

KENYA - PARLIAMENTARY STAFF TRAINING AND NEW MEMBERS' INDUCTION PROGRAMME

REPORT SUMMARY

4-6 OCTOBER 2018



IMPACT & OUTCOMES

Impact.

Kenyan Parliamentarians are more confident and skilled to make the Parliament of Kenya effective, accountable and inclusive, while strengthening UK's relations with Kenya.

Outcomes.

Outcome 1. Members and staff of the National Assembly of the Parliament of Kenya have strengthened their technical skills and increased their confidence to deliver their parliamentary responsibilities effectively and efficiently.

Outcome 2. The relationship between the UK (CPA UK and UK Parliament) and Kenya has further strengthened.

Outputs.

Output 1: 50 Members and parliamentary staff have attended the training programme and have greater confidence in performing their parliamentary responsibilities.

Output 2: Participants identified specific changes or actions based on the programme sessions which they will undertake within six months after the end of the workshop.

Output 3: The UK delegation has deepened its understanding of current developments in national security and counter-terrorism, human rights, and electoral reform in Kenya.

Output 4: A comprehensive post-programme report produced and disseminated to all key stakeholders.

PROGRAMME OVERVIEW

From 4 – 6 October 2018, CPA UK in partnership with CPA Kenya organised a training workshop for parliamentary staff and new Members of the National Assembly of Kenya in Mombasa, Kenya. Based on priority areas identified by CPA Kenya and the National Assembly of Kenya, the programme was designed to benefit parliamentary staff and new Members and covered themes from parliamentary practice and procedures to fostering good relationship with parliamentary colleagues. The UK delegation which led the training included two UK Parliamentarians, one clerk and two CPA UK staff. Around 50 members and staff from the Kenyan Parliament participated in the programme.

Key Highlights

- The UK delegation included The Rt Hon.

The Lord Steel of Aikwood KT KBE PC, The Rt Hon. The Baroness Armstrong of Hill Top and Katy Stout

- Around 50 MPs and parliamentary staff participated in the programme
- Participants found the programme relevant to their work and enjoyed the interactive format
- Participants indicated that the skills and techniques learnt during the programme would be very useful to fulfil their parliamentary responsibilities and expressed an interest in more similar trainings in future
- At the end of the programme participants undertook trajectory mapping which set out specific changes they would like to see implemented in Parliament



Members of Kenyan and UK Parliament

SUPPORTED BY:



British High Commission Nairobi

PARLIAMENTARY STAFF TRAINING AND NEW MEMBERS' INDUCTION PROGRAMME

FULL REPORT

4-6 OCTOBER 2018

Programme Background

Following Kenya's general election in 2017, CPA UK were asked to facilitate training for parliamentary staff and an induction programme for recently elected Members of the National Assembly to build the skills and capacity to deliver their parliamentary responsibilities. The workshop took place from 4-6 October 2018, in collaboration with CPA Kenya and the Parliament of Kenya. The parliamentary staff training programme focused on technical areas of committees and the related responsibilities of clerks with an emphasis on management skills. The new Members' induction considered parliamentary procedure and select committee work.

CPA UK and the Parliament of Kenya have maintained excellent relations over the past years. Parliamentarians and staff from both legislatures benefited from exchanges across a range of issues, including parliamentary procedure and scrutiny and committee work. Recent bilateral engagements include a programme for the members of the National Assembly Select Committee on Members' Services and Facility in March 2018.



Participants of the staff training on 4 and 5 October 2018

STAFF TRAINING

SETTING THE SCENE

The training for parliamentary staff involved a variety of offices and services and covered issues like committee business, stakeholder management and efficient working over the course of two days. After a welcome note by Mr Kipkemoi arap Kirui, Principal Clerk Assistant of the National Assembly, participants were asked to share one challenge and one opportunity related to their role or office. Responses ranged from better synergy between colleagues and offices, to difficulty in amending recommendations within committees, and problematic working relationships with Members. This exercise aided the UK facilitators, Katy Stout and Felicity Herrmann, to adapt the programme to participants' requirements and allowed participants to highlight their expectations for the workshop.

COMMITTEES IN THE NATIONAL ASSEMBLY AND THE UK PARLIAMENT

As with the 33 Committees of the National Assembly, select committees in the House of Commons launch their own inquiries, but UK committees do not include an Implementation

Committee tasked with following up progress made on recommendations. As a result, there is increase in the workload on committees, each following up on their own reports and recommendations.

COMMITTEE WORK: INQUIRIES

As the main tool for scrutinising government's policy and expenditure, committee inquiries remain essential to the workings of parliaments across the globe. Participants took the opportunity to discuss different stages of a committee inquiry, identify the workload associated with each stage as well as what makes these effective and lastly suggested ways to overcome common challenges. The group also explored indicators and tools to assess whether an inquiry had been effective, from measurable impacts such as a change in policy to less tangible effects such as increased public understanding of an issue.

Participants were particularly interested in the preparation stage of an inquiry in which terms of reference (TOR) are drafted and agreed. While it is important to specify the what, where and how of the inquiry, clarity is equally required in the submission guidelines for members of the public, experts, interest groups, charities or others to submit evidence. Clearly setting out the expected

format and length of submissions and requesting credentials and recommendations help contributors provide useful information. In a later discussion on improving processes, participants suggested several ways to process evidence more efficiently, from verifying sources to digitising, cataloguing and circulating submissions. One participant highlighted precise TOR as the main reason one of their recent inquiries on hospitals had been particularly effective. While deadlines for members of the public to submit evidence are necessary to progress the inquiry, they are not intended to dissuade submissions. UK committees may need to allocate considerable staff time to analyse and summarise the evidence depending on the amount received. The additional effort is worthwhile, as a large volume of personal experiences would be difficult for government to ignore, thereby lending greater weight to the committee's conclusions and recommendations. In addition to this, committees value examples of lived experiences as valid and reliable evidence. Several participants highlighted a discussion on evidence gathering, including the selection and briefing of witnesses, as very useful, in particular around ensuring diversity amongst witnesses and views represented.

Committees aim "to hold Ministers and Departments to account for their policy and decision-making and to support the House in its control of the supply of public money and scrutiny of legislation."

Katy Stout, Second Clerk, Work and Pensions Committee, House of Commons

COMMITTEE WORK: REPORTS

The session on committee reports also offered general recommendations for effective writing, from using simple language to specifying deadlines and measurable expectations. Imprecise recommendations, for example, not only limit the impact on government action and policy, but also make follow-up highly difficult. The session offered participants an opportunity to identify unhelpful language and suggest improvements to a range of example recommendations. In a discussion on the different

stages of the report drafting process, participants expressed a keen interest in the 'Heads of Report', a draft setting out only the structure and direction of the final committee report. Asking the committee chair and members to agree this document helps clerks in the UK Parliament draft a report in accordance with the committee's expectations. Participants explored how committees agreed draft reports in a group exercise, taking on the roles of chairs, members, and clerks.

One of the challenges the Kenyan clerks faced is the difficulty in finalising committee reports as members at times withdraw their support for previously agreed drafts. To manage this risk, committees in the National Assembly examine draft reports clause by clause in a committee meeting. Clerks then ask members for their signature to confirm their support of a draft report. The process differs significantly from the UK as reports are usually agreed by consensus without resorting to a vote. For instance, on one occasion the Work and Pension Committee agreed two reports within five minutes. This was achieved by providing committee members with copies of the draft report a week in advance of the meeting, allowing each member sufficient time to study the text and suggest amendments.

Another difference between the two parliaments highlighted in the session was that the House in the UK Parliament does not amend and vote on committee reports as in the National Assembly; instead, committee chairs present reports to the House and may use the launch of a report for a statement or debate in the Chamber. Government has two months to respond to reports, specify which recommendations it accepts or rejects, and explain its decision. Following up on government's progress on implementing recommendations takes up considerable staff time as the process continues in parallel to new inquiries.

