

COUNTY GOVERNMENT OF KITUI



COUNTY ASSEMBLY OF KITUI

THIRD ASSEMBLY- THIRD SESSION (2024)

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*Approved.*  
*[Signature]*  
*25/3/2024.*

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COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON THE TRAINING ON THE ROLE OF THE LEGISLATURE IN  
JUSTICE AND LEGAL AFFAIRS, HELD IN SINGAPORE FROM 4<sup>TH</sup> TO 8<sup>TH</sup>  
MARCH, 2024.



The Clerk's Chambers,  
County Assembly of Kitui,  
P.O. Box 694-90200,  
Kitui, Kenya.

MARCH, 2024

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## **ABBREVIATIONS**

<b>ADR</b>	Alternative Dispute Resolution
<b>CNB</b>	Central Narcotics Bureau
<b>CPIB</b>	Corrupt Practices Investigation Bureau
<b>ESAMI</b>	Eastern and Southern African Management Institute
<b>ICA</b>	Immigration and Checkpoints Authority
<b>ISD</b>	Internal Security Department
<b>KLRC</b>	Kenya Law Reform Commission
<b>MCA</b>	Member of County Assembly
<b>POCA</b>	Prevention of Corruption Act
<b>PSC</b>	Public Service Commission
<b>SPF</b>	Singapore Police Force
<b>SPS</b>	Singapore Prison Service

## EXECUTIVE SUMMARY

**Mr. Speaker Sir,**

This is the Report of the Committee on Justice and Legal Affairs on the Training on the Role of the Legislature in Justice and Legal Affairs, held at M Hotel in Singapore from 4<sup>th</sup> to 8<sup>th</sup> March, 2024. The workshop was facilitated by the Eastern and Southern African Management Institute (ESAMI).

The Standing Orders mandate this Committee to oversight justice and legal affairs within the County, therefore to effectively execute its duties, an in-depth understanding of the thematic areas is paramount.

The training was in furtherance of the Committee's mandate and its work plan and sought to help members gain an understanding of: the legislative powers of the County Assembly, the role of the Legislature in upholding human rights, Alternative Dispute Resolution (ADR), the judicial system in Kenya, gender, legal justice and public engagement and benchmark on good governance as well as public management in Singapore.

Following the successful training in Singapore, the Committee learnt key lessons as outlined in this Report and made recommendations on the way forward.

## CHAPTER ONE

### 1.0 PREFACE

**Mr. Speaker Sir,**

On behalf of the Committee on Justice and Legal Affairs, it is my pleasure to present the Committee's Report on the Training on the Role of the Legislature in Justice and Legal Affairs, held in Singapore from 4<sup>th</sup> to 8<sup>th</sup> March, 2024.

The workshop was facilitated by the Eastern and Southern African Management Institute (ESAMI) which is an intergovernmental institution established in 1980 and is owned by various Sub-Saharan African governments including Kenya. The institute is designed to provide specialized management training, research and consultancy services to its members.

### 1.1 Mandate the Committee

**Mr Speaker Sir,**

Sectoral Committees' mandate, functions and roles are as stipulated in the County Assembly Standing Orders No. 190(5) and as contained in the second schedule that outlines the subject areas for consideration by sectoral committees.

Standing Order No. 190(5) outlines the functions of the Sectoral Committee as:

- i) To make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

- ii) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- iii) To 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;
- iv) To study and review all county legislation referred to it;
- v) To study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives.

## 1.2 Composition of the Delegation

**Mr Speaker Sir,**

The Delegation comprised of the following Members:

1. Hon. Cyrus Musyoka	Team Leader
2. Hon. Dominic Mwamisi	Member
3. Hon. Deborah Mutuku	Member
4. Hon. Peter Mwanza	Member
5. Hon. Stephen Katana	Member
6. Hon. Benjamin Mulandi	Member
7. Mercy Mbinya	Secretariat

### **1.3 Justification and Objectives of the Exercise**

**Mr. Speaker Sir,**

Article 185 of the Constitution vests the legislative authority of a County in the County Assembly. In line with this provision, the County Assembly is bestowed with the power to create, amend and repeal laws and it is important for Members to appreciate their legislative powers.

The Standing Orders mandate this Committee to oversight justice and legal affairs matters within the County, therefore to effectively execute its duties, an indepth understanding of the thematic areas is paramount.

