or in any of its committees. (Advocates of law reform have argued that the inclusion of subjective terms such as “*secret*”, “*the interest of national security*” and the “*interest of public health*” are vague. They say these words constitute a means of determining what can and cannot be said or discussed in Kenya, and amount to censorship and interference with the freedom of expression and information and should be removed from the law.)

There are certain rules that are not part of the *Standing Orders* but have become accepted practice or tradition in the House. For example, although the dress code for Members of Parliament and the ban on all handbags, including briefcases, are not part of the Standing Orders, they are traditions of the House. It is also a tradition that the *maiden speech* made by a newly elected Member of Parliament should not be interrupted. The Speaker has the responsibility of ensuring that rules, practices and traditions of the House are adhered to.

The Speaker is the only authority that admits *Strangers* to Parliament.



The Deputy Speaker

The Deputy Speaker steps into the Speaker's role when the latter is unavailable. In addition, the Deputy Speaker ***chairs the Committee of the Whole House*** and is called the ***Chairman of Committees***. (See again the section on how law is made – the Committee Stage)

Speakers of the Kenya National Assembly since 1948.

<u>Speaker election</u>	<u>Year of</u>
W. K. Horne	1948
Major Sir Fredrick Cavendish-Bentick	1955
Sir Humphrey Slade*	1960
Senator Timothy T. Chokwe* (Speaker of the Upper House)	1963
Fredrick Mbiti Gideon Mati	1968
M. K. arap Keino	1998 (Resigned on May 12, 1991)
Prof. Jonathan K arap Ng'eno	1991-1992
Francis Ole Kaparo	1993 to date

* Between 1963 and 1967, Chokwe and Slade served together as Speakers of the Lower House and the Senate. Fredrick Mati succeeded Slade. Mati served four Parliaments until his retirement on 12 April 1998.

NOTE :

The speaker remains in office until a successor is elected. Prof J. Ng'eno resigned to contest the General Election of 1993, which is why his tenure ended in 1992.

The Clerk of the National Assembly

The Clerk is the ***procedural expert adviser*** to the Speaker and



Late Joab Omino
served as Deputy
Speaker.



to all Members.

The Clerk is an *employee of the Parliamentary Service Commission*. The Clerk is appointed by the President on the advice of the Commission. The Clerk is the *chief administrative officer of Parliament* and its precincts. He is in charge of the day-to-day running of the House – whether it is in session or not. A number of officers and supporting staff work with the Clerk.

Origins of the Clerk's office

The office of the Clerk of the House is as old as Parliament itself. The earliest English parliamentary records available to all Commonwealth Countries mention a Clerk of the House of Commons. As the main procedural adviser and Senior Officer of the House, *the Clerk holds a rank similar to that of a Permanent Secretary*. The varied and complex duties that the Clerk must perform demand very specific qualifications, as well as outstanding personal qualities.

The clerk and the election of the Speaker

The Clerk receives nomination papers for candidates who wish to contest the position of Speaker. He or she then prepares the House for the election of the Speaker. The Clerk presides over then election of the Speaker, including the counting and announcing of the results to the newly assembled House.

Business of the House

The Clerk is answerable to the Speaker on managing the business that comes before the House for debate. The *Order of Business* is the agenda of the House. It is prepared by the *House Business Committee* and read out by the Clerk. The Clerk also presents to the House the list of Members at the beginning of a new Parliament. All Questions and Motions to be brought before the House must be addressed through the Clerk who then passes them to the Speaker for approval.



The Clerk advises the Speaker and MPs on all procedural questions and provides documentation the Speaker needs to make decisions on House practice. In the Chamber, the Clerk sits at the Table facing the House on a chair in front of the Speaker so as to be able to respond rapidly when the Speaker has questions or needs information.

Standing Orders of the House vest a great deal of responsibility with the Clerk. He or she is also *custodian of all Parliamentary papers*, documents and records. The Clerk may not allow anyone to make changes to these documents without the permission of the House.

As custodian of all parliamentary documents, the Clerk must clarify and authenticate many texts. All parliamentary publications come under the responsibility of the Clerk, as do administrative and financial duties.

The Clerk's primary challenge is to find a way through the maze of Standing Orders, conventions, precedents and usage. This ability is best acquired through experience in Parliamentary service. The Clerk must be someone who has worked in Parliament for long and has become thoroughly familiar with parliamentary procedure. Full knowledge of the duties involved can only be acquired on the job and in most cases, those who get appointment to the office of Parliamentary Clerk are people who have risen through the ranks of parliamentary service.

The Clerk is at the service of the House. He or she must listen to, advise and counsel all MPs, regardless of their party affiliation. The Clerk is the accounting officer of the House and manages money allocated for the running of Parliament. In that role, he or she is accountable to the Treasury.

The Clerk's role demands awareness of even the most minor political and social events in the country as these often contribute to an understanding of how debates in the House will be conducted. The Clerk must be able to offer advice to the Speaker



and Members on these matters.

The Sergeant-at-Arms

The Office of the Sergeant-at-Arms is *responsible for two main duties*. The first includes House *ceremonial activities*, while the second encompasses *administrative responsibilities* primarily related to security.

The ceremonial role involves *carrying the Mace* and walking at the head of the procession that escorts the Speaker into and out of the House. The Sergeant-at-Arms is the *guardian of the Mace* and ensures that it is properly placed on the Table when the House sits as the Committee of the Whole.

Another security-related task is *to ensure that law and order is maintained* within Parliament Buildings at all times. The officers in the Sergeant-at-arms department can deny anybody unsuitably attired, or behaving in a disorderly manner access to Parliament buildings. In addition, when the Speaker orders a Member to leave the Chamber, it may be necessary to use force should the Member defy the Chair. In such a case, the sergeant-at-arms will handle this assignment, together with officers serving under this office.

If the Commissioner of Police wishes to arrest anyone within the precincts of Parliament, authority must be obtained from the Speaker. It is only the Sergeant-at-arms who can make the arrest within Parliament and hand over the person to the police outside Parliament.

In essence, the Sergeant-at-arms has authority over *all security matters*, including assisting in processing the admission of Strangers to the galleries and to all other parts of the Buildings. The holder of the office is also responsible for ensuring that the buildings are properly maintained. This includes the preparation of rooms for committee meetings and for social events.

The Hansard Editor



The ***Hansard*** is the official record of Parliamentary proceedings. The Editor works under the authority of the Clerk. The ***Hansard*** Editor presides over the preparation of the *Hansard* reports, ensuring that the proceedings of the House are properly recorded. The reporters working under the ***Hansard*** Editor take shorthand notes. The notes are backed up by audiotapes.

Hansard reporters record and then transcribe material from their notes and from the tapes. Although the ***Hansard Report*** should be a verbatim record, Members are allowed to correct typographical errors before the Government Printer publishes the permanent document.

The editors adhere as closely as possible to what has been said within the rules of correct grammar and parliamentary terminology. Time is often a major constraint on reporters and editors. Transcripts of the previous day's proceedings must be in the Members' pigeonholes as the first thing the following morning.

6. Reporting Parliament



As a journalist you should recognize parliamentary reporting as an opening into the wider arena of coverage of political events. Political writing and sound news analysis is a primary avenue for moving up the ladder in most media houses. Unfortunately, there are not many training opportunities in such specialised areas of reporting as parliamentary reporting. Journalists have mostly had to rely on their own initiative to learn the strings of this complex rope

Sound knowledge of parliamentary procedure and Standing Orders is valuable for good coverage of debate in Parliament. A journalist who combines this knowledge with good writing skills is well on the way to making a professional break through as a respected political writer. Once you have acquired the basic skills in writing straight reports on parliamentary debates, you are ready to move on to the arena of political analysis of news, in order to make your reports relevant to the aspirations of the public and to generate debate that can contribute to policy change.

All said, Parliamentary debate should be brought to the public domain through examination and analysis of the facts that define the socio-economic framework in which Parliament functions and legislates.

Basic parliamentary etiquette for journalists

As you go about your work, you will save yourself unnecessary hiccups and drawbacks if you observe some very basic issues that touch on good conduct and parliamentary tradition. Such conduct is expected of you, as a matter of course, as someone carrying out your assignments within the precincts of Parliament. Some such basic concerns are listed here for you.

1. To gain access to the **Press gallery**, male journalists must wear long trousers, closed shoes, a jacket and necktie. Women must wear formal dress, although trousers are not allowed. African attire, such as the *kanzu* or other robes, including religious clothing, is also not allowed.



The question here is not whether this is good or not, it is rather a question of what is allowed and what is not allowed.

2. Once in the Press Gallery, a reporter must ***comply with all Standing Orders***. Journalists are advised to purchase a copy of the Standing Orders from the Government Printer, as this is the “cornerstone” of mastering parliamentary procedure. Also useful is a copy of the ***National Assembly (Powers and Privileges) Act, Cap 6, Laws of Kenya*** – also available from the Government Printer.
3. ***Be upstanding*** whenever the Speaker enters or leaves the Chamber escorted in a procession, led by the Sergeant-at-arms carrying the Mace.
4. ***Do not move*** when the Speaker is talking or is on his/her feet.
5. ***You are a Stranger*** within the National Assembly. Remember, therefore, that you are bound by the rules of silence. A journalist cannot participate in the proceedings of the House by interjecting or applauding when debate is lively, or heckling an unpopular speaker. ***Simply sit, listen and take notes.***
6. Parliament sits every Tuesday, Wednesday and Thursday between 2.30 pm and 6.30 pm. On Wednesdays, there is an additional sitting between 9 am and 12.30 pm. Half an hour known as ***“zero hour”*** has also been introduced after 6.30 pm on Thursdays to allow Members to make personal statements and demand ministerial statements. During this special period, a Member has a maximum of two minutes to make a statement.
7. Contributions to parliamentary proceedings are continuous while the House is in session. Journalists normally ***work in relay***, being relieved by colleagues while they rush



to the newsroom to file early reports. If you are working for a small newspaper or station with limited resources, you may be the only person reporting on Parliament. In such a case, it may be prudent to pick a single item or issue to follow and analyse it thoroughly.