FINANCIAL SCRUTINY

A session on budgets and financial scrutiny highlighted the inner workings of budget oversight for both the national and parliament budget. In contrast to the UK, where the topic enjoys considerable



attention – the Public Accounts Committee (PAC) in the UK, for example, is one of the most active and prominent committees and frequently quoted in the media – financial scrutiny in Kenya is not exhaustive. Financial scrutiny should also be conducted by clerks for their committee budgets, and the Budget Policy Statement (BPS) could be used as the starting point for wider financial scrutiny. For instance, clerks could suggest members scrutinise economic performance, the size of allocations and changes in policy as reflected in the BPS. Similarly, the National Assembly should scrutinise debt in much greater detail. When government refinances the cost of debt as it did in 2016, members should scrutinise the loan terms and query whether debt was used for growth or to repay other loans. In Uganda this process is easier as each new loan must have a specified purpose. Further, as new projects carry a greater risk of unexplained or increasing costs than projects nearing completion – possibly concealed in the estimates – a special control process should be exerted while approving new projects. Finally, the National Assembly should make greater use of reports by the Auditor General (AG) as well as the quarterly reports of the Director of the Budget Office for regular financial scrutiny.

FOSTERING GOOD WORKING RELATIONS WITH MEMBERS

Raised at various other points throughout the programme, the relationship between clerks or parliamentary staff and members presented a priority topic for many participants. Several shared anecdotes of uncomfortable situations where staff were confronted by members who at times used offensive language. To explore ways of defusing such situations in a professional way, participants role-played a range of possible scenarios, acting as clerks, members or committee chairs. Observers suggested alternative approaches and responses following each scenario. Participants also suggested considering a harassment policy and service agreement for staff and Members of the National Assembly similar to those used by the UK Parliament.

In the UK Parliament, clerks are expected to display high standards of professionalism, political impartiality, and mutual respect, but not expected to show deference towards committee chairs or members. For committee clerks in the UK Parliament, the relationship with their committee's chair is very important. Clerks should feel comfortable challenging their chair, but should do this in a professional manner. Despite this, the UK Parliament struggled with allegations of widespread bullying and harassment in 2018, resulting in new guidelines including the Behaviour Code for Parliament and an independent grievance policy.¹

INTERACTIVE EXERCISE

In one of several interactive exercises, participants mapped out the responsibilities and roles within their teams and offices. This helped identify examples of quality work as well as areas where improvements could be made. Some of the findings related to improving quality control and reducing delays in progressing completed work. Activities on specific terms of reference for

inquiries (TOR) and fostering good relations with members were also appreciated. The 'new ideas' which gained most attention included the use of social media, a service agreement for parliamentary staff and clerks, and a digital portal or catalogue of documents.

The staff programme closed with a trajectory mapping exercise where groups of five participants identified specific changes they would like to see implemented in the National Assembly, along with suggestions of stakeholders best placed to lead on these changes. Informed by the new ideas previously identified by participants, the completed trajectories included suggestions for improved



public outreach and access to parliamentary information and documents, updating existing documentation and handbooks, and clarifying the role of clerks and staff to Members.

NEW MEMBERS' INDUCTION PROGRAMME

The programme for members focused on two skillsets: technical skills, including proficiency in and understanding of parliamentary procedures, committee practices, committee reports and running evidence sessions, and soft skills like communications, managing relationships and effective questioning techniques. Participants enjoyed the practical format where each session allowed Kenyan and UK parliamentarians to share their experience and then participate in a group exercise and Q&A. Members found the sessions on communications particularly relevant and interesting.

SETTING THE SCENE

Similar to the clerks' opening session, after the initial welcome note by the Deputy Speaker, participants were given an opportunity to highlight the challenges they face as new parliamentarians. These discussions informed the UK team, who modified the programme content to adequately address the expectations and needs of the participants. Some of the key challenges highlighted were:

- **Capacity of new members to undertake parliamentary work efficiently**
- **Drafting TOR for committee inquiries**
- **Vested interests of some members**
- **Dishonesty of witnesses**
- **High expectations from constituents**

¹A The Working Group on an Independent Complaints and Grievance Policy (ICGP) was established in November 2017 to draft and consult on these new policies. More information is available at <https://www.parliament.uk/mps-lords-and-offices/offices/bicameral/independent-complaints-grievance-policy/>

- **Opportunity to speak in the Chamber**
- **Inadequate background information**

CHAMBER PRACTICES AND EFFECTIVELY DELIVERING CHAMBER SPEECHES

The session on chamber practices provided a brief overview of the main elements of procedure in the Chamber, including the role of the Speaker, debates, urgent questions, voting, private members bills, and Ministerial questions, as per the Standing Orders of the Parliament of Kenya. Participants discussed a wide range of themes like debates and motions, oral and written questions, private members' bills and legislative amendments. One recurring point of discussion was the limited opportunity for members, in particular new members, to speak in the Chamber as time is more likely to be allocated to well-known and senior Members. Participants benefited from the presence of the Deputy Speaker who duly noted their concerns. However, he pointed out that despite many opportunities to speak in the Chamber, members prefer to only speak during certain times, possibly to maximise media coverage. This puts a lot of pressure on the Speaker.

Participants particularly enjoyed the discussions on delivering Chamber speeches which focused on content, structure, tone, volume, and body language, including strategies to keep the audience engaged throughout. Research suggests most people remember around 70% of the start, 20% of the middle and 100% of the end of a speech or presentation. Speakers should aim to increase the 20% to 70% or even 100%, for example by employing techniques to increase impact around halfway through their statement. Participants explored three such techniques: the rule or power of three, contrasting thesis and antithesis, and using images or visual aids.

The rule of three requires structuring a speech in a way that differentiates between the three most important messages. For example, a speaker might introduce a Problem, Option, Solution; discuss Past, Present, Future; or explain What, Why, How. Adding antitheses or opposing words and phrases creates a contrast which makes a message more memorable. Finally, as many people are visual learners using pictures is an effective tool to attract and keep the audience's attention. This technique, of course, cannot be used in chamber speeches.

The use of impact openers – using prompts like “what if” or “imagine” at the start – could also help to immediately command attention. However, this should be followed by equally powerful content. At the end of the discussion, a video showing a powerful speech (video can be found [here](#)) delivered in the Chamber was shown which participants found very interesting. (For more information about speech techniques, please see the CPA UK handbook on communications [here](#).)

COMMITTEE WORK

The Kenyan Standing Orders clearly state that the powers of a committee chair are not equal to those of the Speaker, contrary to some chairs' interpretation. Chairs play a major role in making committees effective and efficient. To this end, chairs should review all relevant documents ahead of committee meetings and check reports before tabling. Chairs also play an important role in establishing cross-party consensus, for example by scheduling private pre-meetings ahead of public sessions to clarify the committee's strategy and discourage hostile questioning of

“If you see a good chair it will be because they have a good Clerk.”
Hon. Rachael Nyamai MP, Chair, Lands Committee, National Assembly

witnesses.

Reaching consensus within committees remains a challenge for the large committees of the National Assembly; most have 19 members including a Chair and Vice-Chair. Committees table reports in the House where they rarely pass unopposed. In contrast, in UK committees rarely resort to voting and reports are usually passed by consent. Committees hold votes only as a last resort to ensure they remain unified and speak with one voice, to lend their findings and recommendations greater weight. However, by nature of their work some committees may struggle more to reach consensus than others, reflecting a broader political discourse or disunity beyond parliament. One example of this is the challenging working context for UK committees on EU-related issues, where many committee members – and some of their constituents – remain divided over Brexit.



The Kenyan Parliament also had an issue with so-called “friends of the committee”: parliamentarians who do not belong to a committee but attend sessions out of interest, especially when a constituent or member of their community gives evidence. Some committees had found their members struggling to speak due to the many “friends” making statements and taking up time. This compromises the integrity of Parliament. The problem was partially solved with a new rule requiring “friends of the committee” to inform the chair before attending sessions.

The power of committees, especially in summoning witnesses, was a recurring topic of discussion. In both the UK Parliament and the National Assembly these powers are rarely tested; the first example for Kenya occurred in 2009 with the Defence and Foreign Affairs Committee of the National Assembly. The Powers



and Privileges Act protects both Members and witnesses, and in Kenya it accords committees powers comparable to those of a high court.

