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REPORT ON THE STUDY VISIT TO THE COMMONWEALTH
PARLIAMENTARY ASSOCIATION (UNITED KINGDOM)
BRANCH, MAY 10 – 16, 2009

CLERKS CHAMBERS
NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI

MAY 2009

PREFACE

Mr. Speaker Sir,

This report is a record of proceedings of the visit by the CPA (Kenya) Branch delegation to the CPA (UK) Branch between May 10 and 16 2009. The visit was undertaken following invitation by the UK Branch and was organized under a bilateral reciprocal arrangement following a successful tour by the UK Branch to Kenya in November 2008. The delegation whose membership was drawn from diverse political parties represented in the National Assembly comprised the following:-

The Hon. Gitobu Imanyara, MP (CCU) - **Head of Delegation**;
The Hon. Katoo ole Metito, MP (NARK- K);
The Hon. (Dr.) Joyce Laboso, MP (ODM);
The Hon. Cyrus Jirongo, MP (KADDU);
The Hon. Peter Njuguna Gitau, MP (PNU);
The Hon. Shakila Abdalla, MP (ODM-K); and
Mrs. Serah Kioko, Clerk Assistant.

Mr. Speaker,

The visit provided an opportunity for the Members to exchange views on cross-cutting issues with their counterparts in the UK Parliament. The aim of the visit was to enable the delegates to learn more about parliamentary and governance issues. During the visit, the delegation held invaluable discussions with politicians from across the political divide and senior Parliamentary officials. Areas covered included, but were not limited to, the following:

1. Parliamentary scrutiny and oversight including the Committee system;
2. Tools for strengthening parliamentary democracy;
3. Parliament and the media;
4. Work and challenges of a constituency MP;
5. The workings of a power-sharing government;
6. Civil society and parliamentarians and parliamentary outreach;

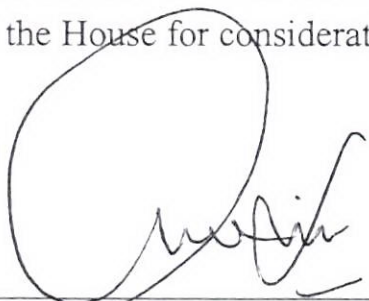
7. Constitutional reforms; and
8. Management of government and opposition business.

Mr. Speaker,

May I take this opportunity to thank you for nominating and according us a chance to visit the "mother of all parliaments". It was indeed an opportunity for us to gain exposure and invaluable experience as reflected in the list of areas covered indicated above. I am sure Members of the delegation can attest to this. The delegation is grateful for the technical and logistical support extended to them by the British High Commissioner to Kenya, H.E. Mr. Rob Macaire, CPA (UK) Branch Secretariat and the Office of the Clerk of the National Assembly of Kenya.

On behalf of the Members of my delegation, I wish to table and commend this report to the House for consideration and adoption.

Signed



Hon. Gitobu Imanyara, MP

Head of Delegation

Date

18th June 2009

INTRODUCTION

The delegation established that the mission of the CPA (UK) Branch is to advance parliamentary democracy throughout the Commonwealth. The Branch provides opportunities for UK MPs to liaise with fellow parliamentarians across the Commonwealth in a number of different forums including seminars, conferences, and parliamentary visits. The Branch policy is to strengthen parliamentary democracy and good governance in parliaments throughout the Commonwealth and elsewhere, to work for an informed parliamentary community and to further cooperation amongst Commonwealth parliaments. The Branch strategy delivers a programme of activities within a set of priorities and key objectives, often in partnership with other parliamentary, government and non-governmental organizations in the UK and the Commonwealth. Within the Branch priorities are contained detailed objectives:

- Priority 1 – Strengthening Parliamentary Democracy
- Priority 2 – Contributing to sustainable development and poverty reduction underpinned by democracy, good governance, human rights and environmental protection
- Priority 3 – Furthering cooperation between Commonwealth Parliaments
- Priority 4 – Enhancing the profile of the Commonwealth, the CPA and the CPA UK Branch
- Supporting Objective – To commit to employment best practices by complying with the highest standards of public sector governance and transparency by supervision, audits and risk management.

