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STRENGTHENING PARLIAMENT AS AN INSTITUTION - SOME RECOMMENDED PRACTICES

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Lessons Notes report on best and replicable or avoidable practices in capacity building and development management by the African Capacity Building Foundation (ACBF), its grantees and partner institutions that undertake capacity building activities. The Notes are contributed by operations staff of the Foundation, its Technical Advisory Panels and Networks, beneficiaries of its support and partner institutions, and published periodically by the Knowledge Management and Program Support Department. Lessons Notes are essentially the views of the contributors and do not necessarily reflect the position of the Foundation.

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In this Lessons Note, Hon. Prof. Ruth Oniang'o, a member of Parliament in Kenya and Vice Chair of the African Capacity Building Foundation's Technical Advisory Panel and Network on National Parliaments and Parliamentary Institutions draws on Kenya's experience to highlight the rapidly expanding role and responsibilities of Parliamentarians in the African democratic setting, and identifies core areas in which capacity of Parliamentarians will need to be strengthened in order to enhance their effectiveness. The Note contends that a Parliamentarian is faced with multiple responsibilities for which he/she will need to be appropriately capacitated to allow for effective and sensible contribution to national development process. To meet modern day parliamentary responsibilities including intellectual challenges facing the Parliamentarian, the Note calls for the establishment of offices for parliamentarians, the provision of research support, especially in the form of a well-established research center, the setting up of an education department for continuous training of Parliamentarians to enhance knowledge of Standing Orders, to develop and strengthen skills for the drafting of bills and motions, and to raise their level of understanding of the procedures in the preparation of parliamentary questions, among others.

In addition, the Note makes a case for professional support to Parliamentarians in the form of personal assistants, and the strengthening of Parliamentary Committees by opening them up to professionals within and outside parliaments. It argues a cause for female Members of Parliament to head Committees, as well as for the need for reports of Committees to be put in the public domain for scrutiny in order to enhance accountability of Parliament to the people. The Note also calls for the establishment of an effective public relations office, live broadcast of parliamentary proceedings, and the provision of legal services to Parliamentarians as part of technical support in order to allow access to advice on legal matters, especially the drafting of bills. It concludes by noting the enormous progress that has been made by the Kenyan Parliament in addressing a number of the requirements raised and expresses confidence that the Parliament is on the path to becoming a success story, if it maintains the momentum of its continuing improvement.

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I. INTRODUCTION

As the conventional functions of Parliament (namely, lawmaking, representation and oversight) grow and take on more complicated dimensions, Parliamentarians are now more overburdened than before. Today, Parliamentarians in some African countries are supposed to assume functions, such as securing employment for the electorates; articulating the needs of their

constituencies; obtaining resources for their constituencies; building infrastructure from their resources; and paying for school fees, hospital bills and funeral expenses, among others. The present challenging environment caused by adverse changes in socioeconomic and political fundamentals and the increased poverty level has led to Parliamentarians being seen as major breadwinners to villages where people openly seek handouts from their Members of Parliament.

Hence, today there is both a growth and a significant transformation of the functions of the Parliamentarians in the African context. What this implies with respect to capacity building for parliamentary effectiveness is that Parliamentarians need to be empowered in order to be effective. This can only be achieved, if Parliament is strengthened through the provision of adequate facilities that will ease the strain on Parliamentarians and make them serve their constituencies most effectively.

The Kenyan Parliament has continued to improve since the reintroduction of multiparty system in the country. As more political parties are allowed to participate in elections, the democratic space has continued to expand. Freedom of speech has also improved for both politicians and citizens who now express themselves freely. Nonetheless, human beings will always be human beings in that criticism is not always taken kindly.

Another positive development in the Kenyan Parliament is the formation of the Parliamentary Service Commission that has given Parliamentarians some form of autonomy. This, alongside the establishment of offices for Parliamentarians, will go a long way to improve the performance of the lawmakers.

However, in order to strengthen the Kenyan Parliament further, a number of issues call for urgent attention. This Note highlights some of the actions that could be taken to improve the quality and effectiveness of Kenyan Parliamentarians.

II. OFFICES FOR MEMBERS OF PARLIAMENT

The idea of Parliamentarians having individual offices provides them with space to talk with their electorates and other stakeholders. Kenya is one country in Africa that has gone a step further not only in providing its Parliamentarians with offices, but also other facilities such as a gymnasium, swimming pool and other facilities that help Parliamentarians release the stress they go through in the discharge of their numerous responsibilities. It will be desirable for the spouses of Members of Parliament to be allowed to use the keep-fit facilities at Parliament Buildings, even if it means paying some minimal fee for the services²

These offices need to be properly equipped in order for Parliamentarians to feel their worth. Though computers have been provided in each of the offices, they are not connected to the Internet. This makes it difficult for Parliamentarians to have access to resources for research. It is important that all computers in Parliamentarians' offices be connected to the Internet so that Members can have access easily to research resources available on the net and also take advantage of electronic communication through the email.