CONDUCTING EFFECTIVE COMMITTEE INQUIRIES: QUESTIONING TECHNIQUES

Gathering evidence is a crucial component of any parliamentary inquiry, enabling committees to base their recommendations on first-hand information and allowing members of the public, affected parties, and civil society groups to participate in the process. This theme explored different means of obtaining information for inquiries, effective questioning techniques, and the summoning powers available to committees. Participants, including UK delegates, shared their experience of questioning witnesses, particularly of dealing with a difficult witness. The most common techniques witnesses use to avoid answering a question are bridging, flagging and hooking. Members should watch out for these techniques in evidence sessions and ensure witnesses answer their questions. A special emphasis was placed on structuring questions in advance using TEDS PIE (tell, explain, describe, show & precisely, in detail, exactly), a helpful technique to deal with difficult witnesses. (For more detail about TEDS PIE and questioning techniques, please see CPA UK handbook on communications [here](#).)

At the end of the session, participants were shown two videos of UK select committee evidence sessions and asked to identify the use of bridging, flagging and hooking in the videos.

How do witnesses avoid questions?

Bridging: Witness answers only part of the question and pivots to answer a different one

Flagging: Witness flags up the importance of a particular area of their argument, distracting the questioner

Hooking: Witness mentions new information to move line of questioning in a different direction

WORKING WITH CLERKS

During the discussion on the working relationship between clerks and members, participants were made aware of the Behaviour Code for the UK Parliament drafted by the Working Group on an Independent Complaints and Grievance Policy (ICGP). The Code covers bullying, harassment, and sexual harassment, and applies to all persons working for or visiting Parliament.² The ICGP was established in November 2017 in response to allegations about inappropriate behaviour and a culture of bullying and sexual harassment in Westminster.³ Parliaments in any legislature benefit from adopting a respect policy and ensuring mutual respect between members and clerks.

Participants also explored standards and ethics in public office, a topic chapter six of the Constitution is devoted to in its entirety. Despite such extensive guidelines full implementation remains a challenge. Members were reminded to implement these in letter and spirit even outside Parliament as members' behaviour strongly influences public perception of the democratic institutions. The Kenyan Chapter of the African Parliamentarians' Network Against Corruption (APNAC) also works to fight corruption and aspires to maintain high ethical standards for all members.

"The judiciary has failed us in enforcing standards for public officials."

Hon. Dr Otiende Amollo MP, Kenya National Assembly

CLOSING

Closing remarks followed a trajectory mapping exercise in which Members outlined changes they wish to implement in the National Assembly. In feedback to CPA UK staff participants expressed an interest in continuous engagement via CPA UK through one-off activities. One participant suggested the National Assembly use their experience to host similar programmes for other parliaments and contribute to parliamentary strengthening across the region.

TRAJECTORY MAPPING

At the end of the programme, participants undertook an exercise to map specific changes they would like to see implemented to make the National Assembly more accountable, accessible, and inclusive and a reasonable timeline would to bring those changes.

²A draft of the UK "Behaviour Code for Parliament" is available at <https://www.parliament.uk/documents/UK%20Parliament%20Behaviour%20Code.pdf>

³More information on the ICGP and its reports and workstreams is available at <https://www.parliament.uk/mps-lords-and-offices/offices/bicameral/independent-complaints-grievance-policy/>

“The Programme was very relevant and practical. I enjoyed the sessions and deepened my understanding”

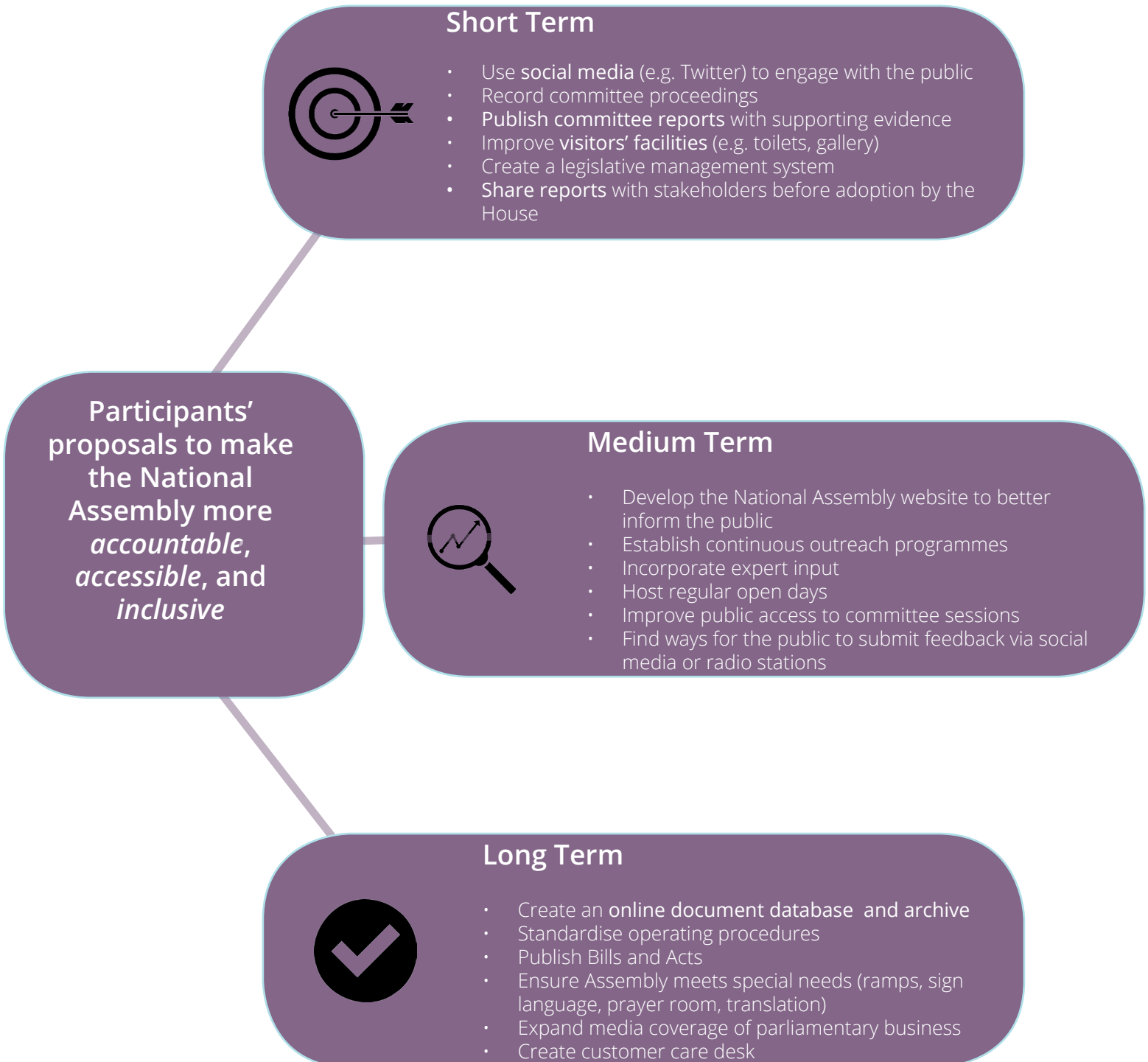
“The Programme reminded me of my role and responsibilities as a legislator ”

“As a second-time MP I have a good understanding of parliamentary practice and procedure and this programme enriched it”