It also acts as a point of contact within the Westminster for Commonwealth MPs visiting the UK. One of the largest branches of the Association, the CPA UK Branch organizes a number of activities each year. These include conferences and seminars in the UK, bilateral visits and delegations, and parliamentary strengthening activities. The two visits were carried out under Parliamentary Diplomacy and the Strengthening Parliamentary Democracy and Capacity Building Programmes of the UK Branch. The Presidents of the CPA UK Branch are the Lord Speaker and the Speaker of the House of Commons. Both remain ex-officio Presidents while in office.

TOUR OF THE PALACE OF THE WESTMINSTER

The delegation was first conducted on a tour of the palace of the Westminster also known as the Houses of Parliament. This is a complex of buildings in London. It is the seat of the two houses of Parliament of the United Kingdom (the House of Lords and the House of Commons). The palace lies on the north bank of River Thames in the London borough of the City of Westminster, close to the Government buildings of Whitehall. There is a long rich history of the Parliament of the United Kingdom and the UK Parliamentary system has evolved over the last 700 years. For over nine centuries there has been a royal palace at Westminster and the building which the two Houses of Parliament now occupy- the Palace of Westminster – is still designated a royal palace. The present building was built after a catastrophic fire in 1834 destroyed most of the ancient buildings.

Between 1998 and 2000 a new building was put up to provide offices to MPs and their staff together with a variety of meeting rooms. The building has facilities for public hearings of select committees and for meeting of groups of all kinds. **This access of the people to the political process is an essential part of the working of a modern Parliament.**

FACILITIES AND SUPPORT FOR MEMBERS OF PARLIAMENT

The delegation visited the offices of Hon. John Austin, MP (Labour) and Hon. Nigel Evans, MP (Conservative) and was informed that besides their salary and routine allowances, MPs are paid an allowance of 100,000 sterling pounds per year to cater for personal staff, office elements and costs of constituency offices. They are also paid an additional costs allowance of 20,000 sterling pounds to cover the cost of staying away from home while at the Westminster. They also have free travel throughout the United Kingdom while on parliamentary business besides being allowed three free visits a year to European Union (EU) institutions or national parliaments of the EU. Each MP is provided with an office at Parliament Buildings, IT equipment including 5 computers, 2 laptops 2 printers/scanners and free internet access. MPs are also provided with pooled research services and researchers are easily accessible.

HOW PARLIAMENT WORKS

The United Kingdom is Parliamentary democracy operating within a constitutional monarchy. The monarch is the Head of State and the Prime Minister – appointed by the monarch – and who is also the leader of the political party with most seats in the House of Commons is, in practice, the political leader of the United Kingdom and acts as the head of Her Majesty's Government. Parliament is bicameral (made up of two Houses, namely, the House of Commons and the House of Lords). Each House is financially independent of the other and has a separate scheme of service and other services except security and buildings.

House of Commons

The United Kingdom is divided into 646 constituencies which each vote one MP into the House of Commons. MPs are elected by 'first past the post' system meaning the candidate with the most votes in each constituency wins. Every Member of the House of Commons, including the Speaker is elected by and represents a constituency. Elections should be held every five years. A major role of the House of Commons is to subject policies and actions of the Executive to public scrutiny and while the Executive runs the country, Parliament holds it to account. The House of Commons is the only one which has been bestowed with legitimate authority to approve taxation measures and allow the Government of Britain to spend public funds. It also exercises oversight over the way public funds are used.

House of Lords

Unlike the House of Commons, the House of Lords is not representative but a chamber of individuals. Currently the membership of the House of Lords is 750 whose composition is nominated senators and minority hereditaries. The House of Lords is a parallel Chamber which complements the House of Commons. Since it is not representative, it does not deliberate on money bills and it adopts a non-partisan approach to issues by trying to persuade all sides to come to a consensus on issues brought before it. The House of Lords has influence on decisions taken by Parliament but it has no power since its mandate is not derived from the people.

