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## NEEDS ASSESSMENT REPORT ON LEGAL, RESEARCH AND LIBRARY SERVICES FOR THE KENYA NATIONAL ASSEMBLY

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We are particularly grateful to the Steering Committee of the project, who spent many hours discussing our outputs and giving us invaluable suggestions on the necessary improvements. To each and every one of them we want to extend our sincere appreciation. We would like to specially recognise the management of the National Assembly, not only for their specialised insights into the various components of the project, but also for their kind and efficient facilitation of our day to day activities within the National Assembly.

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## ACRONYMS

| | |
|---|---|
| **A-G** | The Attorney General |
| **CIDA** | Canadian International Agency for Development |
| **CPA** | Commonwealth Parliamentary Association |
| **CSO** | Civil Society Organisation |
| **DFID** | Department For International Development |
| **DGSP** | Democratic Governance Support Programme |
| **GoK** | Government of Kenya |
| **IPU** | Inter-Parliamentary Union |
| **IT** | Information Technology |
| **KNA** | Kenya National Assembly |
| **LLB** | Bachelor of Laws Degree |
| **MP** | Member of Parliament |
| **NGO** | Non Governmental Organisation |
| **PR** | Public Relations |
| **PSC** | Parliamentary Service Commission |
| **SA** | South Africa |
| **SUNY** | State University of New York |
| **TOR** | Terms of Reference |
| **UK** | United Kingdom |
| **USA** | United States of America |
| **UNDESA** | United Nations Development, Economic and Social Affairs |

## EXECUTIVE SUMMARY

This Needs Assessment Report is a response to the Kenya National Assembly's (KNA) request to develop information delivery and legal services to enhance the effectiveness of the KNA as an institution of governance.

This request was made against the realisation that for the KNA to fulfill its constitutional mandate of making laws for the nation, ensuring Executive accountability and representation of the people of Kenya, there is need to create structures that provide information and legal services.

The significance of information in the KNA is highlighted in the Parliamentary Service Commission (PSC) Strategic Plan, which states:

> "Information in its various forms, types and kinds, is the main stay of any organisation, including a Legislature. Parliamentarians need information to enable them to fulfil the functions of Parliament: namely: - legislation, financial, appropriation and control, oversight and supervision of governance, *et cetera*. The information and communication processes needed by a Member to accomplish his/her role and responsibilities is enormous and could not be realised by an individual Member." (Appendix six, section H 1.2)

The consultants conducted this Needs Assessment to determine the stakeholder and user priorities and requirements of Legal, Research and Library Services. The findings of this report will input into the design of a project document which will:-

1. Establish a Legal Services Department;
2. Establish a Research Department;
3. Enhance the effectiveness of the Library; and
4. Propose efficient utilisation and allocation of existing space to accommodate the Legal, Research and Library Services.

The following activities informed the Needs Assessment:

1. Document Review of the Strategic Plan of the PSC, the Consultants' Report to the PSC on the Strategic Plan of Parliament (the Three Nation Report), the DGSP Programme Document and several other documents.[1]
2. Electronic searches to document international best practices of the region and other Commonwealth Parliaments.
3. Consultations and in-depth interviews[2] with PSC members, Deputy Speaker, other MPs, key officials of the Parliamentary Service, DGSP, DFID, SUNY Kenya, CIDA and Italian Embassy.

[1] See Appendix I for a comprehensive list of all documents reviewed.
[2] See Appendix III for a list of interviewees and persons consulted.

4. Brainstorming sessions with the Steering Committee appointed by the PSC to oversee the implementation of the project.
5. Site Surveys - The architects carried out several site surveys on various potential locations to house the Legal, Research and Library Services.
6. Meetings to discuss and internalise the Needs Assessment Report with members of the PSC, Library Committee and Liaison Committee of Parliament.

**Findings and Recommendations**

The main findings of the Needs Assessment are:

1. There is no Legal Services Department;
2. There is no Research Services Department;
3. There is an under-resourced and under-equipped Library; and
4. There is limited space for the Legal, Research and Library Departments.

The Consultants recommend the following for the different components of the project:

***A. Legal Services***

We recommend:

1. That the core business of the Legal Services Department should be determined to provide clarity on its role and functions;

2. That the nature of the department's future relationship with the A-G's Office needs to be determined to ensure an ongoing cordial relationship with that office;

3. That the beneficiaries of legal services should be the PSC, the Speaker, Committees, Members of Parliament and the Clerk of Parliament;

4. That the Legal Services Department provides the following services:

   - Legal and procedural advice to the PSC, the Speaker, the Committees, the Members of Parliament and the Clerk of Parliament
   - Drafting Services to the PSC, Committees and Members of Parliament
   - Tracking of Bills
   - Bill analysis for use by Committees and Members, in close consultation with researchers
   - Drafting of contracts to be entered into between the PSC and contracting parties
   - Facilitating litigation on behalf of the PSC
   - Liaison with the drafters in the office of the Attorney-General on matters relating to Bills introduced by the Executive and individual Members

- Advice to relevant Committees and the House on the status of delegated legislation and other statutory instruments;

5. That ongoing monitoring of the department and a review of services should take place at the end of year one to determine whether the number of staff is still meeting the needs of the beneficiaries;

6. That, for the first year of the department's existence, at least, the Legal Counsel should report to the Deputy Clerk responsible for Legislative and Procedural Services;

7. That a comprehensive Human Resources Development Strategy be developed for the Parliamentary Service, which would include performance management;

8. That the two Legal Counsel are exposed to the functioning of Legal Services Departments of other Commonwealth Parliaments within the region and outside through study visits; and

9. That appropriate options be considered for an office location for the Legal Services Department.

### *B. Research Services*

We recommend:

1. That the core business of the department be the provision of oral and written research and analysis in a confidential and non-partisan manner to Parliament;

2. That the main functions of the department include:

   - Undertaking research for Parliament;
   - Research support for Parliamentary committees;
   - Research support for PR activities;
   - Research support for parliamentary delegations;
   - Review of policies and Bills;
   - Provision of pro-active research;

3. That the initial focus of the department be towards the topical issues currently being debated in Parliament;

4. That the client base of the department includes the Presiding Officers, MPs, and committees;
5. That focus needs to be on production of high quality simple research;

6. That as limited a hierarchical chain as possible be put in place;

7. That the staffing, including job descriptions, salary scales and management arrangements as recommended by the PSC be adopted;

8. That recruitment of research staff and the head of the department are finalised;

10. That performance indicators be developed to evaluate the performance of staff;

11. That training of the research staff commences as soon as appointments are made;

12. That subject to availability of funds all, research and committee staff spend at least one week observing the operations of other Legislatures where research services are provided to committees;

13. That research and library staff meet regularly to identify information sources for Parliament;

14. That a proportion of the project budget be earmarked to purchase IT hardware and software for researchers and committees;

15. That researchers get Internet access;

16. That researchers be accommodated in a manner that does not compromise the confidential nature of their work;

17. That to monitor workflow and for annual reporting purposes, the department design instruments to record requests for information by the MPs; and

18. That the Research Department operates under the guidance of the Deputy Clerk responsible for Library and Committees.

### *C. Library Services*

We recommend:

1. That the current library collection be properly processed and organised with old materials, which are no longer in use, being weeded out and properly archived.
2. That the current library collection be updated; new and relevant materials be acquired to meet the needs of committees, members and staff.

3. That the library should develop and implement clear selection, acquisition and collection development policies.

4. That the library should use internationally acceptable tools in processing information materials (AACR 2, Sears list of subject headings and classification manual – depending on the scheme identified).

5. That the old furniture be replaced with modern and suitable library furniture.

6. That sitting capacity in the two libraries be increased to create room for more users and shelf space.

7. That the library staff be trained on how to process information materials which include non-book materials and grey literature by using new information technologies and use of indexing tools which are proficient in managing specialised libraries.

8. That the two libraries be computerised and networked to facilitate quick retrieval of information and have them linked with other parliamentary libraries in the region and in the world to promote information sharing and exchange.\

9. That a website for the Kenya National Assembly Library be established and should be regularly updated and maintained.

10. That a library user education programme be developed and conducted to members of Parliament and staff regularly.

11. That the current library should be used as a the main reference library once the library at Continental house is set up.

12. That a scheme of service for Library Assistants and Librarians be developed and implemented by Parliamentary Service Commission in line with that developed by the Office of the President, Directorate of Personnel Management to attract qualified and competent personnel.

13. That more staff establishments be created and staff be recruited to assist in managing the two libraries.

14. That staff be allowed to participate in staff-exchange programmes, workshops, seminars and conferences in order to share experiences and keep themselves abreast with modern trends

15. That the Library Committee should meet regularly to evaluate library services and approve materials to be acquired.

16. That clear rules and regulations for borrowing need to be drawn and implemented with the help of the Library Committee.

## *D. Architectural Design Brief*

We recommend:

1. That the character of the existing library is retained due to its architectural merit and minimal alterations are made to provide additional space;

2. That the 1st floor space at Continental House set aside for the library be converted into the Loans, Reference, IT and Audio Visual Library. This exercise will require minimal intervention based on the fact the space was recently refurbished;

3. That KNA procures one floor at Harambee Plaza to house the Legal and Research Services Departments; and

4. That the basement at County Hall be refurbished minimally to allow for efficient use as archives. We additionally recommend the procurement of purpose made archive shelving units to ensure that the storage is carried out effectively.

## E. Project Implementation

We recommend:

1. That the Steering Committee appointed by the PSC oversees the implementation of the project;

2. That a Technical Team be appointed to supervise individual components of the project;

3. That a Project Manager be appointed with overall responsibility for the implementation of the project;

4. That a Works Implementation Manager be appointed to supervise the construction works during the project's implementation;

5. That the Deputy Chief Finance Officer undertakes the financial management of the project;

6. That all implementing agents be trained on project management and procurement procedures;

7. That the Finance Department be equipped with the appropriate IT hardware and software to facilitate financial reporting;

8. That the procurement and financial management procedures comply with those of GoK and donors;

9. That regular progress reports be submitted to the PSC and donors on a monthly basis;

10. That quarterly financial audits of the project be undertaken; and

11. That a mid-term and an annual evaluation of the project be conducted.

## *F. Long-term Recommendations*

We would like to make the following long-term recommendations;

1. That the respective Directorates for the Library, Research and Legal Services proposed in the PSC Strategic Plan be established for greater efficiency of delivery of services;

2. That the plot currently used for parking and earmarked for the development of the Sir Humphrey Slade Memorial Library be actively considered for the development of the main Parliamentary Information Centre providing one stop information resources in terms of Library, Legal, Research and Archival services; and

3. That adequate parking is provided through the use of basement spaces to allow for efficient use of the proposed Parliamentary Information Centre.

## INTRODUCTION

The work of the national legislatures is to a great extent, information intensive (Bills, white papers, submissions). While Government departments have various experts to advise them on different issues, Parliaments do not. Yet Parliaments are expected to ensure Executive accountability. This report therefore aims at developing parliamentary information resources capable of providing objective, non-partisan information services to Members of Parliament (MPs) and committees in an easily accessible and understandable format.

As spelt out in the PSC Strategic Plan, there is no doubt that information is one of the most important tools in enhancing the effectiveness of the KNA. The KNA needs, more so than other political institutions, trained and specialised staff in the organisation and analysis of information to be presented to MPs to enable them to perform their varied parliamentary roles.

This is because. MPs are expected to analyse Bills that come to Parliament, analyse and make recommendations on different policy issues, debate motions in the House and present papers in local, regional and international conferences, seminars and workshops. The legislative process itself is very complex. Thus MPs need objective, factual and timely information in order to ensure executive accountability to the Legislature. That being the case, it is imperative that the KNA should its own information reservoir.

What is more, the government has a *de facto quasi* monopoly as far as producing documents is concerned. A parliamentary institution on the other hand does not have the same capacity as the Executive. Accordingly, if Parliament wishes to be an effective institution of governance, it is important that the quality of its services be improved. The strengthening of the KNA can only be achieved if there are highly effective structures for information provision and analysis.

Parliamentary information resources are a crucial element in the process of enhancing the effectiveness of legislative processes for various reasons;

- Legislatures tend to be generalists rather than specialists. Except for those with considerable seniority, most legislators will have a detailed knowledge of very few public policy issues. Because they must make decisions on many complex matters, about which they may know little, legislators need products that explain to them the basics of a situation, but also deal with issues at highly sophisticated level.

- Legislators are used to dealing in concepts and absolutes, and often hold very firm ideas about the way the world works. Because they operate within their own well-defined worldview, legislators learn best from papers with well-organised concepts. They need to know how a situation fits into what they already think.

- Legislators are always short on time due to their many commitments and responsibilities. In addition, many prefer to learn from talking to people rather than reading and may have a short attention span for the written word. Because they are short on time, legislators will prefer short papers to read in one sitting. To hold a legislators attention and to help the legislator resume reading a paper after an interruption, all products must be easy to follow.

- Legislators are action-oriented; i.e. they see themselves as instruments of change. Because they are action-oriented, legislators want to know what they can do about a situation. They will want options spelled out, and the consequences of those options evaluated.

- Opponents constantly challenge legislators. Because they defend their positions, legislators need information that will confirm or challenge their values, assumptions, worldview, and understanding of the facts. They need to know their opponents' views. They want to know what interests are at stake—how a situation and suggested options will affect their constituents in the and long run. They need information that they can absolutely rely upon: there's a price to pay for being wrong or misinformed.

Thus from the foregoing, it is clear that there is need to establish effective research legal and library services for KNA. The process of development of a research department is linked to one major issue: "*How to make parliament a strong institution of governance*".

# PART ONE: DETAILED FINDINGS OF NEEDS ASSESSMENT FOR LEGAL SERVICES

## 1.1 Scope of Legal Services

### 1.1.1 Current Status

| Domain | Current Status |
|---|---|
| **Understanding of what provision of legal services entails** | • There is a clear understanding of why the Parliament of Kenya needs a Legal Services Department.<br>• There is a fair understanding of what types of services the Department could provide to the beneficiaries of its services.<br>• The Members and staff are fairly clear about how they will use the services of the Legal Services Department. |
| **The sourcing of legal advice** | • Currently the National Assembly uses the services of the Attorney-General's (A-G) Office and Private Legal Firms to provide it with legal services. These services include:<br>- Litigation on behalf of the Speaker and the Clerk<br>- Drafting of contracts<br>- Conveyancing services |
| **Beneficiaries of Legal Services** | • All the interviewees agreed that the following should be the beneficiaries of legal services in the National Assembly of Kenya:<br>- The PSC<br>- Speaker<br>- Committees<br>- Members of Parliament<br>- Clerk of Parliament |
| **Type of Legal Services to be provided** | • All the interviewees agreed that the Legal Services Department should generally provide the following types of services:<br>- Drafting services - bills, amendments, rules, motions, resolutions, etc.<br>- Legal advisory services, including litigation |

### 1.1.2 Analysis

There is a clear understanding of why the National Assembly needs a Legal Services Department and a high level of understanding of what is required of such a department.

Currently the National Assembly sources legal services from the Attorney-General's Office and private legal firms whenever these are required.

In its Strategic Plan, the PSC stated that the nature of the relationship with the A-G's office needed to change, since the relationship compromised the principle of separation of powers which were necessary for effective oversight of the National Assembly over the Executive. The PSC has also recognised the need for its own office

to provide it with legal advice and representation in litigation. Those interviewed during the current project reiterated these views.