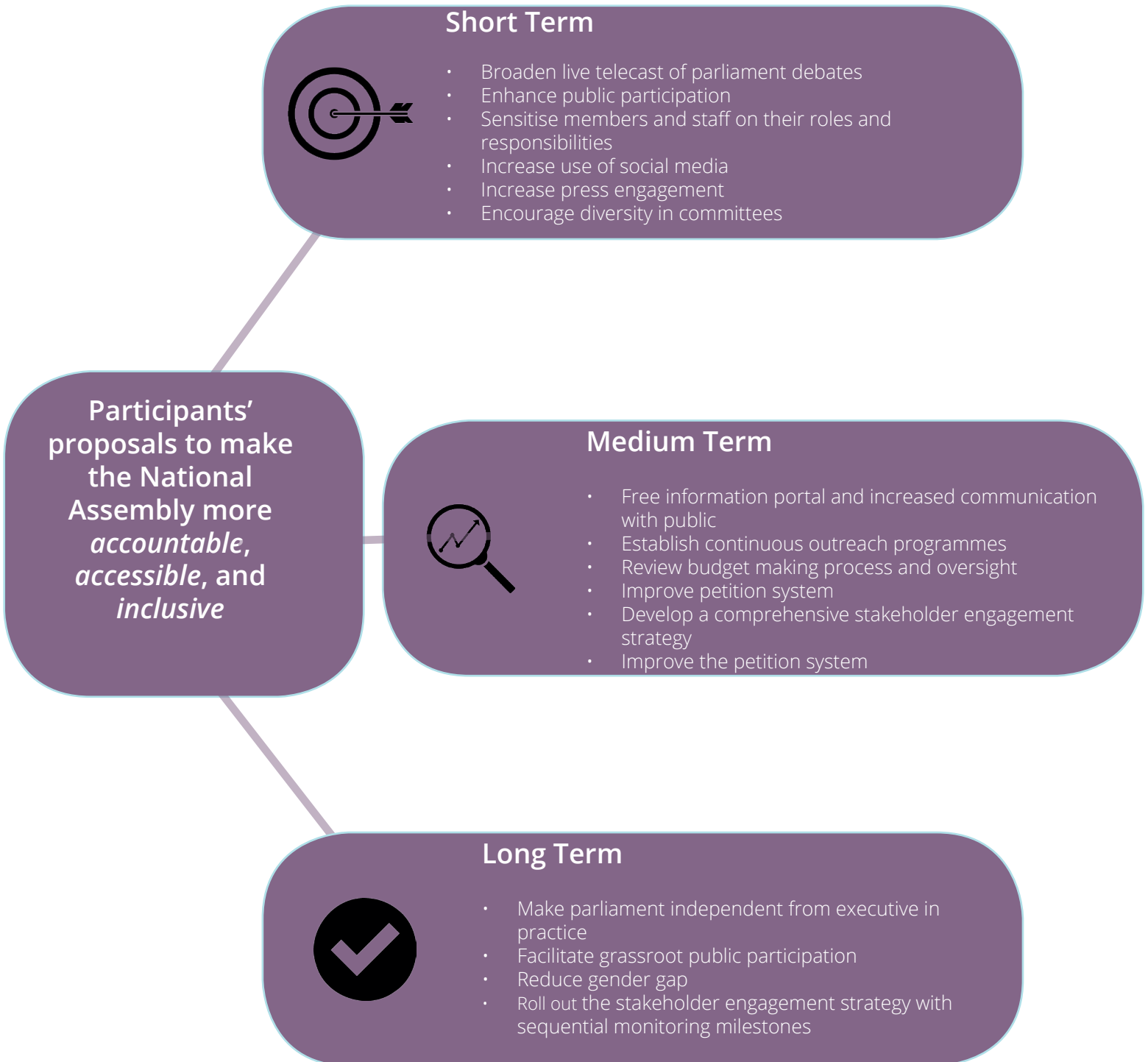
“As a Chair I gained more experience on how to be more inclusive in committee decision making”



MAPPING THE TRAJECTORY TO MAKE PARLIAMENT MORE ACCOUNTABLE, ACCESSIBLE AND INCLUSIVE: CLERKS



MAPPING THE TRAJECTORY TO MAKE PARLIAMENT MORE ACCOUNTABLE, ACCESSIBLE AND INCLUSIVE: MEMBERS

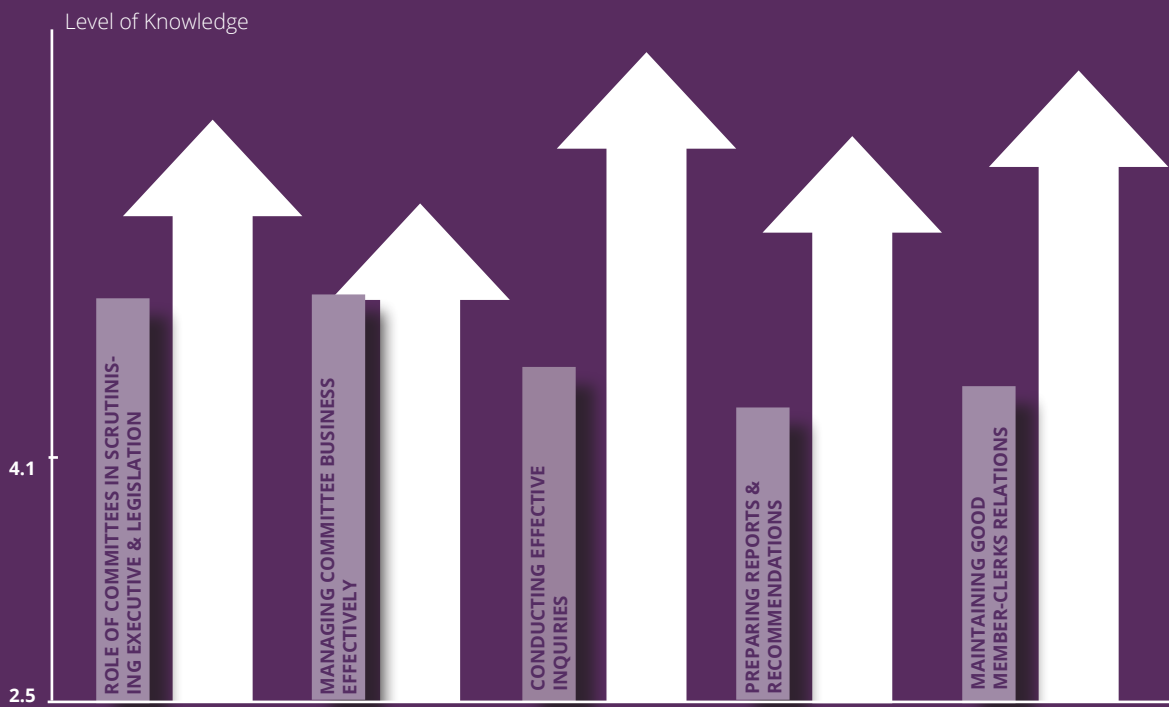
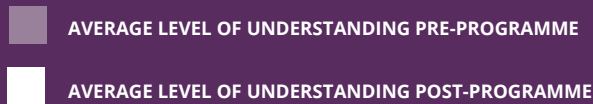


MONITORING & EVALUATION: KEY RESULTS (STAFF)

This workshop was designed to meet the needs of parliamentary staff to deliver their parliamentary responsibilities efficiently and effectively. The content was tailored to take into account CPA Kenya's feedback. The programme participants expressed a high degree of satisfaction with the training workshop. The evaluation results indicate that almost all participants felt confident or very confident in delivering their parliamentary responsibilities. Almost all participants experienced an increase level of understanding on technical skills. Likewise, almost all participants found the workshop sessions extremely useful. They also appreciated the practical format of the workshop, suggesting the need for more practical workshops of this kind.

Finally, participants suggested that CPA UK should regularly organise similar workshops so that more parliamentarians and staff can benefit from such training programmes.

100%
participants felt more confident to deal with their parliamentary responsibilities after the training programme