The Government of Singapore is modelled after the Westminster system, with 3 separate branches: the Legislature (comprising of the President and Parliament), the Executive (comprising of the Cabinet Ministers and office-holders, and is led by the Prime Minister) and the Judiciary. The Prime Minister is the Head of Government and the President is the Head of State. The Legislature makes the laws while the Executive administers the law. The Judiciary on the other hand interprets the law through the Courts.

Due to good governance, Singapore has conducted its public affairs, managed its resources and guaranteed realization of human rights in a manner that is free from abuse and corruption and with regard for the rule of law.

In view of the above, the Committee organized for a capacity building exercise in Singapore on the role of the Legislature in Justice and Legal Affairs.

The training was in furtherance of the Committees mandate and its work plan and was meant to empower Members in the following terms:



1. Gain an understanding of the legislative powers of the County Assembly, the law making process and the role of legislators in the legislative process;
2. Gain an understanding of human rights in Kenya and the role of the Legislature in upholding these rights;
3. Comprehend Alternative Dispute Resolution (ADR) mechanisms and how the Legislature can promote use of ADR;
4. Understand the judicial system in Kenya, gender, legal justice and public engagement.
5. Benchmark on good governance as well as public management in Singapore and key factors that have contributed to the Country's success.

#### 1.4 Acknowledgement

**Mr. Speaker Sir,**

On behalf of the Committee on Justice and Legal Affairs, I extend my gratitude to the Honourable Speaker, Office of the Clerk, Members of the Committee and the staff attached to the Committee for their continuous support, assistance, and commitment in executing their duties.

I also acknowledge the Ministry of Devolution for approving the workshop and ESAMI for organizing the workshop and attaching Mr. Bob Otieno – Advocate of the High Court of Kenya and his Assistant, Wambui Nganga to facilitate the study sessions. I also extend my gratitude to M Hotel Singapore, the workshop venue, for the reception and hospitality.

It is therefore my pleasant duty, on behalf of the Committee, to present this Report and recommend it for consideration and adoption by the House.

SIGNATURE: ..... ~~CA~~ ..... DATE: 21/3/2024 .....

HON. CYRUS K. MUSYOKA, M.C.A.,

CHAIRPERSON, COMMITTEE ON JUSTICE AND LEGAL AFFAIRS,

COUNTY ASSEMBLY OF KITUI.

## CHAPTER TWO

### 2.0 BACKGROUND INFORMATION

**Mr Speaker Sir,**

The Republic of Singapore is a highly urbanized, economically affluent city-state and island Country in Southeast Asia whose territory expanded through land reclamation. It is located at the southern tip of the Malay Peninsula.

Since 1965, Singapore has experienced robust economic growth, decreased inflation, and exceptionally high savings rates. Between 1960 and 1999, Singapore's most critical years of economization, the Country's Gross National Product (GNP) increased highly through maximization of exports and mass manufacturing. Singapore's key export commodities include: electronics, information technology products, pharmaceuticals, chemicals, airfare, etc. Within 60 years, Singapore has transitioned from a subject of British colonial rule to a global model for economic prowess.

Today, Singapore ranks as one of the richest countries and is a regional hub for international business. It is also a major international transport hub in Asia, positioned on many sea and air trade routes. The Country maintains good political and economic relations with various developed nations such as the United States and China, which are also ranked among the world's richest countries.

As at June 2023, the population stood at around 5.92 million with a population of majorly Chinese, and significant minorities of Malays, Indians,

and Eurasians. There are four official languages: English, Malay, Mandarin, and Tamil.

Close to 10 percent of Singapore's land had been set aside for parks and nature reserves or green space in the city.

### **2.0.1 System of Government**

**Mr Speaker Sir,**

The Government of Singapore is modelled after the Westminster system, with 3 separate branches: the Legislature (which comprises of the President and Parliament), the Executive (which comprises of the Cabinet Ministers and office-holders, and is led by the Prime Minister) and the Judiciary. The Prime Minister is the Head of Government and the President is the Head of State.

The Legislature makes the laws while the Executive administers the law. The Judiciary on the other hand interprets the law through the Courts. Under the Constitution of Singapore, the judicial system of Singapore is divided into the Supreme Court which comprises the Court of Appeal and the High Court, and the subordinate courts, namely the State Courts and Family Justice Courts.

