COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

THIRD ASSEMBLY – (SECOND SESSION)

LANDS, INFRASTRUCTURE, AND URBAN DEVELOPMENT COMMITTEE

REPORT ON TRAINING WORKSHOP ON ADVANCED PARLIAMENTARY THEORY AND PRACTICE HELD IN ISTANBUL, TURKEY

CLERK'S CHAMBERS,
COUNTY ASSEMBLY OF KITUI,
P.O. BOX 694-90200.
KITUI.

DECEMBER, 2023

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ABBREVIATIONS

CBO - Community Based Organization

CEDAW-Women - The Convention on the Elimination of All Forms of Discrimination against Women

COMESA- Common Market for Eastern and Southern Africa

EAC - East African Community

ECOWAS- The Economic Community of West African States

ESAMI- Eastern Southern African Management Institute

FBO - Faith Based Organization

JFK - John Fitzgerald Kennedy

IGAD - The Intergovernmental Authority on Development

LIUD - Lands, Infrastructure, and Urban Development Committee

MP - Member of Parliament

NGO - Non-Governmental Organization

SADC - Southern African Development Community

WTO - World Trade Organization

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CHAPTER ONE

1.0 PREFACE

Mr. Speaker,

On behalf of the Members of the Lands, Infrastructure, and Urban Development Committee and under the provision of Standing Order 190(5) (g), it's my pleasure to present to the House, the committee report on Advanced Parliamentary Theory and Practice conducted by ESAMI in Istanbul, Turkey.

The workshop that took place from 27th November to 1st December, 2023 was organized by The Eastern and Southern African Management Institute (ESAMI).

Mr. Speaker,

ESAMI is a service and market-oriented institution Pan African Regional Management Development Centre offering high-level specialized management training, consultancy, education programs, and action-oriented management research services.

In May 1997 the UN Economic Commission for Africa officially recognized ESAMI as The African Centre of Excellence in Management Development. This has enabled it to extend its services to all countries in Africa. It is renowned for its excellence in the provision of high-quality, client-centered management development interventions throughout Africa to meet Africa's management challenge in the new millennium. It is from this knowledge that the committee's choice of ESAMI to facilitate this training was based.

1.1 Composition of the Delegation

Mr. Speaker,

The delegation comprised the following who had a successful training session on Advanced Parliamentary Theory and Practice.

1. Hon. Alphonce Mukwayu Musyimi -Leader of the delegation
2. Hon. Judith Wanza Kasyoka   -Member
3. Hon. Kyalo Kimuli   -Member
4. Hon. Kalamba Musau   -Member
5. Hon. Alex Mutambu Nganga   -Member
6. Hon. Muthama Musyoka Kieti   -Member
7. Augustus Maithya Kyenze   -Secretariat

1.2 Objectives of the Training

Mr. Speaker,

i) To enrich members' understanding of the importance of committees, powers of committees, parliamentary scrutiny, how to constitute effective committees, and how to enhance the effectiveness of committees.

ii) To enhance members' knowledge on debating effectively in the Assembly through creating awareness of the rules of order and decorum in the House, Points of order, the role of officials in supporting debates, factors to enhance the effectiveness of debates, and influencing tactics for speeches and debates.

iii) To enable members, to gain knowledge on the importance of democracy to ensure the effective operation of the Assembly.

iv) To enlighten members on the parliamentary Practices and Procedures.

v) To accord members a broad understanding of the legislative process, different types of bills, and the stages they go through. It will also enable them to understand what entails the policy-making cycle, policy analysis, components and dynamics in a policy, the effects of public policies on society, public policy and the law of unintended consequences, monitoring public policies, and evaluating policy performance.

vi) To enable members, understand the factors that influence the functions of a County Assembly, and the mandate of functions of a County Assembly in Kenya.

vii) To create members' awareness of the powers, privileges, and immunities of a county assembly as well as share the experience of the Kitui County Assembly regarding County Assembly Privileges and Immunities since its inception in 2013 and how to forge ahead in the future.

viii) To help members understand how different parliaments are structured across the world and distinguish these structures in various jurisdictions as well as the functions of these different parliamentary structures.

1.3 Justification for The Training

Mr. Speaker,

Members of the County Assembly are bestowed with the mandate of legislation, representation, budgetary allocation to different County sectors, and oversight to ensure the effective working of the County Ministries and Departments.

The study tour comprised the chairpersons of the Committees that represent these sectors at the County Assembly. Equipping Members of the County Assembly with knowledge on how to handle matters that come before them through effective committee meetings and debates in the Assembly is vital to ensure democracy is observed during their day-to-day work.

Committees are integral parts of the conduct of Assembly business. An effective Committee system makes the Assembly more responsive to the needs of the electorate while making the role of the Members more relevant and the democratic process more representative of, and accountable to, the views of the electorate.

Members of the County Assembly are expected to work together towards a common goal. Following the precepts set by Section 14 (1)(b) of the County Governments Act, 2012 and in line with the County Assembly standing orders, a county assembly "may establish committees in such a manner and for such general or special purposes as it considers fit, and regulate the procedure of any committee so established".

Important to note is that committees perform specific roles on behalf of the Assembly. Therefore, their mandate and powers are given by the Assembly, through the County Assembly Standing Orders or resolutions by the County Assembly. This therefore implies that the mandate and powers cannot be assumed by the Committees i.e. the Committee may not go beyond the scope of the particular duties entrusted to it by the Standing Orders or by resolution of the Assembly. The Committees may also not work independently of the Assembly. The power and mandate of the Committee are for the whole Committee, not its members. In this regard, the mandate of Committees has to be exercised or discharged at a properly constituted meeting.

Following this, no decision of the Committee is binding unless the meeting was properly constituted. Besides, Committees of the Assembly make recommendations to the Plenary

of the Assembly in the form of resolutions included in committee reports. Their recommendations may or may not be acted upon by the Assembly or may be rejected or ignored altogether but they should adhere to the parliamentary procedures, practice, and democracy.

Members are mainly new entrants into the county assembly. It is necessary to expose them to the appropriate program to equip them with knowledge of parliamentary procedure and practice and the required skills to execute their core mandate at the committee level and during plenary debates.

Mr. Speaker,

It is in light of this that the Committee deemed it imperative to pursue this training to enhance the Members' knowledge in managing effective committees and effective debates that observe rules of order and decorum for a democratic and progressive County Assembly.

1.4 Committee Mandate

i) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;

ii) Study the programme and policy objectives of departments and the effectiveness of the implementation;

iii) Study and review all county legislation referred to it;

iv) Study, assess, and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;

v) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;

vi) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (Committee on Appointments); and

vii) Make reports and recommendations to the County Assembly as often as possible, including recommendations for proposed legislation.

1.5 Acknowledgement.

Mr. Speaker,

The committee is obliged to various institutions and individuals for the support and cooperation they provided which made the training workshop successful. They include the Ministries of Devolution and Immigration for approving the training workshop and timely processing of travel documents respectively.

The Committee is grateful to the Offices of the Speaker and Clerk to the County Assembly for facilitating the training.

Gratefully acknowledged is ESAMI for organizing the visit and dispatching Professor Banda to facilitate the study sessions and also representatives of the various places visited by the delegation for the warm reception accorded.

It is now my pleasant duty and privilege, on behalf of the delegation to table this report and recommend it to the house for adoption.

SIGNED BY: _____

HON. ALPHONCE MUKWAYU MUSYIMI, LEADER OF THE DELEGATION, LIUD COMMITTEE

DATE: 15/02/2024

Report Compiled by Augustus Kyenze – Committee Secretary

Adoption of the Report

Mr. Speaker,

The following members were present during the meeting to unanimously adopt this report;

1. Hon. Alphonce Mukwayu Musyimi-Leader of the delegation
2. Hon. Judith Wanza Kasyoka   -Member
3. Hon. Kyalo Kimuli   -Member
4. Hon. Kalamba Musau   -Member
5. Hon. Alex Mutambu Nganga   -Member
6. Hon. Muthama Musyoka Kieti   -Member

Report prepared by:

Augustus Kyenze- Secretariat

CHAPTER TWO

2.0 HIGHLIGHTS OF THE TRAINING

2.1 ENHANCING THE EFFECTIVENESS OF PARLIAMENTARY COMMITTEES

Mr. Speaker,

The Parliament can be seen as a marketplace for ideas and policies, a place where constituents seek redress, and a regulator of Government. In regulating Government, Parliament cannot effectively perform its tasks in an assembly of many members. Thus, the House delegates some of its responsibilities to smaller groups of Members, purposively constituted, to enhance efficiency and effectiveness.

Plenary comprises binary decisions to be made within a limited time and highly planned and controlled action. It places emphasis on interventions and not dialogue, and its also a public stage for party politics.

2.1.1 Importance of Committees

Mr. Speaker,

Committees are important in that they can do things the House cannot, in plenary such as administration, management, self-regulation, and scrutiny. They gather and publish evidence, make reports, and generate complex proposals for decisions by the whole House. Committees also enable Members to develop expertise in specific fields as they can access detailed information by interacting with technical experts and Government officials. They ensure greater transparency of Government functions since (some) proceedings are open to the public and the media. They Strengthen citizen participation in the parliamentary process through public hearings which is a form of outreach.

Debates in committees are conducted across party lines- making Members deliberate in a professional rather than "political" manner. On the other hand, the appearance of witnesses and technocrats can enhance Members' ability to handle complex and technical issues better. Committees also enlarge the 'policy space' by allowing professionals like the business community and non-state actors to give inputs on proposed policies.

2.1.2 Power of Committees

Mr. Speaker,

The Standing Orders prescribe what powers the House may delegate to committees. In this regard, committee deliberations should not be outside its jurisdiction, although it may apply for an extension of its mandate. They are therefore provided with general and specific mandates based on which they carry out their roles.