It is acknowledged that the A-G's office cannot cater to the needs of the National Assembly, since it is their mandate to give priority to bills from the Executive. They would not regard Private Members' Bills as a priority and so would usually not be expected to render assistance in this regard. The relationship between the National Assembly and the A-G's office has been described as cordial and the interviewees were anxious that this situation would prevail in future.At times, there would be a need for close liaison between the parliamentary legal drafters and the drafters in the A-G's office. An example of this would be on the legal status of amendments to bills to ensure that these are not in conflict with any existing legislation.

The potential beneficiaries of legal services have a fair understanding of what types of services the Legal Services Department could provide to them. A few of the interviewees cautioned against being too ambitious with the establishment of this Department.

Senior staff would be recruited and it had to be ensured that there was enough work to keep the staff busy. This is especially applicable to the drafting services, since more than 95% of bills are introduced by the Executive and drafted by the A-G's office. The latter has a full department for drafting of legislation.

It would also be important to crosscheck whether similar amendments had not been passed previously, since there does not appear to be consistency in tracking which bills or amendments to bills had previously been passed. It has happened that similar amendments have been passed and some Acts have been declared null and void. This is very embarrassing to the National Assembly.

### 1.1.3 Best Practice

| Domain | Best Practice |
|---|---|
| **The sourcing of legal advice** | **South Africa** - the Law Advice Office is part of the Parliamentary Service and provides legal advisory and drafting services to Parliament and all components of the Parliamentary Services. It is an independent department headed by the Chief Parliamentary Law Adviser.<br>**Uganda** – the Department of Legislative Counsel is part of the administration of Parliament and provides legal services to Parliament, its committees and the Parliamentary Commission. It is an independent department consisting of two sections, namely, the Speaker's Counsel Section and the Committees' Counsel Section.<br>**Zambia** – the Legal Department provides legal services to both Members and management of the National Assembly. It is an independent department which forms part of the National Assembly Administration.<br>**Zimbabwe** – The Legal Counsel office is part of the Parliamentary Administration and provides legal advisory and drafting services to the Speaker, Committees, Members and the Clerk. It is an independent department. |

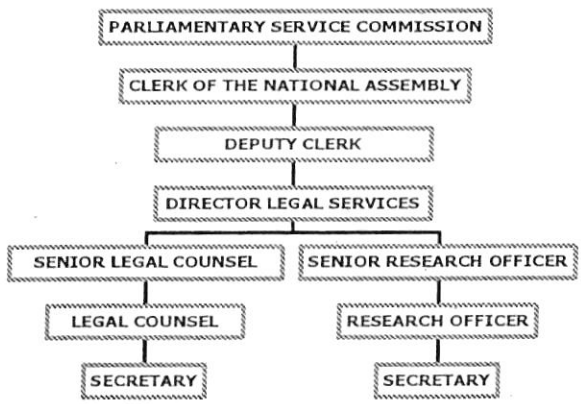
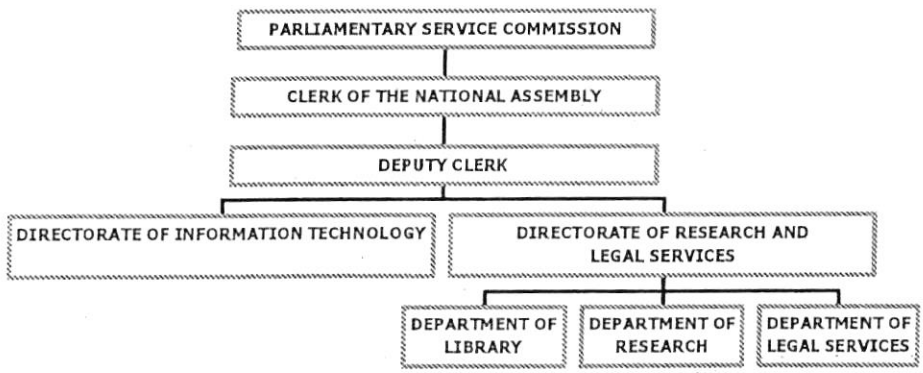
| Domain | Best Practice |
|---|---|
| **Beneficiaries of legal services** | The beneficiaries of legal advice in all the Parliaments studied are generally the same, namely:<br>• The Parliamentary Service Commission, (where appropriate)<br>• The Speaker<br>• Committees<br>• Individual Members of Parliament<br>• The Clerk |
| **Type of Legal Services to be provided** | In **South Africa, Uganda, Zambia and Zimbabwe** the Legal Department generally provides similar services to their respective parliaments, namely:<br>• Drafting services - bills, amendments, rules, motions, resolutions<br>• Legal advisory services, including litigation<br>• Clerking of certain committees |

### 1.1.4 Recommendations

| Domain | Recommendations |
|---|---|
| **Understanding of what provision of legal services entails** | • The core business of the Legal Services Department should be determined to provide clarity on its role and functions.<br>• Once the Legal Services Department has been established, all beneficiaries need to be informed of the services which the Department will offer. |
| **The sourcing of legal advice** | • The department should be established within the next four months<br>• The nature of the department's future relationship with the A-G's Office needs to be determined to ensure an ongoing cordial relationship with that office |
| **Beneficiaries of legal services** | • We agree that the beneficiaries should be:<br>- The PSC<br>- Speaker<br>- Committees<br>- Members of Parliament<br>- Clerk of Parliament |
| **Type of Legal Services to be provided** | • We recommend that the Legal Services Department provides the following services:<br>- Legal and procedural advice to the Parliamentary Service Commission (PSC), the Speaker, the Committees, the Members of Parliament and the Clerk of Parliament<br>- Drafting Services to the PSC, Committees and Members of Parliament<br>- Tracking of Bills<br>- Bill analysis for use by Committees and Members, in close consultation with researchers<br>- Drafting of contracts to be entered into between the PSC and contracting parties<br>- Facilitating litigation on behalf of the PSC<br>- Liaison with the drafters in the office of the Attorney-General on matters relating to Bills introduced by the Executive and individual Members<br>- Advice to relevant Committees and the House on the status of delegated legislation and other statutory instruments |

## 1.2 Institutional Arrangements

### 1.2.1 Current Status

| DOMAIN | CURRENT STATUS |
|---|---|
| **Vision and Mission** | **Vision**<br>• Currently there is no Vision for the Legal Services Department<br>**Mission**[3]<br>• To develop legal services that are consistent and easily accessed by the PSC, the Speaker, Committees, Members of Parliament and the Clerk of the National Assembly<br>• To recruit and appropriately train the highest quality staff that:<br>- possess the legal skills necessary to provide the beneficiaries of legal services with the appropriate legal advice and legal drafting services<br>- are committed to the principle that Parliament is the people's "watchdog of democracy" |
| **Organisation Structure** | • In the Strategic Plan of the PSC, the following structure is proposed:<br>  <br><br>• In the Consultants' Report (the Three Nation Report) which reviewed the Strategic Plan, the following structure is recommended:<br>  <br><br>• Most of the interviewees suggested that 3 staff members would suffice for the moment. These would be Legal Counsel, Assistant Legal Counsel and Administrator/Secretary. |

[3] Extracted and adapted from Consultants' Report to the PSC on the Strategic Plan of Parliament, page 64 (The Three Nation Report)

| | |
|---|---|
| **Location of the Legal Services Department** | • The majority of the interviewees felt that the Legal Services Department should not be a part of the Research Department.<br>• Most interviewees felt that the Legal Services Department would fit better in the proposed Legislative and Procedural Services Directorate.<br>• The Steering Committee felt that the Legal Services Department would fit better in either the proposed Directorate of Corporate Services or the Directorate of Committees, Research and Library. |
| **Recruitment of staff** | • The following recruitment process takes place:<br>- Job descriptions finalised by the Personnel Department<br>- These are approved by a subcommittee of the PSC<br>- An advertisement is drafted and placed in newspapers<br>- An Interview Panel is appointed<br>- Shortlisting of the candidates takes place<br>- Interviews are held with the candidates who have been short listed<br>- The Interview Panel forwards its recommendations to the PSC<br>- The PSC to approve the appointment of the recommended candidate.<br>- The candidate undergoes a medical examination.<br>- The candidate receives a formal letter of appointment.<br>• Ideally the recruitment process should take about 2 months. A number of staff interviewed during this project expressed concern at the delays experienced in the recruitment process. |

### 1.2.2 Analysis

The overwhelming majority of the interviewees felt that the Legal Services Department should be a separate department within the proposed Legislative and Procedural Services Directorate[4], because of the relationship between the nature of services offered. An alternative view was that legal services should be located either within the Directorate of Corporate Services or the Directorate of Committees, Hansard and Library.

Another view was that the Legal Services Department should originally form part of the Legislative and Procedural Services Department and become a separate Department within 3-4 years, after this department has had an opportunity to function for a while. Another view was that the Legal Services Department should be a part of the Research Department.[5]

Currently there is no space allocated for the Legal Services Department. Members and staff are housed in 3 separate buildings and space in a 4th building has been acquired.

[4] In the National Council of Provinces of South Africa legal and procedural services are regarded as being closely connected. The majority of the staff in the Procedural Services Section (Table staff) are lawyers who also provide legal advice. They often work in consultation with the Parliamentary Law Advice Office.

[5] As advised in the Consultants' Report to the PSC on the Strategic Plan of Parliament p. 63

This is not ideal, but is the best solution under the circumstances. Ideally the Legal Services staff should be close to the beneficiaries of their services, but in the case of the Kenya National Assembly a compromise will have to be reached. Some of the interviewees expressed concern at the length of time for some appointments to be finalised.

The following reasons were cited as possible contributing factors to the lengthy recruitment process:

- The PSC approves all appointments from Grades 1 – 9. This may take some time if they do not meet as regularly as expected
- Lack of space to locate new staff
- Lack of a dedicated Human Resources Department

There are two schools of thought regarding the reporting arrangements for the staff in the Legal Services Department, namely:

- that the Legal Counsel should report directly to the Clerk
- that the Legal Counsel should report to the applicable Deputy Clerk.

This matter needs to be considered in the light of the nature of services which this department will be offering and who the beneficiaries of these services are. If the department is expected to provide services to the Speaker, the PSC, Committees, Members and the Clerk, it is probably best for the Legal Counsel to report directly to the Clerk.

The beneficiaries need to have direct access to this department and should not be expected to follow the usual chain of reporting. Unless the South African example is followed where the Chief Parliamentary Law Adviser reports to the Deputy Clerk, but all beneficiaries have direct access to the Law Advisers' Office and to the incumbents.

Since this department is new to the National Assembly, it may not have a large pool of experienced drafters and lawyers to draw from.

Even though the incumbents may be fairly senior, they will have to be willing to be trained in the way in which parliamentary legal services are offered and the way in which the parliamentary environment operates generally. The incumbents are expected to provide legal services in a non-partisan manner.

One of the interviewees suggested the appointment of a part-time legal consultant to the National Assembly, who would be contracted whenever the need arose.

Advantages of this are:

- Use of the service only when necessary.
- Optimal use of human resources.

Disadvantages are:

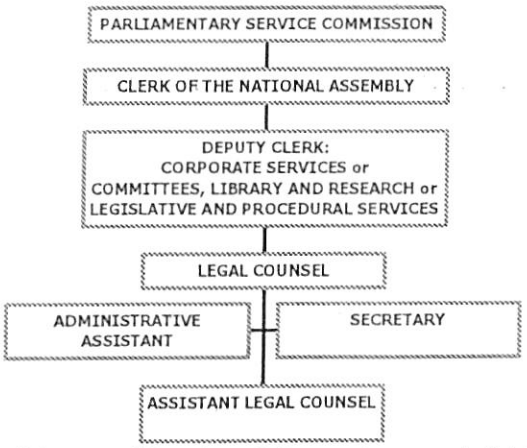
- Unavailability of an appropriate person when needed to provide the required service at the time when it is needed
- Lack of consistency in the provision of legal services to the National Assembly
- An institutional memory is not being built.
- Members could receive different advise on the same issue – the question then arises as to what the National Assembly's position will be.

### 1.2.3 Best Practice

| Domain | Best Practice |
|---|---|
| **Vision and Mission** | The following countries expressed their Purpose statements as follows:<br>**South Africa**<br>Purpose: To provide a legal advisory and drafting service to Parliament and all components of the Parliamentary Service<br>**Zambia**<br>The Legal Department provides legal services to both National Assembly management and Members of Parliament of the backbench. The Legal Counsel, assisted by the Deputy Legal Counsel, heads it.<br>**Uganda**<br>The Department of Legislative Counsel is charged with providing efficient and timely legal services to Parliament, its committees and the Parliamentary Commission. |
| **Organisational Structure** | **South Africa** – When this office was first established, it employed 1 Law Adviser. After 2 years, an Assistant Law Adviser was appointed. Currently they employ 6 Law Advisers to cater to the increased needs.<br>**Zimbabwe** – Employs 1 Legal Counsel and 1 administrative clerk trained in the management of a basic legal office. |
| **Location of the Legal Services Department** | **South Africa** - the Law Advice Office is an independent department on its own, headed by the Chief Parliamentary Law Adviser. It is situated in the Clerk's Office.<br>**Uganda** – the Department of Legislative Counsel is a Department on its own, consisting of two sections, namely, the Speaker's Counsel Section and the Committees' Counsel Section.<br>**Zambia** – the Legal Department is a department on its own which forms part of the National Assembly Administration.<br>**Zimbabwe** – The Legal Counsel Office is an independent department. |

### 1.2.4 Recommendations

| Domain | Recommendations |
|---|---|
| **Vision and Mission** | **Proposed Vision**<br>• The Legal Services Department provides quality, confidential and non-partisan legal services to the Kenya National Assembly<br>**Proposed Mission**<br>• We propose that the current Mission remains until the newly established Legal Services Department reviews it. |

| | |
|---|---|
| **Organisational Structure** | • We recommend the following Organisational Structure:<br>  <br><br>• A minimum of two Legal Counsel, one administrator and one secretary to be appointed in the first year of the department's existence.<br>• Ongoing monitoring of the department and a review of services should take place at the end of year one to determine whether the number of staff is still meeting the needs of the beneficiaries. |
| **Location of the Legal Services Department** | • The Legal Services Department should be an independent department, within the proposed Directorate of Legislative and Procedural Services– the department's location depends on what its core business will be. In the National Council of Provinces in South Africa, the legal and procedural services are combined – the staff provides both Table and Legal services. |
| **Recruitment of staff** | • We recommend that the recruitment process, including the development of job descriptions, starts immediately to facilitate the implementation of this project. |

## 1.3. Resources

### 1.3.1 Current Status

| Domain | Current Status |
|---|---|
| **Budget** | • The following is the allocation by donors for this project:<br>- DFID: KSh 25m<br>- EC: KSh 60m<br>• Part of the money allocated by donors will be towards the setting up of the Legal Services Department over the next year<br>• The PSC is expected to budget for the Legal Services Department from the next financial year – it is confirmed that this has been budgeted for. |

| Domain | Current Status |
|---|---|
| **Human Resources Strategy, e.g. staffing and training** | • Currently there are no staff of the National Assembly that provide legal advice to the institution. All staff members in the Legislative and Procedural Services Department assist with the drafting of amendments, motions, etc. External legal advisers and the services of the A-G's office are used where applicable.<br>• Most of the interviewees felt that the Legal Counsel should be at the level of Deputy Clerk and report directly to the Clerk.<br>• The Strategic Plan and the consultants' report are silent on the issue of performance management. Currently the Parliamentary Services undertakes performance appraisal as determined for the public service – this has been described as inapplicable to the Parliamentary Services.<br>• There is no formal induction plan to train the Legal Counsel in the workings of the parliamentary environment and its unique needs once they have been appointed. Some interviewees suggested that the incumbents might be sent to other parliaments for training. |
| **Qualifications of staff** | • Currently these have not been determined. |
| **Infrastructure (equipment and offices)** | ▪ No equipment and furniture, for example, computers and desks, are currently available for Legal Services staff<br>▪ There is sufficient funding available from the donors to procure the equipment required to set up the Legal Services Department<br>▪ The institution may be able to fund the equipment for the Legal Services Office if the donor funding is not sufficient<br>▪ There is a serious lack of space in Parliament. A number of suggestions were made regarding the physical location of the Legal Services staff. |
| **Information** | ▪ Currently the library has the following legal information available:<br>- Statutes of Kenya<br>- Halsbury Statutes<br>- Kenyan Law Reports<br>- Selected publications of the Law Quarterly Review<br>- A few old law books<br>▪ The Library has a working relationship with the A-G's library and this will continue even after the improvement of the Parliamentary Library. |

### 1.3.2 Analysis

The funding for this project is sufficient for implementation over the next 12 months. The amount allocated by the donors should be sufficient to cover the following for the next 12 months:

- The upgrading of the Library
- The establishment of the Research Centre
- The establishment of the Legal Services Department

The PSC is expected to cover the operational costs for the Research Centre and the Legal Services Department from the next financial year. The Deputy Chief Financial Officer confirmed that this has been budgeted for.