8. You can *seek the assistance of the parliamentary secretariat staff* on information you need. This, however, should preferably be done by appointment. Remember that staff cannot receive messages when they are in the Chamber. However, if there is a pressing issue, a note can be sent to them through the Clerk. Parliament is hoping to establish an Information Office when funds become available to assist with responding faster to queries.
9. The *Library* may only be used with the *permission of the Clerk*, who will require a letter stating what information you need.
10. The *restaurant* within Parliament is *open to accredited journalists*. All other journalists must be invited either by a Member of Parliament, or by a senior officer of the National Assembly. The restaurant *does not operate on a cash basis* and only those with accounts there may use it or invite their guests. Some journalists accredited to Parliament have been allowed to operate an account at the restaurant.
11. Journalists who cover parliamentary proceedings are given *Press passes*, which enable them to enter Parliament at any time to transact professional business. The Office of the Sergeant-at-arms issues the press passes.

Three Rules of thumb for the parliamentary journalist



These are considerations that you must govern yourself by, throughout your life as a parliamentary reporter or writer. You can only ignore them at your own professional risk.

1. You should NEVER rely on the notes made by any other reporter, despite the fact that you know that the reporter was in the Press gallery throughout the debate. You must always rely only on your own notes.
2. You can arrange a follow-up meeting with an MP to clarify issues. But this CANNOT change the substance of what was said on the floor of the House. While you may interview a Member in the lobby, it is important to note exactly what was said on the Floor. You must ensure that the MP's statements outside the Chamber are not substituted for what was expressed in the Chamber. Statements made in the Chamber are privileged while what the MP says outside can be actionable in Court while you are also held liable.
3. NEVER carry any recording device such as a tape recorder, video camera or film equipment into Parliament unless specifically authorised to do so by the Office of the Speaker.

Tips on reporting from Parliament

1. You must always *guard against being manipulated* by politicians, especially when reporting on issues raised in parliamentary proceedings, which are protected by privilege. Remember that within the Chamber of Parliament, Members can say anything during debate without fear of any legal action due to parliamentary immunity – but that does not necessarily mean that whatever they say is correct.
2. The media have continuously marginalized women in public life and it is not often that their voices are heard. The *marginalisation of women*, while regrettable, also



negates valuable news opportunities. Women, both within Parliament and outside, represent the largest untapped source of news in the country.

3. ***Familiarise yourself with the working of House committees*** and tap into sources within these committees, which are held ***in camera***.

Remember :

You cannot use information from a working committee of the House for publication until the report of the committee has been tabled in the House.

4. Parliamentary reporting requires discipline and the ability to work long, irregular hours. Journalists on this beat need a discerning mind to sift through stacks of information, a ***commitment to truth and justice***, avoidance of party sympathies and all forms of bigotry, as well as a commitment to be guided by the public interest.
5. Look out for ***sketches*** to be found in abundance in Parliament and develop these to give a humorous or satirical slant to an otherwise detailed and boring parliamentary story.
6. Journalists are often reticent about pursuing an issue, fearing they may be judged as lacking objectivity. The important point to remember is that you must not lose sight of the facts. If the facts point in one direction, there must be some substance to the issue. ***Present all issues*** and leave judgment to the reader.
7. Do not be afraid to seek the assistance of the ***parliamentary secretariat*** staff in trying to pin down information. They are well versed with the contents of the library and persons that may be able to assist with records, especially in matters touching on the interpretation of the rules of the House.



Challenges and obstacles to be overcome

Besides adhering to the guidelines laid out in this book, you must be prepared to face and overcome several obstacles. Here are some of the obvious ones:

1. Recording fast speakers without the aid of tape recorders.
2. Complaints from Members of Parliament, who may claim that their contributions were not carried in the Press.
3. Being labelled the sympathiser of certain Members.
4. Newsroom dictates will decide what is and what is not a big story.

Summary of Points for journalists to remember

1. Remember that you *are in the House as a Stranger* and only there at the pleasure of the Speaker.
2. *Familiarise yourself with proceedings.* It is important to have a working understanding of Standing Orders, which are the “bible” of Parliament. Before attempting to report on Parliament get a copy of the Standing Orders.
3. Remember that, although *Question Time* provides the *most interesting clashes* – the real work of Parliament – making and amending laws, is often dull and involves a lot of paper work and hours of discussion. Follow the paper trail and listen even when it seems most boring. This will make all the difference between you as a star parliamentary writer and the rest of the ordinary journalists who cover Parliament.
4. *Cultivate your sources within Parliament* but remember also that some of the issues that eventually end up being debated in Parliament begin outside the House, or are greatly influenced by *outside events*.



5. It is important for reporters to familiarise themselves with other proceedings of the House in order to know when they can expect developments. Try to ***keep abreast of the work of all committees*** of the House, especially the Departmental Committees. This may be a difficult task since all committee proceedings are all held *in camera*. Remember, though, that you cannot report on committee proceedings as they are held *in camera*.
6. While ***MPs are barred from*** commenting on matters and enlisting public response to Bills and ***motions pending*** before the House, ***no such restriction exists for journalists***. Use this opportunity to comment on and enlist public response to Bills and Motions pending before Parliament.



7. The A-to-Z of Parliament

Adjournment

An Adjournment takes place when the proceedings of the House are concluded. It can also take place if notice has been given of a matter to be raised upon motion for adjournment of the House (Standing Order No. 8).

There are *two types of adjournments:*

- i) ***Adjournment of debate*** is the interruption of normal business hours of the House. This may be sought by a Member through a motion. If accepted, then a Minister will be called upon to move that: “This House do now adjourn.”
- ii) ***Adjournment of the House*** is the interruption of the normal sitting to a day other than the next normal sitting day.

A Minister may move a motion that “This house do now adjourn ***sine die***”, or to a specified day other than the next normal sitting day.

Parliament sits every Tuesday, Wednesday and Thursday. The House adjourns for the rest of the week to give Members time to confer with their constituents on matters they might want to table before the House. The House meets from 2.30 pm. to 6.30 pm. on Tuesdays and Wednesdays and Thursdays, and also between 9.00 am and 12.30 pm on Wednesdays.

Allotted Day

This is the day given to the consideration of a particular vote of a ministry. A vote here means the supply of money.

Amendment

An Amendment is ***any change made to a Bill*** before it becomes Law or a Motion before it is passed.



Appropriations Bill

A Bill introduced in Parliament *to allow various Ministries permission to get money from the Consolidated Fund* in order to meet their expenditure is known as an Appropriations Bill. The Appropriations Bill normally comes before Parliament within four months of the Budget. The Budget basically shows how the Government intends to raise the funds it needs to implement its programmes. After Parliament has accepted the budget, Government must indicate through the Appropriations Bill how it will spend that money *under separate votes* for the different services required and the Ministries which will implement the plans.

Bills

Bills are *proposed laws* that, if passed by the National Assembly, become binding in Kenya. There are *two types of Bills: Public Bills* and *Private Bills*. Public Bills are proposed laws intended to affect the public or nation's interest. A Member or a Minister can bring a Public Bill to the House. Private Bills are intended to affect or benefit a person, association, interest group or corporate body.

Any Member of Parliament may introduce a Bill after drafting it and following the appropriate procedures.

Stages a Bill passes through

A Bill must pass through a number of stages in the House before it can become law, or an Act of Parliament. These stages are designed to permit Members to consider the Bill carefully and to allow the public to voice their opinion and forward their suggestions on whether it should be agreed to, or amended in certain respects before becoming law.

The stages a Bill passes through in the House are known as *Readings*. At the *First Reading*, there is no debate on the main principles of the Bill.



The **Second Reading** is often described as the **most important stage** for a Bill. Debate at the Second Reading is usually long and lively. The **Third Reading** is the final stage before the passing of a Bill.

In addition to these Readings, the House has other Stages that a Bill must go through. It may be amended at any of these stages. After the First Reading the Bill would be referred to a Departmental Committee for detailed study.

Bill (Government)

A Bill introduced by a Minister is known as a Government Bill.

Bill (Local)

A Bill promoted by a local authority to deal with a particular matter in its locality is known as a Local Bill.

Bill (Member's)

A Bill introduced by a Member who is not a Minister is known as a Member's Bill.

Bill (Public)

A Public Bill is one brought before Parliament by either a Member or a Minister **on an issue that is in the public or nation's interest**. Before a Public Bill is introduced in the House, it must first be published in the **Kenya Gazette**. Two weeks (**14 days**) must elapse between publication and the time it is brought to Parliament. After publication the Member sponsoring the Bill hands it over to the Clerk who ensures there are enough copies for every Member. A Member who desires to introduce a Bill moves a Motion and presents the merits of the Bill before the House. If the motion is passed, then it is published in the **Kenya Gazette**.



Bill (Private)

Private Bills are *intended to affect or benefit a person, association, interest group or corporate body*. The procedure for a Private Bill is similar to that of a Public Bill, but with some variations. *Every Private Bill must contain a clause stating the rights of the President, the Government and other bodies not mentioned in the Bill*. No Private Bill which affects the private rights or property of any person is allowed, except under very special circumstances. A notice must be published in *three separate issues* of the *Kenya Gazette*. Additionally, the Clerk's office must be paid the required fees. For every Private Bill, the promoters must pay the Clerk's office Sh. 200 to meet secretariat expenses. The Clerk is expected to advise the Speaker on the contents of the Bill.