Select Committees

There are currently 47 select Committees in the House of Commons and 15 in the House of Lords. The Committees which are made up of Members from all parties examine expenditure, administration and policy of Government Departments. They conduct inquiries into subjects within their remit and take evidence from interested bodies. On most days, there are meetings of standing and select committees which are held in public and anyone can attend committees. Chairmanship of Committees is most times influenced by the Government and Government is not under obligation to act on Committee reports.

Approving taxation and Expenditure

The Executive presents its taxation plans to the House of Commons annually when the Chancellor of the Exchequer delivers the Budget Statement. The House has to approve the levels of taxation being proposed and must also approve the Government's expenditure plans. Nevertheless, the whole exercise is largely "take-it-all/ leave-it- all exercise as the House can only reduce proposed expenditure by a negligible margin.

A typical Working Day

When Parliament is in session, the House of Commons meets from Monday to Thursday and on most Fridays. It should however be noted that Parliament could sit on any day and indeed sat on a Sunday in the 1700s. It could also sit for long hours even way past midnight. The Government determines the business and the order in which it is taken with some specific slots being given to the opposition parties and backbench members. On Monday to Thursday, there is specific time allocated for **Questions** to be asked to the various Government Ministries and Departments. Ministers from each Government Department answer questions every four weeks according to a rota that the Government itself decides. **The Government could for instance increase or decrease the amount of time allocated for questions without making reference to the House.** This has at times been viewed as infringing on Parliament's right to determine and therefore "own" its own procedure. The **Prime Minister** answers questions for half an hour

every Wednesday from 12.00 noon to 12.30 pm. Questions to be put to him are printed in advance. The Prime Minister publishes, in advance, what he would deal with on a particular Wednesday. MPs are required to give a 3 day notice of the questions they intend to ask the Prime Minister. Even those to raise supplementary questions are known in advance. The Leader of the Opposition has a normal allocation six questions which he may take in groups of three or two different themes. The leader of the next largest party in the opposition (now Liberal Democrats) gets two supplementary questions. The Prime Minister's presence in the House elicits a lot excitement. The House is full, noisy and partisan: the occasion is quite fascinating.

Matters of importance or urgent concern may be raised after question time in the form of **ministerial statements** to the House, Private Notice Questions or applications for emergency debate. A Business Statement is usually delivered every Thursday detailing business of the House for the forthcoming week.

The main business of the day will often be a debate on a Bill or a motion. The House of Commons examines and passes proposals for new laws, generally in the form of Bills presented to Parliament by the Government and although individual backbench MPs can also present Bills, this is rare. Bills (except money Bills) have to be approved by both the House of Commons and the House of Lords for any law to be enacted. Bills are usually amended during their passage through both Houses and most detailed examination in the House of Commons is carried out in Committees. **40% of the business time in Parliament is spent on legislation.** Nevertheless, not all debates relate to specific pieces of legislation. There is also opportunity for debate on other issues. These come in form of adjournment debates which lasts for ½ an hour and is generally on a constituency matter.

COMMUNICATION WITHIN AND BETWEEN POLITICAL PARTIES

However close an MP's relationship with the constituency, the party to which he or she belongs is the key element in an MP's parliamentary life. This is because the only realistic prospect of being elected to the House of Commons is to join a political party and then have the backing of that party to fight an election. Party structures and disciplines exist in parallel with the regulation of the House and its

proceedings. The whips are key players in party organization and discipline and in the arrangement and timing of business on both sides of the House. Whips help organize their party's contribution to parliamentary business by making sure the maximum number of their party members vote and vote the way their party wants. They frequently act as tellers and also manage the pairing system whereby members of opposing parties both agree not to vote when other business prevents them from being present at Westminster. They are also largely responsible for arranging the business of Parliament. The Government whip is formally known as Parliamentary Secretary to the Treasury and sometimes the Patronage Secretary. It is the whip's responsibility to get the Government's business through the Commons with the greatest efficiency and the least dissent from Government backbenchers. She normally attends Cabinet meetings and advises the Prime Minister and his senior colleagues on opinions within the Parliamentary party and how proposed policies are likely to play with backbenchers.