Most of the interviewees stated that the Legal Services Department should be established with a minimum number of staff members. This would prevent a situation where staff will not have sufficient work to keep them busy. The workload should be monitored throughout the phase of this project to determine whether the staff is sufficient to cater to the needs of the beneficiaries. It is important that there is clarity from the onset as to the types of services which this department will offer, since this may also impact on how busy this department could become.

There does not appear to be a comprehensive training or induction plan for the staff in this office. It was suggested during the interview process that the staff could be attached to a person in the Parliamentary Service for about two months in order to familiarise themselves with the operations of the Parliamentary Service.
There are a number of Legal Drafting Courses available outside of Kenya, for staff to be trained if they do not already have these skills.

Currently the library does not have up-to-date legal resource material to cater to the information needs of the Legal Services Department. The department should have access to it own set of Statutes of Kenya, which would be kept in the offices of the Legal Services Department. The Library has a working relationship with the A-G's library and this should continue even after the improvement of the Parliamentary Library.

Once the Department is operating, the Head of Legal Services (the Legal Counsel) should liaise with the Head of the Library as to the types of materials which the Legal Services would need.

### 1.3.3 Best Practice

| Domain | Best Practice |
|---|---|
| **Human Resources Strategy** | *Reporting:*<br>**South Africa** – the Chief Parliamentary Law Adviser reports to the Deputy Clerk, but the beneficiaries of legal services have direct access to the incumbent and the department.<br>**Zimbabwe** – The Legal Counsel reports directly to the Clerk and Speaker. He is at the level of a Non-Accounting Permanent Secretary.<br>*Training:*<br>**South Africa** – No formal training programme. Informal by way of:<br>▪ Study visits<br>▪ Interaction with provincial counterparts<br>▪ On-the-job training<br>**Zimbabwe** – Takes place by way of:<br>▪ Study visits<br>▪ Formal drafting training<br>**Zimbabwe** also has an Internship Programme funded by the State University of New York (SUNY). Third Year Law students are attached to the department to assist the legal counsel with legal research. |
| **Qualifications and Competences of staff** | **South Africa** - The following are some of the qualifications and competences required:<br>▪ At least a LLB degree<br>▪ Sound knowledge of Constitutional Law and the South African legal system<br>▪ Ability to work in a non-partisan manner<br>▪ Ability to command the respect of Members<br>**Zimbabwe** – The following qualifications and competences are required:<br>▪ At least a LLB degree<br>▪ Registered with the Law Society of Zimbabwe<br>▪ Sound knowledge of Constitutional Law and the Zimbabwean legal system<br>▪ Ability to work in a non-partisan manner.<br>▪ Ability to command the respect of Members<br>▪ Networking links with other relevant organisations in the country |
| **Resources:** | **Office Space:**<br>**South Africa** - The office is located in close proximity to the offices of the Speaker and the Clerk.<br>**Zimbabwe** – The Legal Counsel Office is an independent department, housed in the same building as the Speaker and the Clerk.<br>**Alberta Legislative Assembly** – The 2 Parliamentary Counsel maintain offices within the Legislature when the House is sitting and in the Legislature Annex during the remainder of the year. |

### 1.3.4 Recommendations

| Domain | Recommendations |
|---|---|
| **Human Resources Strategy** | • For the first year of the department's existence, at least, the Legal Counsel could report to a Deputy Clerk. This may be reviewed after 1 year to determine whether the department should become an independent Directorate. The Legal Counsel could be either at Level 4 or 5 on the establishment.<br>• A comprehensive Human Resources Development Strategy is developed for the Parliamentary Service, which would include performance management.<br>• The 2 Legal Counsel are exposed to the functioning of Legal Services Departments of other Commonwealth Parliaments within the region and outside through study visits.<br>• The Legal Services Department maintains a cordial relationship with the A-G's office and establishes links with other relevant legal institutions. |
| **Qualifications and Competences of staff** | • The 2 Legal Counsel should have sound knowledge and understanding of Kenyan Law and the Kenyan legal system<br>• At least 1 experienced drafter is appointed – advisably the Legal Counsel<br>• It is not necessary for the Assistant Legal Counsel to be a drafter, but the person must have the potential to acquire the skills<br>• The Administrator should be a paralegal or at least have the potential to be trained as a paralegal<br>• Careful consideration is given to the attitude and style of working of the incumbents since the parliamentary legal environment is different to the corporate legal environment. |
| **Resources:**<br>*Budget*<br><br>*Infrastructure – office space and equipment*<br><br>*Information* | • The aspects of this project to be funded by the donors and that to be funded by the PSC be determined for inclusion in the Project Design.<br>• Since Parliament did not budget for computers for the Legal Services Department in the current financial year, that the EU/DFID project purchase IT hardware and software for this department.<br>• The following options may be considered for an office location for the Legal Services Department:<br>- Harambee Plaza - the institution still has to acquire this space, but the finances for renting are available[6]<br>- Main Parliamentary Building<br>• Credible legal journals and other relevant materials be identified with the staff in the Legal Services Department. |

[6] Issues to be considered with this option are accessibility to Members, proximity to Parliament and security of the location since it is a privately owned building. Parliament will be renting space in this building and will therefore not have total control over access to the building.

# PART TWO: DETAILED FINDINGS OF NEEDS ASSESSMENT FOR RESEARCH SERVICES

## 2.1 Scope of Research Services

### 2.1.1 Current Status

| Domain | Current Status |
|---|---|
| **Understanding of what parliamentary research services entail** | • There is a mixed understanding of parliamentary research services *vis a vis* services provided by the Library. This is reflected in the strategic plan (2000 - 2012), the three nation consultants' report, and in consultations with Members of Parliament (MPs) and staff. Some feel that library services are research services. This is understandable given the numerous models of Parliamentary research models, which are housed by Libraries.<br>• The MPs clearly understand the role for a Parliamentary Research service in strengthening the Kenya National Assembly (KNA) as an institution of governance. They pointed out the potential of research to restore the proper balance between the executive and the legislature. They also acknowledge the role of research in enhancing the principle of separation of powers. They argued that the independence and integrity of Parliament would be greatly enhanced if research services were established for the KNA.<br>• Most of the MPs and committees acknowledge the role of research in enhancing the three core functions of Parliament: law making, oversight and representation. The MPs report that the oversight function of Parliament has not been strong. It is reported that the KNA is in the process of establishing a Budget office to enhance the oversight role of the KNA.<br>• Most of the respondents acknowledged the need for an integrated information delivery system, which is driven by Information Technology (IT). |
| **Current research services** | • There is no research department. Clerks and library staff provide some basic research services on an ad hoc basis upon request by MPs. Library and committee clerks assist Members to locate information, but this is not done in a systematic manner. At some point in time, each committee had at least two clerks. One of the clerks was expected to provide the research service. This service is no longer provided. One committee clerk now only services the committees.<br>• Currently committees have minimal research services. There is currently no systematic provision of research services to committees. Consultations with Members revealed that some MPs have personal research assistants. Others depend on friends and relatives to assist with research. |
| **Reactive vs. Proactive processes** | • There is no proactive provision of information to MPs. Research needs for MPs and committees are not anticipated in advance. |
| **Research Resources** | • The following sources of materials are currently being used to carry out research:<br>- Government reports<br>- Bound volumes of Hansard<br>- Old publications<br>- Newspapers<br>- Documents donated by the United Nations |

| Domain | Current Status |
|---|---|
| | - Committee reports<br>- Monographs Publications of Parliamentary associations (CPA, IPU) |
| **Current Client base** | • Currently, the main clients of the minimal research services being offered are MPs " keen on pushing specific issues through KNA". |
| **Interdepartmental Relations**<br>*Research and Library*<br><br>*Research and Committees*<br><br>*Research and IT* | • At present the Library is not service oriented providing the information required to undertake research. MPs reported that in most cases they have to purchase materials from their own financial resources.<br><br>• Consultations with clerks revealed that there is need to spell out the different roles for the researchers *vis a vis* clerks.<br><br>• There is no computing infrastructure strategy to ensure effective information delivery. |

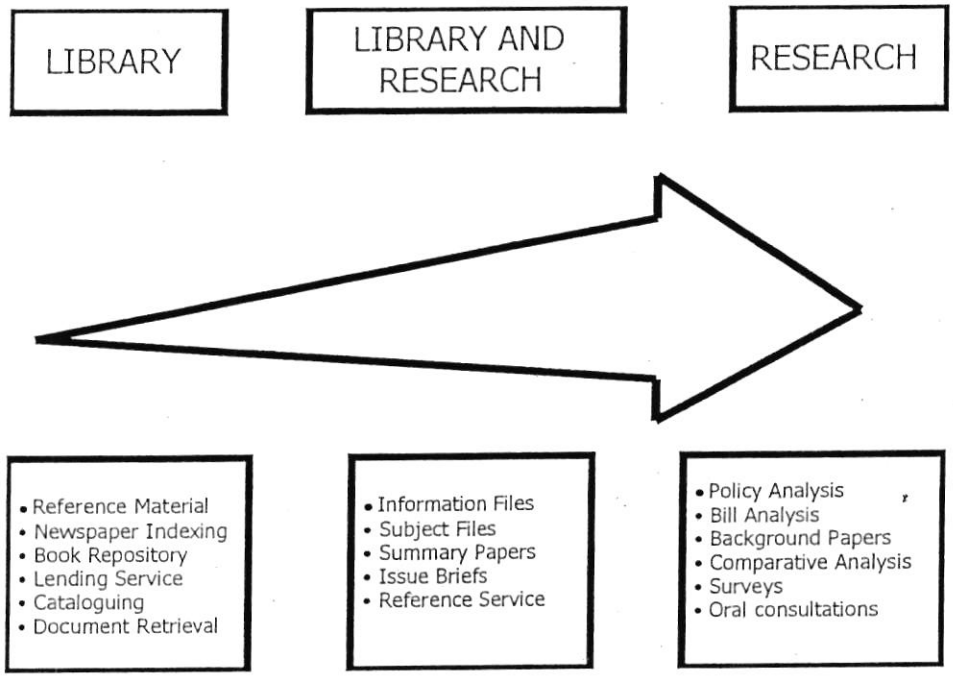
### 2.1.2 Analysis

There is a high level of urgency to establish a research department. All the main stakeholders expressed interest in the products/services of the department. There is a lot of support from the leadership of the Institution, MPs and senior staff. The primary aim is to develop a research department that offers research services that cut across the spectrum of Parliamentary work. From the expectations it would seem that the kind of research service envisaged should be able to cater for provision of simple tasks such as simple factual information requiring minimum analysis to in-depth analytical papers requiring high levels of processing. Both Members and committee clerks welcome the provision of research services to committees.

There is a proposal to create a Budget Office to be manned by personnel with knowledge in this area. In some cases there was a mixed understanding of the role and functions of the research department *vis a vis* the Library.
This is to be expected since the work of the two departments is highly complimentary. There is however, not a clear understanding of the level of analysis carried out by the two departments. In most established parliaments, the Library provides the research service. In the United Kingdom, Canada, and India, the research service is housed within the Library. The same is the case with Australia where the Parliamentary service has been part of the Library since 1997. In the United States of America, the research is an independent unit housed within the Library.

In many developing legislatures, e.g. Zimbabwe, South Africa, Egypt, Japan, Zambia, the research service is not housed in the Library. This is because the level of analysis provided by the two departments is different as shown in Figure 1.

Figure 1: Levels of analysis offered by the Research and Library departments.




Adapted from Dr. L Gabriel, Parliament of South Africa, 2003, page 2

The research information offered to MPs and committees is of a different nature than that provided by the library. It is more an aggregation of knowledge beyond that found in libraries. The library offers information from information sources such as books serials, documents, databases, and bibliography quick reference and assistance.

The current client base comprise of a few MPs. The sources of information are also limited. There is a big collection of Government documents in the Library. This is partly due to the fact that, until recently, Parliament was part of the public service. Currently, the library is operating as a traditional depository library.

The minimal research undertaken utilises a lot of government material. Meetings with MPs and staff revealed frustration with the lack of relevant updated information and a general lack of confidence in the library as it is at presently run.
If the Library is to provide support to research and committee services, then it is important to review its current holdings. The current material in the Library does not contain information of contemporary parliamentary relevance.
The monographs currently contained are not relevant to the workings of a modern Parliament.

The potential users have a fair idea of what they require from the department. Both MPs and staff welcome its introduction. The feeling is that the KNA is one of the few countries in the Commonwealth without a research department. Uganda, Zambia, Zimbabwe, South Africa, Namibia have a research department.

The role of committees in scrutinizing departmental policy presents a crucial requirement for research. Consultations revealed that the current legislative process requires that after the First reading of a Bill in the House it be referred to the relevant committee for scrutiny chapter by chapter. It is assumed that the different committees have the requisite knowledge and expertise to analyse the Bill in terms of its Constitutionality, and also to determine whether it does not contravene other existing pieces of legislation.

Consultations revealed that in most cases committees are unable to analyse and review these Bills. As a result committees do not make the appropriate policy options or amendments. It was reported that there are cases where amendments to a Bill have been made on the floor and not in the committees. It was reported that some Bills could not be implemented (e.g. the Roads Board Act); others caused unnecessary conflict between Government and the Legislature. There is therefore need for strong technical expertise to assist committees.

Other departments should provide some of the services the research department is expected to provide. Table research should be undertaken by clerks who sit at the Table in conjunction with the legal services department. The drafting of rulings, motions should be undertaken by the Procedural office. The Library should undertake indexing, cataloguing and some electronic searches.