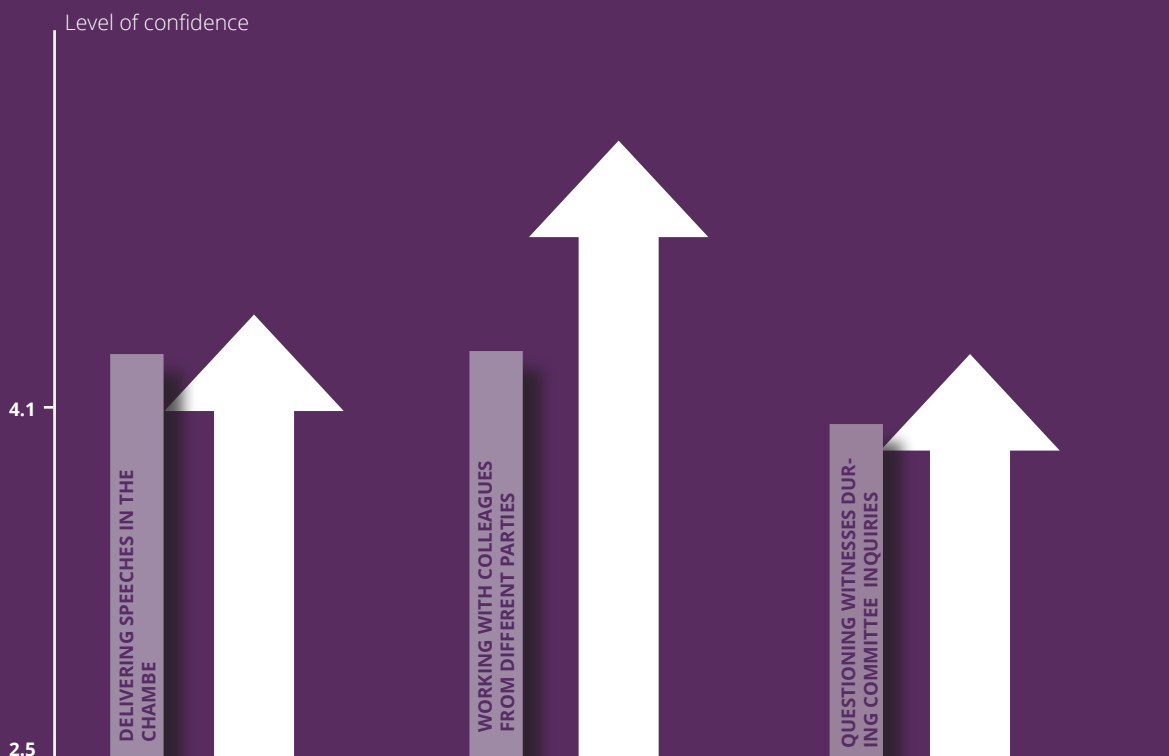
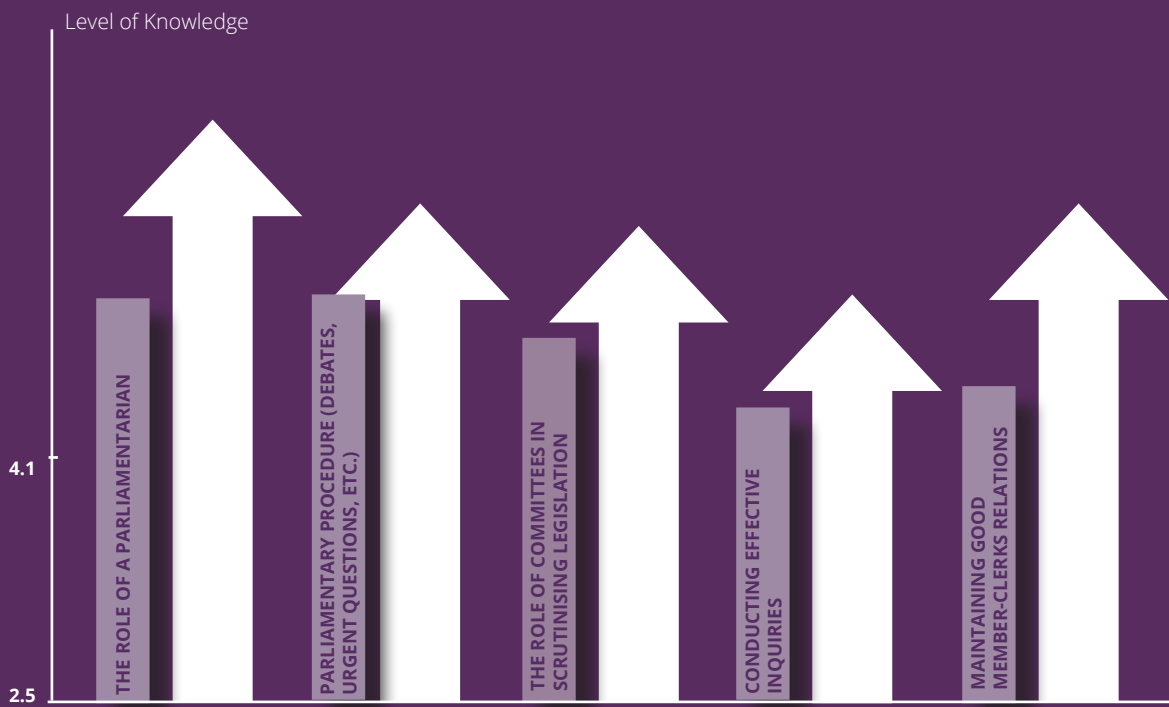
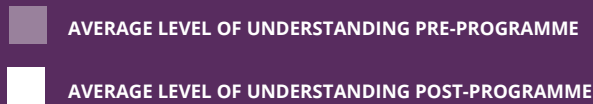


MONITORING & EVALUATION: KEY RESULTS (MEMBERS)

This workshop was designed to meet the needs of new parliamentarians to create a better understanding of parliamentary practice and procedure. The content was tailored to take into account CPA Kenya's feedback. The programme participants expressed a high degree of satisfaction with the training workshop. The evaluation results indicate that almost all participants felt confident or very confident in delivering their parliamentary responsibilities. Almost all participants experienced an increase level of understanding on technical skills. Likewise, almost all participants found the workshop sessions extremely useful. They also appreciated the practical format of the workshop, suggesting the need for more practical workshops of this kind.

Finally, participants suggested that CPA UK should regularly organise similar workshops so that more parliamentarians and staff can benefit from such training programmes.

80%
of participants felt more confident to deal with their parliamentary responsibilities after the training programme

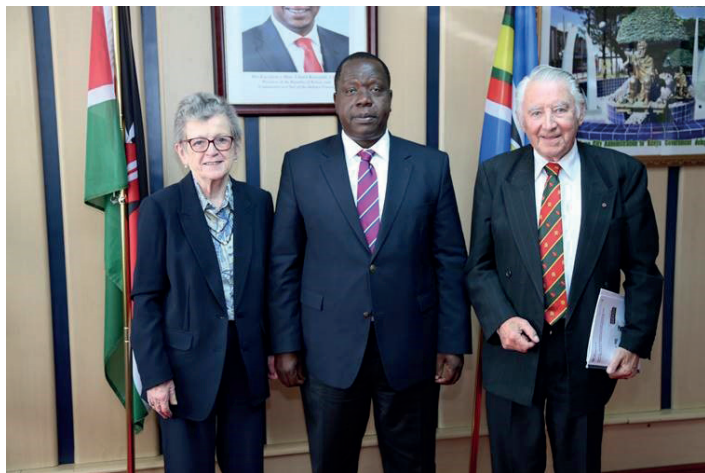


DIPLOMATIC MEETINGS

In addition to organising the training programme, the CPA UK delegation also met with ministers, legal experts and a wide range of stakeholders to better understand the current legal, political and social context of Kenya. While most meetings focused on national security (see the CPA UK Briefing Paper on National Security [here](#)), other topics like women's representation, the electoral process and human rights were also discussed.

UK - KENYA RELATIONS

The UK and Kenya have a special relationship and both countries collaborate on a host of issues including national security. In addition to diplomacy through traditional channels,



parliamentary diplomacy has assumed an important role in strengthening diplomatic relations between the two countries. Kenyan parliamentarians regularly visit UK and likewise UK parliamentarians visit Kenya to share experience and learn from each other. Where governments attempt to solve problems reactively, parliamentary diplomacy can be more effective in offering a framework for parliamentarians across the region to discuss the rule of law, human rights, and other topics proactively.

"We have a fantastic relationship with the UK."

"Parliamentary diplomacy has never been more urgent."

Hon. Dr Fred Matiang'i, Cabinet Secretary, Ministry of Interior and Co-ordination of National Government

THE CURRENT POLITICAL LANDSCAPE

Since the 2017 controversial general elections, Rt Hon. Raila Odinga EGH and President Uhuru Kenyatta have found common ground in fighting corruption and making government more inclusive, specifically for under-represented ethnic groups. The President amended the scope of major roles to this end, for example to enable the Attorney General to more effectively combat corruption. The 'Building Bridges Initiative' launched by President Kenyatta and Hon. Odinga in March 2018 has commenced public consultations to hear a broader range of views on this and other topics including constitutional reform, national unity, devolution,

and corruption.