Committees can

i) Summon any person to attend and give evidence before the committee.

ii) Require any person to disclose and produce documents under their custody to the committee. Such documents may include papers that contain evidence required by the committee- e.g. reports, photographs, agreements, audio-visual recordings

iii) Create subcommittees of its members for specific purposes. These could be matters that require detailed investigation. Being a sub-committee of the main committee, it also has the powers of the committee it reports to.

2.1.3 Parliamentary Scrutiny

Mr. Speaker,

Scrutiny implies that Parliament holds the Executive to Account thus requiring them to explain their policies and programmes. There are two levels of accountability

i) Upward accountability

This is done through Audit and Parliamentary scrutiny. It is usually done through the Public Accounts Committee, other Select Committees, and Parliamentary questions and debates.

ii) Downwards accountability

Also known as outward accountability is done by being transparent and open to all stakeholders through the publication of annual reports, and consultation process among others.

Mr. Speaker,

The Executive is accountable in three major areas.

i) **Stewardship of Public Funds** through;

a) Regularity

The requirement that all expenditures and receipts should be dealt with under legislation authorizing them

   b) Propriety

The requirement that expenditure and receipts be dealt with following Parliament's intentions and the principles of Parliamentary control.

   c) Value for Money

   d) Effective Management Systems

The enactment of a Public Finance Management Act (2012) in the hope that the Act will promote transparency and accountability in public finance management contributing to reduced incidences of misuse and theft of public resources.

   ii) **Compliance** with the Law, Government policies, and initiatives, and public expectations of proper conduct. These include selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

   iii) **Performance** is based on objectives and targets in delivering acceptable levels of service to the public.

Mr. Speaker,

The constitution determines the types and nature of oversight committees. Most Commonwealth countries have Constitutional committees relating to Public Appointments, Budget, Defence and Security, and Legal Affairs. Standing Orders in many jurisdictions also establish Standing committees such as Public Accounts, Business, departmentally related, and Parliamentary Development and Coordination committees. Standing Orders then elaborate the broad functions of each departmentally related committee which is responsible for oversight of Government Ministries.

2.1.4 Membership of Committees

Mr. Speaker,

Political parties designate members to various committees through Party Whips. Independent members are allocated by the Business committee on the same conditions as those from political parties. In allocating Members to committees, Political parties are encouraged to consider Members' expertise and interest in a particular area. Members are

formally appointed to the committees by the Business Committee. An announcement is made by the Speaker in his/ her capacity as Chairperson of the Business Committee.

2.1.5 Enhancing Effectiveness

Mr. Speaker,

The effectiveness of committees may vary from country to country depending upon the context and tools used for measuring effectiveness. Some commentators have identified the following to be important in enhancing the effectiveness of committees in Parliament: the committee is as effective as its members. In this regard, Members themselves should work hard to make their committees powerful by ensuring attendance; and familiarity with issues investigated, among others.

2.1.6 The Chairperson

A skilled Chairperson is necessary in managing activities and meetings of the committee; This is in terms of his/her level of independence and ability to command respect from members. The Chairperson must gain the confidence and respect of Members by providing impartial and professional advice. He / She must also be seen to be firm, decisive, and fair

Qualities of an effective committee leader

i)   Competence;
ii) Flexibility and adaptability
iii) Honesty and Dependability
iv) Openness
v)   Tolerance
vi) Patience
vii) Humility and Stamina

2.1.7 Committee Members

Mr. Speaker,

Members must be proactive during meetings. Members should not be content with the information given but should have the ability and determination to probe the question further rather than sitting passively in meetings. There is a difference between attending and participating in a meeting.

Qualities of an Effective Committee Member

i) Regular attendance of committee meetings

ii) Preparedness to take the lead occasionally on particular items of the agenda

iii) Thoroughly reads and understands Standing Orders/other rules applicable Active /keen interest in committee business /proceedings

iv) Principled, assertive yet without being aggressive - prepared to give an opinion/ standpoint without being domineering

v) Bears in mind/focuses on the goals, mandates, and functions of the committee

vi) Supportive of other members and leadership of the committee

vii) Well prepared (planning, reading materials); contributes to discussion/debates in a relevant and constructive way

viii) Attentive listener who respects the views of others;

ix) Well informed/briefed about various items on the agenda to be discussed Professionally deals with and respects the secretariat/Staff

Mr. Speaker,

An ineffective committee member behaves as follows;

i) Irregular in attendance of meetings-frequently arriving late, leaving early

ii) Passive or apathetic-unprepared to take part;

iii) Uninformed of the committee mandate/agenda

iv) Unwilling to do background research work before the meeting

v) Over-assertive-dogmatic with a tendency to put other people down during committee discussions

vi) Persons with a `fixed' mindset or goals (Valley mentality)

vii) Having an agenda that he/she is not willing to share with other members; Attempts to usurp/take over the role of chair or is dismissive of the chair/secretariat

Mr. Speaker,

To enhance the effectiveness of committees, the committee must have a clear mandate and responsibilities, the committee Size must be appropriate to the mandate given, and the members should be equipped with skills in Consensus so that reports are adopted by the House.

2.1.8 Role of Committee Clerks

The secretariat is the fulcrum to the success of any parliamentary committee. The specific duties include the following:

i) Thorough knowledge of Parliamentary procedures especially those relating to the consideration stage of the Bill to assist Members;

ii) Quality support staff and research enhance the effectiveness of committees. Unbiased factual and accurate information is needed in committees

iii) Ensuring that Minutes of the Proceedings of the Committee are properly captured and are a true reflection of what transpired at the meeting.

iv) Knowledge of basic procedure to be followed by the Committee Clerk at the Committee stage as per Limon and Mckay (1977)

2.1.9 Effective Committee Secretariat

In Kenya, the specific duties of a committee secretariat include;

i) Facilitate election of chair/vice chair

ii) Consultations with the chairperson regularly and issuing notices/agenda of meetings

iii) In consultation with the chairperson, develop and review committee programs/work plans and budget

iv) Facilitate preparation of background papers on an inquiry;

v) Facilitate technical/research support on an inquiry on behalf of the Committee

vi) Provides procedural advice to the committee

vii) Provision of secretarial services to the committee;

viii) Preparation of comprehensive and accurate proceedings of the committee minutes.

ix) Custody of all committee papers and records

x) Tracking and implementing the decisions of the committee

xi) Drawing and maintaining a list of witnesses;

xii) Administration of oath to witnesses

xiii) Preparation of chair's briefs -appointments, witnesses, evidence so far, reports from liaison/RBC; Comments from the House

2.1.10 How to Shine at Select Committees

Mr. Speaker,

Paul Flynn has been a Labour MP of New Port West in the Commons since 1987 which gives him 36 years of experience as an MP. In 1987, Tony Blair declared himself as an outstanding Parliamentarian. He authored a book titled "How to Be an MP" in 2012 (ISBN 978 1 84954 220 3.) and advises on "How to Shine at Select Committees". The following are the key takeaways from his book;

i) Have some knowledge or interest in the subject

ii) Develop forensic interrogation skills and Socratic judgment

iii) Study of the strengths and weaknesses of Committee Members – including the Chair

iv) Carefully plan questions from a detailed study of evidence. Quote vital phrases or induce witnesses to repeat key sentences. Remember, a small number of people will read the final report but millions may hear the verbal evidence

v) Some witnesses may be unsophisticated. Handle them gently. Put them at ease. Be courteous and ask deliberately easy questions.

vi) Remember that Civil Servants may have coached before appearing before the Committee. Some may have received questions in advance from their friends on the Committee. So ditch the prepared questions

vii) Some witnesses are obstructive. These deserve no mercy. Try to knock them off the perch with your first question. That question should expose a contradiction or falsehood in their evidence. Let them know they are not answering the questions. If the witness persists in stonewalling, apologize for being direct and discourteous, then ask a question that is sharply direct and discourteous.

viii) Avoid vague questions. Do not play to the gallery. Ask sharp single questions that strike at the heart of the issue.

ix) To fill the gaps in evidence, ask written Parliamentary questions on points not fully developed by Witnesses.

x) Exploit the value of the Final report afterward by asking questions and debates.

2.2 ENHANCING THE EFFECTIVENESS OF PARLIAMENTARY DEBATES

Mr. Speaker,

The main business in the House often takes the form of a debate. This includes debates on legislation, general topics of interest, or issues selected by the major parties. Debates are held in which Members discuss government policy, proposed new laws, and current issues. They are designed to assist Members in reaching an informed decision on a subject.

Votes are often held to conclude a debate, which may involve then passing or rejecting a proposed new law (legislation) or simply registering their opinion on a subject. Subjects are introduced as a proposal, or motion, by Members, then debated according to strict sets of rules.

All debates are recorded in 'Hansard' which is available online or in print. The record is named after Thomas Curson Hansard the 19th century publisher who initially published the debates of the House of Commons secretly.

2.2.1 Rules of Order and Decorum in The House

Mr. Speaker,

Members are required to maintain the highest degree of etiquette and parliamentary decorum for the smooth conduct of debates. One of the guiding principles is the need to show civility and tolerance for other Members even if they hold divergent views. Important rules of parliamentary etiquette range from the mode of speaking, and the attire to be worn by Members and Strangers (an old term used to describe anyone who is not a Member of Parliament or Officers of the House- slowly being replaced by the term" visitors") the civility of remarks during debate to the general authority of the Speaker and Deputy Speaker.