One of the ways of securing cooperation between the government and opposition parties is through regular, even daily, consultation among the whips of main parties. The whips act as a channel for dialogue between the leadership and backbenchers. They enforce party system.

THE ROLE OF THE OPPOSITION

The Official Opposition party, popularly known as Her Majesty's Loyal Opposition is currently the Conservative party and is led by Hon. David Cameron. It has been out of power since May 1997. Twenty days in each session are set aside for opposition debates.

The concept of a loyal opposition which is entrenched in Britain emphasizes that although the opposition is not in agreement with all the policies of the current government, it is not opposed to the Queen or the State. This is meant to signify to the public and politicians that they share a common goal – the country's stability, happiness and prosperity – and that any disagreements are only about methods that are employed to achieve the said goals.

The opposition has a right to question all Cabinet Members including the Prime Minister at regular intervals which serves as a means of holding the government to account. Given the first-past-the-post system in the UK, it is advantageous for the main opposition party to present itself as an alternative government. The opposition constructively criticizes the government's work and also develops and promotes alternative policies. The concept of shadow ministers is a very effective way for the opposition to not only hold the government to account but also establish its credibility as an alternative to the existing regime, with a coherent policy programme. Through scrutinizing the government, the opposition also helps raise the quality of decision making in the country since the government has to work towards ensuring water-tight policies. The current political climate in the UK is such that citizens appear fatigued with Labour party leadership owing to a myriad of issues including what the citizenry perceive as bad economic policies and a political system that is in a mess. This raises the stakes of the Conservative party and increases the party's possibility of winning the next general elections.

CONSTITUTIONAL RENEWAL

In 1997, the Government of the United Kingdom embarked on a major programme of constitutional change in which power was devolved from the Westminster, fundamental rights were enshrined in the Human Rights Act, freedom of information was introduced and reforms on the House of Lords commenced. The reforms are aimed at modernizing the role of the Executive in the UK system of governance, making the Executive and Parliament more accountable to the people and reinvigorating the UK democracy. Areas targeted include limiting the powers of the Executive in respect of deployment of troops abroad, dissolution of Parliament, recall of Parliament, ratification of international treaties without decision by Parliament, restricting Parliamentary oversight over the intelligence services, increasing Parliamentary scrutiny of some public appointments and reviewing the role of the Attorney General to ensure the office retains public's confidence. Reforms on the Judiciary include the creation of a new free-standing Supreme Court, Separating the highest appeal court from Parliament and removing the Law Lords from the Legislature.

In reinvigorating democracy the reforms include modernizing the House of Lords by ending the right of majority of hereditary peers to be members of the House and developing a substantially or wholly elected second chamber (House of Lords), extending the duration in which parties can use all women shortlists for the selection of electoral candidates, enabling local people to hold service providers to account and placing a duty on public bodies to involve local people in major decisions.

Constitutional renewal has also targeted making devolution a practical reality. To this end the Labour Government has created a Scottish Parliament and a Welsh Assembly. The Government has also established the Northern Ireland Assembly, thereby providing the opportunity for a continued, stable settlement for the first time in generations.

COALITION GOVERNMENT

During a workshop with Members of the Northern Ireland Assembly, the delegation exchanged views on how to establish and maintain a successful working relationship between coalition parties and the advantages of consensus-based politics as a way of avoiding disharmony. The delegation was informed that there is an elaborate system of power sharing between the major political parties which governs all major decision making so that power is effectively shared between the Unionist and Nationalist communities in Northern Ireland. The First Minister, Deputy First Minister and other ministers are appointed under power-sharing arrangements and constitute the Executive Committee of the Assembly.

The delegation heard that the Northern Ireland Assembly has experienced political difficulties leading to suspensions in the past and that the difficulties were exacerbated by lack of reforms in the Police Force, larger communities taking advantage of smaller ones and lack of trust between political parties. The delegation was informed that it was not until proper reforms were carried out in the Police Force and the Force effectively reformed that the political difficulties were addressed. Cultivation of mutual trust between political parties and embracing the spirit of give-and-take between all players were also key factors in overcoming the difficulties.

