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ON

**PROFESSIONALIZING LEGISLATIVE SERVICE
PROVISION**

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1.0 INTRODUCTION

The fundamental role of parliament is to enact laws, represent constituency interest, debate and establish political priorities and resource allocations that directly affect the citizens' welfare, and oversee the executive branch. Parliament, perhaps more than other institutions attracts greater public attention in terms of performances. Consequently, capacitated parliamentary institutions are critical to the establishment and consolidation of a strong democratic governance process.

Professions are accepted as a universally conceived and recognizable social formation. In exploring professional values for the 21st Century, Andrzej Grossman advances some key characteristics that have over time emerged as ideal model towards professionalizing a particular occupation. They are:

- Expertise, the mastery of which is drawn from an ever developing and complex theoretical base and necessarily involves length study, training and work experience.
- Authoritative advice to clients.
- A social good at which the expertise is directed.
- Autonomy and self-regulation in setting standards of practice, the content of education, entry into and exit from the profession.
- Allegiance expressed through a pledge to follow a code of conduct.
- Greater prestige, influence and financial rewards than other professions.

2.0 PROFESSIONALIZING THE LEGISLATIVE SERVICE

The most important virtues that emanate from professionalizing the legislative service provision are threefold.

- (i) Ensure that parliamentary service provides sound professional advice and support for parliament independently of the executive.
- (ii) Provide non-partisan and impartial advice and services to the House, members of parliament, presiding officers and other organs of the House such as parliamentary committees.
- (iii) Appreciation and adherence to professionalism affords staff to do things differently, do things better, and be receptive to and embrace new ideas.

This paper evaluates the process of professionalizing legislative service provision in the Kenyan context. Captured for discourse is the wider scope covering recruitment, training, parliamentary structures, work environment, performance measures, code of conduct and ethics among other indicators. These, to an extent provide the underlying impulse for the process of professionalization in an organization.

2.1 The Parliamentary Service

The development of the Kenya Parliament has evolved progressively over the years resulting in gradual reduction of the influence by the executive arm of the government on the legislature. A perennial crusade running through three decades to extricate the legislature from the executive led to the eventual creation of the Parliamentary Service Commission (PSC). This separation of the legislature from

the executive was a major step towards independence of legislative service provision.

The establishment of the PSC set in process a gradual recruitment of specialized professionals to build on the capacity of those on board. Nurturing of professional growth is broadly evident in the growing service of specialized expertise that this latter group of long serving and experienced parliamentary staff display.

The Parliamentary Service Act, No. 10 of 2000 is explicit on the issue of professionalizing the legislature. Section 3 (1) clearly states: *“The service shall be an institution of exemplary administrative and technical competence.”*

Implementation of sections of the PSC Strategic Plan for 2002-2012 has seen the Kenya National Assembly become more professionalized in its staff establishment. The recent establishment of a research unit has been cited as long overdue. Moreover, legal professionals, hitherto non-existent in the staff establishment have been brought on board. The immense wealth of expertise and contribution towards professionalizing legislative service provision the various professionals bring to parliamentary service need not be overemphasized.

2.2 Work Ethics/Culture

The concerted efforts and endeavour to professionalize legislative service provision must however not be pursued at the expense of professional ethics. It is therefore incumbent upon the parliamentary institution and the legislative service providers to uphold strong professional ethics. From professional ethics flows a culture and work practices, which vigorously promotes and defends the legislative process.

Parliamentary Staff have to deal with members drawn from across the political divide and cultural environments. Nonetheless, the staff have political views. Part of the strength of the staff is the interest and enthusiasm they have for parliament and political process. Sustained commitment to professionalization of legislative service provision will ensure that any such opinions do not influence staff in the course of their legislative assignments. Subsequent training and cultivated professionalism should enable staff to deal fairly, impartially and with equal energy and enthusiasm with all across the political divide – even those with whose views they may differ – or even find distressing.

2.3 Training and Skills Development

Training is key to professionalizing legislative service provision process. As a component of staff and human resource development, training ensures a continued sense of career advancement through the organizational establishment.

Absence of clear guidelines for staff development within a parliament is an impediment to any efforts geared towards professionalizing legislative service provision. Regular updating of skills is crucial in promoting the process. However, we must recognize that there are very few institutions across the globe offering legislative studies in their curriculum.

Training also entails heavy investment in terms of resource requirements. Parliament must therefore strive to plan and push their agenda for budgetary allocations aimed at capacity building in terms of offering training opportunities to staff and even members of parliament.

2.4 Parliamentary Committees

Parliamentary Committees play a pivotal role in all key parliamentary functions. A great deal of legislative work has been achieved through parliamentary standing and select committees. This perhaps explains why committees have become a central part to parliaments effectiveness in achieving its mandate.

Committees must therefore be seen to be effective in deliberating matters of public interest as well as being balanced groups of knowledgeable policy experts advising the House on legislation, and exercising focused oversight of government operations. In the context of Kenya parliament, efforts to professionalize committees cut across both staff and members of parliament. The nominating political party makes particular attempt in the nomination of a member to a given committee through consideration of the member's background. This assures relevance of the member to the respective committees, thus giving committees a semblance of a formal knowledge base.