Fourteen (14) days after the third publication in the *Kenya Gazette*, the Bill is introduced to the House.

Budget

The Budget is the process through which Government informs Parliament how it intends to raise the money it needs to implement its programmes. *The Government seeks authorisation to raise the money*, be it through taxation or other means. This practice honours the struggle for democratic rights under the clarion call of: *"No taxation without representation"*. People's elected representatives must authorise the Government to obtain money from the public and decide how much money may be collected in this way.

The amount of money the State will need is forecast and the means it plans to use to obtain the money are outlined in the *Budget Speech* that the Minister for Finance presents each year for Parliament's approval. When the Minister presents the Budget, the speech is a wide-ranging and complex discussion of economic, social and financial policies. The Government's intentions are unveiled in the projects it proposes



to undertake. The Budget Speech remains the vehicle through which the Government informs not only Parliament but also the public at large of revenue it needs and how it intends to meet them.

The Budget is also the best indicator of plans and policies that the Government is committed to: where the Government spends money shows the issues it considers important. For example, in 1996 Parliament adopted the Beijing Platform of Action but no budgetary allowance was provided for follow-up in the 1997 Budget, indicating no real effort would go into the process.

The Budget is designed to meet two fundamental needs: First, money must be found to feed the Consolidated Fund. *The Committee of Ways and Means* sees to this need. Secondly, Parliament must approve allocation of the money collected by the Government so that it can fund its programmes and services, which is the work of the *Committee of Supply*.

The supremacy of Parliament in the control of Public Funds is enshrined in the Constitution. *Parliament is the only institution that can authorise taxation and withdrawal of funds from the Consolidated Fund and Contingencies Fund*, in accordance with Section 99 of the Constitution.

Until 1997, the *Estimates Committee* was responsible for drawing up the estimates of Government revenues and expenditure for each financial year prior to the Budget. The Government had no authority to tax Kenyans or spend money if the Budget is not based on the Committee's estimates. The Estimates Committee was scrapped in 1997 with the approval of the Inter-Parties Parliamentary Group (IPPG). The Committee has been replaced by *Departmental Committees*.

Shortfalls in Government funds

Parliamentary procedure provides for a shortfall in Government funds. In the event of a shortfall, two things can happen:

- a) If the Government runs out of money before the end of the financial year, it is required to present *Supplementary*



Estimates to Parliament. This usually happens in the months preceding the reading of the Budget in June. This may be passed through a *Vote on Account*. When a *Supplementary Appropriation Bill* is introduced into the Assembly providing for the issue of further sums from the Consolidated Fund, the purpose for which the funds are required must be clearly specified.

- b) If the Government exhausts its funds, or if the Budget is not approved and a Vote on Account is not passed, the *Government could grind to a halt!* If the Budget is delayed beyond June 30 when the Government's financial year comes to an end, it will fail to effectively operate. No salaries, vehicle maintenance or purchase, however small, can be made. For some items of expenditure, it is regarded as undesirable that Parliament should authorise only one year's expenditure at a time. The salaries of judges are authorised for an indefinite period as an expression of the principle that judges should carry out their duties independent of parliamentary influence.

Cabinet

The Cabinet includes the President, Vice-President and all Ministers who advise the President on matters that fall within their ministerial portfolios.

Chamber

The Chamber is the room within Parliament Buildings where debate and other formal proceedings of Parliament take place.

Chief Whip

The Office of the Government's Chief Whip complements that of the Leader of Government Business in ensuring the smooth passage of Government legislation, particularly when a Division is likely to occur. *The Chief Whip marshals the support of MPs, especially Government MPs*, to vote *en masse* with



the Government on crucial Motions.

The salary, house allowance and other benefits provided for the Chief Whip are the same as those of a full Cabinet Minister, although the Chief Whip is not a member of the Cabinet.

Clerk of the National Assembly

The Clerk is at the heartbeat of the House. There is, however, no ceremonial appointment to this position. The Clerk is an employee of the Parliamentary Service Commission. The Clerk is the *chief administrative officer of Parliament* and its precincts, and is in charge of the day-to-day running of the House, whether it is in session or not.

Security, personnel and members' welfare all comes under the Clerk's docket. The Clerk receives nomination papers for the Office of the Speaker before election of the Speaker and prepares the House for the election of the Speaker. The Clerk also counts the votes and announces the results to the House.

Committees

Committees are an essential element of the legislative process in a parliamentary democracy. Parliament appoints committees to consider and inquire into specific matters in great detail. Successive parliaments throughout the Commonwealth have found in committees a flexible means of accomplishing a wide variety of responsibilities bestowed upon a parliamentary institution. *Committees are appointed to meet a particular requirement.*

There are a number of Committees in the House. Following an election, one of the first tasks of the newly elected Members of Parliament is to agree among themselves on the number of members from each party to sit on the *House Business Committee (formally known as the Sessional Committee)*. The distribution of seats is usually patterned along the strength of each political party in the House but is *usually decided by*



consensus. The House Business Committee nominates all other Standing/Select Committees, and presents the names to Parliament for approval. The membership life span of these Committees coincides with that of a session. The membership of each committee varies between 11 and 13 Members.

Standing / Select Committees include

- a) ***Watchdog (Investigatory) Committees***
 - Public Accounts Committee (PAC)
 - Public Investments Committee (PIC)
- b) ***Advisory-cum-investigatory Committees***

Departmental Committees

- c) ***Housekeeping/Domestic Committees***

These look into the affairs of the Assembly and do not restrict membership such as

- .. The House Business Committee
- .. The Speaker's Committee
- .. The Standing Orders Committee
- .. The Liaison Committee
- .. The Powers and Privileges Committee established under the National Assembly (Powers and Privileges Act, Cap 6, Laws of Kenya)

The Committee are allowed to create sub-committees if necessary. The membership of the watchdog or investigative Committees is restricted to Private Members.

Committee meetings are always held *in camera*; journalists are not allowed to report on such proceedings. This is an area where media houses are often caught out and editors frequently have to explain or apologise.

Committee (Departmental)



The role of the Departmental Committees is to investigate and report on all matters relating to mandate, management, activities, administration, operations and estimates of assigned Ministries and departments.

These Committees were introduced to replace the General Purposes Committees. Departmental Committees study the policies of each Ministry and review all proposed legislation after the First Reading. They also analyse the success of Ministries and make the relevant recommendations. ***Departmental Committees should not be confused with other Select Committees***, which are not investigative but only technical and advisory in nature.

The working of Departmental Committees

Under the Standing Orders, once a Bill has gone through the First Reading, it is referred to the Departmental Committees. Committee members discuss policy implications of the Bill and analyse it. Members of the Committee assist the Minister sponsoring the Bill in the House by ensuring that all questions the Bill may raise are answered. The Departmental Committee works together with a technical team normally drawn from a relevant Ministry or Ministries. Existing Departmental Committees include: Committee on Agriculture, Lands and Natural Resources (Committee A); Committee on Energy, Communications and Public Works (Committee B); Committee on Education, Research and Technology (Committee C); Committee on Health, Housing, Labour and Social Welfare (Committee D); Committee on Administration, National Security and Local Authorities (Committee E); Committee on Finance, Planning and Trade (Committee F); Committee on Administration of Justice and Legal Affairs (Committee G); and the Committee on Defence and Foreign Relations (Committee H).

Committee (Estimates)



The Estimates Committee *has been abolished* and replaced by Departmental Committees. The change was recommended by the Standing Orders Committee and approved by the Whole House. The Estimates Committee traditionally looked into and analysed the structure of printed estimates produced by Government Ministries.

Departmental Committees are tasked to investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments on a continuous basis. These broad powers mean that Departmental Committees can influence policy formulation and the final budget in each Ministry and department.

Committee (Liaison)

This Committee coordinates the work of all Parliamentary (Select) Committees except the PIC and PAC.

Committee (Library)

This Committee makes proposals and considers suggestions for the improvement of the Parliament Library and assists Members in fully utilising the facility.

Committee (Public Accounts, PAC)

The role of the Public Accounts Committee is to *examine the reports and accounts of the Government of Kenya*. The Committee deals with audit queries raised in those reports and accounts by the *Controller and Auditor-General (C&AG)*. The Committee's function is to ascertain that Kenyans are getting value for the money spent by Government.

The Committee calls on each Accounting Officer mentioned in the C&AG report and questions him or her on the queries raised. During the proceedings, the C&AG acts as the prosecutor, and Treasury officials as witnesses. A final report



based on the evidence received and presented is then compiled and submitted to the House for debate and adoption.

The initial report prepared by the C&AG is based on raw accounting data and cannot, therefore, be relied upon to draw conclusions on the status of the accounts.

Committee (Public Investments, PIC)

The role of the Public Investments Committee is to examine the reports and accounts of **public investment**, mainly of parastatal organisations. The Committee also examines reports of the Controller and Auditor-General (Corporations) with the aim of ensuring the autonomy and efficiency of public investments.

Committee (Select)

The proceedings of Select Committees are not open to the public. ***Any premature publication of the evidence given before the committees is a contravention of Standing Order No. 16.*** Select committees are also known as ***Standing Committees***. They are committees nominated from among the sitting Members of Parliament who are not Ministers. The role of the select committees is to ***investigate specific issues*** and advise Parliament on them. Select Committees are nominated by Parliament as the first order of business when it convenes.