Mr. Speaker,

Here are some of the most important rules:

i) Prohibition from wearing political party uniforms

ii) Members to rise when the Speaker's procession enters or leaves the chamber. No member is allowed to enter or leave the chamber until after prayers and the Speaker has taken his/her seat.

iii) Bowing before the Chair when entering or leaving do so with decorum

iv) Every Member is to speak from their assigned seat. However, Cabinet Ministers and leaders of Opposition who have to move a motion may speak from the lectern

v) Member can only speak after being given the floor by the Speaker. He/she must first 'catch the eye of the Speaker' by rising from their seat (as in EALA) or other means such as electronic recognition as in Zambia and other countries.

vi) It is disorderly behavior for a Member to refuse to withdraw an un-parliamentary remark when ordered so by the Speaker

vii) Member must sit down when the Speaker is speaking or is calling 'out his/ her name.

viii) Members are not allowed to read newspapers, books, or use their laptops, or cell phones in the House. Some jurisdictions have allowed the use of iPads, for example in the Chamber. If a Member wants to cite documents in the House, they must lay them on the table – make the documents available to other Members.

ix) During the debate, Members may not refer to another Member by name but by the offices they hold in the House or the constituency they represent. This helps to prevent debates from being personalized. All Members are referred to as 'honorable"

x) Members may not refer to or discuss matters that are pending before the courts as it may prejudice the court process. Such matters are sub judice.

xi) A Member holding the floor is entitled to be heard in silence. If Members have to converse, then they should do so in low tones so as not to disturb the Member who has the floor.

xii) Every Member participating in the debate must address the Chair This helps to lessen heated exchanges and personal attacks between Members.

xiii) Members are not allowed to cast aspersions on the integrity or impartiality of the Chair.

xiv) Members are expected to be of good temper and use civil language during debate.

xv) Members are not allowed to debate or refer to the private life of another Member.

xvi) A member making a maiden speech is usually given priority by the Presiding Officer. The expectation, however, is that the member will not introduce controversial matters. Members are advised not to interrupt a Member delivering a maiden

speech as one way of extending courtesies to the new Member. However, the Chair may relax the rule for purposes of offering guidance to the Member and the House when necessary. It is the custom of the House that subsequent contributions to the debate must congratulate the new Member.

xvii) A Member who holds the floor at the time of adjournment or interruption is given preference at the resumption of debate.

xviii) Members are not allowed to read from prepared speeches while addressing the House- as it tends to lose the thrust of the debate.

xix) Members are not expected to use the media to criticize the Speaker to remedy what they may consider to be an injustice. Doing so is considered to undermine the dignity of the House and the office of the Speaker.

xx) No member is allowed to pass between the mace and the Speaker, and between the Chair and the Member holding the floor.

2.2.2 Points of Order

Mr. Speaker,

i) When a Member feels that a breach of procedure or practice has taken place, and in his/her opinion the Chair has not noticed, may bring such perceived transgression to the attention of the Chair for guidance and ruling.

ii) A Member may interrupt the debate by rising from their chair and shouting" Point of Order Mr/ Madam Speaker". The Member can only formulate their point of order after the Speaker has granted him/her the floor. i.e. after "catching the eye of the Speaker".

iii) Once the floor has been granted, it means the proceedings before the House are suspended until the point of order is disposed of by way of a ruling immediately or reserving the ruling to a later date

iv) The Speaker is advised to sometimes pretend to be "a little deaf and a little blind". Source: Rt. Hon. George Russel Strauss- British House of Commons, 1966.

2.2.3 General Principles When Raising Points of Order

Mr. Speaker,

Many Commonwealth Parliament have developed the following principles about raising points of order:

i. Member may not make a speech in the course of raising a Point of Order

ii. A Point of Order must relate to a matter of procedure or practice of the House or use of Parliamentary language. Points of Order cannot be raised on substantive motions, resolutions, or questions.

iii. A Point of Order cannot be raised on a Point of Order

iv. Once a ruling has been made on a Point of Order, it is disorderly to refer to and make comments on the same.

v. A Point of Order must relate to something that the Speaker has jurisdiction over. Mere academic or hypothetical issues that do not fall within the purview of the Speaker are not allowed.

vi. Frivolous Points of order usually receive condemnation from the Speaker

2.2.4 Enhancing Effectiveness of Debates

Mr. Speaker,

Debates allow MCAs to discuss Government policy, proposed new laws, and current issues. They allow MCAs to voice the concerns and interests of their constituents and speak about issues brought to their attention by citizens. Debates also enable MCAs to reach an informed decision on any subject matter.

The Speaker as presiding officer regulates discussions. His / Her rulings may be final- not subject to appeal or review except as provided for in the Rules of the House.

The House may resolve to impose a limit on the time in respect of any particular motion by allocating a limited period for such debate. The Speaker may also, at the commencement of proceedings, announce the time limit for each member to contribute to the debate.

Mr. Speaker,

There are four (4) main factors to the effectiveness of debates in parliament:

i)The size and quality of Members of Parliament

The size will influence the time limit for contribution by each member while quality is in terms of educational levels, up-to-date understanding of the subject matter, interest, and commitment, and how to use the allocated speech time effectively.

ii) Skills of the Presiding Officer

This is in terms of his/her level of independence and ability to command respect from members. The Speaker must gain the confidence and respect of Members by providing impartial and professional advice. He/She must also be seen to be firm, decisive, and fair.

iii) The quality of Technical Staff

This will determine the quality of analysis and documentation availed to Members and greatly influence the direction and outcomes of debates. A thorough knowledge of parliamentary practices and procedures is a must, and so is professionalism, integrity, and commitment.

iv) The Rules of Debate in the House.

Each House has its own rules for debate. Whatever the provisions, the rules must not seek to control and gag members but facilitate debate.

2.2.5 Influencing Tactics for Speeches and Debates

Mr. Speaker,

The following are tactics when making influential speeches and debates;

i) Reason – Using facts, logic, and arguments to make a case

ii) Inspire – Engaging with the heart, and possibilities. For example, JFK 1960's speech on putting a man on the moon by the end of the 1960s not because it was good but because it was hard.

iii) Ask – Questions to encourage other person to make their way to your conclusion

iv) Feel Good – Seeking to put someone in a positive state to make them more receptive.

v) Deal – Explicit or implicit offer that we'll do something in return i.e. Trading concessions.

vi) Favour – Asking it as a favor.

vii) Silent Allies – Refer to views of others, particularly those likely to carry weight with the person you're influencing.

viii) Authority – Appeal to rule or principle E.g. Human Rights Act.

ix) Force – Put it as a must (Do it or else).

2.2.6 Influencing Tactics for Speeches and Debates When Presenting Information Positively

Mr. Speaker

All meaning is context dependent so the facilitator recommended that one should look for the context or comparison that makes their approach look better. In ensuring the brilliance of speech, one could use ethos to prove their credibility and authority to speak. They could also use pathos to achieve emotional appeal. In addition, logos is about logic and reason and could be used to enhance speech or debate by providing evidence to back the statements made. All these three tactics are important.

2.2.7 Operationalizing Parliament and Democracy

Mr. Speaker,

A democratic parliament is characterized by proper representation, transparency, accessibility, accountability, and effectiveness in its operation. It can be realized through free and fair electoral system and process, open, independent party procedures, organization and systems, opposition political parties allowed to freely exercise their mandates, freedom of speech and association is guaranteed, parliamentary rights and immunities including integrity of presiding officers and other office holders are guaranteed.

Representative

A parliament is democratic when it has in place means of ensuring that all sectors of society are represented and reflect national and gender diversity. Mechanisms to ensure the rights of opposition political parties and that its members exercise their mandates freely without undue influence and pressure

Transparent

A parliament is democratic when it is open to the nation through the different media, and transparent in the conduct of its business. It can be realized through proceedings open to the public, prior information on the business before parliament – order paper, weekly

order paper, documentation available in relevant languages, functional and updated website, parliament's own public relations office, freedom of information/ access to information, Hansard online 1 day after debate, facilitating media to report on the work of parliament within a regulatory framework.

It can also be realized by taking Parliament to the people through outreach and informing and involving young people.

Accessible

A parliament is democratic when it involves the public, including the associations and movements of civil society, in its work program. It can be realized through public participation in pre-legislative scrutiny, petitions by members of the public, the possibility of lobbying, grievance procedure, and the possibility of lobbying.

A parliament is also democratic when it is physically accessible to parliament It includes ramps for persons living with disability in wheelchairs, constituency offices, outreach, live broadcasts, a published parliamentary calendar, and effective consultations with constituents for instance public participation in the budgetary process- a constitutional requirement in Kenya.

Accountable

Mr. Speaker,

A parliament is democratic when it is accountable to the electorate for its performance in office and integrity of conduct. It can be achieved through effective electoral sanction and monitoring process, standards and enforceable code of conduct, adequate salary for members, register of outside interests and income, enforceable limits on and transparency in election fundraising and expenditure, and constituency office.

Effective

It is a democratic Parliament when it effectively organizes its business by these democratic values and the performance of parliament's legislative and oversight functions in a manner that serves the needs of the whole population. It can be realized through parliamentary facilities and self-organization –staff, libraries, research support, effective oversight of the executive, procedures for budgetary oversight and financial control, parliament's control of its budget, nonpartisan professional staff separate from mainstream civil service-

parliamentary service commission, adequate, unbiased research information is given to member, research facilities available to members.

2.3 PARLIAMENT AND DEMOCRACY

2.3.1 State, Nation, Nation-State, and Government

Mr. Speaker,

The terms State, Nation, and Government are usually used interchangeably but their meanings are context dependent.

2.3.1.1 State

Mr. Speaker,

A state is made of four entities namely population, territory, government, and sovereignty. It is defined as an institution within a defined geographical area with its people who are governed by a sovereign Government. In this context, sovereignty is the exclusive and undivided power to make and enforce laws. In this case, people must abide by the laws passed by the state through its machinery called Government- even if they are ignorant of those laws or did not participate in their formulation. Important to note is that the State uses its 'state apparatuses' such as the public bureaucracy, the police, the armed forces, and the courts to enforce its powers.