The Strategic Plan recommends a model where research and library services are located in one directorate but operate independently. This model is also recommended by the consultants' report (p.68), which state that the model is the most frequently selected approach by developing legislatures throughout the world (South Africa, Egypt, Zimbabwe, Zambia, Uganda).

### 2.1.3 Best Practice

| Domain | Best Practice |
|---|---|
| **1. Scope and Focus of Research Services** | The scope of services offered by parliamentary services varies in nature and depth. In Zimbabwe, South Africa, Australia, Zambia, Egypt the research service provides objective and non-partisan information to Members and committees.<br>**Zimbabwe:** Provides research and analysis (value addition to information), oral briefs etc for MPs and committee work.<br>**South Africa:** Research and Analysis for MPs and committee work.<br>**Australia**: Multidisciplinary analyses and oral briefs for MPs and committee work.<br>**Canada:** Multidisciplinary analyses<br>**USA:** Legal research, preparation of hearings, oral briefs.<br>**UK:** Highly specialised research.<br>**Zambia**: Background papers, speeches, exchange of views, country briefs, sectoral reviews, anticipatory research. |
| *Simple versus in depth studies* | There is evidence that contemporary parliaments are moving from complex research characterized by too much detail and analysis, to concentrating on issues on the Order Paper. The modern approach produces simplified research and information services. |

| Domain | Best Practice |
|---|---|
| *Non Partisan and Partisan research* | These are produced proactively i.e. before the issues are introduced in the House.<br><br>In most legislatures where there are Parliamentary research services, the research is non-partisan. In some cases however, there is also provision of partisan information as shown in the cases below;<br>**United Kingdom** –Non partisan and partisan<br>**Canada**-Non partisan and partisan<br>**Australia**-Non partisan and partisan<br>**USA**-Non partisan and Partisan<br>**Zambia**-Non partisan<br>**South Africa**-non partisan and partisan<br>**Zimbabwe**- non partisan<br>**Uganda**- non partisan |
| *Conceptual model for the NAK* | **There are three main parliamentary research models in the Commonwealth:**<br>**1.Merging**: In this model the library and research are merged as in the **Australian Parliament.** In the **Canadian Parliament,** the research administration is encompassed within the organisational structure of the Library. In the **American Congress**, the research is linked to the Library but operates independently. In **India**, the Library, research and IT units fall within a unified structure called LARRDIS.<br>**2. Variety and independence**: In **Zimbabwe and South Africa**, the research and Library are stand alone units. Although they are housed under one directorate they operate as independent units. This was done to enable them to define their scope of services and to reduce bureaucracy levels.<br>**3.Joint coordination** The third option is on coordination and joint supervision among research activities and parliamentary information services. In the American Congress, the department of research relies on the method of the work team that includes elements from research, library IT. |
| **Client base** | The current client base in most Legislatures include:<br>Presiding officers, committees, and MPs. Different countries have a different client base as shown below:<br>**Australia** – MPs<br>**UK** - MPs, MPs staff, the public<br>**Zimbabwe** –Presiding Officers, Clerk of Parliament, committees, MPs, Parliamentary committees<br>**South Africa**-Parliament, committees, MPs<br>**Zambia**- Presiding officers, committees, MPs, Parliamentary staff<br>**Canada**-MPs, committees, Parliamentary Associations |
| **Research Products/ services provided** | Different legislatures have different research products:<br>**United Kingdom**-one stop shop for all information and in depth analyses;<br>**Canada**-multidisciplinary analyses, advice, part of steering committee of committees;<br>**Australia**-confidential oral briefs<br>**USA**-One stop information shop, legal research, preparation for hearings, special oral briefs. |
| *Drafting of Bills* | In **many Commonwealth Parliaments, Australia, Canada, New Zealand, UK, Zimbabwe, South Africa, Zambia**, the Legal services department does drafting of Bills. The lawyers who undertake this service are trained in legal drafting. Not every lawyer can draft Bills. |
| *Provision of Table Research* | In many Commonwealth countries, clerks who sit at the Table In the Chamber undertake Table research. This is the case in **Zimbabwe, South Africa and India.** |

| Domain | Best Practice |
|---|---|
| *Assistance with drafting motions and questions* | In most countries in the **Commonwealth, UK, Australia, Zambia, Zimbabwe, Namibia, Malawi**, the Papers Office- Procedural Office carries out drafting of motions and questions for oral answers. |
| **Research and Committees** | Different Parliaments organize provision of research services to committees differently. In **Zimbabwe** each committee shadows a group of government ministries. In the **UK** system, committees shadow a single department and not a broad set of related ministries as in the Zimbabwean situation. In **South Africa, India, Zambia, Germany, the European Parliament**, the trend is to empower committees to examine government policies through provision of a mix of researchers who are generalists and specialists in specific areas such as finance, trade and environment.<br><br>Different legislatures have expertise based on themes.<br>The **U.K** has the following themes:<br>▪ Economic Policy and Statistics<br>▪ Business and Transport ,<br>▪ Home Affairs<br>▪ International Affairs and defence<br>▪ Science and Environment<br>▪ Social and General Statistics<br>▪ Social Policy<br>**Canada** has the following themes: Economics, Law and Government, Political and Social Affairs and Science and Technology<br>**Zimbabwe** has the following themes: Social development, Economics and Finance, Politics and Governance, Environment and Health and Agriculture and Rural Development. |
| **Joint Resourcing and training** | Research, Library and Committee staff in **Zimbabwe and South Africa** normally attend the same training programmes. |
| **Staff ratio researchers : MPs** | Different Legislatures have different staff ratios *vis a vis* MPs depending on financial resources as shown below:<br>**United Kingdom**- 1:8.3<br>**Canada**-1: 6.7<br>**Australia**-1: 3.6<br>**USA** –1:0.6<br>**Zambia**: 1:46.3<br>**Zimbabwe**: 1: 20<br>However, it must be noted that most legislatures started small. Zimbabwe started with three. Australia started with 3. |

## 2.1.4 Recommendations

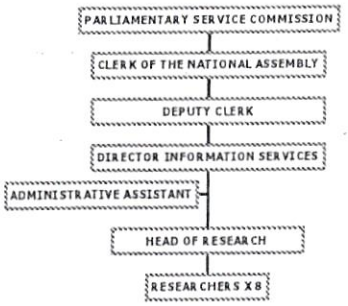
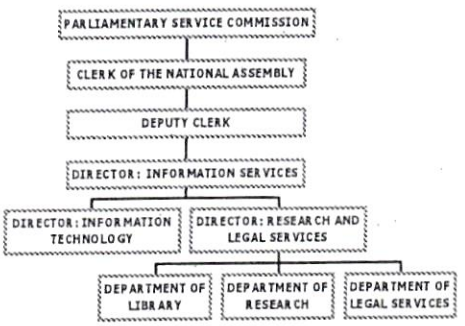
| Domain | Recommendations |
|---|---|
| **Scope and Focus of Research Services** | • There is need to clearly define the core business of both the library and research department to highlight their complementarity, synergies, role and functions. Based on best practice, the scope of services provided by the Research Department should include the following:<br>- Provision of analytical information in a non partisan and objective manner;<br>- Provision of analytical information to committees<br>- Provision of analytical information to Parliamentary delegations;<br>- Assistance with information required by MPs in their representation role;<br>- In depth research on technical issues e. g genetic engineering;<br>- Individually tailored papers;<br>- Fact sheets covering topics requested for by many MPs.<br>• However, in the embryonic stages of the development of the department, there should be concentration on a few high quality products such as research papers on topical issues, and Bills Digests. |
| *Simple versus in depth studies* | • The Research Department initially concentrates on simple research tasks such as policy reviews and analysis (especially issues on the Order paper and should anticipate information requests). |
| *Non Partisan and Partisan research* | • Although the different research units offer a variety of successful models to choose from, reading one's environment and responding to its needs is very important. Since this is a new development, it is recommended that the Parliamentary research department provides non-partisan information and then depending on the need, consider the provision of partisan research services at a later stage. |
| *Conceptual model for the NAK* | • The model recommended for KNA, is the variety model where both research and library are housed in one directorate, but operate as independent units. This is to enable the two departments to be creative and develop their scope of work.<br>• Locating the new department in the old and complicated organisational hierarchy of the library might hinder the desired independence of the department and undermine the enthusiasm and creativity of its staff.<br>• However, considering the necessary cooperation and coordination between the Library and the research service, it is important that both of them be housed under one directorate. |
| **Client base** | In the case of NAK, it is recommended that the initial client base include:<br>• Presiding officers<br>• Clerk of the National Assembly<br>• Committees<br>• MPs<br>• Public Relations Department<br>• Parliamentary Women Group<br>• General public |
| **Research Products/ services provided** | There are a variety of products provided by research departments. The new department should not attempt to offer the breadth of services being offered by other established research services; rather, it should concentrate on a few high quality products such as policy reviews on current topical issues. In the case of the NAK, it is recommended that the following services be offered and be reviewed from time to time:<br>• Provision of background information to speeches for Presiding officers<br>• Provision of background information for use by MPS in and outside Parliament in the execution of their Parliamentary duties |

| Domain | Recommendations |
|---|---|
| | • Provision of Policy reviews to committees<br>• Analysis of Bills<br>• Background information for conferences and workshops. |
| *Drafting of Bills* | • It is recommended that drafting of Private Members' Bills be carried out by the Legal Services Department |
| *Provision of Table Research* | • It is recommended that one of the senior clerks be assigned to undertake Table research. This is because this research is not like ordinary research. It requires a deep understanding of Parliamentary practices and procedures. |
| *Assistance with drafting motions and questions* | • It is recommended that the Procedural office and not research department undertake drafting of motions and questions. The Research department will only be involved in the provision of background information when the motion is moved in the House. |
| **Research and committees** | • Researchers be attached to different departmental committees to develop the knowledge and specialisation required of the different committees.<br>• There should be a mix of researchers who are generalists and can work in any committee but that the specialised committees such as Finance be manned by Budget analysts (e.g. PIC and PAC)<br>• Young graduates be recruited and trained to undertake parliamentary research and committee work. It is envisaged that this category is more likely to be non-partisan. The recruitment process should endeavor to get researchers with qualifications that parallel existing departmental committees as recommended by the PSC. |
| **Joint Resourcing and training** | • Whilst it is not within the terms of reference of this brief to look at the operations of the committee system, this brief noted from consultations with MPs and staff that the Resourcing and training for optimum outputs be considered jointly for research, library, committee and IT staff. |
| **Staff ratio researchers: MPs** | • The ratio of researchers to MPS in NAK will be 1: 24. The growth of the department should be determined by the demand for the service and availability of resources |

## 2.2 Institutional Arrangements

### 2.2.1 Current Status

| Domain | Current Status |
|---|---|
| **Vision and Mission** | • The Consultants' Report on the Strategic Plan suggests a vision for the Directorate as follows:<br>"*To develop an infrastructure of information services that is unified, seamless, consistent and easily accessed by the Members, Committees and staff of the National Assembly*".<br>• It however does not spell out the vision and mission of the research department. |
| **Organisational structure** | • The organisational structure recommended for the directorate by the Strategic Plan is as follows: |

| Domain | Current Status |
|---|---|
| |  <br>• The Organisational Structure recommended by the 3 nations Consultants who reviewed the Strategic Plan is as follows:<br>  |
| **Recruitment of staff** | • Currently the following recruitment process takes place:<br>- Job descriptions are finalised by the Personnel Department<br>- These are approved by a subcommittee of the PSC<br>- An advertisement is drafted and placed in newspapers<br>- An Interview Panel is appointed<br>- Shortlisting of the candidates takes place<br>- Interviews are held with the candidates who have been short listed<br>- The Interview Panel forwards its recommendations to the PSC<br>- The PSC must then approve the appointment of the recommended candidate.<br>- The candidate undergoes a medical examination.<br>- The candidate receives a formal letter of appointment.<br>• Ideally the recruitment process should take about 2 months to appointment of staff. Currently it is taking 3-4 months. Many interviewees expressed concern that in some cases recruitment of staff took very long periods of time.<br>◆ The Recruitment process to identify the researchers is at an advanced stage. A total of 10 people have been identified after (interviews). The interviews were carried out last year. Once the PSC approves the names, appointment letters will be sent.<br>◆ One of the 10 people will be appointed Head of the department and will report to the Deputy Clerk in charge of committees and Library.<br>◆ The recruitment process targeted professionals specializing in areas paralleling the jurisdiction of departmental committees. |
| **Reporting Arrangements** | • The current structure requires that the Head of Research report to the director who reports to a deputy clerk. |

### 2.2.2 Analysis

The vision and mission of the research department is not spelt out.

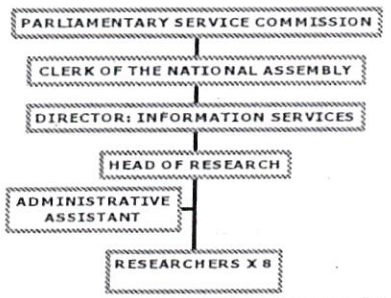
There are two conflicting organisational structures. Consultations with the PSC Secretariat and Deputy Clerks revealed that the Deputy Clerk responsible for committees would manage this department; yet, none of the organisational structures reflect this.

The reporting structure as envisaged by the PSC strategic plan has a lot of hierarchies. Hierarchies are resource costly and most instances tend to be counter-productive to provision of optimal service in a legislative environment. This is because of the high levels of miscommunication and time spent in the clearance chain.