### **2.0.2 Law enforcement and regulatory Agencies in Singapore**

In Singapore, law enforcement is principally led by the Singapore Police Force (SPF), and supported by other agencies such as the Corrupt Practices Investigation Bureau (CPIB), Singapore Prison Service (SPS), Central Narcotics Bureau (CNB), Internal Security Department (ISD), Immigration and Checkpoints Authority (ICA), and Singapore Customs. Some law

enforcement powers may be exercised by non-government entities like the auxiliary police forces and security officers.

Singapore's law enforcement system has resulted in crime being extremely low, with petty theft as well as violent crime also deemed almost non-existent. Singapore is often ranked one of the safest in the world, particularly in regards to digital, personal and infrastructure security. The country also ranks highly on the Global Peace Index, being consistently placed in the top 10 and the highest in Asia.

The Singapore Police Force (SPF) is the main government agency tasked with maintaining law and order in the city-state. It was founded in 1820, and is supervised by the Ministry of Home Affairs.

The Corrupt Practices Investigation Bureau (CPIB), founded in 1952, is a government agency which investigates and prosecutes corruption in the public and private sectors. Although its primary function is to investigate corruption, it is also empowered to investigate other criminal cases in which corruption may be involved.

The Internal Security Department (ISD) is a domestic intelligence agency of the Ministry of Home Affairs founded in 1966. It has the right to, detain individuals suspected to be a threat to national security. It seeks to confront and address security threats, including espionage (spying). The ISD also monitors and addresses racial tension matters which might affect the public peace, surveillance, apprehension of militants and protection of Singapore's national borders.

### **2.0.3 Public Service in Singapore**

The Singapore Public Service Commission (PSC) was formed in 1951 and is the custodian of the values of integrity, impartiality and meritocracy for the Public Service. As an independent and neutral body, overseeing appointments, promotions and discipline within the service, the PSC plays a key role in ensuring that the civil service remains both clean and effective.

It is meant to guarantee the integrity of the civil service and gives reassurance to the public that the civil service is being properly managed to avoid issues such as nepotism, favouritism, etc. It also gives reassurance to the civil servants that their position is secured and they won't be subject to political interference. The Singapore Public Service's core values of integrity, service and excellence guide all aspects of work.

### **2.0.4 The Success of Singapore**

#### **Mr Speaker Sir,**

The success of Singapore has been attributed to various factors including the following:

1. Good leadership

One of the key factors that led to Singapore's development was the leadership of its ministers and the high quality of the civil servants who supported them. Meritocracy played a key role in Singapore's success because of the practice of meritocracy in the civil service, in politics, in business and in schools.

2. Effective public administration

The public administration in Singapore consists of around 16 ministries and 64 statutory boards and has over 144,980 employees. The government's effectiveness is attributed to the competence of civil servants, quality of public service provision, the independence of the civil service from political pressures, and the credibility of the government's commitment to policies.

The emphasis on meritocracy and training of Singapore's public administration has resulted in a high level of competence of the personnel in implementing policies.

### 3. Keeping corruption at bay

At one point, corruption was a serious problem in Singapore because of the government's lack of political will and the ineffective Anti-Corruption Branch (ACB), which was understaffed and had to deal with both corruption and non-corruption related functions. Corruption was also rampant among civil servants because their low salaries, high inflation and inadequate supervision by their superiors gave them ample opportunities for corruption with a low probability of being caught.

The CPIB's success is attributed to the impartial enforcement of the Prevention of Corruption Act (POCA) as anyone found guilty of a corruption offence is punished regardless of his or her position, status or political affiliation. The CPIB has investigated several leaders and senior civil servants in Singapore without fear or favour.

### 4. Education and competitive compensation

3. Adhere to the values and principles of public service and also good governance in its operations.
4. Ensure that laws are administered and justice dispensed and that there is an operational inspectorate and enforcement unit within the County to ensure enforcement and compliance with laws.
5. Uphold and protect human rights such as fair labour practices, clean and healthy environment, economic and social rights, human dignity, property, information, etc

The Committee on Justice and Legal Affairs plays a key role in overseeing the above matters.



## CHAPTER THREE

### 3.0 PRESENTATIONS

**Mr Speaker Sir,**

The facilitators of the workshop, Mr. Bob Otieno and Wambui Nganga welcomed the participants. After the preliminaries such as introductions and setting of the expectation, various topics as outlined herein were dealt with.