Mr. Speaker,

The parameters within which the State powers are exercised are defined by domestic laws and international laws. At the domestic level, it is the Constitution and at the international level, it is the United Nations Charter. Sovereignty also implies that each state is equal to and yet independent of other states. So Kenya, Uganda, Nigeria Tanzania for example are each equal to the USA though the USA is bigger and economically stronger. Yet Kenya, Uganda, Zambia, Zimbabwe, and all other African countries have the same rights as the USA- hence the principle of one vote per state at the United Nations

During the workshop, it was asserted that a State is made up of different groups of people or nations. This does not mean that it is not possible to develop some form of common identity that would define their belonging to one state. Once a state is defined, the next task becomes one of building a Nation. It was noted that most states are multinational, multicultural states striving to achieve a single national identity.

2.3.1.2 Nation

Mr. Speaker,

A nation is a group of people who identify with one another and share a common genealogy and or historical origin, culture, and language. Their sense of belonging to a particular group is bound together by the factors mentioned above and gives rise to a sense of national identity. Such people may not necessarily be found in the same state. For example, the Chewa have all the attributes of a Nation but are found in Malawi, Mozambique, and Zambia. Similarly, the Maasai are a nation spread across Tanzania and Kenya.

2.3.1.3 Nation-State

Mr. Speaker,

A nation-state is where a state is composed of one group of people belonging to one race/ethnic group.

2.3.1.4 Government

To govern therefore is to steer, guide, or give directions. As such, the Government is the machinery through which a State operates. A Government consists of institutions that are responsible for making collective decisions for society. The government can both formulate the rules and laws and enforce them. It is not possible to have an effective state without a government.

2.3.2 Democratic Vs. Undemocratic

Classification is based on how Governments govern. Democratic Government is established through political competitions (elections) considered to be generally free and fair. Other institutional requirements for a democratic Government include:

i) Freedom of association and expression

ii) Right to alternative sources of information

iii) Right to vote

iv) Right of political leaders to compete for support and votes

v) Eligibility for public office

vi) Existence of a free/independent media

vii) Existence of Civil Society.

2.3.2.1 Undemocratic

Mr. Speaker,

Government can be classified into three (3) types:

I.   Absolute Monarchy- The king/Queen has enormous political power in almost every aspect of social, and economic life including Government. People being governed are called subjects and not citizens.

II.   Autocratic – all political power is vested in one person. Those being governed have no voice. i.e. Dictatorship.

III.   Totalitarian- one political party. Strong Government regulations over all aspects of social, political, and economic life. Can resort to terror when necessary.

2.3.2.2 Democracy – Ideal

Mr. Speaker,

Here, two issues arise for democracy-ideal governments:

a.   Members of any group or association should determine and control its rules and policies by participating in the deliberations about their common interests, and

b.   In doing so, members should treat each other as equals.

2.3.3 Democracy- Principles and Institutions

Mr. Speaker,

At the level of the State, democratic principles are realized through a complex set of institutions and practices that have evolved. These include the following:

I.   Guaranteed framework of citizen rights

II.   Institutions of representative and accountable government

III.   An active citizen body or civil society

IV.   Several mediating institutions between Government and Citizens.

Democracy- Principles and Institutions: Citizen Rights

Mr. Speaker,

If citizens have to exert any influence over the laws and policies to which they are subjected, then we require that their basic rights are guaranteed. These rights include:

I.   To freely express themselves

II.   To freely associate with others

III.   To vote for their representatives in free and fair elections.

    a.   These rights also secure citizens of their democratic principles of being treated as equals without discrimination.

    b.   It may become necessary to protect these rights for those who are vulnerable or those feeling "unpopular" discriminated against and infringed upon.

    c.   It is therefore the responsibility of parliament to ensure that laws passed protect citizen rights and conform to human rights standards.

Democracy- Principles and Institutions: Institutions Of Representative And Accountable Government

These are the Executive, Legislature, and Judiciary. As a freely elected body- parliament should undertake the following tasks:

I.   Legislate (Make laws)

II.   Approve government budget- raising revenue through taxation and how to spend the money

III.   Oversight of executive actions, policy, and staff

IV.   Ratify treaties and monitor their implementation

V.   Debate issues of national and international importance

VI.   Approve changes to the constitution, and

VII.   Hear and redress grievances.

Parliament is therefore expected to carry out these functions effectively (cater to the needs of all citizens) and efficiently (organizations of its business) to contribute to enhancing democracy

Democracy- Principles and Institutions: Active Civil Society

A citizenry that is fully involved in finding solutions to their common problems and also promoting and defending their rights. Citizens need to understand their role does not end in electing a Government but continuously engaging it to protect their interests and provide checks and balances on executive excesses. Parliaments need to work very closely with civil society to improve the quality and relevance of legislation.

First, Political parties- these are very pertinent to parliament not least because they provide the membership but also because collectively, they represent the citizens' interest Political parties serve as useful links between government and civil society- but they must 'up their game' to be held in high esteem by its members. Second, the Media. They inform citizens about public affairs and watch over the Government as they investigate and report on any excesses of office bearers. Parliament must ensure that laws exist to have a free, independent, and responsible media.

2.3.4 Emerging Good Practices in Parliamentary Democracy

The Inter-Parliamentary Union (2006) developed a set of good practices for enhancing parliamentary democracy. These are based on a survey of national parliaments. There are five (5) key characteristics of a democratic parliament: representative, transparent, accessible, accountable, and effective.

Representative

A Parliament/ County Assembly that is socially and politically representative of the diversity of the people, and ensures equal opportunities and protections for all its members.

Transparent

A Parliament/ County Assembly that is open to the nation through the different media, and transparent in the conduct of its business.

Accessible

A Parliament/ County Assembly that involves the public, including the associations and movements of civil society, in its work program

Accountable

A Parliament / County Assembly that is accountable to the electorate for its performance in office and integrity of conduct.

Effective

A Parliament/ County Assembly that effectively organizes its business by these democratic values, and the performance of parliament's legislative and oversight functions in a manner that serves the needs of the whole population.

2.4 PARLIAMENTARY PRACTICES AND PROCEDURES: AN OVERVIEW
PARLIAMENTARY PRACTICES AND PROCEDURES

Mr. Speaker,

Parliamentary Practices are the traditions, conventions, and rulings of the speaker which members use to transact business and relate to each other. Parliamentary Procedures are the written rules used to keep meetings orderly and give everyone a fair chance to be heard as long as it takes for everyone to realize that nothing new is being said and the majority is ready to decide to move on with other business.

2.4.1 Parliamentary Procedure

Mr. Speaker,

Parliamentary Procedure is based on Parliamentary Law. This is the body of accepted rules and practices of deliberative assemblies. Parliamentary Law is not statutory law. It is just a collection of rules written or unwritten used to assemble and discuss business.

2.4.2 Fundamental Principles of Parliamentary Law

Mr. Speaker,

The training enlightened members on fundamental principles of parliamentary law. In this connection, a deliberative Assembly was defined as an autonomous body that enjoys the freedom to conduct its business per its provisions for the rights of its members and itself as an assembly. In this regard, the Assembly is free to select its leadership, enact its own rules, delegate to its leadership, all or part of its authority, and retain whatever control over its own business that it wishes. In addition, Mr. Speaker, the right to vote is limited to the members who are present in a meeting during the time the vote is taken. As such, even if the vote is unanimous, rules cannot be suspended to give a right to vote to a non-voting member while also absent voting is prohibited. Further, only one motion can be considered at a time. You can however have several questions pending at one time.

2.4.3 General Principles of Parliamentary Law

Mr. Speaker,

The training highlighted the general principles of parliamentary law as follows;

i) The majority rules, but only after providing for the minority to be heard. The only way to keep a member from being heard is by a 2/3 vote of the membership to stop the debate.

ii) Every person or minority faction has the right to take all legal measures to have their position adopted by the group –even though it is not always wise for them to do so.

iii) These measures cannot however be taken in a manner that disrupts the peace of the entire group.

Important to note is that, a higher voting threshold is required to change something than to adopt it in the first place. This requirement protects against the instability of changing rules that can develop easily with minor shifts in attendance from meeting to meeting.

2.4.4 The Basics of Parliamentary Procedure

Mr. Speaker,

On the basics of parliamentary procedure, the training reiterated the earlier principles of parliamentary law where parliamentary procedure consists of rules that are used to ensure that meetings are conducted fairly and efficiently. The same rules are also used to facilitate the group to make decisions. When properly used, these rules will ensure that each participant leaves feeling that they were given a chance to speak, their opinion was respected, and that the group did its work well.

Mr. Speaker,

The following are the fundamental principles of Parliamentary Procedure:
   i) They facilitate business transactions and promote cooperation among members
   ii) All members have equal rights, privileges and obligations
   iii) The will of the majority must be carried out but the rights of the minority must be preserved.
   iv) For a group to transact business, it must have a quorum- i.e. the majority of those eligible to vote

2.4.5 Guide to Parliamentary Motions

Mr. Speaker,

During the training, members noted the following takeaways to guide them when dealing with parliamentary motions;

    i)   Substantive debate in the House precedes the introduction and secondment of a motion.

    ii)   A Motion is a proposal that the entire Assembly takes action or takes a stand on an issue.

    iii)   The general rule regarding all motions, is that a substantive motion must be moved by the member responsible for the matter to be discussed. All substantive motions must be seconded in the manner provided for in the relevant rules.

    iv)   After secondment, debate ensues. Thereafter, the Speaker or other Presiding officer puts the question and a decision is taken by way of voting.

    v)   There are several rules regulating notices of motions such as the manner of giving the notice, the minimum period of notice required, and withdrawal of notice.

    vi)   There are rules which prescribe the formal content of motions. For example, a motion cannot be debated if it refers to a matter waiting judicial decision (Sub judice rule).

    vii)   There are also rules governing amendments to a motion, especially the form and content. For example, an amendment must be relevant to the subject matter of the original motion, and must not be inconsistent with an earlier amendment that has already been agreed to.