### 2.2.3 Best Practice

| Domain | Best Practice |
|---|---|
| **Vision and Mission of the department** | Different Legislatures have different visions in so far as the provision of legislative research is concerned:<br>**South Africa vision**-To be a one-stop shop for all information needs of Parliament.<br>**South Africa mission**- To facilitate the work of Members, Committees and Management of Parliament by gathering, analysing and disseminating relevant information in a non partisan, easily accessible and understandable format.<br>**Zimbabwe vision:** Provision of the highest quality of analysis and advice to parliamentary clients as is possible in the time available.<br>**Zimbabwe mission**: Provision of oral or written, value added research and analysis services to MPs and Committee Secretariats, with other work to be undertaken only at the specific request of Mr. Speaker. |
| **Name of Directorate** | The following are the names given to Information Directorates:<br>**South Africa**-Department of information services; **Zimbabwe**-Directorate of Information Services. |
| **Leadership** | The leadership of the department is very important. In **Zimbabwe, South Africa, India, Australia, Canada**, the Head of Research has very strong academic and research qualifications. |
| **4. Structure and Reporting Arrangements** | In the Zimbabwean situation, the Head of Research reports to the Director of Information services. In the South African situation the Head of Research, reports to a Director of Information. |

### 2.2.4 Recommendations

| Domain | Recommendations |
|---|---|
| **Vision and Mission of the department** | • The following are recommendations for a Vision and Mission of the Department which should be discussed, reviewed and internalized by the Research Department:<br>**Vision** – To become a reservoir of synthesized information for the KNA.<br>**Mission** - To provide information to Parliament, and Management of the National Assembly in a non-partisan, easily accessible, confidential and understandable format.<br>• There is need to workshop the vision and the mission once the researchers have been appointed so that they internalize and own the vision and mission. |
| **Name of Directorate** | • There is need to rename the Directorate. The current name does not distinguish it from the IT directorate as envisaged in the PSC strategic Plan. |
| **Leadership** | • There is need to clarify the issue of leadership. According to the existing organogram provided by the PSC secretariat, the Research Department will fall under the Deputy Clerk responsible for committees (yet this Deputy clerk is not responsible for legal services). |
| **Structure and Reporting Arrangements** | • The recommended organisational structure of the Directorate is as shown below:<br>  <br><br>• It is also recommended that reporting hierarchies should be minimised as much as possible to remove bureaucratic bottlenecks to facilitate delivery of services. As limited a hierarchical chain as is possible is encouraged.<br>• The organisational structure will need to be reviewed after the proposed organogram of the KNA is operationalised. |

## 2.3 Resources

### 2.3.1 Current Status

| Domain | Current Status |
|---|---|
| **1.Budget** | • The following is the allocation by donors for this project:<br>- DFID: KSh 25m<br>- EU: KSh 60m<br>• Part of the money allocated by donors will be towards the setting up of the Legal Services Department over the next year<br>• The PSC is expected to budget for the Legal Services Department from the next financial year – it is confirmed that this has been catered for.<br>• Consultations with personnel in the PSC secretariat, Finance and Human Resource departments reveal that there is a budget set aside specifically for research salaries. |
| **Human Resources Strategy**<br><br>*Recruitment*<br><br>*Training* | • Although the Strategic Plan does not indicate whether the researchers will be partisan or non-partisan, the functions spelt out (p 110 - 113) suggest that the researchers will be non-partisan. This is also the recommendation from the consultants' report (p. 56) and was confirmed by interview held with the different stakeholders.<br><br>• Recruitment process to identify the Head of the Research department has commenced.<br><br>• The Strategic Plan is silent on the issue of training needs for the research department. The consultants' report recommends that experienced personnel from legislatures, with highly developed research services, should provide training in the effective utilisation of parliamentary research services.<br>• There are no clear indications of the training requirements required to achieve synergies and complementary between<br>- Research and library<br>- Research and committees<br>- Research and IT |
| **Performance management** | • The Strategic Plan and the consultants' report are silent on the issue of performance management and career path of the research staff |
| **Infrastructure (equipment and offices)** | • There is no equipment and furniture, for example, computers and desks, for Research Services staff<br>• Currently there is no office space for the researchers. Possible places where they could be housed include:<br>- County Hall Archives<br>- Harambee Plaza<br>- One of the Committee rooms in Continental House |
| **Internet connectivity and LAN** | • The research department's budget does not have allocations to purchase computers and printers for researchers. For the department to be effective there is need for KNA to identify donors who will be willing to provide both the hardware and software required. |

| Domain | Current Status |
|---|---|
| **Access to external experts** | • The committees have informal access to external experts who assist with Public policy reviews upon request. Each Committee has a budget. Committees decide whether to get experts or not.<br>• Some policy institutes work informally with the Finance Committee.<br>• There is no mention of guidelines and framework, which can be used by committees to access and pay external expertise. Almost all the respondents agreed that there is need to access external expertise. This is because technical analysis forms the bulk of the work performed by the Legislature. |
| **Information Links and networks** | • Currently the library has a limited collection of documents, which can be used for research purposes.<br>• The Library has a working relationship with the Kenya National Archives and Documentation Centre, the University of Nairobi's Library, the British Council Library and the American Cultural Centre. There is a heavy dependence on information from Government departments because the National Assembly was part of the Public Service Commission until the establishment of the PSC. |

### 2.3.2 Analysis

The financial resources available only cater for the salaries of the research staff. There are no funds to purchase IT hardware and software, photocopying equipment and training programmes. There are no clear strategies in terms of development of parliamentary research skills for both members and staff. There is need for targeting intervention in this area. Although committees have budgets that enable them to access external expertise there is need for a framework and guidelines to access experts on specific policy issues that come before committees.

This is because MPs require the widest range of information to enable them to make intelligible contributions in the House and to keep more effective vigil or scrutiny over the activities of the Executive Branch of governance. Furthermore, the oversight role of Parliament is achieved when critical issues are analysed and critical questions asked.

There is need to spell out the role of IT in the provision of research services. In the **Polish Parliament** legislation is stored in huge databases and the possible alterations to them can occur during parliamentary discussions. This experiment is being currently tried in Egypt through the legislative database called "LIS".

In the **American Congress**, small models were developed for the simulation of the tax system in order to support the work of the economic analyst studying the development of tax tools and the tax system and the effect of changing them in the general budget. The American Congress research department uses these programs in the various sectors such as health insurance, salaries, grants and social assistance and unemployment benefits, to help the MP in the prior knowledge of the likely effects of changes in these general policies on the sectors most affected by them. This process was named the: "What If Question."

Regarding parliamentary research and information services, the use of modern techniques has become inevitable, not only from an objective and professional point of view; but also for economic reasons. These techniques are the ones that help in facing the dilemma experienced by research services namely the need to improve effectiveness.

The use of these modern techniques saves on time cost. It helps to possible and in the best quality since it also helps improving the methods of research and analysis and the collection of information (local and foreign) and leads to the improvement in the skills of researchers.

Modern parliaments and many international institutions have given due importance to this matter. They prepared special Websites for themselves on the Internet network and linked these locations to other sources of information and databases. They enabled MPs to use LAP TOP portable computers, as in the **American Congress and the Canadian, Japanese, Mozambican and Indian Parliaments.**

### 2.3.3 Best Practice

| Domain | Best Practice |
|---|---|
| **Research Budget** | Different Legislatures have different budgets for research services:<br>**UK**: +-8 Million pounds<br>**Australia:** AU 18 Million<br>**Canada**: +-C$2Million<br>**USA**: +- $55.7 Million |
| **Space considerations** | In most Legislatures, Research and Library services are located close to each other to enable easy access. |
| **IT acquisition and requisite training** | In most Legislatures, IT is being used to enhance the information delivery systems. Local Area networks have been created to interlink legislative processes. **Almost all CPA parliaments** have internet and intranet connectivity (see IPU and CPA publications). |
| **Access to external Expertise** | Committee work is very technical. Government departments have expertise on many policy issues. Parliaments do not have this expertise. In **Zimbabwe** external experts are hired to give expert advice on specific issues. There is a framework to recruit and remunerate the experts. There is a budget allocated to the hiring of external experts. Parliament also has a database of these external experts. Each committee has a budget to access external expertise. The same applies for **South Africa.**<br><br>**Zimbabwe** – access to external expertise for committees.<br>**Malawi** – access to external expertise<br>**South Africa** – access to external expertise |

### 2.3.4 Recommendations

| Domain | Recommendations |
|---|---|
| **Research Budget** | • It is recommended that Annual Budget for the department reviewed annually to enable the growth of the service. |
| **Space considerations** | • It is recommended that researchers have quick access to the Library, and that when the House is sitting, an office be made available to facilitate receipt and processing of information requests. |
| **IT acquisition and requisite training** | • It is recommended that the IT development programme as developed by UNDESA be implemented. |
| **Access to external Expertise** | • It is recommended that clear guidelines be developed to access external experts to assist the work of committees. It is understood that the KNA is already studying a concept paper on this issue. A database of the experts needs to be developed. It is also recommended that specific policy institutes, universities etc be approached to create a wide information base for the committees. |

## 2.4 Skills and Capacities of Research Staff

### 2.4.1 Current Status

| Domain | Current Status |
|---|---|
| **Skills and capacities required** | • The Strategic Plan does not state the different qualities and skills required for the research department.<br>• The Consultants' report (Appendix C) details the qualities and skills and job descriptions of the research staff. |
| **Multidisciplinary nature of team** | • From the onset, as indicated in both the Strategic Plan and consultants' report, the research team will be multidisciplinary. |
| **Interdepartmental relations with library** | • Both the Strategic Plan and Consultants' Report (Three Nation Report) envisage an information system that has functional skills but that share the same vision and aims to ensure a coherent and holistic approach to the delivery of information to MPs. The research department will have close relations with the committees and the Library. |
| **Parliamentary research ethics** | • There is need to spell out Parliamentary research ethics. |

### 2.4.2 Analysis

Given the fact that this is the first time a research department is being established for NAK, it is important to hire persons with a broad professional base and the intellectual depth and experience that will make them win the confidence of all members and staff. The communication and interpersonal skills of the Head of Department (HOD) will be very important at this stage.

Although the Strategic Plan and Consultants' report are silent on the issue of Parliamentary research ethics, it is important to highlight them at the onset so that research staff are aware of them, and MPS are comfortable to use the services.

There is no training for Parliamentary officers. Knowledge will be acquired on the job. What is important is to develop a culture of continuous learning within the new staff.

The development of performance indicators in this area is therefore crucial to assess progress. A lot of the training will therefore be undertaken in –house.

The training programme should also cover communication, interpersonal skills, and capacity to write.

Since all the researchers are being employed at the same time it is important to consider their career path and methods of rewarding performance. Initial training will be required in the following areas:

- Role and Functions of Parliament;
- Principle of Separation of Powers;
- Culture and values which underpin the work of Parliament and Research;
- Writing Skills
- Communication
- Management

There is no doubt that the researchers will benefit from observing a parallel operation in other Parliaments with research departments. It is therefore important to organize attachment programmes for all staff on an equitable basis. It is suggested that initially the attachments be to developing Legislatures and then established ones for both MPs and staff.

### 2.4.3 Best Practice

| Domain | Best Practice |
|---|---|
| **Recruitment and Focus** | In **Zimbabwe**, the recruitment focuses on ability to cover a wide array of subject areas. Emphasis is however placed on economics, statistics, and politics. In **Australia** the research service began with one or two statisticians, one or two lawyers and one or two economists. As resources have become available, **Australia** now has specialists on social policy issues, science, technology, environment, foreign affairs, defence and trade. |
| **Induction Programme** | In most Parliaments, there is an intensive induction programme for new staff members.<br>**Australia** – have an induction programme at the institutional and departmental level<br>**Zimbabwe** – has an induction programme at institutional and departmental level, which includes a two-week intensive performance management programme. |
| **Performance Management** | In most CPA parliaments, there are performance management procedures, e. g **Zimbabwe, UK, Australia, Canada, New Zealand, and South Africa.** |
| **Parliamentary research ethics**<br>*Confidentiality* | Best practice throughout the commonwealth have the following ethics:<br><br>That all research material generated by researchers is very confidential, not to be published, belongs to the MP who requested it, or it is a Conference paper, it belongs to Parliament, a policy review for a committee belongs to the |

| Domain | Best Practice |
|---|---|
| | committee and not to researchers or committee clerks. |
| *Requests by more than one member* | That when more than one member requests similar research, a research paper (fact sheet/research brief) may be produced and circulated to all MPs who have requested for it.<br>It is not permissible for a researcher to inform MPs of other MPs making similar requests. |
| *Ownership of research products* | That once a paper is given to an MP, it becomes his (and not the researchers) and that the MPs name is the one that appears on it.<br>Requests – That all requests for research products to be made to the HOD who then distributes them to the research staff. The distribution of research requests of MPs to research staff be made on the basis of familiarity with the issue, expertise and preference of the MP. |
| *Timeframe for preparation* | Timeframe for preparation - That MPs requests are handled on a first come first served basis. Research staff is advised to ask for deadlines. |

### 2.4.4 Recommendations

| Domain | Recommendations |
|---|---|
| **Recruitment and Focus** | • It is recommended that the recruitment process ensures that candidates have capacity to work flexibly in a Parliamentary environment. Given the importance of research products in the legislative process, the recruitment process should also take into consideration the potential for sound judgement. |
| **Induction Programme** | • Since the department will be providing research services to both government and opposition Members, there is need to ensure that research ethics are observed at all times. There is need to hold induction programs to ensure that researchers are wee acquainted wit knowledge of parliamentary research ethics.<br>• It is recommended that a policy document be prepared, highlighting the research ethics. |
| **Performance Management** | • It is recommended that the KNA develop performance management procedures to assess performance of the project and of staff. The current performance management procedures are based on the Public Service Commission. |
| **Parliamentary research ethics** | • Especially as the confidence of Members in the service is being developed, and also due to the non-partisanship of the service, focus on issues of confidentiality is essential. |
| *Confidentiality* | • It is recommended that all services of the department be confidential, more so that committee reports should not leak before being tabled in the House. |
| *Requests by more than one member* | • It is recommended that in the event of several MPs making the same request, a general research paper or fact sheet should be produced and circulated to all who have requested for it. |

| Domain | Recommendations |
|---|---|
| | • That all requests made by MPs should be processed in a confidential and professional manner. |
| *Ownership of research products* | • That it be made clear to the researchers that all products belong to Parliament and MPs. |
| *Timeframe for preparation* | • It is recommended that at all times, researchers should produce products timeously, because information delayed is not useful to MPs. There is need on the part of researchers to be time conscious. There is no point delivering a research paper at the end of a debate in which it was supposed to have been used, or after the relevant committee hearing, or the departure of the MP to his constituency. |

# PART THREE: DETAILED FINDINGS OF NEEDS ASSESSMENT FOR LIBRARY SERVICES

## 3.1 Scope of Library Services

### 3.1.1 Current Status

| Domain | Current Status/Needs |
|---|---|
| **Understanding of what library services entail.** | • The members of parliament and staff interviewed were clear of the need of a modern library with relevant and up to date information.<br>• MPs noted the need for better and efficient library services. |
| *Acquisition* | • The library collects parliamentary papers, reports, official documents to help the members participate effectively in the debate of many issues that come before the house. With exception of materials generated by parliament:<br>• Most of the materials in the library are old and the information they contain is out retrospective.<br>• The library does not have an acquisition policy . |
| *Reference* | • The library stocks numerous reference tools which are aimed at answering questions in the shortest possible time. These include dictionaries, encyclopaedias, hard Books, directories, and procedural manuals.<br>• The library has not been able to provide good services because of lack of enough staff and resources |
| *Press Cuttings* | • The library used to provide this service a few years ago. The service is no longer provided because of lack of staff. However, the library subscribes to all the local newspapers and a few foreign newspapers. |
| *Lending* | • This service is strictly for sitting members of parliament and senior parliamentary staff.<br>• MPs are allowed to borrow up to four books for a period of four weeks while senior members of staff are entitled to two books for the same period.<br>• Most of the MPs of parliament interviewed noted that they have never borrowed any material from the Library because the literature is not current. |
| *Current Awareness* | • The Library does not provide this service. There are no accession lists to show what is current. This is a technical service and it requires a well trained personnel with wide exposure to information sources |
| *Selective Dissemination Of Information (SDI):* | • The Library provides background information for the preparation of conference papers, reports and for issues being debated in parliament.<br>• The current staff are not adequate to provide selective dissemination of information files. |
| *Inter- Library Loan:* | • When a book is not available in the collection, the library makes efforts to acquire it from other libraries. Since no library is self sufficient, the library cooperates with a limited number of libraries situated within Nairobi such As The British Council, The Kenya National Archives – Documentation Centre The United States Information Service (LISTS) The University of Nairobi Library. The Attorney General Chambers Library and the High Court of Kenya Library.<br>• All the interviewees agreed that inter- library loan services should be improved to accommodate other relevant institutions. |