### 3.1 LEGISLATIVE POWERS

The Legislature holds the power to create, amend, and repeal laws, hence serving as the primary decision-making body. This vital function ensures that the laws of the land align with the needs and values of the society they govern.

#### 3.1.1 The Lawmaking Process

The lawmaking process begins with the proposal of a new law or an amendment to an existing law.

The legislative proposal should be subjected to pre- publication scrutiny whereby it undergoes a detailed review and discussion within relevant committee. The committees are expected to undertake careful review and analysis of proposed laws and regulations. They play a role in evaluating the impact on society, consulting with legal experts, and considering precedents to ensure the legislation aligns with the country's legal framework.

If the legislative proposal is accepted, it is published as a Bill in the Kenya Gazette and introduced to the House by way of First Reading. Upon being

read the First Time, it stands committed to the relevant Committee. The Committee is expected to facilitate public participation and consider the view and recommendations of the public when making its report to the County Assembly. After presentation of the report, the Bill undergoes the Second Reading and thereafter stands committed to the Committee of the Whole House for consideration of various parts of the Bill including amendment. Thereafter the Bill undergoes the Third Reading.

The law making process demands a judicious approach to address complex legal issues and uphold the integrity of the legislative system. As far as legislative business is concerned, Members are expected to play a role by researching, debating, and actively participating in Committees, to ensure comprehensive deliberation on important matters

### **3.1.2 Role of legislators in the legislative process**

Legislators play various roles in the legislative process which include the following:

#### **1. Promoting Legislation**

Legislators propose, draft, and sponsor new laws to address societal needs and concerns and work to build consensus and garner support for their proposed legislation within legislative bodies.

#### **2. Amending and Voting**

They actively participate in amending existing laws and regulations, ensuring they are relevant and effective. They vote on proposed legislation, contributing to the decision-making process and shaping the laws that govern society.

### 3. Constituent Representation

Legislators serve as representatives of their constituents, voicing their concerns and perspectives in the legislative process. They advocate for the interests of the people they represent, ensuring their voices are heard in lawmaking.

#### **3.1.3 Legislative oversight and accountability**

Government oversight ensures accountability and transparency in legislative processes. Regular review of legislation by stakeholders maintains accountability and effectiveness while checks and balances ensure legislative accountability and prevent abuse of power.

#### **3.1.4 Legislative decision-making and policy formulation**

Legislators participate the policy development process through creating, revising, and shaping policies to address societal needs and challenges.

They also ensure public engagement in policy formulation through engaging with constituents and stakeholders to ensure policies reflect diverse perspectives and community needs.

#### **3.1.5 Procedural requirements**

Legislative procedures outline the necessary steps to introduce, debate, and pass laws. For instance Standing Orders govern the behavior of legislators during debates, ensuring orderly and respectful proceedings. Committees also follow specific procedures for reviewing bills and conducting inquiries into legislative matters.

### **3.1.6 Challenges and Limitations in Fulfilling Legislative Responsibilities**

**Mr Speaker Sir,**

Legislators face various challenges in undertaking their mandate. These include:

1. Political gridlock whereby they may encounter challenges in passing bills due to political disagreements and societal divisions.
2. Complexity of issues whereby they have to deal with complex issues that require in-depth analysis and scrutiny.
3. Resource constraints in that limited resources may impede effective research, consultation, and the ability to implement legislative initiatives.
4. Public scrutiny as Legislators are always being watched by the public, often making it challenging to balance the demands of constituents and the broader public interest.

### **3.2 HUMAN RIGHTS**

**Mr Speaker Sir,**

Human rights are moral principles that describe certain standards of human behavior and are regularly protected as legal rights in international, national and devolved law. The 1948 Universal Declaration of Human Rights set the framework for modern human rights law.

Chapter 4 (Articles 19 to 57) of the Constitution provides for the Bill of Rights and some of these rights include equality and freedom from discrimination,

economic and social rights, human dignity, information, labour relations, environment, fair administrative action, fair hearing, etc.

These are rights that the County Assembly is expected to uphold and protect in execution of its duties.

### **3.2.1 Protection of Human Rights in Legal Proceedings**

In all proceedings, including those at the County Assembly should ensure that human rights are protected. Some of these include:

#### **1. Right to fair administrative action**

Every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.