2.4.6 Presenting Motions

Mr. Speaker,

The member went through a session on how to present motions in the Assembly. The following are the key points raised during the session;

    i)   A Member must wait until the last speaker has finished.

    ii)   Members must address the Chairperson by saying" Mr/Madam Speaker/President"

    iii)   A member must wait until the Chairperson recognizes him/her- "catch the eye of the speaker".

iv) Members makes their motion by speaking clearly and concisely. A member must therefore always state the motion affirmatively; for instance, "I move that we..." The member must also avoid personalities and stay on the subject matter.

v) Members must wait for a secondment of their motion. The Chairperson will call for a seconder.

vi) If there is no seconder, the motion will not be considered.

vii) The Chairperson will state the motion: 'It has been moved and seconded that we..."

    a. The membership then either debates the motion or may move directly to a vote.

    b. Once the Chair presents a member's motion to the Assembly, it becomes 'Assembly property and cannot be changed by the mover without the consent of the members.

2.4.7 Voting on a Motion

Mr. Speaker,

Members gained insights on how to vote on a motion in the Assembly in the following five (5) ways;

i) **By Voice** where the chairperson asks those in favor to say 'AYE' and those opposed to say "NO/NAY".

ii) **By Roll Call** where each member answers 'YES' or 'NO' as their name is called. This method is used when a record of each member's vote is required.

iii) **By General Consensus** in instances when a motion is not likely to be opposed. The Chairperson says 'If there is no objection..."

    a. Members show agreement by their silence. However, if one member says" I object', the item must be put to vote.

iv) **By Division** which is a slight modification of a voice vote. It does not require a count unless the Chairperson so desires. Members raise their hands, stand, or push the electronic button.

v) **By Ballot** where members write their vote on a slip of paper. This method is used when secrecy is desired. The chairperson does not vote unless there is a tie or a vote is taken by secret ballot.

2.5 PUBLIC POLICY ANALYSIS AND MANAGEMENT

2.5.1 Policy Analysis

Mr. Speaker,

Policy Analysis is a multidisciplinary technique that involves critically examining what courses of action Governments take, why they take them and what are the consequences of these courses of action on the welfare of citizens.

2.5.2 Policy System

Mr. Speaker,

A policy system is the overall institutional pattern within which policies are made. It involves interrelationships among three (3) elements namely; public policies, policy stakeholders, and policy environments.

Public policies

Mr. Speaker,

Public policies are a long series of related choices, to act or not to act, made by governmental institutions and public officials. They arise due to the need to solve public policy problems. Such problems cause dissatisfaction among citizens who then seek redress through Government action. Examples of such problems include unemployment, hunger, housing, land reforms, inflation, and education.

There are many types of public policies including the following:

a. Macro-Economic
b. Sectoral
c. Institutional
d. Regulatory
e. National Development Plans/Visions
f. Global/International

A broad spectrum of public policies and their explanations

Mr. Speaker,

The following are the various public policies and their explanations;

a. *Macroeconomic policies* are used to influence economic activities. Examples, are to curb inflation, regulate government income and expenditure, promote economic

growth, and stimulate job creation. They are influenced by what happens at the international/ global level, over which the Government has little control. Hence the importance of PESTEL Analysis.

b. *Sectoral policies* are used to guide or regulate the delivery of services such as education, health, transport, energy, water, finance, housing, land, and others. It is through these sector policies that goods and services are delivered.

c. *Institutional policies* are created by the Governments to guide and manage their institutions, employees, and work processes. Examples are how public funds should be managed, and how Civil Society can participate in decision-making.

d. *Regulatory policies* are used to impose norms and standards across a wide range of areas. Examples include pollution levels, food safety, medicines, endangered species, and construction.

e. *National development plans* are policies that state how governments intend to bring about positive changes in the country over some time. They combine elements of sectoral, institutional, and macroeconomic policies and are often held together by a set of guiding principles or policy goals.

f. **Global/ international policies** refer to international and regional accords such as CEDAW, WTO Trade Agreements, EAC, COMESA, IGAD, SADC, ECOWAS, and other regional agreements which governments have signed, ratified, and acceded to and must be domesticated i.e. national laws must conform to these international and regional policies.

2.5.3 Policy Stakeholders

Mr. Speaker,

Policy stakeholders are individuals and groups who affect and/or are affected by decisions taken by governments. Examples of Policy Stakeholders include Trade Unions, Civic Groups, elected leaders, political parties, and policy analysts themselves.

The following scenarios advance an understanding of the role of stakeholders in shaping public policy;

Media

Act as a sounding board of public opinion. Calls the attention of politicians to issues that require attention and policies to be formulated.

Political parties

Transmit the interests, aspirations, and beliefs of their members into coherent ideological platforms, policy initiatives, and programs. Provide a platform through which the ordinary man and woman can have a voice in the policy-making process.

Civil Society / Non-State Actors (NGO's FBO'S, CBO'S)

Provide an alternative channel of participation and influence in the policy-making process in their areas of jurisdiction- e.g. human rights, education, health, poverty reduction.

Parliament

Legislates policies and provides oversight in the implementation of those policies. Parliament is expected to put together citizens' choices and articulate them effectively, scrutinize policy proposals, and provide legitimacy for policy decisions.

Judiciary

Determines and specifies not only what the Executive cannot do but also what it must do to meet the legal and constitutional requirements for policy decisions.

Citizens

Exert influence over the policy process as individuals, through their representatives in the Legislature, media, civil society, political parties, and civic actions such as demonstrations and mass mobilization.

2.5.4 Policy Environment

Mr Speaker,

The specific context within which events surrounding a policy issue occur influences and is in turn influenced by policy stakeholders.

Policy Making Cycle

No	Stage	Elaboration
1	Problem Definition	Determining the nature, scope, effects, and causes of a particular social and or economic problem
2	Agenda Setting	Determining the likely future consequences - and their probability of occurrence – of any policy intervention that is being considered for adoption. This includes taking no action
3	Policy Formulation/Recommendation	Suggesting what appears to be the most preferred course of action to solve a particular problem based on some agreed criteria
4	Policy Implementation	Policy actions to achieve policy outcomes
5	Policy Monitoring and Evaluation	Collecting and reporting information about the outcomes of policy actions that were implemented

2.5.5 Effects of Public Policies on Society

Mr. Speaker,

There are three (3) types of effects namely;

No	Type of effect	Description
i)	Distributive	Such policies involve the allocation of services or benefits to particular segments of society. Examples include rural development, education, and health.
ii)	Redistributive	The Governments undertake deliberate efforts to shift the allocation of wealth, income, and property between classes or groups of people. Examples include taxation legislation, welfare legislation, land redistribution, and protection of the rights of minority groups in society.
iii)	Regulative	Such policies involve imposing restrictions on the behavior of individuals or groups in society. Examples include licensing, traffic rules

2.5.6 Policy and the Law of Unintended Consequences

Mr. Speaker,

The law of unintended consequences states that actions of the Government always have effects that are unanticipated or unintended. It has been heeded by Economists and other Social scientists for a long time. Politicians and popular opinion have largely ignored it. The concept of unintended consequences is one of the building blocks of economics. Adam Smith, with his infamous metaphor of "the invisible" is an example of unintended consequence. He maintained that each individual, seeking only his gain, "is led by an invisible hand to promote an end which was no part of his intention, "that end being the public interest. Smith wrote, "It is not from the benevolence of the butcher, or the baker, that we expect our dinner, but from regard to their self-interest."

2.5.7 Perverse Unanticipated Effects of Legislation and Regulation

Mr. Speaker,

In 1692, John Locke, an English Philosopher urged the defeat of a parliamentary bill designed to cut the maximum permissible rate of interest from 6 percent to 4 percent. Locke argued that instead of benefitting borrowers, as intended, it would hurt them. People would find ways to circumvent the law, with the costs of circumvention borne by borrowers.

To the extent that the law was obeyed, the chief results would be less available credit and a redistribution of income away from "widows, orphans and all those who have their estates in money."

Here are the main points of Locke's argument:

i) There are natural laws of trade and "laws of value" which would be violated only to the detriment of the nation as a whole.

ii) The rate of interest is a "natural price" determined by laws of supply and demand. As such, a forcible reduction in the rate of interest would only provoke lenders to export their money capital to countries where the rate of interest was higher

iii) Such an outflow of resources would cause English prices to decline. As a result, the balance of payments would shift against England and the aggregate value of English exports would decline.

iv)   Further, the falling prices would cause rents and land values to collapse.

Locke introduced his arguments during the parliamentary debate on the bill in the House of Commons which was reintroduced in November 1691. Nonetheless, in January 1692, the House of Commons passed a modified version of the bill to reduce interest rates to 5% (instead of 4% as earlier proposed).

2.5.8 Systems Thinking and Unintended Consequences

Mr. Speaker,

i)   Systems thinking allows the Policy Analyst to examine the wide range of interconnections and feedback loops. However, it is not possible to always predict in advance, the detailed consequences of policy interventions such as policies.

ii)   Jake Chapman illustrates this well using the example of Fighting use of Illegal Drugs.

   a. The policy widely used is to reduce the supply of drugs through increased police and customs officers tackling actual and potential importers and suppliers.

   b. If this policy succeeds, then the supply of drugs will be reduced

   c. If the supply of drugs is reduced, then dealers will have to pay a higher price for a smaller quantity- so they will "cut" the drugs with other chemicals to increase volume. They will also increase the street price of the drugs.

   d. The raised street price of the drugs means addicts have to steal more to get their daily dose.

   e. The increased mixing with other chemicals increases the health hazards associated with drug use.

• Thus to the degree that this policy succeeds in reducing the supply of drugs, it will exacerbate the crime and health problems associated with drug use that it intends to reduce in the first place.

• The above example illustrates a relatively simple feedback that operates in a highly complex environment.

2.5.9 Policy Monitoring

Mr. Speaker,

The monitoring Process is used to produce information about the causes and consequences of public policies. Four major functions of Monitoring:

i) Compliance- with standards and procedures e.g. Air quality
ii) Auditing – whether resources and services have reached the intended beneficiaries
iii) Accounting – for social and economic changes after policy implementation
iv) Explanation- why policy outcomes differ.