However, a significant section of politicians is highly critical of the presidential system in its current form and there is a growing support for a return to the parliamentary system. Some refer to the current format as a "presidential system with a parliamentary mindset". Parliamentarians feel the separation of power between the executive and legislative modelled on the US system is not working in the Kenyan context. For instance, as ministers do not sit in the National Assembly, they can rarely be held to account by parliamentarians, making scrutiny of the executive very difficult. There are concerns that the presidential system might not effectively function in a "polarised country" like Kenya, and there is a risk of marginalisation of some demographic or ethnic groups. For these reasons, many agree that the legislature is not able to provide sufficient checks and balances on the executive, the President. Despite a strong Bill of Rights and a judiciary able to defend these rights, Parliament is considered by many as weakened and susceptible to direction from the Office of the President. Government further evades some scrutiny due to a weak opposition in the National Assembly. Critics have already raised the question of how the constitution could be changed, but this is only possible through a referendum or an Act of Parliament.

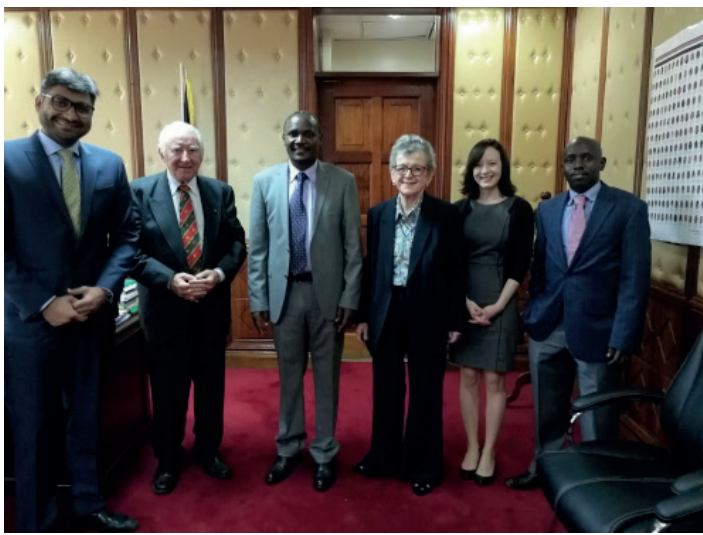
"The handshake brought political calm."

Hon. John Ng'ongo Mbadi, Minority Leader, National Assembly

A high turnover of elected representatives poses a challenge to Parliament's effectiveness as experienced members routinely give way to new members unfamiliar with parliamentary procedure. An important reason for this is an "impatient electorate" which tends to favour new parliamentarians at each general election. Another challenge for incumbents and candidates are the significant resources required to run a campaign and "chaotic" primary elections. Members of the National Assembly (NAMs) are also very likely to switch parties; members' party allegiances may change up to the month before the elections. Parties often do not carry candidates forward through different election cycles. Being a parliamentarian is also not widely considered a career. In addition to this, the political discourse in Kenya remains focused on identities over policy. Many key players in Kenyan politics, including President Kenyatta, former Premier Odinga, and Deputy President Ruto, have been criticised for competing over positions instead of defending their policy positions.⁴

Another issue which has received significant attention relates to the Community Development Funds (CDF), created as the result of devolution following the adoption of the new constitution in 2009. These funds are made available to each member of the National Assembly (NAM) for education or similar costs within their constituency. Reports suggest that funds have not been efficiently utilised; several corruption cases have been reported since the CDF was established. Although there have been cases of embezzlement, parliamentarians feel these funds are "better managed than money coming through the counties". Whereas

⁴More details and commentary in "Ruto acts to stop Jubilee collapse over 2022 polls", Daily Nation (published online on 14 January 2019, available at <https://www.nation.co.ke/news/politics/Ruto-bid-to-calm-jubilee-2022-storm/1064-4933774-12i8g8s/index.html>)



counties and governors are largely autonomous in allocating

resources, CDF funds are managed by committee, reducing opportunities for misappropriation and theft.

WOMEN IN PARLIAMENT

Only 47 of the 290 Members of the National Assembly elected by registered voters are women. Regional legislatures select female candidates from a party list to improve gender balance. There have been several attempts to pass legislation around women's representation in the National Assembly – the 2010 constitution prohibits a two-thirds majority of any gender in public institutions but does not specify any mechanism to achieve this. A bill debated in November 2018 proposed the creation of new seats if these figures are not reached at election, but the issue does not enjoy universal support. One contentious issue is the lack of 'sunset clauses' for some seats in the National Assembly reserved for women. Female representatives in these "comfortable" seats are not restricted by term limits, reducing the diversity of female voices in parliament and potentially encouraging poor performance.

NATIONAL SECURITY AND POLICE REFORMS

(For detailed information on national security in Kenya please see



CPA UK briefing paper on national security [here](#).)

Unemployment, especially youth unemployment, is one of the most significant risks posed to national security. Al-shabaab takes advantage of the high rate of youth unemployment to recruit unemployed young people with limited prospects in their cadres. In most of the recent attacks operated by Al-Shabaab in Kenya, the handlers were native Kenyans, not Somalians as is often assumed. The National Assembly is currently also working on two bills on cybercrime and data protection respectively.

To strengthen the internal security services, the Committee on Administration and National Security was engaged in police reform and improving the administration of police, with border control as a key focus. These reforms introduced a wide range of changes in the current police system, including merging the police and administrative police services. A major task for the police is to increase the public trust in their officers who are widely seen as corrupt. Low salaries leading to low levels of motivation are seen as a significant factor in shaping police behaviour. In addition to better pay and benefits, increasing the use of technology will also help improve public perception of the police by reducing corruption. Presented with a fine or ticket for speeding or other traffic violations, many Kenyans prefer to pay officers in person rather than submit a statement and be subjected to notoriously slow court proceedings. A full digitalisation of the police system – from recording the vehicle's speed to instantly sending the fine –



"The executive presidency is the cause of much of the tension."

"Money and muscle stands between women and becoming a candidate. It's very unpleasant being a woman candidate."

Prof Yash Pal Ghai, former Chair, Committee of Experts on Constitutional Review (CoE)

ANNEX A: FULL PROGRAMME

Thursday 4 October 2018

Parliamentary Staff Training Programme - Day 1: Technical areas of committees

| TIME | SESSION |
|-------------|---|
| 1130 - 1200 | Registration of Participants |
| 1200 - 1230 | Welcome and Introduction <p>This session will offer a background introduction to the programme, its structure, impact, objectives, and outcomes.</p> <p>Speakers: Michael Sialai EBS, <i>Clerk of the National Assembly, Parliament of Kenya</i> Katy Stout, <i>Second Clerk, Work and Pensions Committee, UK Parliament</i> Felicity Herrmann, <i>Programme Officer, CPA UK</i></p> |
| 1230 - 1300 | Session 1: Opportunities and Challenges for Select Committee Clerks <p>This session will explore the skills and knowledge required by committee clerks in carrying out their work. What are some of the key challenges faced by clerks in the Parliament of Kenya? How could these be overcome? Participants will also identify opportunities to develop current working processes.</p> <p>Facilitator: Felicity Herrmann, <i>Programme Officer, CPA UK</i></p> |
| 1300 - 1400 | <i>Lunch</i> |
| 1400 - 1515 | Session 2: Conducting an Effective Inquiry: From Initiation to Recommendations <p>This session will discuss the different stages of a committee inquiry, from initiation to the resulting report, and the workload associated with each milestone. It will include a discussion of the challenges experienced by the speakers in their roles in relation to committee inquiries.</p> <p>Speakers: Katy Stout, <i>Second Clerk, Work and Pensions Committee, UK Parliament</i> Florence Abonyo, <i>Director, Committee Services, National Assembly</i> Facilitator: Felicity Herrmann, <i>Programme Officer, CPA UK</i></p> |
| 1515 - 1545 | <i>Break</i> |
| 1545 - 1700 | Session 3: Conducting an Effective Inquiry: Gathering Evidence and Evidence Sessions <p>This session will explore the various ways in which committee clerks can assist in gathering evidence for a committee inquiry. It will discuss useful sources of information, both formal and informal, including how to approach and liaise with witnesses.</p> <p>Speakers: Katy Stout, <i>Second Clerk, Work and Pensions Committee, UK Parliament</i> Peter Chemweno, <i>Deputy Director, Committee Services, National Assembly of Kenya</i> Facilitator: Felicity Herrmann, <i>Programme Officer, CPA UK</i></p> |
| 1700 | <i>End of day 1</i> |