Committee (Speaker's)

The Speaker's Committee considers, advises and reports on all matters connected with the ***welfare of Members and the National Assembly staff***. Much of the work formerly undertaken by the Speaker's Committee has been taken over by the Parliamentary Service Commission.

Parliamentary Service Commission (PSC)



The Speaker's Committee is the forerunner of the Parliamentary Service Commission. The terms of reference for the Parliamentary Service Commission include:

- To constitute and abolish offices in the parliamentary service
- To provide such services and facilities as are necessary to ensure efficient and effective functioning of the Assembly, and
- To direct and supervise the administration of services and facilities provided.

In most Parliaments in Commonwealth countries, the PSC acts as a Board of Directors. However, the Board facilitates the creation of Boards of Management chaired by Clerks of the House and composed of departmental heads. The Boards of Management act as the executive arm of the PSCs. They lay down the general policy guidelines and leave the day-to-day management to the professional parliamentary staff.

In the Kenyan case, the PSC appears to be taking on much of the management.

Committee (Standing Orders)

The Standing Orders Committee studies *matters concerning the Standing Orders* and makes *recommendations on proposed changes*. The Committee consists of the Speaker acting as the Chairperson, the Deputy Speaker and not more than 10 Members appointed by the House Business Committee. The Committee considers and reports on all matters relating to the Standing Orders.

Committee of Ways and Means

The role of this Committee is to make *proposals towards the Budget or financial statements* on the annual estimates for imposing, renewing, altering or repealing any rate, tax or duty. All



taxation measures and expenditure authorisations must take the form of Bills introduced in the House, based on recommendations of the Committee of Ways and Means.

Committee of the Whole

This Committee meets in the Chamber, *chaired by the Chairman of Committees*, who is also the *Deputy Speaker*. The Committee of Ways and Means and the Committee of Supply are considered Committees of *the Whole House*, as is the Committee of the Whole House on the Budget.

Commonwealth Parliamentary Association Office

This is an office established to encourage the *sharing of experiences and problems with other Commonwealth countries*. It draws on the fact that the Commonwealth Parliaments share a common heritage and are, therefore, likely to experience similarities in problems and challenges as they evolve their own independent parliamentary systems.

Confidence of the House

The Government may lose the vote on some of the Bills it tables in Parliament, but if it is able to pass its legislative programme, including most importantly the Budget and Appropriations Bills, it is said to enjoy the Confidence of the House.

Consolidated Fund

This is the account in which *all money collected by the Government* by ways of taxes, grants, loans, levies, etc is kept. No withdrawals from the Fund are allowed without the approval of Parliament.

Constitution of Kenya (The)



The Constitution is the *highest law of the land*. In a democratic country, the Constitution represents the will of the people. No laws may be enacted that violate or contradict the Constitution.

Debate

A debate involves contributions to any Questions (Motions) or Bills in Parliament.

Debate

Debate may be conducted in two languages: *English* or the national language, *Kiswahili*. *The two languages cannot be inter-changed during a speech*. A Member desiring to speak must address the Speaker, and only after the Member rises and catches the eye of the Speaker. A speech by a Member can be interrupted without notice if another Member rises on a *“Point of Information”* and is granted leave to do so by the Speaker. The Member whose speech was interrupted may then continue with his or her speech. *No member, except a Minister, is authorised to use the name of the President as authority for what he or she says*.

NOTE :

The personal conduct of the President, the Speaker, an envoy, a judge or any other person performing judicial functions like an Electoral Commissioner are off-limits subjects.

Insulting fellow Members or any other person is *out of order*. A Member who wishes to speak on a matter of personal interest must make a declaration to that effect. A Member who makes a statement that cannot be substantiated is required to withdraw it and make a suitable apology.

Time Limit

There is a time limit for debates. *The Leader of Government*



Business, a Minister moving or replying to a question, and the Leader of Official Opposition Party are each limited to *one hour*. Every other Member is given 30 minutes to make their contribution. This only governs debates with financial implications for the public, for example, the Budget, Bills, PAC and PIC reports. *In all other debates, the time limit is five minutes.*

Dissolution

Dissolution is when *Parliament is brought to a formal end and ceases to exist*. Dissolution of Parliament is always followed by an election.

Division

A Division is a *decisive vote on an issue* that requires a fixed majority. The Speaker normally calls for a Division in instances where the Constitution lays down that a fixed majority is necessary to decide any question. *A Division is only taken if a Member requests it.*

At least 20 Members must rise in support of the Division and the Speaker must direct that the Division be taken. The Division Bell is rung for five minutes to alert Members who may be out of the Chamber of the impending vote. After five minutes, the Sergeant-at-arms closes the doors to the Chamber. The names of two enumerators of the “Ayes” and “Nays” are submitted to the Speaker. The “Ayes” are directed to each of the lobbies on the right side of the Speaker and the “Noes” to the left. Ten minutes later, the doors are locked. Those present and not voting record their names with the Clerk. The Speaker and the Attorney General are not allowed to vote. Should there be a tie, however, the Speaker can cast a vote to break the tie. The House cannot be adjourned when a Division is in progress. The aim is to avoid circumstances when votes can be swayed by influence and lobbying. After the Division results have been announced, the House can then adjourn its normal business



sitting.

Gallery

Within Parliament, *space has been allocated for special interest groups* and each of these areas is known as a Gallery. There is a **Public Gallery** for members of the public interested in the proceedings of the House, while a **Visitors' Gallery** is reserved for guests of senior parliamentary staff. There is the **Head of Civil Service Gallery** as well as the **Civil Servants Bench**, which is often used by Civil Servants who are in the House to help their Minister with special matters that may arise. The **Speaker's Gallery** is reserved for official guests of Parliament or the Speaker. The **Hansard Box** is for parliamentary writers who transcribe verbatim the proceedings of the House. A **Diplomatic Box** is reserved for diplomats interested in monitoring the proceedings of the House. The diplomats are allowed to take notes. **Former MPs** are allowed to use the Diplomatic Box during the State opening or on Budget Day.

Gallery (Press)

The Press Gallery is the space specifically reserved for journalists covering proceedings of the House.

Government

The Government is composed of *all organs that run public affairs* in the country. The President is the Head of the Government. The Government is given full responsibility by Parliament to administer public funds. The Government of Kenya is created on the basis of law made by Parliament. Government operations are based on and legitimised by the laws made in Parliament. This is the case in spite of wide ranging powers for the use of subsidiary legislation in the form of legal notices.

Hansard



The *Hansard* is a *verbatim record of proceedings of the House*. Procedurally, it is never supposed to be changed but every Member of the House has an opportunity to correct the draft verbatim report of his or her own utterances without altering the substance of what was actually said (as to which the Speaker shall, in case of doubt, decide). Secret or domestic matters can be excluded from the report at the direction of the Speaker. These are recorded in a different report, which only the Members of Staff of the House can access. The *Hansard* is filed in the Parliament library.

In-camera

In-camera sittings are held out of the hearing of all those who are not Members of Parliament. All microphones are switched off and *Hansard* reports and parliamentary staff sent out of the meeting room, be it the main Chamber of Parliament or a smaller room. No recording of any of the proceedings is allowed. Journalists, other representatives of the media and broadcast equipment are not allowed into the room. All sittings of the parliamentary committees are held *in-camera* and may not be reported.

Journals of the House

All votes and proceedings of the House constitute the Journals of the House. The custody of the Journals and records, including all papers and accounts presented to or belonging to the House always remain in the custody of the Clerk. She or he cannot permit the documents to be taken away without an order of the House or by the order of the Speaker.

Other Journals include verbatim reports of all proceedings of the House called the “*Hansard*”.

Kenya Gazette (The)

The *Kenya Gazette* is a Government publication containing offi-



cial announcements as well as proposed and adopted legislation. It is a formal communication to Kenyans of the Government's intentions and actions. Anyone can buy the *Kenya Gazette* from the Government Printer in Nairobi at a prescribed fee. A wide range of information can be found in the *Kenya Gazette* including individual's intentions to change the name by which they are known, register land transfers, register businesses or find exemptions from taxes and changes in Government Ministries, to cite a few. It is a critical document for any journalist wishing to gain a comprehensive knowledge of what is happening in Kenya.

Leader of Government Business

The position of Leader of Government Business is another tradition of the House. Although the *position is not provided for in the Standing Orders, the Laws of Kenya or the Constitution*, the proceedings of the House have evolved to recognise the role played by the holder of this position. Parliament would be unable to function without it. The Leader of Government Business chairs the meetings of the House Business Committee. Traditionally, the Leader of Government Business sits to the right of the Speaker in the front row, reserved for Government Ministers.

The Kenyan Parliament, modelled on the Westminster one, has adopted the position of Leader of Government Business to safeguard Government policy and interests by defining what is discussed, how and when. But contributions in the House by the Leader of Government do not necessarily reflect Government policy. The Leader of Government Business must also take cognisance of the presence of the Opposition. She or he works towards enhancing harmony in the House. *The Leader of Government Business in the House works closely (though informally) with the Leader of the Official Opposition*, especially in House matters requiring a non-partisan approach. The Chief-Whip and his or her deputy complement the Leader of Government Business in his or her other duties.



Moody Awori: Leader of Government in the 9th Parliament.



Leader of the Official Opposition

The Leader of the Official Opposition of the House is the person the party that has the majority of Opposition MPs in Parliament chooses to be its leader in the House. The MPs in her or his party must be at least 30. Although there is no Constitutional or legal provision for this position (nor is it included in the Standing Orders), it has grown to be central to the working of Parliament. The Standing Orders do, however, mention the Official Opposition Party. The salary and house allowance of the Leader of the Official Opposition is higher than that of other Members of Parliament. The Leader of the Official Opposition communicates either directly to the Leader of Government Business or through the Chief Whip.