2.5.10 Evaluating Policy Performance

Mr. Speaker,

Policy evaluation is about measuring the impact and the outcome of the policy implemented. Policy analysis therefore provides the policymaker with information to decide what to do, what can be done, and what ought to be done. Thus, Policy analysis clarifies priorities and determines certainties and uncertainties associated with policy.

2.5.11 Policy Monitoring and Evaluation

Mr. Speaker,

Conditions for successful policy implementation

i) Clear and consistent objectives
ii) Specification of target groups, their needs, expectations, and benefits
iii) Compliance from implementing agents
iv) Adequate financial resources
v) Competent and committed leaders and top managers
vi) Ongoing support from constituency groups and key stakeholders
vii) Supportive stable socio-economic and political conditions
viii) Well-articulated organizational and institutional infrastructure

2.5.12 Reasons why some policies fail

1. Lack of involvement of local groups
2. Respective roles and responsibilities not well defined
3. Lack of 'ownership'/ commitment by key stakeholders
4. Absence of accountability
5. Change of government, which may bring a new set of priorities
6. Failure to effectively communicate information about the policy/project
7. Unrealistic targets
8 Inaccurate information about the policy
9. Corruption
10. Legal hurdles

11. Backward cultural practices
12. Poor assessment of development needs
13. Poor infrastructure

Monitoring observed policy outcomes

Mr. Speaker,

The following are the four (4) functions of monitoring

i)   Compliance:

ii)   Auditing

iii) Accounting

iv)   Explanation

Compliance

Monitoring helps determine whether the actions of program administrators, staff, and other stakeholders comply with standards and procedures imposed by legislators, regulatory agencies, and professional bodies

Auditing

Monitoring helps determine whether resources and services intended for certain target groups and beneficiaries (individuals, families, municipalities, regions, and local governments) have reached them

Accounting

Monitoring produces information that helps account for social and economic changes that follow the implementation of broad sets of public policies and programs over time

Explanation

Monitoring also yields information that helps to explain why the outcomes of public policies and programs may differ from those expected.

2.5.13 Types of Policy Outcomes

i) Policy outputs – goods, services, or resources received by target groups and beneficiaries

ii) Policy impacts – actual changes in conditions, behavior, or attitudes that result from outputs

2.5.14 Types of Policy Actions

Mr. Speaker,

Regulatory actions are those designed to ensure compliance with certain standards or procedures while allocative actions are those that require inputs of money, time, personnel, and equipment.

Policy processes

Policy processes – administrative, organizational, and political activities and attitudes that shape the transformation of policy inputs into policy outputs and impacts

Inputs

Resources (human, material, financial)

• Information (e.g. Implementation guidelines, other policies that may affect the policy being implemented)

2.5.15 Monitoring indicators

An indicator is a characteristic or attribute that can be measured

• It can be defined in a 'conceptual' and 'operational' statement. The latter is more useful.

• Operational definitions help specify indicators of input, process, output, and impact variables

• Rarely will one indicator be adequate to measure performance. Several indicators will usually be required

• Indicators are expressed as – Monetary Value ($), Percentage of (%), or Numerical Value (Number of..).

2.5.16 Approaches to monitoring

i) Social systems accounting
ii) Social experimentation
iii) Social auditing
iv) Research and practice synthesis

2.5.16.1 Social Systems Accounting

An approach that permits analysts to monitor changes in one condition over time. It uses social indicators e. g. in health, public safety, education, employment, income, housing, population, governance, social values, attitudes, environment, and others.

2.5.16.2 Social experimentation

Process of systematically manipulating policy actions in a way that permits more or less precise answers to questions about the sources of change in policy outcomes.

Two approaches may be adopted, namely, comparing

(a) situation 'before' and situation 'after' implementation of the policy; and (b) Situation 'with' and situation 'without' policy implementation

2.5.16.3 Social auditing

Explicitly monitors relationships among inputs, processes, outputs, and impacts to trace policy inputs "from the point at which they are disbursed to the point at which they are experienced by the ultimate intended recipient of those resources

Research and practice synthesis

Involves the systematic compilation, comparison, and results of past efforts to implement public policies.

Two primary sources of information include case studies; and research reports that address relationships among policy actions and outcomes

2.5.17 Evaluating policy performance

Assessing the performance of past policies based on the extent to which they achieved desired objectives and outcomes

2.5.18 Characteristics of Evaluation

i) Value focus – judgment about the worth or value of policies and programs

ii) Fact-value interdependence – assesses both the values and the facts

iii) Present and past orientation – rather than future (i.e. it is retrospective)

iv) Value duality – both as ends and means, e.g. health

2.5.19 Functions of Evaluation

i) Provides info about policy performance

ii) Contributes to clarification and critique of values that underlie the selection of goals and objectives

iii) May contribute to the application of other policy analytic methods, including problem structuring and recommendation

2.5.20 Criteria for Policy Evaluation

i)   Effectiveness – achievement of objectives
ii)   Efficiency – level of effort/cost involved
iii) Adequacy – the extent to which the problem resolved
iv)   Equity – distribution of costs and benefits
v)   Responsiveness – satisfaction of needs
vi)   Appropriateness – Are desired outcomes (objectives) valuable or worthy?

2.6 ROLES, STRUCTURE AND ORGANS OF A COUNTY ASSEMBLY

Mr Speaker,

The basis for discussing the structure and roles of a County Assembly lies in 2 issues: First, the need to clarify the effective and efficient execution of the mandate, and second, as part of good democratic, governance.

2.6.1 Factors Influencing the Functions of a County Assembly

Mr. Speaker,

The training brought into focus four (4) factors that influence the functions of a County Assembly which included;

i)   Evolution and history of the governance of Kenya.
ii)   Status, nature, and structure of Government i.e. in Kenya it is a devolved system.
iii) Status and nature of Parliament- i.e. in Kenya it is Bicameral
iv)   Composition and status of County Assembly representatives- i.e in Kenya,- elected, nominated, women's representative, the youth and marginalized representatives

2.6.2 Content and Mandate of Functions of County Assembly in Kenya

Mr. Speaker,

The county assembly is bestowed with the mandate of representation, legislation, and oversight.

Representational

Representation entails seeking on behalf of, standing up for the rights of, advancing the interests of, and being accountable to the electorate.

Legislative

The legislative function entails making /unmaking laws, making /unmaking policies, making, and approving processes to raise revenue through taxation, borrowing to meet public expenditure, and approval of the distribution of public finance through the budget process to the Spending Agencies for Service Delivery.

Oversight

Oversight bestows to the leaders the function of watching over, supervising, and surveillance the governance process to bring to the attention of the Executive the needs and complaints of the people; Ventilating the flaws, shortcomings, and successes in governance; subtly identifying, training and nurturing future leaders; legitimizing decisions for public/ County operations and be the expression of the County mood, identity and stance.

2.6.3 Power, Privileges, and Immunities of a County Assembly

Mr. Speaker,

The origin of the Privilege goes back to the Westminster model of Parliament in the United Kingdom. Those privileges of the UK Parliament were passed on to legislatures in almost all British colonies. The 2010 Kenya Constitution sections 117 and 125 recognize Parliamentary privileges for the National Assembly. Sections 195 and 196 (3) of the same Constitution recognize Privilege for County Assemblies. With the knowledge that Privilege is nearly standard, section 17 of the County Governments Act 2012, acknowledges and affirms this status thus: "The national law regulating the powers and privileges of Parliament shall, with the necessary modifications, apply to a County assembly.

2.6.4 Content of Privilege

Mr. Speaker,

Paraphrasing Sir Thomas Erskine May, a former Clerk of the House of Commons, Westminster, United Kingdom, wrote in 1837: 'Parliamentary Privilege is the sum of peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by which the Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals." As such, we can say that these rights are necessary for Parliament to execute

its mandate. Individual Members of Parliament also enjoy privilege because, without it, they cannot perform their functions without fear or favor.

2.6.5 Extent of Privilege

Mr. Speaker,

During this session, the following privileges were highlighted;

i) Immunities and Privileges - MCA's to conduct their business unimpeded

ii) Immunity from Legal Proceedings - criminal or civil for spoken, written words

iii) Freedom from Arrest for Civil Debt- during a session but not related to criminal intentions

iv) The Hon. Speaker's Orders – e.g. recovery from earnings for payments of services enjoyed

v) Code of Conduct- for conduct within precincts of County Assembly other than the Chamber which is governed by Standing Orders

vi) Committee of Privilege- Hon Speaker chair

vii) Power to Order Attendance and Giving of Evidence- to facilitate the gathering of evidence by Select Committees. It is extended to entice people to cooperate 8. Privileges of Witnesses- same rights as enjoyed before a Court of Law

viii) Breaches of the Law of Privilege – witnesses giving false evidence, receiving reward to advance or derail a bill

ix) Protection of persons for publications authorized by a County Assembly- reports, papers, minutes, votes and proceedings

x) Exclusion of jurisdiction over the Hon Speaker and Officers of a County Assembly

xi) Officers of a County Assembly have the powers of Police Officers.

2.7 STRUCTURE AND FUNCTIONS OF PARLIAMENT

Mr. Speaker,

The term Parliament is said to have originated in 1265 when Simon de Montfort called a meeting on behalf of King Henry III to discuss the granting of taxation to the King. In a bid to increase taxes collected, King Henry increased the number of representatives that attended his meetings and included representatives from counties, towns, and lower clergy

(later to be known as the 'commons'). Since then, Parliament has been known as a deliberative assembly of elected members who have the freedom to conduct their own business by its provisions for the rights of its members and itself as an assembly

Mr. Speaker,

The training highlighted various sources of parliamentary practices and procedures. They included;

i. Constitution
ii. Legislation passed by parliament
iii. Standing Orders – parliaments own procedures created to foster orderly functioning of parliament
iv. Rulings of the Speaker
v. Conventions derived from consistent practice.