Administrative action includes the powers, functions and duties exercised by authorities or quasi-judicial tribunals or any act, omission or decision of any person, body or authority that affects the legal rights or interests of any person to whom such action relates.

#### **2. Right to a Fair Trial and Due Process**

Every individual has the right to a fair and public hearing by an independent and impartial tribunal. This includes the right to legal Counsel or access to legal representation and aid, presumption of innocence, and the right to be informed of the nature and cause of the accusation.

It also includes evidence admissibility as fair trials require rules for the admissibility of evidence to prevent unjust convictions.

### 3. Right to information

Every person has the right to information held by the State and information held by another person and required for the exercise or protection of any right or fundamental freedom.

### 4. Protection from Torture

Human rights law prohibits the use of any evidence obtained through torture or ill-treatment. It also safeguards individuals from any form of cruel, inhuman, or degrading treatment or punishment.

### 5. Right to Privacy

Individuals should be protected from unwarranted intrusion into their personal and private affairs. This is particularly important in legal proceedings to safeguard the confidentiality of sensitive information.

## **3.2.2 Legislative Role in Ensuring Justice and Human Rights**

**Mr Speaker Sir,**

To ensure that human rights are protected, the Legislature can play some roles such as: creating fair and just laws that uphold justice and protect human rights, reviewing and amending outdated laws to ensure they align with evolving societal values, implementing criminal justice reforms to address issues of equity and fairness, overseeing human rights compliance of governmental bodies with human rights conventions and treaties, amongst others.

Legislators can engage with communities to promote awareness of legal rights, through awareness campaigns and advocating for fair treatment of all persons.

Promoting awareness, reforming policies, and supporting organizations working in this field are key actions that can bring about positive change, in the strive for a more just and equitable society.

### **3.3 ALTERNATIVE DISPUTE RESOLUTION**

**Mr Speaker Sir,**

Alternative Dispute Resolution (ADR) refers to a range of processes and techniques used to resolve conflicts and disputes outside the formal judicial system. These methods, including mediation, arbitration, and negotiation, provide parties with more control over the resolution process and often lead to quicker, more cost-effective outcomes.

#### **3.3.1 Types of ADR**

Mediation is an ADR method involving a neutral third party facilitating dialogue to reach a resolution.

Arbitration is the process where a neutral arbitrator/ 3<sup>rd</sup> party renders a decision after hearing both sides. It may also involve an Arbitration Panel Arbitration or a panel of experts in the relevant field. An Arbitration Award is the outcome of arbitration and is legally binding and enforceable.

Negotiation refers to direct discussion between parties to reach a mutually acceptable agreement. Before entering a negotiation, it's essential to research the other party's position and interests. Value should be created for both parties by exploring common interests and innovative solutions.

### **3.3.2 Role of the Legislature in Promoting ADR**

**Mr Speaker Sir,**

As far as legal frameworks are concerned, the Legislature should enact legislation endorsing ADR methods and establishing guidelines for their implementation.

In addition, if need be, they can offer funding support by allocating resources for ADR training programs and public awareness campaigns.

They can also promote public awareness and educational initiatives to ensure that the public/ citizens are aware of ADR mechanisms, option and the attendant benefits.

### **3.3.3 Benefits and Challenges of ADR**

ADR has some benefits such as quick resolution of disputes, saving time and resources. It also has some degree of impartiality and fairness to ensure neutrality in the decision making processes

Despite the above benefits, ADR is affected by unequal bargaining power and this may negatively affect outcomes.

### **3.3.4 Challenges and Limitations of ADR**

Although ADR has many benefits, it also has challenges and limitations. One key challenge is the potential power imbalance between parties, impacting the fairness of the process. This can lead to unequal outcomes and dissatisfaction. Additionally, enforcing ADR decisions can be challenging, especially in international cases due to varying legal frameworks. Moreover,



certain cases involving complex legal disputes may not be suitable for ADR, requiring traditional court proceedings for resolution

### **3.4 OVERVIEW OF THE JUDICIAL SYSTEM**

**Mr Speaker Sir,**

The judicial system is a cornerstone of modern society and ensures fairness and justice through the interpretation and application of laws. It includes various components such as courts, judges, and quasi-judicial bodies.