Uhuru Kenyatta: Leader of Official Opposition in the 9th Parliament.

Legislative Assembly

A Legislative Assembly is the supreme law-making body of the country, which, in the case of Kenya, is an elected body of representatives of the people. Sovereignty is a key characteristic of a Legislative Assembly, which should not report to another body considered to have higher powers than itself.

Legislative House

The Legislative House is the body charged with making laws for the country. The term is considered colloquial English and is used interchangeably to mean Parliament and the Legislative Assembly.

Legislative Council, LEGCO

The Legislative Council was the forerunner of the present Parliament and allowed the officers of the colonial government to propose and discuss changes to the law, although enactment was still left to the British Parliament. ***The Legislative Council did not have powers to pass laws***, as it was not considered the supreme



law-making body. Instead, it reported to the Government in Britain. It was partly for this reason that the Constitution of Kenya had to be drawn up in Lancaster, England, because the power to make the law that would bring the Constitution of Kenya into effect emanated from the British Parliament.

Library

The Library within Parliament is a rich source of information. The library is, however, only for Members. Outsiders who wish to access information in the Library must have the permission of the Clerk of the National Assembly. Among items to be found in the Library are: the Constitution of Kenya; the constitutions of all political parties that have been represented in the House since its inception; constitutions of other Commonwealth countries; Practice and Procedures; Standing Orders; *Laws of Kenya; Hansard* reports from as early as 1907; The East African Protectorate Ordinances and Regulations (1904); Colony and Protectorate of Kenya, Legislative Council Debates (1928); cuttings and bound copies of the daily newspapers and most local journals; Bills Acts, annual reports of all state corporations; Orders of the Day and all Presidential Speeches including those given outside the house be it on a public holiday or during international functions.

Files exist for each Member, containing their contributions and relevant newspaper articles. Government reports like Statistical Abstracts, the Auditor-General's reports, Appropriation Accounts and Civil Service Code of Regulations are kept in the library. There is also a wide range of reference materials in the Library, which serves as both a reference and a documentation centre. Members of Parliament are allowed to borrow certain documents for a maximum of six days. The library is open from 8.00 am to 5.00 pm or until the last Member leaves the library.

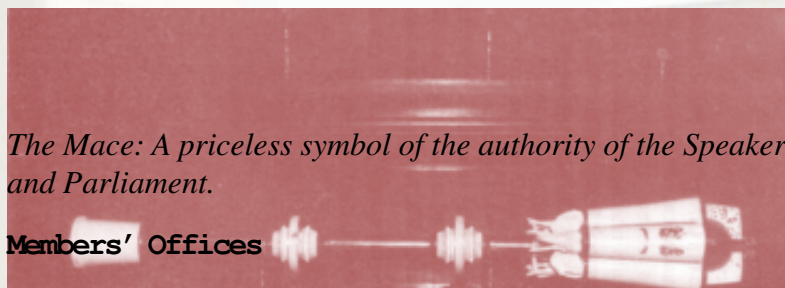
Mace (The)



The Mace is the most revered object in Parliament. The House cannot sit if the Mace is not on its ceremonial nest on the ***Chamber Table***. It is a priceless embodiment of the ancient authority of the crown, today exercised by Parliament in the House. It has evolved into a symbol of the authority of the Speaker, which is inseparable from the authority of Parliament.

In independent Kenya, the Mace is the only visible symbol of the Speaker's authority and of the Constitutional authority of the National Assembly.

Until a Speaker has been elected, the Mace is kept under the Table of the House. It is placed on the Table as soon as the election is completed to demonstrate that the House is properly constituted.



Before 1964, Parliament met in the Legislative Council buildings. In 1965, the new Parliament Buildings comprising the present Chamber were opened for use. In 1996, the former Nairobi City Council's County Hall officially became part of Parliament Buildings. In 1997, the former Continental Bank Buildings also became part of Parliament Buildings.



The newly acquired offices adjacent to Parliament in the building earlier known as Continental House along Uhuru Highway house offices of Members. They provide Members with space to read documents without undue disturbance. There are no restrictions on guests provided there are no security implications. At present, the building is awaiting renovation and journalists continue to make appointments with MPs in the lobby in Parliament.

Minister

A Minister is a Government spokesperson appointed by the President from elected and nominated Members of Parliament. The President must appoint Ministers. ***A Minister cannot propose a Bill without preparing a memorandum for fellow Cabinet Ministers to convince them before taking it to Parliament.*** Once the Cabinet agrees with the memorandum, the Minister consults with the Attorney General regarding the drafting of the Bill. A Minister can move a Motion either with or without notice. Ministers sit on the front benches of the Chamber to the right of the Speaker.

Motion

A Motion is ***a question*** or request put forward for consideration and possible adoption by Parliament. This is in ***contrast to a Bill***, which normally takes legal dimensions. ***Motions do not become laws. (When passed, most motions become resolutions, and not laws.)***

NOTE :

A Member's Motion must be sponsored by the Government, the Official Opposition Party leader, or the Chief Whip. ***A Motion that has been rejected or failed to be resolved in the House cannot be raised again until six months have elapsed.*** However, there are some Motions that can be moved without notice. These include Mo-



tions that can call for withdrawal of Strangers from the House, a Motion for the Adjournment of the House or debate, amendment of a Motion, a Motion for the suspension of a Member and a Motion of Privilege.

Motion (Amendment)

A Motion can be amended if a Member disagrees with certain parts of its contents. After the amendment has been made, the House can proceed with debate on the Motion.

Motion (Private)

A Private Motion is a Motion ***moved by a Private Member*** and not by a Minister appointed by the President. ***When passed, most Private Motions become resolutions and not laws*** for the simple reason that the financial management of all Commonwealth countries (Kenya included) is the exclusive business of the Government of the day. In other words, the ***Standing Orders do not empower Members to amend the Budget.***

NOTE :

Unless the Government supports a Motion, it carries no financial backing for implementation. A Motion introduced by a Private Member attempts to influence the Government on a particular issue of importance to the public. However, Motions are not binding and the Government can either incorporate the resolutions in its planning or choose not to.

Naming (of a Member of Parliament)

A Motion brought against a Member of the House for abusing parliamentary privilege, or for behaving in a manner considered incompatible with the dignity of the office they hold is referred to as Naming of a Member of Parliament. If the Motion is passed, the MP may be barred from Parliament for up to three (3) days and will ***lose his or her parliamentary im-***



munity, although she or he will continue to earn a salary.

National Assembly

The National Assembly comprises the Clerk, the Parliament secretariat, all Members of Parliament and the Speaker. ***It differs slightly from the definition of Parliament***, which is limited to elected and nominated representatives of the people of Kenya.

National Assembly, Composition of the

For the purposes of parliamentary procedure and proceedings, the body of Members of the National Assembly may be split into two:

- (i) ***The Cabinet***: Comprising the Ministers who constitute the Government component of the National Assembly.
- (ii) ***Private Members***: Consisting of all Members who are not Ministers, encompassing the backbench Members on the Government side of the House (i.e. to the right hand side of the Speaker's chair, occupied by the parliamentary party with majority Members in the House), and all the members in the Opposition (i.e. to the left hand side of the Speaker's chair, occupied by the opposition parliamentary parties).

Official Opposition Party

The ***largest minority party, with at least 30 Members of Parliament*** is considered the Official Opposition Party. All seats in the front row of the Chambers to the left of the Speaker are reserved for leaders of opposition parties and members of the Official Opposition Party, designated as having responsibility in particular matters.

The Official Opposition is provided with an office in Parliament and a secretary paid for by the Government.

Order



“Order” is a *call for good conduct in the House*. Any time the Speaker rises, silence is expected of the House. When a Member is making a contribution, all other Members remain silent and seated. The Speaker may suspend for the day, or for a period of time, those who defy this rule.

Order of Business

This is the *sequence of official activities in the House*. Traditionally, Parliament opens business with a short prayer. This is followed by matters other than business including the Administration of Oaths, Communication from the Chair; petitions; papers; notices of Motions and Questions to the House. The Business of the House then follows. Together this programme forms the Order of Business. On each day that Parliament is in session, *the Clerk reads to the House the Order of Business for the day*.

NOTE :

The Clerk prepares the Order Paper, showing the business to be placed before the House and the Order in which it will be taken. The Order Paper is circulated before the House meets.

Except on Wednesday mornings, which are designated as Private Members’ day, all House business is Government business. The Leader of Government Business decides the manner in which business will be presented. On Wednesday mornings, the Speaker conducts the Order of Business through a ballot paper.

The Government can change the Order of Business at any time but is expected to inform the Opposition as a matter of courtesy. The Leader of Government Business does this by directly communicating to the Leader of the Official Opposition or through the Chief Whip.

Order Paper



The Order Paper is an *itemised listing of the business to be discussed each day*. The Clerk of the National Assembly prepares this list, guided in large part by the Leader of Government Business.

Out of Order

A Member who engages in *behaviour that is contrary to the Standing Orders* is deemed to be Out of Order. For example, a member who refers to the activities or proceedings of a Select Committee before the Committee has made its findings in the House, can be said to be Out of Order.

The punitive consequences are defined in the Standing Order No.88. When the Speaker declares a Member to be Out of Order, he or she may be sent out of the House for the rest of the day. The Sergeant-at-arms may remove a Member from the House for the rest of the session if he or she is cited for being Out of Order three times in less than 38 days.

Parliament

Parliament is a composite body consisting *elected and nominated representatives* of the people charged with making laws in Kenya.