There should also be interlinkage of the Kenyan Parliament with other Parliaments, major libraries and other institutions that will enable Parliamentarians get access to vital information that will help them carry out their functions effectively.

As much as the current offices for Parliamentarians at Continental House are working, each Parliamentarian should have a constituency office established and paid for by the Government so that he/she has a place to meet people and solve their problems. The two offices should be interlinked through communication networks to ease coordination. As things are now, Parliamentarians lack privacy in their homes as these have been turned into offices for the electorates.

III. RESEARCH FACILITIES

Parliamentary Research is another area that requires consideration. It is important that research facilities be made available to all Parliamentarians in order to strengthen their knowledge of development issues and enhance the quality of their contribution to debates. The current situation where only a few Research Assistants are shared by 222 Members is not the best. By the time the Research Assistants are through with one Member's work, others would have waited for too long to benefit from their support. Therefore, adequate research facilities and support need to be provided to Parliamentarians. As a start, the number of research Assistants should be increased to reduce their workload and allow them to give quality service. It is worth noting though that the whole notion of providing research support is both innovative and positive.

A Research Center should be established within Parliament Buildings where Members of Parliament can undertake their own research. Currently, even though it is commendable that the Kenyan Parliament has a research team, a proper Research Center is lacking. If this facility is provided, Parliamentarians will gain much as they will have a place to share knowledge and compare notes with others.

In line with a good Research Center, the Kenyan Parliament library needs to be upgraded. Reading materials touching on all subjects are provided in the library, but there is little reading space. It should be easy for a Parliamentarian to find information in the library as opposed to what is happening currently where the few dedicated professional library staff are unable to cope with the increased demand for information.

It is high time that Information Technology was introduced to fully automate the library. This will save on space and improve both the quality and quantity of information available to Kenyan Parliamentarians. The end result is that the country will have well-informed Parliamentarians who will be able to make high quality contributions that will drastically change the lives of Kenyans for the better.

As pointed out earlier, the reading space in the library is highly inadequate. Currently, only 16 people can find reading space in the library. However, it is good to note that the new library facility planned at Continental House where Parliamentarians have offices will improve on the reading space.

In short, the role of a library in improving Parliamentarians' work cannot be over-emphasized. A library is just a must for any Parliament to function effectively.

IV. EDUCATION DEPARTMENT

While it is easy for one to observe that the 9th Parliament in Kenya is composed of people of high integrity and extensive professional training, there is need for the establishment of an Education Department. This Department should, among other activities, train Parliamentarians on how to draft bills and motions, how to prepare parliamentary questions and other parliamentary processes and functions. This is notwithstanding the fact that professionals in Parliament are more than willing to assist and often are long-term employees of Parliament as turnover is minimal.

The recent attempts to encourage Parliamentarians to learn French is laudable, even though it would have been better to teach Parliamentarians Swahili, as most Parliamentarians are not able to communicate effectively using Swahili. Swahili is the national language in Kenya and one of the two official languages in the Kenyan Parliament, and it is understood by most Kenyans. Hence, the teaching of the language to Kenyan Parliamentarians will be more fruitful. If the Education Department is established, it will be able to handle the issue of teaching the language to all Parliamentarians with minimal constraints.

Another obstacle to Kenyan Parliamentarians' effective performance is the lack of an understanding of Standing Orders. By definition, Standing Orders are Rules and Regulations that govern the conduct of all Members of Parliament while in the chamber. They are part of Parliamentary Procedures. It becomes very difficult for a Member of Parliament to contribute effectively, if he/she does not have a good grasp of the Standing Orders. Hence, there is need for all Parliamentarians to be taught Standing Orders, which actually determine whether a Member of Parliament will ever contribute in Parliament or not. Sadly, some Parliamentarians in the Kenyan Parliament do not know the basic rules of Parliament that would have made their work very easy. No wonder some Parliamentarians have never made a single contribution in Parliament. There is normally orientation on Standing Orders at the beginning of every parliament, but more should be done in this area.

The Education Department can help all Members of Parliament understand Standing Orders by arranging for special seminars for Parliamentarians. Members of Parliament also need to be computer literate. Currently, most Parliamentarians in Kenya cannot use computers effectively. Since the world has become a global village where people share information through the Internet, information technology is vital for all Parliamentarians who aspire to improve on their performance. If this Department is established, it could be the nerve center for the improvement of the performance of Parliamentarians, as it will educate them on a number of issues. That said, it is important to note that computer classes are available for those who wish to benefit from them.