A quasi-judicial tribunal is a body which has powers and procedures similar to those of a Court and can examine facts and draw conclusions that form the basis of an official action. Such actions can remedy a situation, impose penalties and may affect the legal rights, duties and privileges of specific parties.

Article 195 of the Constitution empowers the County Assembly or its Committees to summon any person to appear before it for purposes of giving evidence or providing information. It further states that the County Assembly has the same powers as the High Court to enforce attendance of witnesses and examine them on oath, affirmation or otherwise. This power is exercised within the confines and requirements of the Constitution as the supreme law, to avoid violation or infringement on rights and fundamental freedoms.

Oversight helps in preventing abuse of power and ensures that the rights of individuals are protected. Without proper oversight, there is a risk of corruption and unjust outcomes in legal proceedings.

### **3.4.1 Mechanisms for Oversight**

Some mechanisms for oversight include transparency by ensuring open access to Assembly proceedings and records for public scrutiny and review.

Further, implementing Accountability mechanisms and systems to hold leader accountable for their actions and decisions.

In addition, Independent Review ensures that decisions can be reviewed.

### **3.4.2 Challenges to Effective Oversight**

Some challenges to effective oversight include:

1. Ethical Concerns whereby handling conflicts of interest and maintaining impartiality in decision-making is a challenge.
2. Resource Limitations whereby insufficient funding and staffing to conduct thorough oversight activities hinders effective oversight.
3. Political Interference in that pressure from external entities that may compromise the independence of oversight bodies.
4. Complex Legal Framework in that navigating intricate legal statutes and regulations for effective oversight implementation hinders effective oversight.

## **3.5 GENDER, LEGAL JUSTICE AND PUBLIC ENGAGEMENT**

**Mr Speaker Sir,**

Gender equality refers to equal access to opportunities and resources regardless of gender, including economic participation and decision-making.

As far as legislative initiatives for gender equality are concerned, the Legislature should come up with gender-neutral laws that are unbiased in treatment of individuals, regardless of gender. In addition, it should advocate for representation in Government by coming up with measures to promote representation of both genders.

The Legislature should examine how legal frameworks impact the rights and protections of individuals based on their gender. It should enact and oversight the enforcement of gender-sensitive legal frameworks and advocate for relevant reforms.

Public engagements are crucial for raising awareness and promoting discussions on gender-related issues. These engagements foster community involvement and empower individuals to advocate for change. By including diverse voices and experiences, public engagements contribute to creating inclusive and effective policies.

Legislatures play a vital role in raising awareness about gender-based issues and discrimination. They can organize public forums and discussions to highlight the importance of gender equality. By passing laws and regulations, they send a powerful message of support for gender equality.

### **3.5.1 Analyzing legislative interventions**

Legislators should:

1. Evaluate Impact by assessing the effectiveness of laws and policies in addressing gender-based issues.

2. Identify gaps and highlight areas where legislative measures may fall short and require further attention.
3. Address systemic barriers by analyzing how legal frameworks can be adapted to overcome systemic barriers to gender equality.

### **3.6 LEARNING FROM GLOBAL BEST PRACTICES**

#### **3.6.1 The six principles of good governance in Singapore**

**Mr Speaker Sir,**

Good governance refers to the process of measuring how public institutions conduct public affairs and manage resources and guarantee the realization of human rights in a manner that is free from abuse and corruption and with due regard for the rule of law.

There are six principles of good governance in Singapore and these are:

1. Meritocracy whereby every Singaporean is offered a chance to advance up the social ladder through entitlement to a formal education, hence the citizens will be judged based on their capabilities, and not race, religion or background.
2. Racial and religious harmony with the Maintenance of Religious Harmony Act prohibiting all forms of attacks on any religion. This is critical to building a multi-ethnic society in Singapore, where various forms of religions exist. Racial and religious harmony is viewed as more important than the freedom of speech and freedom of the press.
3. A clean government as Singapore adopts a zero-tolerance policy towards corruption, ie the elimination of corruption, within its government and

civil service. Ministers and senior civil servants have been jailed for corrupt practices in the past.

4. Rule of law in that, with a sound justice system in place, everybody in Singapore is treated fair and equal, which boosts businessmen and investors confidence, who know their investments are protected.
5. Inclusiveness, with Singapore viewing social equity as crucial in its growth strategy. The government subsidises education, housing, healthcare and public transportation for all its citizens, though it doesn't consider itself a welfare state. The Singapore social-economic system is made from a unique blend of capitalism and socialism practices.
6. Protection of the environment whereby the former Prime Minister Lee Kuan Yew championed cleaning up the rivers and streets of Singapore. He believed that a clean environment is critical to the development of the country, to the extent that he turned down investments which would pollute the environment.