| Domain | Current Status/Needs |
|---|---|
| *Photocopying* | • The library provides photocopying services to Members and staff using one medium sized copier. |
| *Internet Access* | • The library has only one Computer which is used to access Internet by members.<br>• Most of the interviewees felt that more computers should be added in the library to offer this service. |
| *Website* | • The library does not have a website. |
| *Networking* | • There is need for effective information exchange programmes and co-operation among Parliamentary Librarians in view of the increasing close relations and working togetherness of Parliamentarians in the region and indeed the world over. The library is networking with other parliamentary library to facilitate information flow and exchange.<br>• The Kenya National Assembly Library is a member of Kenya National Library, Standing Conference for Eastern, Central and Southern Africa Libraries (SCESAL), International Library Associations and Institutions (IFLA) and Association of Parliamentary Libraries of Eastern and Southern Africa (APLESA).<br>• The Library hosted the 9th Annual Conference of APLESA in Mombasa from 12-16th May 2003. One of the Librarians of KNA is in the Executive Board of APLESA.<br>• APLESA Members include Parliaments of Angola, Botswana, Kenya, Lesotho, Malawi, Namibia, South Africa, Tanzania, Uganda, Zambia and Zimbabwe. |
| *User Education* | • When a new parliament opens, the library prepares a circular, which is signed by the Speaker to inform Members about the existence of the Library and services offered.<br>• Most of the Members agreed that once the Library services are improved, it is important to publicise the Library.<br>• Because the space available in the Library is not sufficient, it is difficult to display new acquisitions. |
| **Beneficiaries of Library Services** | All the interviewees agreed that main users of the Library services are:<br>▪ The PSC<br>▪ The Speaker<br>▪ Committees<br>▪ Members of Parliament<br>▪ Clerk of Parliament<br>▪ Parliamentary staff. |
| **Provision of Library Services to Committees** | ▪ There are seventeen committees, which require information on a continuous basis.<br>▪ The Library assists parliamentary committees and their clerks to prepare factual background papers.<br>▪ The Library provides information when rulings have to be made in the House based on precedents,<br>▪ The current library collection does not meet the great demand of specialised and up to date information from committees.<br>▪ There is no proper record of reports produced by various committees.<br>▪ Most of the committees have been keeping their own materials for reference.<br>▪ The Deputy Speaker heads the Library Committee. |

| Domain | Current Status/Needs |
|---|---|
| **Library Needs of Users** | **Members of Parliament**<br>• The current parliament has very highly qualified and experienced professionals who have greater need for relevant and updated information.<br>• Most of the Members interviewed agreed that they do no use the Library because of lack of current and relevant materials.<br>• Members also noted that the Library is congested and does not have enough sitting capacity.<br>• The few Members who visit the library go there to read newspapers.<br>• All Members interviewed agreed that there is need to have more computers in the Library to provide Internet services. They said they have to go to surrounding hotels and to Access Internet.<br>• Members would like to access most of the Parliamentary Papers on Line.<br>• There is need to have information on past and current Members stored properly for quick retrieval.<br>• There is no non-book information on Members.<br>• Members go to workshops, seminars, conferences and overseas trips.<br><br>**Parliamentary Staff**<br>• Most of the parliamentary staff do not use the library because the collection is not current.<br>• The organisation of materials and furniture is not attractive to them |

### 3.1.2 Analysis

There is a clear need for a modern library with relevant and up to date information, that will entail better and efficient library services. In order for the Members to participate effectively in the debate, the library will need to collect up to date parliamentary papers, reports and official documents. Since the library stocks numerous reference tools which are aimed at answering questions in the shortest time possible, a clear acquisitions policy needs to be in place in order to acquire relevant and up to date resources. There is also a need for proper record keeping in reports produced by various committees.

Once an attractive scheme of service for Library Assistants and Librarians is developed and implemented, more staff should be recruited and such other services like press cuttings be restored. The library will also provide current awareness services through production of accession lists as well as provide selective dissemination of information by creating information profiles. With an acquisitions policy in place, relevant and up to date materials will thus be available for borrowing except for reference materials.

A library user education programme needs to be intensified by not only having a circular informing members about the existence of the library, but one for educating the users on types of materials available, their location, how they can recommend acquisition of new materials, how to conduct searches, what services the library offers, what materials are available for borrowing and those for reference purposes only and for what period etc. As part of user education the library will be required to prepare library brochures publicising library services and functions.

### 3.1.3 Best Practice

| Domain | Best Practice |
|---|---|
| **Understanding of what Library Services entail** | |
| *Acquisitions* | **Zimbabwe** –The library stocks books, published ad unpublished papers and speeches, periodicals, journals, annual reports and statistical material.<br>**South Africa** – The library has a reference collection of dictionaries, encyclopedias, statistical sources etc. It maintains information files on subjects to be debated and has a subscription to the South African media computerized press cutting service. |
| *Inter-Library Loan:* | **Zambia** – For non-available collections the library makes efforts to acquire the same from other libraries through inter-library loan.<br>**Zimbabwe** – where the library does not stock items requested by members, the department may borrow or source the required information on behalf of members from other libraries |
| *User Education* | **Zambia** - Members of Parliament are encouraged to use the library through library tours. These tours continue on an individual basis throughout the session and even when Parliament is on recess<br>**South Africa** – The special services sub-unit handles user education, which includes looking after delegations and attachments to the library. |
| *Current Awareness* | **South Africa** – The sub-unit provides users with current international information from international journals. This will normally capture and make current international news that is of relevance to members and researchers available. Users are able to view copies of the videos on parliamentary debates and special occasions. Current news from radio stations is made available on tapes.<br>**Zimbabwe** – when Parliament is in session, the library produces a weekly "current awareness" list of articles from international papers mainly dealing with or affecting Zimbabwe. A quarterly list of recent additions to the stock is also produced and distributed. |
| *Newpaper Cuttings* | **Zimbabwe** – The library keeps newspaper cuttings on topical issues, which Parliamentarians may wish to refer to during the course of their duties |
| **Beneficiaries of Library Services** | **Zambia** - The library is intended primarily for the use of the Hon. Members of Parliament. Senior members of staff may also use the library<br>**Zimbabwe** – the library provides services to Parliamentarians and Officers of Parliament. |

### 3.1.4 Recommendations

| Domain | Recommendations |
|---|---|
| **Understanding of what library services entail.** | ▪ There is an urgent need to improve and modernise the current library.<br>• The services provided by the library should include acquisition of relevant and current sources of information; processing, reference, press cuttings, lending, inter library loans, current awareness, selective dissemination of information, access to internet, photocopying, user education and networking. |
| *Acquisition* | • The library should have an updated collection of all-parliamentary papers, reports and official documents. Grey literature (unpublished works), which has been produced by parliament, should be acquired. Grey literature is extremely |

| Domain | Recommendations |
|---|---|
| | important because it covers relevant information, which is difficult to find.<br>• New books, periodicals and newspapers relevant to the work of parliament should be acquired.<br>• An Acquisition Policy needs to be formulated urgently to give guidance in the selection of library Materials.<br>• Relevant and current reference materials such as encyclopaedias, dictionaries, procedural manuals, directories, yearbooks, biographies, guides and almanacs should be purchased. |
| *Reference* | • A qualified reference librarian should provide the Reference Services.<br>• The current Library should be used for Reference purposes only. |
| *Press Cuttings* | • There is an urgent need to provide press cuttings on topical issues relevant to the needs of parliament.<br>• The press cuttings should be indexed and properly filed for quick retrieval.<br>• The library should link to a relevant database providing this service. |
| *Lending* | • The library should maintain a proper record of borrowers to monitor the circulation of library materials as well as to evaluate the use of the library.<br>• Library statistics should be recorded on daily basis and a system should be established to analyse the data.<br>• Loan forms (in a manual system) should be printed for circulation of library materials.<br>• When the library is computerised, the circulation system should also be computerised. |
| *Current Awareness* | • Relevant and up to date information sources should be acquired to serve the current need of members and staff<br>• Accession lists should be introduced in the library to inform the members of what is new in the market.<br>• Accession lists should be available online so that members and staff can access them from their workstations.<br>• More professional staff needs to be recruited in the library to assist in providing this service. |
| *Selective Dissemination Of Information (SDI):* | • Selective dissemination of information (SDI) on topical matters to be debated in parliament should be offered to members.<br>• Professional staff should be recruited to provide this service.<br>• Once the library is computerised, the service will be more efficient and faster. |
| *Inter- Library Loan:* | • The library should continue to cooperate with other relevant libraries both governmental and non -governmental. |
| *Photocopying* | • Rules should be established for photocopying services to make sure the Copyright Law is not violated.<br>• The Library staff should be familiar with the Copyright Law.<br>• Two Heavy Duty Machines and two medium sized machines need to be purchased to improve the services.<br>• Only material available in the Library should be photocopied. |
| *Internet Access* | • Two Cyber cafes should be established in the Main Library as well as in the |

| Domain | Recommendations |
|---|---|
| | new Library at Continental House. |
| *Website* | • A website for Kenya National Assembly Library should be established. |
| *Networking* | • For APLESA to be a reality, the Members should all have a fully established infrastructure and use international standardised of information storage and retrieval systems.<br>• The Library should establish closer links with International and regional groupings such as Commonwealth Parliamentary Association (CPA) and the Inter-Parliamentary Union (IPU).<br>• The staff of the Library should be more aggressive in collecting information with relevant institutions, which provide their materials free of charge to developing countries. |
| *User Education* | • User education is extremely important and should be provided to both Members and senior members of staff.<br>• The Circular should be produced in both English and Kiswahili<br>• Once the Library is computerised, user education should be promoted through Internet to attract users to the Library.<br>• Display shelves should be purchased for the two Libraries. |
| **Provision of Library Services to Committees** | ▪ Library materials relevant to the subject areas covered by current committees should be acquired.<br>▪ All reports (where applicable) produced by the committees should be catalogued, indexed and classified for quick information retrieval.<br>▪ A computerised database should be established to contain all information relating to each committee<br>▪ All materials, which are currently kept by various committees, should be taken to the library for processing, storage and retrieval.<br>▪ The Library Committee and other committees should participate in the selection of Library materials to be acquired.<br>▪ The Library Committee should meet regularly and the Head Librarian should submit a written report to the Committee. |
| **Library Needs of Users** | ▪ The MPs are the primary users of the library and therefore their needs should be given priority.<br>▪ Relevant and current sources of information need to be added to the Library to meet the great demand of information by Members.<br>▪ The library services should be improved to meet the needs of the primary uses.<br>▪ The Library needs to be reorganised and new, modern furniture need to be purchased to create more space.<br>▪ The Library should subscribe to more newspapers to meet the great demand of current information.<br>▪ A cyber café should be established in the Main Library as well as the in Continental House.<br>• A website for the Library should be established.<br>• Biographies of past and current MPs should be compiled and stored in a database.<br>• A photo collection of Members with basic biographical information should be available in the Library for Reference.<br>▪ All relevant materials collected from workshops, seminars, conferences and overseas trips should be the deposited in the library for processing, storage and retrieval. |

| Domain | Recommendations |
|---|---|
| | • New and relevant materials should be added to the Library Collection<br>• The Library should be reorganised.<br>• Senior staff should be involved in the selection of materials to be purchased. |

## 3.2 Processes and Procedures

### 3.2.1 Current Status

| Domain | Current Status/Needs |
|---|---|
| **Processing Documentary Information** | Most of the documents and publications in the library have not been accessioned, labelled, catalogued, indexed and classified. |
| *(a) Standardisation* | ▪ The library does not process the information using internationally acceptable standards |
| *(b) Accessioning* | ▪ The library does not have an accession register to record new publications.<br>▪ There is a Kardex for recording periodicals but it has not been updated for the past few years. |
| *(c) Labelling* | ▪ Although some of the publications are labelled, the stamp does not have an Accession number or the date received.<br>Most of the library materials have not been labelled. There are no library and date stamps to label the publications as Soon as they are received in the library. |
| *(d) Cataloguing* | ▪ There is a card catalogue but it has not been updated since the early 1990's. What is currently in the library is not reflected in the card catalogue. A set of Anglo-American Cataloguing is available in the library. |
| *(e) Classification* | ▪ Some of the books have been classified using Dewey Decimal Classification Scheme.<br>▪ Most of the publications are not classified and it is difficult to use the library because all materials are not catalogued. There is no complete List of the collection. |
| *(f) Indexing and subject access* | ▪ The library collection needs to be indexed. |
| *(e) Thesaurus* | ▪ The library does not have a Thesaurus for subject description |
| *(f) Information Retrieval* | ▪ It is very difficult to retrieve information in the library because there is no retrieval system<br>▪ The current retrieval system is based on the personal knowledge of individual library staff. |
| *(g) Information Dissemination* | ▪ The library does not have any tools to disseminate information<br>▪ The library contains a lot of documents and publications, which are outdated and need to be moved to the Archives. |
| *(h) Weeding* | ▪ Weeding will create more space for re-organisation of the library<br>▪ There is a room in the basement of Country Hall, which is being used to keep |

| Domain | Current Status/Needs |
|---|---|
| | old materials and needs to be better organised and managed |
| **Use of New Information Technologies** | ▪ Photocopying<br>- The library does not have modern photocopying equipment to meet the great demand by MPs and staff<br>- The library has one old photocopier machine, which is slow.<br>▪ Computers<br>- The library has (4) four computers<br>- One computer is used to access internet by Members and staff<br>- The other three computers are used for word processing<br>▪ All processes are done manually<br>▪ There is need to store the old collection into non-book format<br>▪ Reprographic equipment is not available in the library.<br>▪ The library needs to subscribe to electronic databases.<br>▪ Modern equipment is urgently needed to modernise the two Libraries. |

### 3.2.2 Analysis

There is an urgent need to process documents and publications which have not been processed at all, using internationally accepted standards. Library materials need to be accessioned and labelled accordingly with ownership mark (Name of institution, accession number and date received).

A computerised cataloguing systems needs to be put in place alongside the current catalogue that should be updated and have all holdings reflected in it. Through the available AACR II in the library, international standards ought to be followed. Since some of the books have been classified using DDC, those materials that have not been classified ought to be classified using the same scheme alongside the Sears list of subject headings. With the two practices properly put in place, retrieval of information resources will be easy and a bibliography can be created which will contain a complete list of the library's collection.

Through the catalogue and classified materials, indexing of materials will almost become automatic towards subject access.

Continuous weeding will rid off outdated materials as well as create space in the library. Weeded materials will be transferred to the archives which is in the basement of the County Hall.

Due to the great demand by MPs and staff new heavy duty photocopiers and other reprographic equipment need to be acquired. Copyright law should however not be infringed.