Friday 5 October 2018

Parliamentary Staff Training Programme and New Members' Induction

| TIME | SESSION | | |
|------|--|------|--|
| | <i>Staff Training: Technical areas of committees (continued)</i> | | <i>New Members' Induction: Parliamentary Procedure</i> |
| 0900 | Recap of day 1 Facilitator: Felicity Herrmann, <i>Programme Officer, CPA UK</i> | | |
| 0930 | Session 4: Drafting Reports and Recommendations with Impact Clerks offer crucial support to committee chairs and members in drafting reports with recommendations to government. While effective reports can increase a committee's impact, including too many or too vague recommendations can negatively impact their implementation and make follow-up more difficult. This session will explore what makes a report effective, and how clerks can support the process from drafting to publication. Speakers: Katy Stout, <i>Second Clerk, Work and Pensions Committee, UK Parliament</i> Facilitator: Felicity Herrmann, <i>Programme Officer, CPA UK</i> | 1000 | Registration |
| | | 1030 | Welcome and Introduction This session will offer a background introduction to the programme, its structure and the impact, objectives, and outcomes. Speakers: Michael Sialai EBS, <i>Clerk of the National Assembly</i> Hon. Justin B. N. Muturi EGH MP, <i>Speaker of the National Assembly</i> UK Delegation |
| 1045 | <i>Break</i> | | |
| 1100 | Session 5: Budget Scrutiny and Financial Monitoring This session will explore the role of clerks in effective budget scrutiny and financial monitoring. Speakers: Katy Stout, <i>Second Clerk, Work and Pensions Committee, UK Parliament</i> Phyllis Makau, <i>Director, Parliamentary Budget Office, National Assembly</i> Facilitator: Felicity Herrmann, <i>Programme Officer, CPA UK</i> | 1100 | Session 1: Role of a Parliamentarian: Opportunities and Challenges of Being a Newly Elected MP This session will explore the three key roles of a parliamentarian: <ul style="list-style-type: none"> • to represent their constituents • to legislate • to scrutinise Government. Participants will discuss parliamentary practice and procedure and the development of parliamentary democracy in reference to the UK and Kenya. Participants will also identify opportunities and challenges of being a new MP. Speaker: Hon. Gladys Boss Shollei MP Facilitator: Yashasvi Chandra, <i>Africa Regional Programme Manager, CPA UK</i> |
| | | | 1130 |

| <i>Staff Training: Fostering Management Skills</i> | | <i>New Members' Induction: Parliamentary Procedure (continued)</i> | |
|--|---|--|---|
| 1145 | <p>Session 6: Effectively Managing Committee Business</p> <p>This session will highlight the role of parliamentary staff in committee formation, managing day-to-day committee business, and ensuring the smooth functioning of committees. Staff can make an important contribution through the quality of support and advice given to Members by managing committee business proactively and understanding the needs of committee members.</p> <p>Speakers will share their knowledge and experience of managing committee business and challenges they encounter in their day to day work. Participants will be encouraged to highlight any challenges they face before discussing ways to effectively manage time when managing multiple committees.</p> <p>Speaker: Katy Stout, <i>Second Clerk, Work and Pensions Committee, UK Parliament</i> Facilitator: Felicity Herrmann, <i>Programme Officer, CPA UK</i></p> | 1200 | <p>Session 2: Tools of the Trade: Introduction to Chamber Practices and Procedure</p> <p>This session will give a brief overview of the main elements of the Chamber, including the role of the Speaker, debates, urgent questions, voting, private members bills, and Ministerial questions, as per the Standing Orders of the Parliament of Kenya.</p> <p>The session will also explore the tools at the disposal of individual parliamentarians to raise issues of importance. It will explore the practice and effectiveness of contributing to debates, drafting and signing motions, questions and proposing amendments to legislation, and raising issues at the constituency level.</p> <p>Speakers: Rt Hon. the Baroness Armstrong of Hill Top Hon. Patrick Mariru MP Facilitator: Yashasvi Chandra, <i>Africa Regional Programme Manager, CPA UK</i></p> |
| 1300 | <i>Lunch</i> | | |
| 1400 | <p>Session 7: Fostering Good Relationships with Members</p> <p>Fostering a healthy relationship with Members is key to success. Efficient management of parliamentary business heavily depends on constructive and sound working relationship between staff and Members. Staff should manage the relationship with a degree of professionalism which requires self-awareness, skill, and sensitivity in dealing with Members.</p> <p>This session will consider key challenges staff face in maintaining good relations with Members and how these could be addressed.</p> <p>Speakers: Katy Stout, <i>Second Clerk, Work and Pensions Committee, UK Parliament</i> Kipkemoi arap Kirui, <i>Principal Clerk Assistant, National Assembly of Kenya</i> Facilitator: Felicity Herrmann, <i>Programme Officer, CPA UK</i></p> | 1400 | <p>Session 3: Legislative Scrutiny: A Case of Public Bill Committees in the UK</p> <p>Following on from the above introduction, this session will look in detail at the legislative process. Understanding the Legislative process is key in MPs performing their responsibilities effectively.</p> <p>This session will explore the various stages and processes from the inception of legislation to its assent, including the functioning of Public Bill Committees. This session will draw on local expertise, to ensure accurate discussion of specific processes in Kenya.</p> <p>Speakers: Rt Hon. the Lord Steel of Aikwood KT KBE PC Hon. T.J Kajwang' MP Facilitator: Yashasvi Chandra, <i>Africa Regional Programme Manager, CPA UK</i></p> |

| | | | |
|------|--|------|--|
| 1500 | <p>Session 8: Managing Relationships with External Stakeholders and the Media</p> <p>In addition to managing their relations with Members, officials play a pivotal role in managing relationships with external stakeholders like government departments, witnesses, ministers, CSOs, and the public. This session will provide the opportunity to explore how to manage good relations with external stakeholders efficiently.</p> <p>This session will be divided into two parts. The first part will discuss relationships with government departments and ministers. The second part will focus on relationships with witnesses, CSOs, and the public.</p> <p>Speaker: Katy Stout, <i>Second Clerk, Work and Pensions Committee, UK Parliament</i></p> <p>Facilitator: Felicity Herrmann, <i>Programme Officer, CPA UK</i></p> | 1500 | <p>Session 4A: Delivering Chamber Speeches: Communicating Your Message Effectively</p> <p>Speakers will explore what makes a speech effective before participants try out new strategies in a breakout session.</p> <p>Speakers: Rt Hon. the Lord Steel of Aikwood KT KBE PC Rt Hon. the Baroness Armstrong of Hill Top</p> <p>Facilitator: Yashasvi Chandra, <i>Africa Regional Programme Manager, CPA UK</i></p> |
| 1600 | <i>Break</i> | | |
| 1615 | <p>Session 9: Mapping your Trajectory: Making Parliament Effective, Accountable and Inclusive</p> <p>Facilitators: Katy Stout, <i>Second Clerk, Work and Pensions Committee, UK Parliament</i> Felicity Herrmann, <i>CPA UK</i></p> | 1615 | <p>Session 4B: Delivering Chamber Speeches: Breakout Session</p> <p>Working collaboratively in groups, participants will hone their communications skills by reviewing short speeches and making their own, with feedback provided by their peers and the speakers.</p> <p>Facilitators: Rt Hon. the Lord Steel of Aikwood KT KBE PC Rt Hon. the Baroness Armstrong of Hill Top Yashasvi Chandra, <i>Africa Regional Programme Manager, CPA UK</i></p> |
| 1700 | <p>Programme Evaluation with CPA UK</p> <p>At the end of the programme participants will be asked to report on their experience and share any comments or suggestions.</p> <p>Facilitator: Felicity Herrmann, <i>CPA UK</i></p> | | |
| 1715 | <i>End of programme / tea / networking</i> | | |
| 1715 | <p>Tea time discussion: Parliamentary Oversight: Westminster Model v Presidential Model</p> | | |