### **3.6.2 Other Jurisdictions**

Sweden has a Gender Equality Policy whereby gender equality extends to all sectors, promoting equal opportunities and representation. New Zealand has Public Engagement Campaigns whereby public engagement strategies prioritize inclusivity and community involvement in legal matters.

## CHAPTER FOUR

### 4.0 LESSONS LEARNT

**Mr Speaker Sir,**

Following the successful workshop in Singapore, the lessons learnt include the following:

#### **1. Legislative authority of the County Assembly**

The Legislature holds the power to create, amend, and repeal laws, hence serving as the primary decision making body. This vital function ensures that the laws of the land align with the needs and values of the society they govern.

Committees are expected to undertake careful review and analysis of proposed laws and regulations. They play a role in evaluating the impact of laws on society, consulting with experts, and considering precedents to ensure that legislation aligns with the country's legal framework.

Legislators promote, amend and vote on legislation and represent constituents by engaging them and voicing their concerns and perspectives in the legislative process. In undertaking this role, Legislators face various challenges such as:

- i. Political gridlock whereby they may encounter challenges in passing laws due to political disagreements and societal divisions.
- ii. Resource constraints which hinder effective research, consultation and oversight.
- iii. Public scrutiny which makes it difficult to balance the demands of constituents and the broader public interest.

## **2. Protection of human rights**

To ensure that human rights are protected, the Legislature can play some roles such as: creating fair and just laws that uphold justice and protect human rights, reviewing and amending outdated laws to ensure they align with evolving societal values, implementing reforms to address issues of equity and fairness, overseeing human rights compliance by governmental bodies, amongst others.

Legislators can engage with communities to promote awareness of legal rights, through awareness campaigns and advocating for fair treatment of all persons.

Article 195 of the Constitution empowers the County Assembly or its Committees to summon any person to appear before it for purposes of giving evidence or providing information. It further states that the County Assembly has the same powers as the High Court to enforce attendance of witnesses and examine them on oath, affirmation or otherwise. This power is exercised within the confines and requirements of the Constitution as the supreme law, to avoid violation or infringement on rights and fundamental freedoms.

## **3. Alternative Dispute Resolution (ADR)**

Alternative Dispute Resolution (ADR) refers to a range of processes and techniques used to resolve conflicts and disputes outside the formal judicial system. These methods, including mediation, arbitration, and negotiation, provide parties with more control over the resolution process and often lead to quicker, more cost-effective outcomes.

As far as legal frameworks are concerned, the Legislature should enact legislation that endorses ADR methods and establishes guidelines for their implementation.

They can also promote public awareness and educational initiatives to ensure that the public/ citizens are aware of ADR mechanisms, options and the attendant benefits.

#### **4. Effective oversight**

Despite oversight being a Constitutional mandate, the Legislature faces some challenges including:

- i. Resource limitations whereby insufficient funding and staffing to conduct thorough oversight activities hinders effective oversight.
- ii. Political interference in that pressure from external entities may interfere with the independence of the Assembly.

#### **5. Gender and Legal Justice**

As far as legislative initiatives for gender equality are concerned, the Legislature should come up with gender-neutral laws that are unbiased in treatment of individuals, regardless of gender.

In addition, it should advocate for representation in Government by coming up with measures to promote representation of both genders.

The Legislature should examine how legal frameworks impact the rights and protections of individuals based on their gender. It should enact and oversight the enforcement of gender-sensitive legal frameworks and advocate for relevant reforms.



## **6. Public Engagement**

Public engagements are crucial for raising awareness and promoting discussions on devolved matters and other issues of concern to the society.

These engagements foster community involvement and empower individuals to advocate for change.

By including diverse voices and experiences, public engagements contribute to creating inclusive and effective policies.