Among Parliament's many roles is the task of overseeing governance carried out by the Executive arm of the Government. Oversight or the surveillance of the Executive is in turn carried out through varied forms such as Questions, Motions, Select Committees, Adjournment of Motions and Members' half-hour statements, Points of Order, legislation and debates during the adoption of financial proposal.

Chronology of Parliament in independent Kenya

First Parliament	– 11/06/63	to	07/11/69
Second Parliament	– 06/02/70	to	08/09/74
Third Parliament	– 06/11/74	to	25/09/79



Forth Parliament	–	04/12/79	to	22/07/83
Fifth Parliament	–	18/10/83	to	05/02/88
Sixth Parliament	–	12/04/88	to	28/10/92
Seventh Parliament	–	26/05/93	to	10/10/97
Eight Parliament	–	18/02/98	to	25/10/02
Ninth Parliament	–	02/02/03	to	

Parliament Precincts

The precincts include the Chamber of the National Assembly, the Office of the Assembly, the galleries and places provided for the use and accommodation of Members, Strangers, members of the public and representatives of the Press as well as any courtyard, garden, enclosure or open space used or provided for the purposes of the Assembly. Parliament Buildings consist of two blocks built at different times. The first building, which consists of the clock tower and the right wing, bears resemblance to the Palace of Westminster in London. Construction of the first building started in March 6, 1952, when Sir Philip Mitchell laid a foundation stone recovered from the Palace of Westminster after it was damaged by “enemy air attack on the night of May 10, 1941”.

Extension of the building became necessary and His Royal Highness, Prince Philip, laid the foundation stone on December 13, 1963. It was completed and officially opened by Mzee Jomo Kenyatta on November 2, 1965.

Parliamentary Service Commission (PSC)

The Parliamentary Service Commission is comprised of the Speaker, the Leader of Government Business in the House, the leader of the Opposition Party in the House, Seven other members (who cannot be the President, Cabinet Ministers or Assistant Ministers). Of the seven other members, four shall be nominated by the party or parties forming the Government.



The other three members will be nominated by the party or parties forming the Opposition.

Point of Argument

A Point of Argument is raised when a Member wishes to disagree with what another Member who is on the Floor is saying.

Point of Information

A Point of Information is raised when a Member contributes to what another Member is saying while on the Floor to provide extra and relevant information, usually correcting what the Member of the floor is saying.

Point of Order

When something is not in Order and a Member of Parliament wishes to bring it to the Speaker's attention, they may raise a Point of Order. However, a Point of Argument can be disguised as a Point of Order. A Member who is Out of Order is *acting outside the provisions of the Standing Orders*, which is not acceptable.

President

The Office of the President is a Constitutional office. Accordingly, the President is an *elected Member of the House* and the *Chief Executive of Kenya*. She or he is also the *Leader of the Government* and *Commander-in-Chief of the Armed Forces*.

The President can attend and address Parliament at any time. She or he has a special Chair of State in the Chamber. When the President wishes to contribute to debate in the House, he or she must take an ordinary seat as a Member of the House. Whenever the President enters or leaves the Chamber, the House is called to order and Members stand in silence. The President's aide-de-camp is allowed to accompany him or her



into the Chamber.

When the President addresses the House from the Speaker's chair, he or she does so in their capacity as Head of State. Traditionally, the House adjourns after the President makes a speech. The President appoints the Government at his or her discretion, but in order for the Government to remain in power, it must have the Confidence of the House. The President can prorogue a session of Parliament or dissolve Parliament.

The President has no power to change a Motion in the House, even during debate, and can only use the Leader of Government Business to exert his or her influence.

The President can call Parliament to session at any time and in any place in Kenya although at least one session must be held within three months after Parliament is dissolved for the General Election.

Presidential Speech

While occupying the Presidential Chair, the President may interrupt the Orders of the Day to make a Presidential Statement on any day once other matters, excluding business, have been dealt with. *The Statement is heard in silence and is not followed by any comments or questions.*

While in the Chair, the President cannot participate in the proceedings of the House. However, the President can move from the Chair to the front Government bench and may then participate in the proceedings of the House just like any other Member. On ceremonial occasions, the President may address the House from the Speaker's Chair.

Press

There is a Press gallery for any journalist accredited to cover parliamentary proceedings. The gallery is not very large and is often unable to accommodate many journalists from the expanding number of media outlets. Journalists from the daily



print media and the television stations often monopolise the little space available. ***Journalists are categorised as Strangers in the House*** and may be ordered to leave. The Standing Orders state clearly that:

“Any newspaper whose representative infringes these Standing Orders or any rules made by the Speaker for the regulation of admittance of Strangers or persistently misreports proceedings of the House, or neglects or refuses on request from the Clerk to correct any wrong report thereof to the satisfaction of Mr Speaker may be excluded from representation in the Press Gallery for such a term as the House shall direct.”

Privilege, Parliamentary

No civil or criminal proceedings may be started against a Member of Parliament for anything he or she says in Parliament or for matters brought before Parliament.

Parliament does not, however, protect irresponsible utterances from Members. They are responsible for their statements and must ensure their accuracy. ***However, within this context, utterances by Members made in the Chamber cannot be challenged in court.*** Privilege is often put under great strain during Question Time and it is for this reason that Members seeking answers must ensure that the questions they ask do not contain charges they cannot defend or substantiate. Names of people or their statements cannot be used simply because they are not in the House to defend themselves. ***Matters that are before a Court of Law are not debated in the House.*** Neither can a Member demand an explanation for matters deemed secret, for example, when clashes erupted prior to the first multi-party elections and the Government declared certain areas Security Operation Zones. Matters pertaining to those areas could not be discussed in the House.



Prorogue

Proroguing is the executive act of *adjourning Parliament to a day other than the next normal sitting. This should not be for more than three (3) months*. Parliament is commonly prorogued each December. The Leader of Government usually moves the Motion for Parliament to be adjourned *sine die*. The President usually prorogues Parliament, marking the end of a session. The beginning of the next session must be announced through the *Kenya Gazette*.

Protocol

Protocol is conduct which must be observed in the House. For example, when the President enters or leaves the House everybody stands up.

When the House adjourns, Members stand in their place until the Speaker has left. Every Member bows to the Chair occupied by the Speaker or a person acting on the Speaker's behalf whenever they enter or leave the Chamber. No Member passes between the Chair and Members on the Floor. This is so as not to disrupt communication between the Speaker and Members of Parliament. A Member wishing to cross from one side to another must do so outside the Chamber, having bowed to the Chair when leaving and returning.

Privileges and immunities

The Privileges and Immunities Act provides Members of Parliament with *protection to enable them to represent their constituents without fear*. Anything happening within the compound of Parliament cannot be tried outside Parliament. Nothing said inside Parliament can be questioned outside, not even in a court of law. Members of Parliament cannot be arrested while on their way to or from Parliament. For civil offences, a Member can be arrested within the precincts of Parliament, but only on the authority of the Speaker.



Queue Voting

Queue Voting is a system of voting which was introduced during the nomination stage of the 1985 party election in Kenya. Voters showed support for candidates by standing behind the nominee of their choice. Later, the same system was used for Party nominations to run for Parliament in 1988. Candidates who garnered at least 70 per cent of the vote at this stage were declared elected Members of Parliament, unopposed. At that time, KANU was the only lawful political party in the country. The queue voting system led to a lot of disaffection against the party and the Government, leading to calls for change of the Constitution to allow for more political parties.

Questions

Parliamentary Question Time is not part of the legislation process. It is a means of monitoring the Executive. Question Time is undoubtedly the portion of Parliament's business followed with the greatest interest by the print media, radio and the general public. Any MP can ask a question. Members belonging to the party in power can usually obtain the information they want without having to take up time in the Question Period.

Both written and oral questions can be put to Ministers about any area of public affairs. During Question Time, many Members have been suspended from the House for going against the Standing Orders that govern this sensitive and sometimes abused time. According to the Standing Orders, ***a Question must be of "genuinely interrogative character and its purpose shall be limited to seeking information or pressing for action."*** A Question cannot be turned into a debate. A Member may be disciplined for attempting to make a speech at Question Time.

Extracts from newspapers or quotations from speeches are not admissible as Questions. A Question cannot contain



an argument or inference, opinion, imputation, controversy, irony or offensive substance.

Diplomacy is a sensitive issue and no Member is allowed to ask a question deemed to be discourteous to a “friendly” country, its Mission in Kenya, the Ruler or the Government. Questions are normally directed at the relevant Ministers and must be presented to them in writing through the Clerk. The Member asking the question can indicate whether he or she wants a written or oral reply. The Clerk submits the questions to the Speaker for approval, upon which the Minister is given 10 days to reply.

Quorum

The House, or any Committee of the Whole House, must have *a minimum of 30 Members* present to conduct business. This minimum number is referred to as “Quorum”. It is interesting to note that although Standing Orders have been amended to reflect the increased number of Members of Parliament, no changes have been made to Quorum rules. However, it is notable that the British system on which our governance structures are based has no Quorum rules at all, unlike the American system.

If at any time after the Business of the house has commenced or when the House is in Committee, any Member objects that there is no Quorum, the Speaker or the Chairperson shall count the Members in the House or the Committee, as the case may be. If on the first count a Quorum does not appear to be present, the Speaker or the Committee Chair will have the division bell rung, as would be the case for a Division. If no Quorum is present three (3) minutes from whatever time the Speaker or Chair may deem reasonable, it may be announced to the House or to the Committee as the case may be, that there is no Quorum present.