The delegation observed that the challenges of Northern Ireland before reforms were similar to the ones Kenya is facing currently and that the country could benefit from the Northern Ireland experience. The delegation also underscored the key role of the Parliament of Kenya in furthering the implementation of the reform agenda issues under the National Accord.

The delegation therefore recommends that CPA (UK) be invited to come share on the best way forward in the implementation of the reform agenda as agreed in the National Accord, especially Agenda No. 4 and particularly as regards reform of the Police Force.

MINISTERIAL MEETING

The delegation held discussions with the Rt. Hon. Lord Malloch Brown, Minister for Africa, Asia and the United Nations. Issues discussed included piracy in the Indian Ocean especially along the Kenya-Somali border and the trial of Somali pirates in Kenya, extra judicial killings in Kenya, the national reform agenda, bilateral cooperation, and the global financial crisis among others.

While recognizing that the primary responsibility for moving forward the reform agenda must lie with Kenyans, the Minister assured the delegation that the United Kingdom remained committed to support the reform process as envisaged in the National Accord and to engage in dialogue about how such support might be provided. The Minister further assured the delegation that the United Kingdom was committed to strengthening Parliament to provide effective leadership especially in the national reform programme.

The Minister further informed the delegation that the United Kingdom impressed on Kenya's neighbouring countries including Tanzania and Eretria to accept trial of pirates in these countries and that Tanzania had already expressed willingness to have pirates tried there. He emphasized the need for a joint international effort to tackle piracy.

PARLIAMENTARY STANDARDS AND PRIVILEGES

In carrying out their parliamentary and public duties, UK MPs are expected to observe certain principles of conduct which are taken into consideration when any complaint is received of breaches of the principles. These principles include the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Members are required to register any interests, be they financial or otherwise, that could be viewed to have influence on their work as MPs. Any complaint of MPs conduct being incompatible with Code of Conduct is addressed to the Parliamentary Commissioner for Standards who investigates and if the complaint is valid brings the same to the attention of the Select Committee on Standards and Privileges for further investigation and action.

During deliberations emphasis was placed on the need for transparency and openness in the manner MPs engage in public undertakings. This would help in dispelling suspicions that may in many cases are unfounded and increase public trust in the institution of Parliament and in MPs.

PARLIAMENTARY OUTREACH SERVICE

In order to promote awareness of the work and role of Parliament, the Houses of Parliament have launched a nationwide outreach service intended to raise awareness of the work of Parliament. The aim of the outreach is to highlight Parliament's relevance to the public and ultimately increase levels of public engagement with Parliament and therefore strengthen the connection between Parliament and the public. The programme is aimed delivering targeted education programmes about the work of Parliament, promoting awareness of Select Committees, organizing workshops and training courses about Parliament and working closely with museums and libraries to promote the work of Parliament. Information sessions cover what Parliament does, how bills become law, how select committees work, asking parliamentary questions, getting involved and citizenship. The Parliamentary Outreach Manager who is based at the Westminster informed the delegation that the outreach service had begun putting Parliamentary information on other people's websites rather than expecting them to visit the Parliamentary Outreach Service website.

The delegation observed that just like in the Westminster, the Parliamentary Service Commission, had initiated an outreach programme aimed at taking Parliament to the people and enabling communication between Parliament and its stakeholders in a more interactive manner. The delegation further observed that without taking a deliberate effort to educate citizens about the institution of Parliament, its membership, its roles and function, the public would continue to view Parliament as a closed institution whose activities are shrouded in mystery.

The delegation recommends that in order to hasten the process of demystifying this notion and engage the public in a friendlier manner and interactive manner, the Parliamentary Service Commission should consider, in addition to the newly published Kenya Parliamentary magazine, initiating a process of putting Parliamentary information on other people's websites rather than expecting them to visit the Parliamentary website, which they hardly do. Since they have to frequently visit their own websites, they will be able access information on Parliament more conveniently. The delegation also recommends that the Parliamentary Outreach Manager at the Westminster be invited to visit Kenya with a view to providing an opportunity for interaction with our outreach team on how best to go about engaging the public and other stakeholders.