These practices and procedures in parliaments also give every member a fair chance to be heard for as long as it takes for everyone to realize that nothing new is being said and that the majority are ready to proceed with other business.

2.7.1 Parliament vs. National Assembly

Mr. Speaker,

During this session, a major question on whether parliament adds value in this day of technology or not.

In support of this claim, parliaments today add value in the following ways;

i) Parliamentary democracy supports participation in a more structured way both directly and indirectly
ii) Rule of Law – rules and procedures to be followed
iii) Transparency
iv) Parliamentary democracy – MPs vote on behalf of the people they represent. Individuals in a referendum are biased in terms of self-interests
v) Consensus oriented
vi) Equity and Inclusiveness. E.g. Singapore quotas in all racial groups
vii) Accountability

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viii) Voter apathy. In the UK, 60-70% vote in National elections. 40% vote in Local elections. Australia- you must turn up for voting even if to say" none of the above"

ix) Better scrutiny and oversight role

x) 10. Effectiveness and Efficiency.

In summary, good parliamentary practice supports good governance.

2.7.2 Types of Parliaments

Mr. Speaker,

Parliaments are categorized based on governance practice. They are either Uni-cameral (one legislative Assembly) or Bicameral (two legislative chambers). Each of these parliaments has its merits and demerits as follows;

Advantages of the Bicameral approach

i) Better representation. It is more difficult for lobbying interests to capture both parliaments?

ii) Improved quality of decision-making through greater scrutiny and debate.

iii) Stability- If parliaments are elected at different times hence have separate "lives" for several years.

Disadvantages of Bicameral Parliaments

i) Slower decision-making – wrangling in two parliaments, not just in one!

ii) Costly in time and money

iii) In extreme cases can lead to gridlock and paralysis e.g. USA.

2.7.3 Westminster Model

Mr. Speaker,

The Westminster Model consists of a sovereign Head of State where the head of government is technically appointed by the Head of State but the convention is to have the leader of the party with the largest members in parliament. The following are the key points to note about the Westminster Model;

i) The executive branch is made up of members of the legislature with a cabinet led by the Head of Government

ii) Parliamentary opposition

iii) Bicameral and elected lower house (Commons) and can dismiss Government
iv) Parliamentary privilege – freedom of speech in parliament
v) Record of proceedings – Hansard. Now comes online within 1-2 days. Enhances transparency

2.7.4 House of Commons

Mr. Speaker,

The House of Commons is publicly elected. It has 650 members as of the last election (503 men and 147 women). The party with the largest number in parliament or capable of a coalition form the government. Members of the Commons(MPs) debate the big political issues of the day and proposals for new laws. Also, the Commons alone is responsible for making decisions on Financial Bills such as proposals for new taxes. On the other hand, the Lords can consider Finance Bills but cannot block or amend them.

2.7.5 The Lords

Mr. Speaker,

The Lords comprise about 830 members mostly appointed by the King– on the advice and recommendation of the Prime Minister. About 760 are active and a total of 92 hereditary peers were elected by Lords to sit until the next stage of Lords reforms. About 26 Church of England Archbishops and bishops sit in the House of Lords. The Lords act as a revising chamber for legislation and its work complements the business of the Commons.

The Lords Appointment

Appointment to Lords is done by the House of Lords Appointments Committee- a nonpartisan, independent, and nonstatutory body in the UK. Its roles include recommending people as non–party political life peers, vetting nominations to the House of Lords, and scrutinizing certain candidates added to the honors list.

2.7.6 Role of The Monarch in the UK

Mr. Speaker,

The Monarch has the following roles in the UK parliament;
i) It is part of Parliament- It is composed of the House of Commons, House of Lords, and the King (not hereditary monarch).

ii)   appointing the Government – The day after a general election the King invites the leader of the party that won the most seats in the House of Commons to become Prime Minister and to form a government.

iii)   It takes a role in opening and dissolving Parliament – The Crown opens Parliament through the State Opening (marking the beginning of the Parliamentary year). The Crown only dissolves Parliament before a general election under conditions laid out in the Fixed Term Parliament Act 2011 (dissolution).

iv)   In charge of King's Speech – The Crown informs Parliament of the government's policy ideas and plans for new legislation in a speech delivered from the throne in the House of Lords. Although the King reads the speech the government draws up the content.

v)   Royal Assent – When a Bill has been approved by a majority ions and the House of Lords it is formally agreed to by the Crown. This is known as the Royal Assent. This turns a Bill into an Act of Parliament, allowing it to become law in the UK.

2.7.7 Roles and Functions of The UK Parliament

Mr. Speaker,

The UK parliament has the following roles and functions:

i)   It examines and challenges the work of the Government i.e. scrutiny

ii)   It debates and passes all laws i.e. legislating

iii)   It passes the Finance Bill thus enabling the Government to raise taxes

Important to note that, the main methods of scrutiny are questioning Government Ministers, debating, and investigative work of committees.

2.7.8 Baron de Montesquieu

Mr. Speaker,

The training highlighted a 17th-century French philosopher, Baron de Montesquieu who argued for the separation of powers and argued that the best way to prevent a government from becoming corrupted was to divide the powers of government among different actors who would check each other. "Constant experience shows that every man vested with Power is liable to abuse it and to carry his authority as far as it will go. To prevent this abuse, it is necessary from the very nature of things that one power should be a check for

another." (Montesquieu). His argument is a big influence on the US founding fathers who established an independent executive (the President), legislative (the Congress), and judiciary (the Supreme Court) in the federal Constitution.

2.7.9 United States Congress

The United States Congress is the bicameral legislature of the federal government of the United States, consisting of the Senate (its upper house) and the House of Representatives (its lower house). One hundred (100) Senators are elected such that every state has two senators. It also has four hundred and thirty-five (435) congressmen/women. Both houses are formed by direct election (originally senators elected by state assemblies).

2.7.10 USA and UK- Comparisons

Mr. Speaker,

The constitution of the USA defines the limitations of the three pillars of government that is the Executive, Legislature, and Judiciary. In contrast, no written constitution in the UK. The Prime Minister is in effect chosen by the legislature. The PM then also chooses Ministers from a legislature (the President in the USA can choose Ministers from outside).

2.7.11 Parliaments in Other Commonwealth Countries

Mr. Speaker,

Parliaments in other Commonwealth countries perform 5 major functions namely:

i) Legislative –make laws

ii) Financial Control- approve raising of revenue through taxation and how the funds will be spent

iii) Oversight of the Executive arm of Government- keeping watch over the performance of Government on behalf of citizens

iv) Representational- bringing views of the constituents to the attention of the Government and seeking redress to grievances, reaching consensus compromise, and reconciliation, and

v) Deliberative- making statements, motions, asking questions, and other related matters.

2.8 THE LEGISLATIVE FUNCTION OF PARLIAMENT

Mr. Speaker,

Law-making is considered to be the most important function of Parliament. This is because the law gives guidance and regulates society in many aspects. For instance, without laws, the Executive might have nothing to implement and the Judiciary would not have an objective interpretation to realize the rule of law. This is not to say the Legislature is 'supreme' but only to emphasize the symbiotic relationship between these 3 arms of Government.

2.8.1 Bills

Mr. Speaker,

Laws begin their life as 'Bills' and must progress through several stages before becoming a law. However, the fact that the bill has been brought to parliament does not necessarily mean it must pass into law. Every bill must pass through detailed examination, robust debate, and scrutiny of each section and clause before an appropriate verdict can be passed. Some bills sound so ridiculous yet they still found their way on the floor of the House. Important to note is that bills have also been rejected.

2.8.2 Types of Bills

Mr. Speaker,

From a general stance, there are three (3) types of bills namely;

i)   Government Bills
ii) Private Members Bill
iii) Private Bill

Mr. Speaker,

This categorization takes into account whether the bill deals with matters of national interest or grants special benefits, powers, or exemptions to companies, institutions, or groups of individuals.

Government bills relate to legislative initiatives taken by the Government to either amend an existing law or enact a new one on matters of public interest. Such bills may emanate from the manifesto of the party in power or the speech by the Head of State when officially

opening Parliament/ Governor opening the County Assembly as in Kenya. Bills could also come into the House because of a need that has arisen to do so. For instance, the threat of terrorism, how to handle pandemics like COVID-19, the need to regulate the internet, control cybercrime, regulate the use of Artificial Intelligence as did the European Parliament in 2023, and others. In most cases, bills are developed from policy documents approved by the Cabinet. Since the governing party usually enjoys a majority in the House, government bills take precedence over other bills. Parliament spends a lot of time in each session debating and passing these bills into law.

Private Members Bill relates to individual members of parliament (backbenchers) who are not cabinet ministers and or are in opposition and may bring bills to the House (except in Kenya where Cabinet Secretaries formerly called Ministers, are not politicians and hence not elected Members of the National Assembly and not required to sit in Parliament). • In Malawi, for example, Standing Order 110 states that any bill brought by a Private Member becomes a Public bill. The implication is that this bill must relate to matters of public policy that are likely to affect citizens' rights, duties, and powers or benefits.

A Private Bill is introduced in the House by a backbencher and it relates to the affairs of an individual, group of individuals, or corporations. Private bills deal with the private interests of either an individual or entities such as local authorities, charitable organizations, or private companies for their benefit. Private bills may confer special benefits or powers to an individual that they might not have enjoyed in the general law. It may also offer exemptions to certain individuals or firms in the application of some existing legislation.

2.8.3 Context of Bills

Mr. Speaker,

We must situate bills within the context of policy making. Legislation should be a result of good policy processes. In this regard, rational policymaking should include the following;

    i)   Clarifying objectives.

    ii)   Identifying alternative means of achieving those objectives

    iii)   Identifying the consequences, including all the side effects of each alternative means

iv)   Evaluating each set of consequences in terms of the objectives so the best policy can be selected and implemented

2.8.4 Systems Thinking

Mr. Speaker,

It is vital to note that systems thinking is a powerful tool in policy analysis. It helps us think about the unanticipated consequences of policies. It also helps to counter simplistic linear assumptions such as "increasing the price of alcohol will lead to a reduction in alcohol consumption." PESTEL Analysis is an example of Systems Thinking.