If, from the number of Members taking part in a Division, it happens that they do not themselves make a Quorum, the Division becomes invalid.



Reading

A reading is *any one of the three stages* through which a Bill passes in the House before it can become law.

Recess

This is a period during which the House stands adjourned to any day other than the next normal sitting. The call for a recess is moved through a motion and the date of return is usually definite, unlike when Parliament is prorogued.

Resignation

When a Member *gives up his or her position as Member of Parliament*, this is referred to as a resignation. If the Speaker accepts the resignation, the Electoral Commission is notified and declares the particular Constituency the MP represented as vacant. An election can then take place.



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Session

A Session is the *time between when the House reconvenes after being prorogued or dissolved until the next time it is prorogued again*. A session is the period between two recesses and can even be one day's sitting. It ends when the President next prorogues Parliament. Parliament can be in session but not sitting.

Session time-frame

There is no mandatory number of days that Parliament must sit. However, once the House is dissolved, the next Parliament must sit within three (3) months. Parliament must also pass the Budget before the Government can spend the allocated funds. The average number of sitting days is about 120 a year in Kenya, the longest in East Africa.

Sergeant-at-arms

This Office is in charge of security within the precincts of Parliament. If a Member is to be removed from the Chamber, it is the Sergeant-at-arms who will be given the responsibility of doing so. If a Stranger is ordered out or banned from the various galleries, the Sergeant-at-arms' office will escort the Stranger out of the precincts of Parliament. If police officers come to the House for any purpose, they leave their firearms with the Sergeant-at-arms, who guides them through the precincts of Parliament. The Sergeant-at-arms also plays a ceremonial role during the opening of the House and its daily running.

Sine die

The expression *sine die* is from Latin. It literally means “without a day.” When Parliament adjourns *sine die*, it means that the day when it will resume has not been named at the time of adjournment. It is therefore not known when Parliament, in



this sense, will reconvene.

Sitting

A sitting is a continuous period during which the House meets to conduct its business without Adjournment. Parliament has four sittings each week.

- | | |
|--------------|--------------------|
| 1. Tuesday | 2.30 pm to 6.30 pm |
| 2. Wednesday | 9.00am to 12.30 pm |
| 3. Wednesday | 2.30 pm to 6.30 pm |
| 4. Thursday | 2.30 pm to 7.00pm |

(**A half hour known as “zero hour”* has been added after 6.30 pm on Thursday to allow Members to make personal statements and demand ministerial statements. During this special period, a Member has a maximum of two minutes to make his/her statement).

In the event of issues of national importance, Parliament can extend its sitting by moving a *Motion of Adjournment*. This happened in December 1991 when the Constitution was amended to return Kenya to multi-partyism. Parliament sat until 8.00pm. The same was the case during the IPPG talks held in 1997 when sittings ran well into the night.

Speaker (The)

The Speaker reigns supreme in the House. The Speaker is elected when the House first meets after any General Election and before the House proceeds with any other business. If the office of the Speaker falls vacant at any time before the dissolution of the National Assembly, the House transacts no business until a new Speaker is elected.

Speaker, the Deputy



The Deputy Speaker serves the same role as the Speaker in his/her absence and also doubles up as the Chairperson of Committee of the Whole House.

Standing Orders

Parliamentary rules have been put together in the form of Standing Orders and are available for purchase from the Government Printer.

Vacancy of a Parliamentary Seat

Members of Parliament vacate the seat they were elected to in the following cases:

- When they relinquish their Kenyan citizenship.
- If they cease to be members of the political party which nominated them (through resignation, defection, etc.).
- When they are disqualified from contesting the election, or if they fail to attend Parliament for eight consecutive days of sitting unless permitted to do so by the Speaker.

Vote

A Vote has two meanings:

- 1) It can mean *money allocated for a specific purpose*: for example, the Ministry of Education vote.
- 2) A Vote can also be used to describe *a matter or a question put to Members to decide* by numbers for or against it. The majority carry the vote.

Vote on Account

A Vote on Account is *a request brought before Parliament by a Government Ministry* seeking permission to spend up to half of the funds outlined in the Budget. Such a request is presented in situations where Parliament has not passed the Ap-



propositions Bill for the particular Ministry.

Vote of Confidence

If Parliament fails to pass an important Bill, such as the Budget, it may be for reasons other than failure to garner votes, such as a technical problem with the Bill itself. In such a case, the Government may ask Parliament to declare confidence in its ability to lead. Members can do this by moving a Motion of Confidence. Seven days' notice must be given for such a Motion, known as a Vote of Confidence.

Vote of No-Confidence

If the political party that forms the Government is unable to gather enough support within Parliament to pass the laws necessary to implement its agenda, a Member may move a Motion questioning the ability of the ruling party to lead. This is a Vote of No-Confidence.

A Vote of No-Confidence has serious consequences. For example, if the Budget is presented and the ruling party cannot muster enough votes to pass it, this means that it cannot have the money to fulfil its election pledges and a Vote of No-Confidence may be moved. Such a Motion is usually moved by the Official Opposition Party, which has the next largest number of Members of Parliament.

If the Vote of No-Confidence is successful, ***Parliament automatically stands dissolved*** and all seats are vacant. Every Member has to seek fresh mandate from the electorate through seeking re-election at General Elections, which must follow. The President is expected to resign within three days of a vote of no confidence, or dissolve Parliament. In the event that the President does neither, then Parliament shall stand dissolved on the fourth day after a vote of no confidence in the Government. [(See The Constitution of Kenya, Section 59 (3)].

8. Questions Journalists often Ask



1. Can the President be asked to defend or justify his/her actions in Parliament?

Answer:

The Bomas draft Constitution brings out the following as the key plans that will make the House one of the most powerful institutions in the country. Apart from being powerful the document has also made sure that the House for once will be more open and transparent.

There is a lot of horse-trading currently going on with the draft that might affect the chapter especially on the issue of the *Senate*. However the following are the key recommendations:

1. The House will be the oversight body in the country with the power to vet and monitor the performance of the executive. With the Executive powers shared out between the President and the Prime Minister, the House has been strengthened to have the final say on decisions reached by the two as the Heads of government.
2. The House has also given the MPs expansive powers to remove by vote the PM and to impeach the President.
3. It is also proposed that Parliamentary committees should be open to the public. The public under this arrangement will be able to listen and contribute to the deliberations of the committees on public issues. The public will be allowed to contest certain decisions and present their views in memoranda on upcoming Bills before they are presented to the house.
4. Parliament is expected to have the powers to vet Judicial, Diplomatic and other key State appointments.
5. The Budget Committee within the house will also give the MPs a chance to debate and prioritise the budget.
6. The House will have the leeway to set its own agenda by agreeing on its programme. MPs will have the right to prorogue and reconvene Parliament: an issue that remains largely in the hands of the Executive.



The Kenyan parliamentary system is modelled against both the British and American systems. Under the British model, the Prime Minister is often called upon to justify his/her actions to Parliament. Since Kenya has Cabinet Government, the President can, in theory, be called upon to justify his or her actions to Parliament. This does not necessarily happen, however, especially since the President is directly elected.

2. Where does the Speaker derive her or his powers?

Answer :

The Speaker derives power from the Constitution, the Standing Orders and by convention – meaning that in matters needing more clarity the Doctrines of English Law are applicable. English Common Law has also been a source of law in Kenya since 12 August 1897, when English Law became applicable in Kenya

3. In the absence of a Vice-President, who is next in line to become the President?

(In the period between January 1998 and February 1999, Kenya had no Vice-President)

Answer :

In normal circumstances, the Vice-President is next in the line of succession to the President. In the absence of a VP, any Cabinet Minister elected by his or her colleagues becomes the next in line. The Constitution requires that elections be held within 90 days after the office of the President falls vacant.

4. Does the Constitution permit the Hansard to be edited?

Answer :

The ***Hansard*** is a verbatim report of the House's proceedings.



Constitutionally, the *Hansard* cannot be edited more than by adding punctuation marks. It is illegal to cut out whole words, sentences or paragraphs.

5. Should the current quorum rules be amended to reflect the increased number of constituencies?

Answer :

The minimum number for a Quorum is 30. The Standing Orders were changed but not the Quorum rules. Many observers say the Quorum requirement is scandalously low, such that important decisions or statutes can pass through Parliament with very few legislators present.

6. What did IPPG achieve?

Answer :

It made significant achievements in lessening the high political tension that marked the 1996-1997 years just before the General Election. It did not, however, deal with the core Constitutional issues in contention.

In theory, IPPG forced Parliament to approve the proposal for women to make up 50 per cent of all nominated MPs. This is yet to be fully realised.

IPPG also committed the Government to begin the process of Constitutional Reform within 100 days of the 1997 General Election.

IPPG also pressurised the Government to do away with licensing of public meetings, which has been seen as a major hindrance to political freedom.

Although IPPG also managed to get the Government to acknowledge the political interference of local administration organs from the level of Chief and below, little change has been seen in this area.



9. What are the constitutional provisions for Affirmative Action in Parliament, if any?

Answer :

There are none. The failed motion on Affirmative Action tabled in April 1997 was good as a lobbying tool. The failure of Parliament to pass it makes it inadequate if it is the only strategy being pursued.

The process of nominating women to Parliament, brokered by IPPG, requiring that half the nominees be women, ignored the fact that in a multiparty situation, the clause laying out this requirement was less effective. Had the clause contained a commitment by the President to ensure the nomination of women, the situation might have been different. However, it should also be noted that women's representation was already weak within IPPG, thus undermining any arguments in their favour.