### 3.2.3 Best Practice

| Domain | Best Practice |
|---|---|
| **Processing Documentary Information** | |
| *Cataloguing* | **Zambia** – The catalogue is a record of all the books held in the library with the entries representing the items arranged in some specific order and indicating the location of the books. The library uses the AACR II code for cataloguing of all the materials but of course this has been adapted to suit their needs. The sears list of subject headings is used to allocate subjects to documents. |
| *Accession* | **Zambia** –The sears list of subject headings is used to allocate subjects to documents. |
| *Reference services* | **Zambia** - The library provides reference services. Another service related to the reference service is the Readers Advisory Service or the 'book-selection' service.' This service is provided to help readers find relevant information<br>**Zimbabwe** – the library provides magazines and newspapers (local and foreign daily and weekly) which may not be removed from the rooms. |
| **Use of new technologies** | **South Africa** – there is sub-unit that deals with IT support in the library which also develops and maintains the library webpage on the internet as well as promoting and marketing the library and research service.<br>**Zimbabwe** – the department provides internet and intranet services. However the catalogue is not automated.<br>**South Africa** – has an automated catalogue<br>**Canada** – has an automated catalogue which is accessible an online catalogue to outside users.<br>**Uganda** – the catalogue is not automated, however the library has a special collection of CD-Roms. |

### 3.2.4 Recommendations

| Domain | Recommendations |
|---|---|
| **Processing Documentary Information** | • Information processing in the library should be computerised. |
| *(a)Standardisation* | • The library should use standardised tools to process, store and retrieve information. This is extremely important for computerisation. |
| *(b) Accessioning* | • An accession register should be purchased to record the library collection<br>• The Kardex should be updated. |
| *(c) Labelling* | • A date stamp and a library stamp should be acquired for labelling library materials. |
| *(d) Cataloguing* | • All the books, documents and reports should be catalogued using Anglo-American Cataloguing rules 2 (AACR2). |
| *(e) Classification* | • A new classification scheme suitable for a parliamentary library should be identified. All the library collection should be classified and shelved |

| Domain | Recommendations |
|---|---|
| | systematically |
| *(f) Indexing and subject access* | • All the books should be indexed using a suitable indexing tool. |
| *(e) Thesaurus* | • A specialised Thesaurus suitable for parliamentary libraries should be identified |
| *(f) Information Retrieval* | • A computerised database for storage and retrieval should be established |
| *(g) Information Dissemination* | • The library should prepare information dissemination tools such as a current awareness bulletin to meet the information needs of MPs and staff. |
| *(h) Weeding* | • Weeding of the library collection should be done periodically to create room for current materials.<br>• The room available at County Hall should be re-organised to host the library archives. |
| **Use of New Information Technologies** | • Two heavy-duty photocopying machines should be purchased to meet the current needs of the two Libraries.<br>• Two medium sized photocopiers should be purchased to make sure photocopying services are not distracted.<br>• 20 computers need to be purchased for the two libraries. Most of these computers will be used to set up two Cyber cafes in the two libraries. The other computers will be used for computerisation of the library.<br>• The Library needs to be computerised using user-friendly library packages.<br>• The Library needs to purchase microfilming equipment, microfilm reader and printer.<br>• All the old newspapers and other documents should be put into microfilm to create space for current materials.<br>• The Library should purchase audio visual equipment such as:<br>- CDROM Reader<br>- Microfiche Reader Printer<br>- Data projectors<br>- Video machines<br>- TV monitor<br>- Ear phones<br>- Laser Jet printers<br>• A two-week training workshop should be organised to train the library staff in the use of computers in processing information. |

## 3.3 Resources

### 3.3.1 Current Status

| Domain | Current Status/Needs |
|---|---|
| **Budget** | • The following is the allocation by donors for this project:<br>- DFID: KSh 25m<br>- EU: KSh 60m<br>• Part of the money allocated by donors will be towards the improvement, reorganisation and re-design of the over the next year<br>• The PSC confirm that there is a budget set-aside specifically for the library. |
| **Human Resources Strategy, e.g. staffing, training** | • The Library currently has six staff members with the following qualifications:<br>- One librarian with master's degree in library and information science.<br>- Two librarians with university degrees in information science and Arts respectively<br>- Two members of staff have a diploma in library and information sciences.<br>- One has a certificate in library and information studies.<br>- The Library staff do not have a scheme of service.<br>• The Strategic Plan for Parliament (2002-2012) recommends in the short Term Plan 2000-2002 that Three Librarians, One Assistant Librarian, two Library Assistants, one Clerical officer, one Typist and one messenger/cleaner should be recruited.<br>• Staff recruitment did not take place as recommended.<br>• According to the Strategic Plan Medium Term Plan 2002-2007, additional staff would be required upon opening of the new Library in Continental House.<br>• The staff does not have skills in managing non-book materials and Grey literature<br>• The staff available have no experience in the use of new information technologies in library work and therefore they need to be trained.<br>• The Three Nations Report, dated 15 May, 2001 note highlights the need for an immediate increase from six to 18 professional staff.<br>• According to the Kenya National Assembly Medium-Term Expenditure Framework (MTEF) Budget 2003/2004 – 2005/2006, dated June 2003:<br>- 1 post of Chief Librarian<br>- 9 posts of Librarians II / III<br>- 8 posts of Librarian Assistants II / I, are vacant.<br>• The Library does not have proper stationery and other working tools. |
| **Infrastructure (equipment, and offices, etc.)** | • The Library furniture is not user friendly.<br>• The shelves are too big and they occupy a lot of space.<br>• The cabinets are not suitable for the current needs of the Library.<br>• The tables and chairs are not suitable for a modern Library<br>• The space available in the two libraries is sufficient for the immediate needs of the users. |

### 3.3.2 Analysis

The library establishment does not seem to be adequate and the PSC Strategic Plan (2002- 2012) should be implemented which among other things recommends for additional staff upon opening of the new library in Continental house.

Majority of the current staff do not have skills in managing non-book materials, grey literature and experience in the use of information technologies in the library. Training

is therefore recommended Proper stationery and other working tools should also be acquired alongside an increased staff establishment.

In the past financial years there has been provision made in the budget for library acquisitions while in the current financial year provision has also been made for the acquisition of a microfilming machine for the library.

### 3.3.3 Best Practice

| Domain | Best Practice |
|---|---|
| **Budget** | **South Africa** – had an annual acquisitions budget of R358,000 (~Kshs 3.58m)<br>**Zimbabwe** – has an annual acquisitions budget of 180,000 Z$ (~Kshs 1.638m)<br>**Canada** – has an annual acquisitions budget of 535,000 C$ (~Kshs 27.3m)<br>**Uganda** – has an annual acquisitions budget of UgSh 36,000,000 (~Kshs 1.4m)<br>**Zambia** – has an annual acquisitions budget of 20,000,000K (~Kshs 1.677m) |
| **Human Resources Strategy, e.g. staffing, training** | **Zimbabwe** – the library has 10 staff members; 4 professional and 6 secretarial and support staff.<br>**South Africa** – the library has 45 staff members; 22 professional and 23 secretarial and support staff.<br>**Canada** – the library has 276 staff members; 139 professional, 93 research and subject analyst staff and 21 secretarial and support staff.<br>**Uganda** – the library ahs 6 staff members; 4 professional, 1 secretarial and support staff and 1 other staff.<br>**Zambia** – the library has 12 staff members ; 4 professional, 8 secretarial and support staff. It is headed by the Chief Librarian who is assisted by the Deputy Chief librarian and Assistant Librarians. |
| **Infrastructure (equipment, and offices, etc.)** | **Zimbabwe** – they have 5 (10 seats) reading rooms<br>**South Africa** – they have 1 (30 seats) reading rooms<br>**Canada** – 5 (51 seats) reading rooms<br>**Uganda** – 1 (52 seats) reading rooms<br>**Zambia** – 64 seats in their reading room. |

### 3.3.4 Recommendations

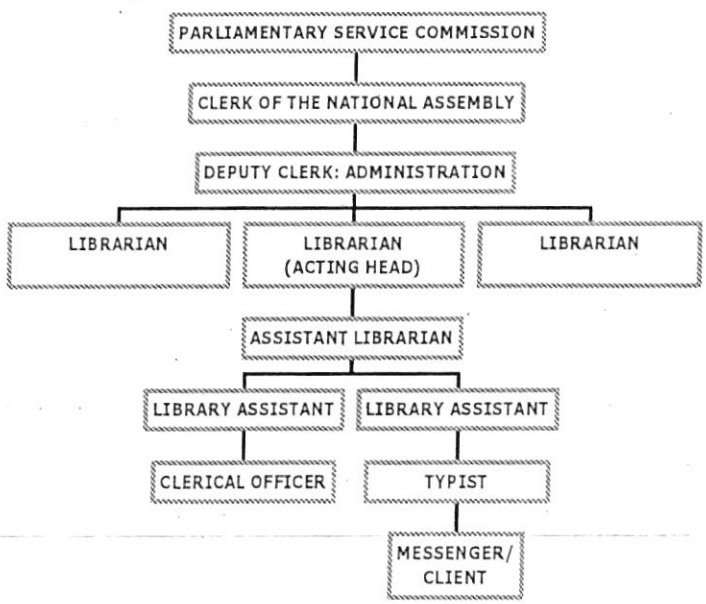
| Domain | Recommendations |
|---|---|
| **Budget** | • The funds provided by DFID should be used to implement the recommended programs of the library for the period covering November 2003 to October 2004. |
| **Human Resources Strategy, e.g. staffing, training** | • Specialised in-house courses need to be organised to train the staff on how to use new information technologies and how to process non-traditional forms of information.<br>• There is need to recruit more professional staff to improve services provided by the Library.<br>• The current staff are not able to meet the great demand of information by MPs and staff.<br>• More staff will need to be hired to supplement the existing 9<br>• While recruiting staff, special preference should be given two those who have skills in managing special libraries and use of new information technologies<br>• The salary scales of the staff should be improved to compare with other departments<br>• The Scheme of Service for Library Assistants and Librarians Circular[7] should be implemented. |

[7] Dated 13 November 1992, produced by the Office of the President

| Domain | Recommendations |
|---|---|
| | • The Chief librarian should be part of the senior management staff of parliament to influence decision-making concerning the Library.<br>• The staff needs to be trained in the use of new information technologies in special Libraries, information processing of non--traditional sources of information including non-book materials using international standardised tools.<br>• A retreat for the library staff and senior management of parliament should be organised to find out the needs of the staff and their vision for the library.<br>• The 18 positions should be filled to facilitate the modernisation of the two libraries.<br>• Proper working tools should be made available to the staff to improve the management of the library |
| **Infrastructure (equipment, and offices, etc.)** | • The current old shelves need to be removed to create more room for modern shelves.<br>• The fixed cabinets should be dismantled to create more room in the Library.<br>• New furniture and equipment should be purchased for the two libraries.<br>• The furniture and equipment for the two libraries should be movable<br>• The old Library should be carpeted. |

## 3.4 Institutional Arrangements

### 3.4.1 Current Status

| Domain | Current Status/Needs |
|---|---|
| **Vision and Mission** | • **Vision** – To have a modern Library.<br>• **Mission** – promote understanding and co-operation between legislatures and their information services recognising the ever-growing need for legislators to have access to up-to-date and accurate information about development worldwide. |
| **Organisational structure** | • The current organisational structure is as follows:<br>  |
| **Location of the Library** | • The Strategic Plan recommends a model where research and library services are located in one directorate but operate independently. This model is also |

| Domain | Current Status/Needs |
|---|---|
| | recommended by the consultants' report (p.68), which state that the model is the most frequently selected approach by developing legislatures throughout the world (South Africa, Egypt, Zimbabwe, Zambia, and Uganda). |
| **Recruitment of staff** | • The following recruitment process takes place:<br>- Job descriptions finalised by the Personnel Department<br>- These are approved by a subcommittee of the PSC<br>- An advertisement is drafted and placed in newspapers<br>- An Interview Panel is appointed<br>- Shortlisting of the candidates takes place<br>- Interviews are held with the candidates who have been short listed<br>- The Interview Panel forwards its recommendations to the PSC<br>- The PSC must then approve the appointment of the recommended candidate.<br>- The candidate undergoes a medical examination.<br>- The candidate receives a formal letter of appointment.<br>• Ideally the recruitment process should take about 2 months to appointment of staff. Currently it is taking 3-4 months. Many interviewees were sceptical of the recruiting process in the National Assembly. |
| **Reporting Arrangements** | • The current structure requires that the Head of the Library report to the deputy clerk in charge of Administration.<br>• No clear management structure exists within the Library |

### 3.4.2 Analysis

It is hoped that that the Parliamentary Library will develop into a modern parliamentary resource centre recognising the ever-growing need for legislators to have access to up-to-date and accurate information about development worldwide.

The current library structure is not adequate and there is need for an expanded structure by way of retraining and recruiting more and qualified personnel with clear reporting lines The library also needs to promote understanding and co-operation between legislatures and their information services

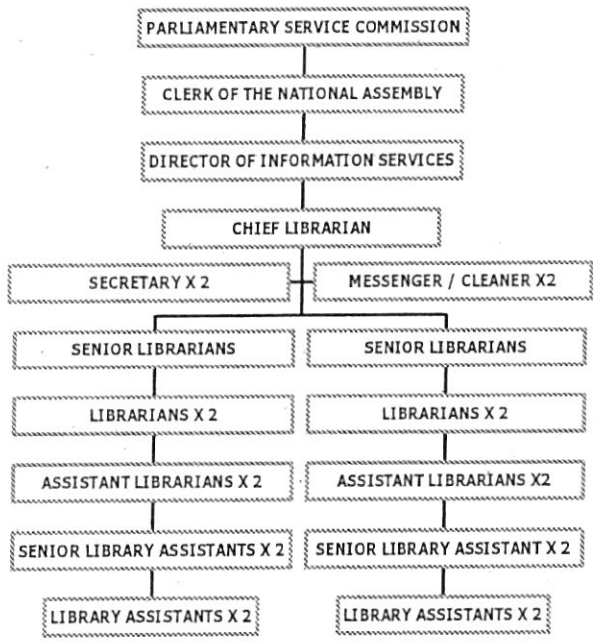
It will be appropriate for the Library to operate independently but under one directorate with the research services.

### 3.4.3 Best Practice

| Domain | Best Practice |
|---|---|
| **Vision and Mission** | **Canada** - To provide Parliament with timely delivery of comprehensive and reliable information, documentation, research and analysis, and with extensive and pertinent collections to support the functions of legislation and representation; and provide information to the public about Canada's Parliament. |
| | **Zimbabwe** – To support the Parliamentary process by providing quality Library Services to Parliament |

| | |
|---|---|
| **Organisational Structure** | **South Africa** – The Library is managed by the Chief Librarian and the Control Librarians of the four sub-units : - Reference Sub-Unit, Processing and Indexing Sub-Unit, Acquisitions Sub-Unit and Special Services Sub-Unit. |

### 3.4.4 Recommendations

| Domain | Recommendations |
|---|---|
| **Vision and Mission** | Vision: To have a well-organised and managed modern Library to provide all the information needs of users.<br>Mission: To efficiently and effectively fulfil the information needs of the MPs, committees and Parliamentary staff. |
| **Organisational structure** | ▪ The proposed organisational structure of the Department is as shown below:<br>  |
| **Location of the Library** | ▪ The current library should be used only for reference services. The other library is at Continental House.<br>▪ These two libraries should work closely with the Research Department once it is established. |
| **Recruitment of staff** | Professional staff need to be recruited immediately to facilitate modernisation of the two Libraries. The current staff are very few and they need to be assisted to achieve the goal of the Library. |
| **Reporting Arrangements** | The Head of the Library should be at the Deputy Clerk level. |

# PART FOUR: DETAILED FINDINGS OF NEEDS ASSESSMENT FOR ARCHITECTURAL DESIGN BRIEF

## 4.1 Methodology

The findings of the needs assessment in this part are based on research carried out by partner consultants and recommendations by partner consultants conversant with library services, parliamentary procedures and Legal & Research Centres in other countries in the Common wealth.

### 4.1.1 Research Meetings with Partner Consultants

Several discussions were held with partner consultants specializing in library services and parliamentary legal and parliamentary research services. The outcome of these discussions resulted in the provision of Ideal Space requirements based on Best Practice Principles.