Example of PESTEL analysis

It is an example of PESTEL Analysis at global, regional, and national levels. Important questions to raise are:

i)   What are the impacts of the "PESTEL Factors" on the management and operations of our parliament/ county assembly/organizations?

ii)   Classify their impacts as POSITIVE and NEGATIVE

iii)   Develop Strategies to maximize the positive impacts and MINIMISE the negative impacts.

2.8.5 Source of Policy Ideas

Mr. Speaker,

Members can obtain policy ideas from;

- Party Manifesto
- Pressure groups
- Think Tanks
- Stakeholders
- Consultation
- Public directly or through MP
- Media

2.8.6 Questions to Start You Off

Mr. Speaker,

There are various questions members can ask to ignite a policy issue. These include;

i) What is the real problem you want to address? - a supply issue? A competition issue??, an information issue? The answer to the problem makes a difference as to the options that will work!

ii) What is the rationale for Government to take action?

iii) What will success look like?

iv) What options are open to you?

Important to note is important to be creative and innovative. Also, remember, that how you define the problem will determine what data you collect, analyze, and come up with solutions.

2.8.7 Evidence-Based Policy

Mr. Speaker,

Evidence is crucial in policy making and the quality of the policy made depends on what evidence is available during the policy-making process. The workshop reiterated the importance of evidence in the following situations;

i. Identifying the real problem behind the symptom

ii. Establishing the real scale or intensity of a problem

iii. Costs, benefits risks of each option

iv. Establishing how we will know when we have been successful

v. Reviews and evaluation

2.8.8 Sound Evidence

Mr. Speaker,

Sound evidence comprises the following;

i) Expert knowledge- e.g. economists

ii) International and domestic research and statistics

iii) Stakeholder consultation process

iv) Evaluations of previous policies

v) Pilot studies

vi) Secondary sources including the internet.

2.8.9 Consultation Code – UK Experience

Mr. Speaker,

Based on the UK Consultation Code, recommended for wide consultations (normally 12 weeks for written consultation). It demands clarity about the proposals, who may be

affected, and the timescale for responses. Also, it is important to provide feedback about responses received and how they influenced policy. The UK Code on Consultation on Para 6.4 further states that "Following a consultation exercise, the Government should provide a summary of who responded to the consultation exercise and a summary of the views expressed to each question. A summary of any other significant comments should also be provided. This feedback should normally set out what decisions have been taken in light of what has been learned from the consultation exercise. This information should normally be published before or alongside any further action e.g. laying legislation before parliament. Those who have participated in the consultation exercise should normally be alerted to the publication of this information."

2.8.10 Legislation: Kenyan Experience

Mr. Speaker,

Since 2010 when Kenya adopted a new constitution, there has been a change in the legislative procedure through parliament. This is mainly because Cabinet Secretaries – formerly called Cabinet Ministers – now no longer sit in Parliament. Under the new dispensation, Cabinet Secretaries are NOT Politicians. They are technocrats who are competitively appointed by the President. In addition, Kenya adopted a Bicameral System of Parliament- The National Assembly and the Senate.

In this regard, there are two (2) routes for the legislative process.

In the first route, A bill from the Government follows the old procedure- i.e. originating from a Ministry to Cabinet – as is the practice in most Commonwealth countries using the Westminster model. The Leader of the Majority in the National Assembly or Senate introduces the bill since no Cabinet Secretary is sitting in the House.

In the Second route, (the Backbenchers) any MP can introduce a Bill. It starts as a Legislative Proposal and is submitted to the Speaker. The Speaker then submits it to the appropriate Portfolio Committee for pre-publication and scrutiny. This process takes 14 days. Thereafter, the Committee writes to the Speaker to go ahead. The bill is published and goes through the normal process i.e. first reading, second reading, committee of the whole, and third reading.

The National Assembly and Senate have a fully-fledged Drafting department. These are former staff of the Attorney General's chambers.

2.8.11 Stages of A Bill

Mr. Speaker,

When a bill is brought before the House, it is considered in at least 5 stages although variations do exist within the commonwealth countries.

i) **First Reading** – This is done on a date appointed by the Business Committee. The Clerk-at-the-Table reads out the title of the bill. By so doing, the bill is deemed to have been read for the first time. Usually, this stage is a formality since no debate takes place.

ii) **Second reading** – This is usually a general and wide-ranging discussion of the principles and scope of the bill. Notices of amendments from members are circulated at this stage. Committee reports may also carry notices of proposed recommendations.

iii) The debate concludes with a motion that "the bill be now read a second time. If the motion is defeated, the bill cannot move to the next stage.

iv) **Committee stage**- The Speaker leaves the chair and the mace is lowered. The Deputy Speaker takes charge of the committee proceedings. A detailed clause–by–clause examination of the bill takes place. When all amendments have been considered and disposed of, the bill moves to the next stage.

v) **Report stage** – The Minister or member reports to the whole house whether the bill passed through the committee stage with or without amendments. A date and time may be set for the third reading.

vi) **The third reading** is the final stage and the debate is on the overall content of the bill.

No amendments can be made at this stage. Depending on Standing orders, errors and oversights can be attended to at the discretion of the Speaker.

A motion is moved to read the bill for the third time. If it is agreed, the bill is deemed duly passed by the House.

The final stage before the bill becomes an Act of Parliament is the **Presidential/ Governor Assent.** The Clerk of Parliament in liaison with the Attorney General chambers prepares clean copies of the Bill. These are signed by the Clerk and forwarded by the Speaker to the President/ Governor for his/ her Assent.

The President/Governor signifies his/ her Assent by signing each copy of the Bill. Thereafter, the Bill is published in the Government Gazette and becomes law.

CHAPTER THREE

1.0   LESSONS LEARNED

Mr. Speaker,

The delegation gained crucial capacity and knowledge in the following general areas namely; effectiveness of parliamentary committees and debates, operationalizing parliament and democracy, parliamentary practices and procedures, public policy analysis and management, mandate and functions of a County Assembly, structure and functions of parliaments.

The following are the specific lessons learned;

i)   It enables members to understand the importance of committees, the powers of committees, parliamentary scrutiny, how to constitute committees, and how to enhance the effectiveness of committees.

ii)   It enhanced members on rules of order and decorum in the House, Points of order, the role of officials in supporting debates, and ways of enhancing the effectiveness of debates.

iii) Members gained knowledge on the importance of democracy to ensure the effective operation of the assembly

iv)   It equipped members with knowledge of parliamentary Practices and Procedures.

v)   Members gained a broad understanding of what entails policy analysis, what is a policy system, the policy-making cycle, the effects of public policies on society, public policy and the law of unintended consequences, monitoring public policies, and evaluating policy performance.

vi)   Members learned about the factors that influence the functions of a County Assembly, and the mandate of functions of a County Assembly in Kenya. They also enhanced their knowledge of the powers, privileges, and immunities of a county assembly as well as sharing the experience of the Kitui County Assembly regarding county assembly Privileges and Immunities since its inception in 2013 and how to forge ahead in the future.

vii) It helped members to understand and distinguish the different structures in various parliaments and their functions.

viii) Members gained knowledge in the legislative process It equipped them with an understanding of different types of bills and the stages they go through until enactment.

CHAPTER FOUR

1.0 RECOMMENDATIONS AND CONCLUSIONS

1.1 Recommendations

Mr. Speaker,

The committee recommended the following;

i)   The County Assembly should make this training an integral part of the organization at the beginning of a new term because it is the hallmark of the work of members of the county assembly. Precedence dictates that the majority of members are mainly new entrants into the county assembly. It is, therefore, necessary to expose them to the appropriate programs to equip them with knowledge of parliamentary procedure and practice and the required skills to execute their core mandate at the Assembly.

ii) The County Assembly should ensure continuous capacity building for Assembly committees to stay abreast with emerging issues in parliamentary practice and procedures

iii) The County Assembly to create opportunities for members to benchmark with other local, regional, and international parliaments to gain practical knowledge on different practices, procedures, and structures in various parliaments and their functions.

4.2 Conclusion

Mr. Speaker,

Committees are an integral part of the conduct of Assembly business. Members are bestowed with the responsibility of ensuring the effective dispensation of Assembly business at the plenary debates and the committees. They must ensure that members have all it takes to fulfill their mandate to ensure the effective working of the County Assembly.
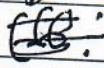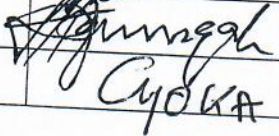
Mr. Speaker,

The overall success of an Assembly can often be directly linked to the effectiveness of parliamentary debates and the effectiveness of the Assembly committees. The committee chair in conjunction with the committee secretariat is ultimately responsible for planning the work of the committee, conducting meetings, maintaining records and appropriate

information about their decisions, ensuring actions are taken, and evaluating results. In this regard, equipping members and staff of the county assembly committees with knowledge on how to handle matters that come before them through effective committee meetings and properly documenting the committee business through minutes and reports is vital.

ANNEXURES

ANNEX 1: CONSIDERATION AND ADOPTION OF THE REPORT BY THE DELEGATION

S/NO	NAME	DESIGNATION	SIGN
1.	Hon.Alphonce Mukwayu Musyimi	Leader of the delegation	
2	Hon. Judith Wanza Kasyoka	Member	
3.	Hon. Kyalo Kimuli	Member	
4	Hon. Hon.Kalamba Musau	Member	
5	Hon. Alex Mutambu Nganga	Member	
6	Hon. Muthama Musyoka Kieti	Member	

ANNEX 2: PICTORIAL