Saturday 6 October 2018

New Members' Induction Programme - Day 2: Select Committees

| TIME | SESSION |
|-------------|--|
| 0930 - 1000 | Recap of Day 1 Facilitators: Yashasvi Chandra, <i>Africa Regional Programme Manager, CPA UK</i> Felicity Herrmann, <i>Programme Officer, CPA UK</i> |
| 1000 - 1100 | Session 5: Select Committees: Working with Clerks This session will consider the important role Select or Departmental Committees play in scrutiny. Participants will discuss the importance of clerk-Member relationships, the formulation of reports, cross-party cooperation, and how to effectively leverage committee reports to elicit an executive response. Speakers: Katy Stout, <i>Second Clerk, Work and Pensions Committee, UK Parliament</i> Hon. Rachel Nyamai MP Facilitator: Yashasvi Chandra, <i>Africa Regional Programme Manager, CPA UK</i> |
| 1100 - 1115 | <i>Break</i> |
| 1115 - 1230 | Session 6: Conducting Effective Committee Inquiries: from Initiation to Report This session will consider the different stages of conducting a committee inquiry, from drafting the terms of reference to agreeing recommendations and publishing reports. Speakers: Katy Stout, <i>Second Clerk, Work and Pensions Committee, UK Parliament</i> Hon. Opiyo Wandayi MP Facilitator: Yashasvi Chandra, <i>Africa Regional Programme Manager, CPA UK</i> |
| 1230 - 1330 | <i>Lunch</i> |
| 1330 - 1415 | Session 7: Conducting Effective Committee Inquiries: Questioning Techniques Gathering evidence is a crucial component of any parliamentary inquiry, enabling committees to base their recommendations on first-hand information and allowing members of the public, affected parties, and civil society groups to participate in the process. This session will explore different means of obtaining information for inquiries, effective questioning techniques, and the summoning powers available to committees. Speakers: Rt Hon. the Lord Steel of Aikwood KT KBE PC Hon. Adan Keynan MP Facilitator: Yashasvi Chandra, <i>Africa Regional Programme Manager, CPA UK</i> |
| 1415 - 1500 | Session 8: Building and Maintaining Committee Consensus Unified committees have the greatest impact in their scrutiny of Government. The session will explore how committees in different contexts can reach consensus on committee strategy, recommendations, and reports, to lend greater weight to their conclusions. Speakers: Rt Hon. the Baroness Armstrong of Hill Top Hon. Sabina Chege MP |

1500 - 1600 **Session 9: Standards in Public Office: Exploring Codes of Conduct and Parliamentary Ethics**

Members of the public as well as the media expect a high level of transparency from public figures, including parliamentarians. Codes of Conduct provide valuable guidance and direction for Members to ensure their understanding of their accountability to the public.

The session will consider some of the stipulations contained within the 2010 Constitution, the Leadership and Integrity Act, and the Public Officers Act, and provide a foundation for discussion on different systems and their merits and challenges. Specific topics will include registering interests, lobbying, and complaints procedures.

Speakers: Rt Hon. the Lord Steel of Aikwood KT KBE PC
Rt Hon. the Baroness Armstrong of Hill Top
Hon. Dr Otiende Amollo MP

Facilitator: Yashasvi Chandra, *Africa Regional Programme Manager, CPA UK*

1600 - 1630 **Session 10: Mapping your Trajectory: Making Parliament Effective, Accountable and Inclusive**

Facilitators: Yashasvi Chandra, *Africa Regional Programme Manager, CPA UK*
Felicity Herrmann, *Programme Officer, CPA UK*

1630 - 1645 **Programme Evaluation with CPA UK**

At the end of the programme participants will be asked to report on their experience and share any comments or suggestions.

Facilitator: Yashasvi Chandra, *Africa Regional Programme Manager, CPA UK*

1645 - 1700 **Closing Remarks**

Speakers: Rt Hon. the Lord Steel of Aikwood KT KBE PC
Rt Hon. the Baroness Armstrong of Hill Top

Vote of Thanks

1700 *End of programme / tea / networking*

ANNEX B: UK DELEGATION

The Rt Hon. the Lord Steel of Aikwood KT KBE PC

Liberal Democrat

Before he was raised to the peerage in 1997, Lord Steel served as Member for Roxburgh, Selkirk and Peebles from 1965 to 1983, and for Tweeddale, Ettrick and Lauderdale from 1983 to 1997. As Sir David Steel he also served as Presiding Officer in the Scottish Parliament from 1999 to 2003. Lord Steel attended the Prince of Wales School in Nairobi and speaks Swahili.



The Rt Hon. the Baroness Armstrong of Hill Top

Labour

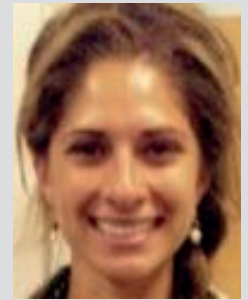
Before she was raised to the peerage in 2010, the Rt Hon. the Baroness Armstrong had served as Member for North West Durham since 1987. Before this she served as Councillor in Durham County Council. Over the course of her parliamentary career she has held two ministerial roles, including Minister of State at the Department of the Environment, Transport and the Regions and Minister for the Cabinet Office and Social Exclusion. Baroness Armstrong volunteered as a teacher in Kenya via the VSO from 1967 to 1969 and speaks some Swahili.



Katy Stout

Second Clerk, Work and Pensions Committee, House of Commons

Katy Stout is a senior clerk in the House of Commons. She is currently Second Clerk to the Work and Pensions Committee, which is responsible for scrutinising the administration, policy and expenditure of the Department for Work and Pensions. In this role, her main responsibilities are to advise the chair and committee members on matters of procedure, assist with planning the committee's work programme, liaise with external stakeholders, and manage inquiries. She has held the same role for the Education Committee and has also spent two years working in the Public Bill Office.



Yashasvi Chandra

Africa Regional Programme Manager, CPA UK

As the Regional Programme Manager for Africa, Yash is responsible for planning and delivering annual and long-term strategic programmes and advancing parliamentary democracy in the Commonwealth countries of Africa. He is also responsible for strengthening bilateral relations between the Commonwealth parliaments of Africa and Westminster.

He has worked with a number of international organisations, including the UN, managing human rights projects across the World. Yash holds an MSc in Human Rights Law from London School of Economics and an MPhil in International Relations from Jawaharlal Nehru University in New Delhi.



Felicity Herrmann

Programme Officer, CPA UK

As Programme Officer in the International Partnerships Team (IPT) at CPA UK, Felicity manages study visits to and from the UK Parliament as well as short programmes, workshops and other activities across different Commonwealth legislatures. Before joining the IPT she supported the UK Overseas Territories Project (UKOT) on good governance and public financial management, delivered by a CPA UK-led consortium of project partners. She holds an MSc in Comparative Politics from the London School of Economics.



ABOUT CPA UK

The Commonwealth Parliamentary Association UK Branch (CPA UK) is one of the largest and most active branches in the CPA community and delivers a unique annual programme both in Westminster and overseas. Overseen by the Houses of Parliament and governed by an Executive Committee of cross-party bicameral parliamentarians, CPA UK undertakes international parliamentary outreach on behalf of the UK Parliament and the wider CPA.

With a specific focus on parliamentary diplomacy and parliamentary strengthening activities, CPA UK seeks to foster co-operation and understanding between parliaments, promote good parliamentary practice and advance parliamentary democracy through a variety of international outreach activities and multilateral programmes. Its work is divided into three regions, which include national, regional and provincial legislatures and the legislatures of Overseas Territories:

- Americas, Caribbean, and Europe
- Africa
- Asia- Pacific

Working closely with parliamentarians and parliamentary officials, CPA UK focuses its bilateral and multilateral outreach activities on a number of areas, including parliamentary practice and procedure, and themes including human rights, public financial scrutiny, sustainable development, equal access to political and economic empowerment and democratic strengthening through election observation.

CPA UK continues to work in partnership with a multitude of national and international organisations for mutual benefit; including the Commonwealth Secretariat, World Bank, UNDP, UNEP, OAS and many others. CPA UK has, and continues to work alongside the UK Government. Over the last five years, CPA UK has leveraged close to £3 million of government funds to achieve its strategic aims in strengthening parliamentary democracy across the Commonwealth.

ACKNOWLEDGEMENTS

CPA UK would like to thank CPA Kenya and Parliament of Kenya for hosting and organising this programme. We particularly want to thank Ms. Lucy Wanjohi and Mr. Kipkemoi arap Kirui from Kenyan Parliament for their support.

Special thanks to Paveen Mbede at the British High Commission in Nairobi who provided significant support to this programme. We would also like to thank Nic Hailey, British High Commissioner, Nairobi. We look forward to our continued collaboration.

Report authored by Felicity Herrmann, *Programme Officer, CPA UK*

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