PARLIAMENT AND THE MEDIA

Sound broadcasting of both Houses and Committees of the UK Parliament began in 1978. There are rules that govern coverage, one of which is to require journalists to concentrate on what is being said rather than distractions elsewhere in the Chamber. Journalists are required to provide a full, balanced and accurate account of proceedings, with the aim of informing the public about the work of the House. These restrictions have often times been construed by viewers to imply something is being hidden. They also make the coverage appear cosmetic/unnatural.

Away from the official broadcasting of Parliament, there are about 170 print, radio and television journalists in Westminster's press gallery and there exists an

equivocal relationship between MPs and journalists in the UK as indeed in other parts of the world: journalists need the stories politicians provide, and politicians need the oxygen of publicity to further their own aims. Politics is about publicity; opinions will gather force and support if they are positively presented to a mass audience. But good political reporting has to be critical; it must show up weaknesses and strengths, which politicians find less attractive. The media should on the other hand never play the role of adjudicator but remain an information conveyor.

The Prime Minister's Press Secretary gives twice-daily briefings on sitting days and the briefings are open to all journalists. The Leader of the House also holds briefings every Thursday afternoon mainly covering parliamentary business for the following week. The Leader of the Opposition gives a briefing on Thursdays and press conferences are held by ministers and other MPs as occasion demands.

On the whole, the media are an integral part of British politics and so of the Westminster Parliament.

PARLIAMENT AND THE CIVIL SOCIETY

The delegation met representatives of various civil society groups and was briefed on the activities undertaken by the groups and how Parliamentarians interact with them. The delegation also met representatives of Africa All-Party Parliamentary Group which is a segment of All-Party Parliamentary Groups which bring together MPs and peers to discuss issues of common interest. All-party groups give MPs and peers opportunity to discuss a wide range of issues, often with major players. The groups are also invaluable to lobby groups and lobbyists in assessing parliamentary and political opinion.

Africa All-Party Parliamentary Group supports African initiatives such as the fight against HIV/AIDS, corruption and money laundering. The group helps establish links between Africa and the UK civil society. It also monitors spending of aid money and supports initiatives at the constituency. The group works with specific MPs directly, MPs and constituents or through Parliament and produces reports annually.

THE ELECTORAL COMMISSION

The Electoral Commission of the United Kingdom is made up of six commissioners and 150 members of staff. It has offices all over the United Kingdom and is accountable to Parliament.

The duties of the Commission include regulating operations of political including receipt of donations, promotion of public awareness of the electoral system, managing the electoral register, review of municipality boundaries and ensuring fair elections. The Commission does not conduct election but sets standards on how elections should be run. Elections are conducted by Local Authorities. The time limit for challenging an election is between 4 to 6 weeks after the election.

There is a committee of Parliament concerned with matters relating to the Commission. The Committee approves the Commission's planning and expenditure and briefs all political parties on the issues relating to the Commission. It works closely with the Ministries of Justice and Local Government Committees.

There are proposed changes to the composition of the Commission to have representation of political parties and increase the number from 6 to 10 Commissioners

VISIT TO MONMOUTH CONSTITUENCY

The Constituency is a vital part of the life of every UK MP because it serves as a power base. The visit to the UK would, therefore, not have been complete without a visit to a constituency. The delegation visited Monmouth Constituency in Wales and was hosted by the local MP Hon. David Davis, MP. During the visit, the delegation visited a school, the Monmouth Comprehensive School, which has ties with Kenya, having undertaken a visit to the country in the 1990s. The school administration expressed desire to visit Kenya again but sighted insecurity as an impediment. The delegation assured the school that it was safe to visit Kenya any time and that challenges of insecurity that had arisen following the December 2007 elections had been addressed. The delegation also met area councilors, visited a local farm and the MP's constituency office.