The parliamentary committee system in Kenya has recently been strengthened by the recruitment of research assistances drawn from diverse professional disciplines and their subsequent deployment/attachment to the relevant departmental committees. The process is ongoing and meant to boost committees to be effective as advisors to the house through being broadly representative and knowledgeable about the policies and programmes related to their mandate.

The desirable long-term impact is a scenario where committees can further their own priorities by tailoring their advice on policy and programme matters to impact

on the government plan and resource allocation. This way, committees can articulate policy preferences publicly and influence government activities.

2.5 Standing Orders (Constitution of Kenya Section 56)

Standing orders play an overriding role in the conduct of parliamentary business. They are the most widely referred source of parliamentary procedure even in the pursuance of committee business. The fact that standing orders are made under the authority of a statute renders them constitutional.

From the foregoing therefore, consistent and regular review of the standing orders to reflect on the Parliament reform process and the dynamics of the political outlook is necessary in our efforts to professionalize legislative service provision. Up to date, strict adherence to the standing orders has ensured a prevailing sense of etiquette in the way members conduct themselves and even the relationship between staff and the members of parliament.

The tradition in the Kenya is to amend the standing orders at the end of each parliament. This ensures that self-serving interests among sitting members of parliament do not prevail at the expense of this noble cause. The importance of this process is enshrined in the standing orders committee chaired by the speaker. However, during Kenya's eight parliament (1998-2002), the standing orders were not reviewed owing to the ongoing constitutional review process in the country. The impact this may have on the professional service provision on both members and staff of the National Assembly may not be noticeable in the short term assessment.

2.6 Access to Information

Access to information pertinent to legislative work is imperative if parliament is to achieve its roles and objective. In order to achieve these, staff and members alike, need to have access to a wide range and quality information, analysis and advice. Accordingly, the Kenya Parliament has progressively embraced computer technology in all departments of the National Assembly. Similar facilities are available to members in their constituency offices.

The National Assembly library services and the Hanzard department further supplement electronic information sources. The crucial role played by these services in information gathering, storage and dissemination is notable. Although facilities in the library have not been fully modernized, quick reference and information retrieval is competently handled. The intended refurbishment of the present library and provision of additional library space in the building housing members constituency offices will ease pressure on the current libraries facilities. This will particularly enhance the process of professionalizing legislative service provision.

2.7 Service Delivery

Professionalizing legislative service delivery is about improving the effectiveness of parliament in fulfilling its role and mandate. It is also a necessary part of the organizational mix required for success in a competitive political environment.

Efficiency with which service is delivered provides a crucial measure of the degree legislative services have been professionalized. While professionalism may not permeate every aspect of legislative service, speed by which such service is

delivered in all spheres of the National Assembly activities is of essence in the legislative process.

2.8 Autonomy of the Legislative Process

Shared responsibilities between the executive and the legislature have been a drawback to the professionalization process. In the absence of relevant expertise, drafting of bills has all along remained in the hands of the executive. The unpleasant result is that this has borne heavily on the number of bills (both private members and Government) that the House gets to deliberate on. On average, about eight bills get to be tabled in a particular session. This impacts negatively to the lawmaking role vested on parliament by the voting public.

It is hoped the presence of legal professionals in the National Assembly Staff establishment will in the long run expedite the drafting process and check the downward spiral of the number of bills passing through the House. The competence and back-up support of these professionals is of immense value to the evolution of professionalism in the Kenya Legislative service.

2.9 Parliamentary Calendar

Time management is of essence in the planning process of any organization. This precious parameter is still in the executive hands. The National Assembly in Kenya has virtually no control of its calendar and vital aspects such as opening, the executive vests proroguing and dissolution of the parliament.

The consequences of this is evident in the number of bills that lapse for lack of time. Such occurrences erode public confidence in the parliamentary institution

and casts aspersion as to the level of professionalism and staff competence in carrying out their advisory role. Nevertheless, these have been sustained efforts by members of parliament to de-link this important aspect from the executive and empower parliament to manage its calendar.

2.10 Performance Evaluation Indicators

Ideally, performance evaluation measures ought to be put in place to further advance the professionalization process. The need for a system of evaluating performance of staff and other organs of the house is overwhelming. A thorough performance evaluation system acts as a deterrent to incompetence thereby leading to a collective pursuit of professional excellence and service delivery.

In conclusion, parliament plays a fundamental role in establishing the rule of law and overseeing transparent governance process. Commitment to professionalizing legislative service provision should lead to a remarkable transformation of the workplace culture and improve the oversight capacity of a parliament. Accordingly, we must recognize that the opposition and the backbench tend to be the single most significant client group requiring the expertise of legislative services. The reasons are obvious. Above all, oppositions do not have departments of state to assist nor the number of personal staff to do key policy development work that effective oppositions must do if they have to offer a credible alternative to the government of the day to the voting public.