### 4.1.2 Research Meetings with End-users: Members of Parliament staff of the Parliamentary Service.

Several discussions were held with end-users to determine their requirements. These were then analysed and incorporated together with partner consultant's recommendations of ideal best practice requirements. The result of this was the formation of the Ideal Design Brief which was then used as a basis for designing the available spaces.

### 4.1.3 Site Surveys

The architects carried out several site surveys on various locations listed below. Drawings of existing buildings were not provided. Structural & Services Surveys were not carried out. The architects' main concern was to carry out a measured survey of the existing spaces.

## 4.2 Current Status

### 4.2.1 Main Parliamentary Library

A measured survey of the main parliamentary library was carried out. The purpose of the survey was to measure the sizes of the existing spaces and record the quality and type of finishes. Drawings of the parliamentary library as it exists are provided in the appendix. Existing finishes of the library are as follows:

| Element | Finish | Quality |
|---|---|---|
| Ceiling | Solid Slab Soffit | Fair |
| Walls | Timber Panelling | Fair |
| Walls | Plaster & Painted | Fair |
| Floor | Wood block | Fair |
| Fixed Shelving | Timber Construction | Fair |

### 4.2.2 County Hall Archives

A measured survey of the semi-basement Floor archives at County Hall was carried out. It was a sunny & dry afternoon with adequate external natural light which was visible inside. There was a smell of must/damp which signified water ingress. The water ingress was however not visible but evidence of rising damp in the form of peeling paint and dried out flooring was visible.

On inquiries, we were informed that the room had experienced water ingress during the rains occasioned by a broken storm water pipe which has since been repaired. We were therefore able to draw the conclusion that ground level waterproofing had failed.

| Element | Finish | Quality |
|---|---|---|
| Ceiling | Solid Slab Soffit | Fair |
| Walls | Plaster & Painted | Poor |
| Floor | Wood Block | Poor |
| Shelving | Metal Shelving | Fair |

### 4.2.3 Continental House, 1st Floor

A measured survey of this existing space was carried out. It was recently refurbished and new furniture and fittings had been purchased and were in storage in the space. At a meeting with the Parliamentary Steering Committee on 3rd October 2003, it was learned that as much of the furniture as possible may be used for the library.

| Element | Finish | Quality |
|---|---|---|
| Ceiling | Suspended | Good |
| Walls | Plaster & Painted | Good |
| Floors | Carpet | Good |
| Office Partition | Timber & Glazing | Good |

### 4.2.4 Harambee Plaza

Access was granted to survey the 8th floor of Harambee Plaza, which had been leased by parliament for offices. Although our survey is based on this floor, it should be taken to be representative of the floor space to be procured by parliament, for use by the Legal & Research Centre.

| Element | Finish | Quality |
|---|---|---|
| Ceiling | Structural Soffit | Fair |
| Walls | Plaster & Painted | Fair |
| Floor | Carpet | Poor |
| Toilets | Ceramic Tiles | Poor |

## 4.3 Design Proposals

### 4.3.1 Main Parliamentary Library, Parliament Buildings

We propose to retain the existing character of the library due to its age and architectural importance as a building worthy of listing. In order to accommodate the modernising requirements of the library we have proposed minor alterations to the existing space coupled with general refurbishment of existing fixtures and fittings. The purpose of this activity is to create additional space and enable the parliamentarians make efficient use of the facility.

The alterations and refurbishment will result in the following key spaces:

- 1no. Head Librarian's office
- 1no. Shared Office for two librarians
- Internet area with 4no Internet ready terminals
- Newspaper & periodicals reading area
- Enclosed quiet reading room
- Mezzanine space with shelves for special reference material/books
- Space for photocopying and TV
- 5no. workstations for library staff

It is expected that the main parliamentary library will provide technical parliamentary information; Hansard, Bills, Laws, Session Papers, etc.

An Internet area with 4no. Internet ready terminals will be provided for use. Trunking will also be provided around the library to cater for additional IT connections.

### 4.3.2 Loans, Reference, IT and Audio Visual Library, 1st Floor Continental House

In order to provide modern facilities that will empower Members of Parliament to adequately carry out their duties, we propose a Loans, Reference, IT and Audio Visual Library in Continental House. It is expected that material available here will complement Member's offices to enable them to adequately represent their constituents.

The facilities proposed here are as follows:

- 2no. Offices for Librarians
- 1no. Audio Visual Room with adequate audio visual materials
- 13no. Internet ready terminals
- Reading area
- Shelving for loans and reference books
- Reception
- 5no. workstations for library staff

### 4.3.3 Legal and Research Services

- Parliamentary Service Commission wishes to establish a Legal and Research Centre so as to empower Members to have access to research material and legal advisory services.
- In proposing suitable space for this centre, we have noted the fact that there is a high requirement for privacy, both for officers carrying out their research and parliamentarians briefing or receiving the material.
- The legal and research service will be non-partisan; it would therefore be improper for Members of Parliament from different sides of the House to have information that their opponents had requested. For this reason, we have endeavoured to find existing spaces that would house the centre comfortably and provide the desired number of spaces.

The following options were considered:

***Option 1: Archive Room, County Hall***

This is an existing part-basement space in County Hall.

- During our site survey, we noticed evidence of rising damp in the floors and walls. On further inquiry, it was confirmed that the basement had previously flooded. The water proofing system / barrier / membrane appears to have failed.

- We were additionally informed that during the hot season, the room gets unbearably hot and would therefore not be suitable for office use unless ventilation and cooling measures were taken.
- It will not be possible to house a Legal and Research Centre which falls far short of the ideal space requirements given to us by our partner consultants.

We therefore, do not recommend using this room to house the Research and Legal Centre.

We have therefore proposed an improved floor layout to store archived materials in this existing part-basement space in County Hall.

***Option 2: Committee Room, Continental House***

This would be any committee room at Continental House. We have based our findings on the existing committee room we have access to on 4th Floor Continental House.

- Continental House was recently refurbished, meaning that given the shortage of space and lack of offices for staff, it would be safe to assume that the committee rooms are also inadequate.
- Given the number of private research offices required, administration offices, waiting area, etc., we feel that the committee rooms would be inadequate. Unless, three or so adjoining committee rooms were made available.

We would therefore not recommend using a committee room to house the Legal and Research Centre.

***Option 3: One floor be made available at Harambee Plaza***

During our consultations with stakeholders, we were made to believe that it would be possible to procure a complete floor at Harambee Plaza. If this is the case, we believe that the floor would provide adequate space to house the Legal and Research Centre. We are therefore recommending that the KNA procures one floor at Harambee Plaza, which would then be designed to provide the facilities as follows.

*Schedule of spaces:*
*Total Floor area required 226.6m2*

| | |
|---|---|
| Director of Research | 3.2 x 6.2m = 19.84m$^2$ |
| Chief Research Officer | 3.4 x 5.0m = 17.0m$^2$ |
| Office Administrator | 3.1 x 3.5m = 10.85m$^2$ |
| Political & Social Affairs | 3.1 x 3.5m = 10.85m$^2$ |
| Law & Government | 3.1 x 3.5m = 10.85m$^2$ |
| Economics & Finance | 3.1 x 3.5m = 10.85m$^2$ |

| | |
|---|---|
| Education & Technology | 3.1 x 3.5m = 10.85m$^2$ |
| Transport & Communication | 3.1 x 3.5m = 10.85m$^2$ |
| Policy Analysis | 3.1 x 3.5m = 10.85m$^2$ |
| Legal Services Officer | 2(3.5 x 4.0m) = 28.0m$^2$ |
| Leg. Serv. Administrator | 3.1 x 3.5m = 10.85m$^2$ |
| Waiting area | approx. 75m$^2$ |

During our meetings with the Parliamentary Steering Committee, we were also assured that the KNA would arrange with owners of the building to provide adequate security for Members of Parliament using this facility. In order to ensure that the KNA is well served with Legal and Research Services based on Ideal Best Practice in the commonwealth and other regions, we recommend that the services be housed in suitable and adequate space, in this case, Harambee Plaza.

# PART FIVE: DETAILED FINDINGS OF NEEDS ASSESSMENT FOR PROJECT IMPLEMENTATION

## 5.1 Project Implementation And Decision-Making Mechanisms

### 5.1.1 Current Status

| Domain | Current Status/Needs |
|---|---|
| **Structure and Human Resources** | • The PSC is the main decision-making body within the National Assembly.<br>• The PSC has appointed a Steering Committee, to co-ordinate the implementation of this current project. This committee has held two meetings.<br>• The Finance Department has sufficient staff to provide the required services during the implementation of this project |
| **Time** | • The donors expect this project to kick-off on 1 November 2003 and to be completed by 31 October 2004. |

### 5.1.2 Recommendations

| Domain | Recommendations |
|---|---|
| **Structure and Human Resources** | • The Steering Committee to continue to manage the process and act as change agents<br>• An overall Project Manager be appointed.<br>• A Works Implementation Manager be appointed<br>• A Technical Team should:<br>- be appointed to be responsible for the day-to-day implementation of the project<br>- include a contact person from the Library, Research, Legal and Finance Departments<br>- have relevant skills to be able to implement the project, e.g. sound knowledge of the service area and the project<br>- receive training on project management if they do not have these skills |
| **Processes and Procedures** | • The process of implementation of this project should be managed as an Organisational Development and Change Management Process<br>• Financial audits and monitoring be conducted to ensure effective implementation of project. |
| **Time** | • The Steering Committee monitor the project implementation to ensure that the project is completed on time. |

## 5.2 Procurement, Accounting and Disbursement Procedures

### 5.2.1 Current Status

| Domain | Current Status/Needs |
|---|---|
| **Governing legislation and regulations** | • The following contain the relevant provisions regarding the control and management of Government finances:<br>- Sections 48 and 99 – 105 of the Constitution of Kenya<br>- The Exchequer and Audit Act<br>- The Paymaster-General's Act and Regulations<br>- The Government Financial Regulations and Procedures<br>- Procurement Regulations |
| **Procurement and Tendering** | • In the National Assembly of Kenya, when procuring goods and services up to KSh 5m, quotations are required – this process may take about 1 month |

| Domain | Current Status/Needs |
|---|---|
| **Procedures in the National Assembly** | • If procuring goods and services for more than the above amount, the following procedure applies:<br>- Advertisements appear in the newspaper after which there is a waiting period of 28 days<br>- The tender applications are then opened and evaluated over a period of about 2 weeks<br>- After the award of the tender, there is a further waiting period of 21 days to give the unsuccessful bidders an opportunity to appeal against this decision<br>- If there are no appeals, the contract is concluded with the successful tenderer |
| **Accounting procedures** | • Currently a custom-made accounting programme is being used to assist the Accountant to implement the prescribed procedures<br>• If the correct procurement process has been followed, invoices will be paid within 2 days of receipt of the invoice.<br>• The following checks and balances are in place:<br>- Vetting at junior level<br>- Internal auditing on a daily basis<br>- External auditing – spot checks once a week<br>• There are no special accounting procedures for administering donor funds.<br>• The Accountant does not have experience of administering donor funds for the National Assembly, but has worked with donor funds in the Executive. The Accounts Controller will prepare the financial reports for donors. |

### 5.1.2 Recommendations

| Domain | Recommendations |
|---|---|
| **Procurement and Tendering Procedures in the National Assembly** | • We recommend that Heads of Department receive training on procurement specific to the project. |
| **Accounting procedures** | • Computerisation of the Accounts Department, with the relevant software for compatibility with the systems used by Treasury and Donors<br>• Appointment of a Programmer to facilitate this process<br>• Staff in the Accounting Department are trained to administer donor funds<br>• Accurate and timely reports are prepared for submission to donors during the implementation of the project<br>• A consultative framework is developed between the institution and the donors to facilitate this process |

## 5.3 Linkages with Related Projects

Consultations with other donors and development partners revealed that they are planning to undertake governance projects in KNA as follows:

- CIDA – strengthening of committees and training
- SUNY Kenya – development of IT system and support of research activities for committees
- Italian Embassy – development of IT system

Upon implementation of these projects, related activities within the current project can be undertaken by the previously mentioned donors and development partners

## APPENDIX I: LIST OF DOCUMENTS REVIEWED


1. *The Constitution of Kenya,* The Government Printer
2. *The Exchequer and Audit Act,* Chapter 412 of the Laws of Kenya
3. *The Exchequer and Audit (Public Procurement) Regulations, 2001*
4. Kenya National Assembly, *Medium Term Expenditure Framework (MTEF) Budget 2003/2004 – 2005/2006*, Parliament Buildings, June 2003
5. *The Parliamentary Service Act*, Act No. 10 of 2000, The Government Printer
6. Republic of Kenya, *Government Financial Regulations and Procedures,* The Government Printer, 1989
7. Republic of Kenya, *Strategic Plan of the Parliament (2000-2012) "The Blue Print"*, Parliamentary Service Commission, February 2001.
8. Republic of Kenya, *Report of the Tribunal to Review the Terms and Conditions of Service for Members of Staff of the National Assembly*, Parliamentary Service Commission, August 2002
9. Republic of Kenya, *Report of the Tribunal appointed by the Parliamentary Service Commission to Review and Make Recommendations on the Terms and Conditions of Service of Members of Parliament*, Parliamentary Service Commission, September 2002
10. Winnifrith C.B., Ogle D.B. & Remnant W.H.B., *Consultant's Report to the Parliamentary Service Commission of the National Assembly of Kenya on the Strategic Plan of the Parliament (2000-2012) 'The Blue Print'*, Parliamentary Service Commission, May 2001

## APPENDIX II: LIST OF PERSONS CONSULTED/INTERVIEWED

### MEMBERS OF PARLIAMENT

1. Hon. David Musila, Deputy Speaker
2. Hon. Peter Oloo Aringo, Vice Chairman, PSC
3. Hon. Mirugi Kariuki
4. Hon. Mwangi Kiunjuri
5. Hon. Simeon Lesirma
6. Hon. Macharia Mukiri
7. Hon. Peter G. Munya
8. Hon. David .K. Mwenje
9. Hon. Joseph W.N. Nyaga
10. Hon. Ruth Oniango
11. Hon. Samuel L. Poghisio
12. Hon. Peter Shitanda Soita

### PARLIAMENTARY STAFF

1. Mr. S. W. Ndindiri, Clerk to the National Assembly
2. Mr. P.G. Gichohi Deputy Clerk
3. Mr. P. C. Owino Omolo, Deputy Clerk
4. Mr. M. Werunga, Deputy Clerk
5. Mr. G.T.Muita, Principal Clerk Asst.
6. Mrs I. Muraguri, Senior Principal Finance Officer
7. Mr. J.M. Muchira, Accounts Controller
8. Mr. J.M.Machanje, Hansard Editor
9. Mr. N.W.Waitheru, Chief Personnel Officer
10. Mrs Mary Kanyiha, Chief Supplies Officer
11. Ms. A.K.Thuranira, Senior Clerk Assistant
12. Mr. A.M. Mwendwa, Clerk Assistant 1
13. Mr. I.K.Songoro, Librarian I
14. Mrs Esther Kamau, Librarian I

### DONORS/PARTNERS

1. Carl Wesselink, Project Co-ordinator, DGSP/EU
2. Harriet Wanjohi, Governance Adviser, DFID
3. Kagwiria Mbogori, Governance Advisor, CIDA
4. Jesse Biddle, Director SUNY/Kenya
5. Flavio Zeni, Development Cooperation Office, Italian Embassy