## **7. Good governance in Singapore**

The six principles of good governance in Singapore are:

- i. Meritocracy whereby every Singaporean is offered a chance to advance up the social ladder through entitlement to a formal education.
- ii. Racial and religious harmony which is critical to building a multi-ethnic society in Singapore, where various forms of religions exist.
- iii. A clean government as Singapore adopts a zero-tolerance policy towards corruption, ie the elimination of corruption, within its government and civil service. Ministers and senior civil servants have been jailed for corrupt practices in the past.
- iv. Rule of law in that, with a sound justice system in place, everybody in Singapore is treated in a fair and equal manner.
- v. Inclusiveness, with Singapore viewing social equity as crucial in its growth strategy. The government subsidises education, housing, healthcare and public transportation for all its citizens.
- vi. Protection of the environment.

## CHAPTER FIVE

### 5.0 RECOMMENDATIONS

**Mr Speaker Sir,**

Following the successful workshop, the Committee makes the following recommendations:

#### 1. Civic Education

The County Government should consider implementing a civic education programme and establish/operationalize a civic education unit. Conversations with the community and increased public outreach will ensure that the County has an informed citizenry that actively participates in the governance affairs of the society on the basis of enhanced knowledge. It will also ensure that citizens have an improved understanding, appreciation and engagement in the operationalization of the county system of government and the responsibilities bestowed upon each arm of the government.

This will also ensure implementation of Part 10 of the County Governments Act which provides for Civic education.

#### 2. Encouraging use of Alternative Dispute Resolution (ADR) Mechanisms

The County Assembly should consider enacting legislation that endorses ADR methods and establishes guidelines for their implementation.

Legislators can also promote public awareness and educational initiatives to ensure that the public/ citizens are aware of ADR mechanisms and the attendant benefits.

The use of alternative forms of dispute resolution mechanisms such as reconciliation, mediation, arbitration should be encouraged to resolve

disputes. This will ensure win- win situations for all parties, quick resolution of disputes, besides also saving time and resources.

### **3. Law reform**

Whereas the County Assembly of Kitui has passed many laws since its inception, most of these laws have never been implemented, operationalized or reviewed. The existing County laws need to be regularly reviewed/ examined in detail to identify and address any existing gaps and this will enhance their applicability, effectiveness and efficiency towards improved service delivery in the County.

There is need to introduce new legal frameworks or modify existing ones, as circumstances dictate.

The Committee notes that the Kenya Law Reform Commission (KLRC), in consultation with various stakeholders, developed numerous model laws that can be customized by Counties in furtherance of their legislative agenda.

### **4. Operationalization and enforcement of County Laws**

County laws should be implemented to ensure that they fulfil their objectives and that the work of the Legislature is not an exercise in futility. This calls for a vibrant and efficient enforcement unit in the County in addition to a governing legal framework on enforcement matters for purposes of enforcing compliance with the laws.

### **5. Operationalization of the Office of the County Attorney**

The position of the County Attorney has been vacant for a prolonged period of time, despite the substantive duties attached to this position as outlined in the governing framework. In view of this, H.E. The Governor

should consider nominating a County Attorney, for approval by the County Assembly for appointment purposes. This will ensure that the above Office is fully operationalized.

#### **6. Enhanced oversight**

In line with Article 185(3) of the Constitution, the County Assembly should enhance and strengthen its oversight over the County Executive and other county executive organs on all relevant matters. Increased budgetary allocations for oversight activities will go a long way in strengthening oversight. This will improve accountability and transparency hence leading to improved service delivery and attainment of the objects of devolution.

#### **7. Protection of human rights**

To ensure that human rights upheld, the County Assembly should enact laws that protect human rights and oversight the County Executive and its organs to ensure human rights compliance. The Legislature should also exercise its powers within the confines and requirements of the Constitution as the supreme law, to avoid violation or infringement on rights and fundamental freedoms.

## CHAPTER SIX

### 6.0 CONCLUSION

Mr Speaker Sir,

The Constitution establishes County Governments and provides for the objects and principles of devolved governments. For devolution to be successful in Kitui, political leaders, civil servants and citizens should play their part in their own way.

There must be political will to allocate the necessary resources and mobilise the required support from various stakeholders to implement policies effectively in the County.

Low levels of corruption, adherence to the rule of law and an effective public service that can come up with innovative solutions to problems will go a long way in ensuring that the objects of devolution as outlined in the Constitution are attained.

Thank You.

### ANNEXURES

- Annex 1: Photo Gallery
- Annex 2: Report Adoption List
- Annex 3: Invitation and approval letters
- Annex 4: Boarding Passes and passports