V. PARLIAMENTARIANS' STAFF

While commending the Kenyan Parliamentary staff for their professional and effective services to Parliamentarians, there is need for Members of Parliament to have well trained Personal Assistants. Personal Assistants to Members of Parliament are a vital link between Parliamentarians, the electorates and other development stakeholders outside Parliament. They act on behalf of Parliamentarians and help in making the work of Parliamentarians easy. A good Personal Assistant should be able to carry out research, assist to mobilize resources for projects, write project proposals, receive and attend to visitors, draft motions, do Parliamentary Questions, and provide advice. Unfortunately, most Parliamentarians in Kenya employ Personal Assistants not on the basis of their qualifications, but because they are relatives. This extension of family relationships to Parliament has led to poor performance of some Parliamentarians, as they lack proper professional staff to act on their behalf. There is need for each Kenyan Parliamentarian to have a well-trained personal

staff who will aid him/her in carrying out the numerous parliamentary duties. Such staff should be able to link Member's parliamentary activities with constituency requirements.

VI. PARLIAMENTARY COMMITTEES

Parliamentary Committees such as Public Accounts Committee, Public Investments Committee and other Departmental Committees need to be streamlined. Of particular interest is their composition. Political party whips will need to ensure that, as much as possible, professionals are assigned to Parliamentary Committees in order to enhance the quality of their deliberations. If, for example, one seconds a Member of Parliament to the Health Committee and yet such a Member has no training in Medicine or related fields, he/she may not be able to make any meaningful contribution to the Committee's activities. This will definitely lower the quality of the Committee's deliberations. So, it is important that Parliamentarians are seconded to Committees where they can work and contribute effectively as per their professions.

Though, not very much serious, the issue of gender balance should also be considered. Currently, no female Member of Parliament heads a Departmental Committee in the Kenyan Parliament. This has to change if women are to be motivated. It is hoped that the omission of women Members of Parliament from being chairpersons of Parliamentary Committees is not a sign of marginalization.

Other professionals and members of the public should also be allowed to attend Parliamentary Committee Sessions and make contributions. Many Kenyans have excellent ideas that can help most Parliamentary Committees but are not able to do so since most Parliamentary Committees' sessions are held in camera. This has to change to give people with ideas a chance to share these ideas with the various Committees in Parliament. The reports of these Committees should also be made public so that everyone is able to scrutinize them and give their views. After all, the Parliament is supposed to be accountable to all Kenyans.

VII. OTHER FACILITIES

As expressed earlier in this Note, it is not easy for all the needs of Parliamentarians to be fully met. However, it is possible to provide the most needed facilities that can help Members of Parliament improve on their performance.

The Public Relations office should also be streamlined. This office can play a vital role in opening Parliament to the public and enabling members of the public to understand the workings of Parliament. This office, though exists, needs to improve on its activities.

The media being the only vehicle of communication between Parliament and the public should be given space and a reasonable amount of professional independence to carry out its activities of fair reporting. One would long for a time when the various media houses would be allowed to broadcast live what goes on in Parliament for all Kenyans to be able to evaluate their leaders. The Public Relations office should always liaise with the media to ensure that all the proceedings in Parliament are reported in a fair and positive manner. Unfortunately, the Public Relations office in the Kenyan Parliament is yet to adequately assert itself, leaving individual Members to make their personal arrangements for press statements.

It is puzzling to find that what may have been a very good debate in the chambers does not even appear in the print media. Yet, Kenyans are always hungry for parliamentary news and wish to know what their Parliamentarians are saying in Parliament.

Legal Staff should also be made available to Parliamentarians to advice on legal matters and most specifically help in the drafting of Bills. As noted, most Private Members' Bills do not proceed well in Kenyan Parliament as the task is left entirely to the individual Parliamentarian wishing to introduce them. Parliament should provide for Drafters to help Parliamentarians draft Bills.

VIII. CONCLUSION

In conclusion, the Kenyan Parliament is one of the ever-improving Parliaments in Africa. It has seen several changes that are geared towards the improvement of performance of Parliamentarians. It is, however, instructive to note that there is still room for improvement, and local resources can be tapped to ensure that Kenya has a Parliament that can be regarded as a "best practice" by any standards. The country has the potentials to achieve this transformation. What it needs is the will.

CONTRIBUTIONS TO LESSONS NOTES

As part of its knowledge management program, the African Capacity Building Foundation encourages contribution of Lessons Notes by its professional staff members of its Technical Advisory Panels and Networks, beneficiaries of its interventions and partner institutions. Issues and questions relating to this Lessons Note should be addressed to the contributor:

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