10. Who can report on Parliament?

Answer :

Any journalist is eligible to be a Parliamentary Reporter. However, to be accepted as a Parliamentary Reporter, a journalist must apply through the Media House he/she works for and then follow the procedures for accreditation. After this, one is issued with a card, granting access to the Press Gallery.

Freelance reporters can also report on Parliament, but have to apply for permission from the Clerk first.

Journalistic skills for the parliamentary journalist

The basic professional skills required of you as a journalist handling Parliament are not any different from those required of other



journalists covering other domains, such as the law courts, sports, business, or international news. The underlying principles are the same. However, you are called upon to apply these underlying principles to Parliament, as your special area of focus. What are these general principles then?

I. Preparation

Britain's war time Prime Minister, Sir Winston Churchill once famously said, "If I have eight hours to cut a tree, I will spend six hours preparing for the job and two hours to cut down the tree. All good work requires adequate planning and prior preparation. The surest way to make a mess of yourself and of the media house you work for is to burst into Parliament and assume to be following the proceedings, take notes and file a report. The good journalist is one who will do the following preparatory things:

1. Know in advance the business of the House for the day. The Clerk itemizes the business for any one given day on the *Order Paper*. Get hold of a copy of the Order Paper in good time and familiarize yourself with the contents. You will find that you follow the proceedings with much ease.
2. Find out in advance which Bills and motions are likely to be coming before the House during a given session of the House. Once again the office of the Parliamentary Clerk is invaluable in accessing this information. You will invariably develop a working relationship with the Clerk's office.
3. Read around the issues addressed in the Bills before Parliament, or those that are in the offing. What new things do these Bills propose to introduce into the nation as a body polity? How will the proposed legislation affect the people of Kenya? What is the wider social, economic and political relevance of the proposed new law? How



fundamentally will it vary the *status quo*?

4. Talk to professionals and experts about proposed matters for debate in the House. Remember that while MPs may not take the business of the House to other forums outside Parliament, the journalist is not bound by the same considerations. You have the freedom, therefore, to talk to people who are knowledgeable about matters before the House and therefore contribute to expansion of knowledge on such matters through fair and informed analysis of the issues through your coverage.
5. Seek the assistance of Parliamentary Secretariat in getting hold of relevant information from the library and from other records that you are allowed access to. You should avoid pressurizing for and using information from documents that are classified as *Official Secret*. Such information includes information touching on the proceedings of Parliamentary Committees before they are brought to the House, as well as any Parliamentary business that is conducted *in camera*.
6. Try to find out whether proposed legislation exists in other parts of the world, and particularly in the Commonwealth Countries. If so, how have the said laws impacted upon social, economic and political life in the said country? You can easily find this kind of information by doing web searches on the Internet. You can also talk to experts in the given field for this kind of information. Whatever your sources, you will do yourself and your media house a lot of justice to *double-check your sources*. The rule of thumb is that three independent sources confirm the same information.

Fingertip information

Every journalist who covers any one beat requires developing



certain very basic fingertip information concerning that bit. This information is comprised of the most elementary facts about that beat. In the case of the parliamentary journalist, the following fingertip considerations are crucial.

1. You should know all Ministers and their Assistant Ministers by face and by name. Beyond this, you must make every effort to know which Government departments fall under which ministries. If possible, have a fact file on where such departments have belonged in the past. Your fact file should also have information on previous holders of various Government ministries.
2. In Kenya, Government Ministers are quite often changed through reshuffles. It is extremely important for you to keep abreast of such changes and move with them as soon as they happen.
3. You should endeavour, in the same vein, to know all Members of Parliament by face and by name. Know which Constituencies they represent, or if they are nominated MPs. A fact file with short notes on every MP and their constituency is an invaluable asset. You will place information on the file on the date when the person became a Member of Parliament, what he or she did before coming to Parliament, appropriate family information – which must however not be inappropriately and irrelevantly drawn into you stories – the most crucial issues in the MP's constituency and how they have been addressed in the past. This is particularly important because most MP's use the question time to address what they consider to be the burning issues from their constituencies.
4. Know the Standing Orders and Parliamentary jargon as best as you can. The section of this book dealing with the A to Z of Parliament will be very helpful. But, besides, buy yourself a copy of the Standing Order and take some



time to read through them. This small booklet is very cheap to buy. Copies may be bought from the Government Printer.

5. Understand the legislation process very well. Once again, ensure that you have mastered the relevant section addressing the legislative process in this guide.
6. Know the principal parliamentary officials by face and by name. These include the Speaker and his or her deputy and assistants. Whenever there are any acting deputies or assistants, you should know them by face and by name. You should also know the Clerk, the Deputy Clerk, the Sergeant-at-arms and the Hansard Editor. You will do well to know the other officials, junior to these key officers, but who hold crucial offices in their own way.
7. Know who is the Leader of Government Business in the House, the Deputy Leader of Government Business and the Leader of the Official Opposition. Know, also, the members of the Shadow Cabinet, put in place by the Official Opposition.

The people involved

Besides knowing the legislators by face and by name, it is important to know which political parties they belong to. Equally important, is the need to know or anticipate the position they are likely to take on a given issue, on the basis of their personal or political party inclinations. It is important to take note of occasions when a Member may break ranks with his or her political party position on a given Bill, or a section thereof. It is such departure from the grain that spices up your writing or reporting. Understand clearly why a political party takes a certain position on a Bill or Motion. Understand, too, why a member elects to depart from the position of his or her party.

The Legislative Process



Apart from knowing the legislative process by heart, you must follow each Bill very closely and know which Stage it has reached at any one given time. You must know whether it is in the First Reading, Second Reading, or whatever other stage. Understand the issues very clearly and be able to interpret for your audience, in case it hits a snag anywhere along the legislative line.

Etiquette

While you are not, yourself, a Member of Parliament, you should not lose sight of the fact that you operate in an environment where *etiquette*, *decorum* and *common decency* are considered very important qualities. You are not immune from these considerations. You must be appropriately groomed and observe other basics required of you as a Parliamentary journalist. (For details, read again the section of this book dealing with “Basic parliamentary etiquette for journalist”).

Postscript

You will find this book an invaluable companion throughout your



tour of duty as a parliamentary writer or reporter. You are encouraged to have it among the tools of your trade at all times, for ease of reference, whenever you are in doubt. You are also encouraged to engage in further relevant reading, and useful bibliographical information is given at the end of this book. Needless to say, as a journalist, you must keep yourself a breast of current events by accessing various news channels at your disposal. Such events form the platform that generates legislation.

The journalist who follows current events closely will not only be well prepared to follow well the making of pertinent new laws, but will also be able to monitor the application of new laws. Indeed it is not uncommon that even after a new law has come into existence, it risks failure of being closely observed. It is your duty as a parliamentary writer or columnist to draw attention to such anomalies in the application of the law.

It is also possible that the enactment of a certain law is likely to generate new legal problems. Remember that the Constitution of Kenya is the supreme source of the law of the land. If Parliament makes a new law that contradicts the Constitution, then that new law is null and void to the extent of the contradiction. How well do you know the Constitution of Kenya? You are strongly advised to take time off to study the Constitution of Kenya as well as the Interpretations Act (Cap 9) of the Laws of Kenya. The preparedness the two documents will equip you with is of immense value.

Over and above the foregoing, you are casually reminded of the obvious as follows:

- Get to work in good time. It is awkward for you and for everybody else when you arrive late and begin fussing around with seats and with your working tools, distracting and disturbing others whose attention is temporarily turned to you as you seek to find your level, generally looking lost and asking other journalists questions. You risk filing stories whose authenticity you cannot



vouchsafe for.

- It is normal that you could have hearing or even sight problems. Chose a good position from which the effect of these disadvantages is minimized. You will only capture such a suitable vantage position if you prepare well for your assignments and arrive early.
- Finally remember that you should never file anything whose authenticity you have cause to doubt. There is a golden rule about doubt in journalism. It says, ***“If you doubt it, leave it out.”*** The importance of this golden rule could never be overemphasized. If only journalists could remember and obey it, the frequency of embarrassing apologies and costly litigation against media houses would diminish. Be sure not to fall in this trap.

We trust we have added some value to your work as a parliamentary journalist. Good luck and all the best as you go about your tour of duty!

9. List of Resources

- Parliamentary library and secretariat staff. Access by



arrangement through the Clerk of the National Assembly and Secretariat Staff. Tel. (02) 221291 Parliament Road, Nairobi.

- Kenya National Archives and Documentation Services. Tel: (02) 225959, (02) 228020, (02) 226007, Moi Avenue, P.O. Box 49210, and Nairobi. Opening hours: 8.30 am to 4.30 pm.

Reference Books

- *Standing Orders* – Available from the Government Printer. Tel. (02) 226596 P.O. Box 30128, Nairobi.
- *Constitution of Kenya* – Available from the Government Printer.
- Back issues of newspapers – Libraries of the daily newspapers and other specialised resource centres.
- *The Pocket Constitution of Kenya*. A Public Law Institute Publication.
- *Inside the House of Commons*, by Baffin, John.
- *Parliament and Welfare Policy*: by Bootle Hugh M.
- *Lobbying: An Insider's Guide to the Parliamentary Process*: by Dubs, et Al.
- *The Houses of Parliament: A Guide to the Palace of Westminster*: by Fell, Bryan.
- *Parliament at Work*: by Heater, Derek.
- *Parliament*: by Jennings, Sir Ivory.
- *The Parliament State*: by Lloyd, Welwyn.
- *Parliament Questions* by Norton , Phillips.
- *How Parliament Works* by Silk, Paul.
- *The Times Guide to the European Parliament* by Wood, David and Wood, Allan.



- *The Electoral Administrator Manual* by Local, Charles.

