



REPORT ON A BENCHMARKING AND STUDY VISIT TO THE PARLIAMENT OF KENYA (FROM 18TH TO 24TH, NOVEMBER, 2018) Supported by UNDP



28th November 2018

1. Introduction

The current composition of the Parliament of Sierra Leone has 77% of its Members making their first parliamentary inning. In line with the standard requirement in modern parliamentary settings, it was observed that the Parliament of Sierra Leone is in need of reform, in order to keep it in tune with the transformation process now evident in most parliamentary jurisdiction.

In relation to the above, the Speaker of Parliament granted permission to the Clerk, three (3) Members of Parliament, the Director of the Department of Parliamentary Assistance and Coordination and Parliamentary Research Coordinator to undertake a benchmarking and study visit to the Parliament of Kenya. The visit took place from 18th to 24th November, 2018. It is noted that benchmarking is one of the most efficient tools democratic legislatures and organizations such as parliaments can adopt with specific focus on identifying, analysing and adopting best practices and implementing the best results to improve their operations and performance.

This visit was supported by United Nations Development Programme (UNDP), in relation its annual work plan for 2018. The Support is in line with Activity 1.1, Action 1.2.2: South- South collaboration which promotes peer learning visits to a south Parliament.

2. Composition of the delegation

The delegation was composed of the following members;

1. Hon. Paran Tarawally – Clerk of Parliament and leader of the delegation
2. Hon. Massay N'gahintay Aruna – Member of Parliament
3. Hon. P.C Haja F.B Koroma Meama-Kajue – Female Caucus Representative
4. Hon. Sheriff Mohamed Kassim Carew – Opposition Member
5. Mrs. Finda Fraser – Director, DePAC
6. Mr. Gilbert N'habay – Research Coordinator

3. Objectives of the visit

The general objective of the benchmarking visit was to enhance knowledge and understanding of the operations of the Kenyan parliament with specific reference to their Parliamentary Service Commission, Parliamentary Budget Office, Information and Research Directorate, the Centre for Parliamentary Studies and Training, with a clear focus on learning from the various processes in making such structures more functional and incorporating the best practices to make sure our Parliament become more efficient and able to maintain acceptable standards.

The Benchmarking and Study visit sought to realise the under-mentioned specific objectives:

- i. To benchmark best practices in the administration of the Parliament of Kenya, imbibe lessons and critical actions that will help us ensure effective and efficient management of the Parliament of Sierra Leone;
- ii. To gain ample knowledge on the various processes and engagements leading to the setting up of structures like the Parliamentary Service Commission(PSC), Parliamentary Budget Office (PBO), Information and Research Directorate and Centre for Parliamentary Studies and Training (CPST) and identifying key actions which can account for the successful setting up of the CPST within the Sierra Leone Parliament and improve in the operations of the other structures which have been set up, but yet in their embryonic stages of development;

- iii. To create a platform for networking between both Parliaments, with an aim of deepening relations between the two legislatures;
- iv. To share knowledge and experiences in legislative work and identify specific legislative practices that could inform policy review and law reforms in Sierra Leone;
- v. To gather information on design and implementation of training packages for our Parliamentary staff and Members of Parliament;
- vi. To learn about the conditions of service of the Kenyan MPs; identifying all applicable welfare issues related to both MPs and Parliamentary staff;
- vii. To appreciate appropriate mechanisms to ensure decorum and appropriate utilisation of working systems within the precinct of Parliament.

4. Methodology

During the visit to the Parliament of Kenya, the delegation;

- i) Met and held a briefing meeting with **Hon. (Dr.) Naomi Shaban**, MP and Deputy Vice Chairperson of the Parliamentary Service Commission, **Dr. Lonah Mumelo**, a Non-Member of Parliament appointee of the PSC and Representative of the Director General of the Parliamentary Joint Services;
- ii) Held meeting with representatives of the Director of Administrative Service, Director and Deputy Director of Legislative and procedural Services;
- iii) Held a meeting with the representatives of the Director of the Parliamentary Budget Office and Ag. Director of Finance and Accounting Services;
- iv) Embarked on a guided tour observed plenary proceedings at the Chamber of the National Assembly of the Kenyan Parliament;
- v) Held a meeting with **Mr. Maasai Lekipaika**, Deputy Director of the Human Resources Services and representative of the Director of Information and Research;
- vi) Held a Meeting with the Clerk of the National Assembly, **Michael R. Sialai, EBS**; and the Protocol Department;
- vii) The delegation also paid a courtesy call at the Sierra Leone High Commission in Nairobi, Kenya and
- viii) Visited the Centre for Parliamentary Studies and Training.

5. Findings and Observations

5.1 Meeting with the Deputy Chairperson, Non-member of Parliament Appointee of the PSC and Representative of the Director General of the Parliamentary Joint Services.

During this meeting, information was provided on the brief history leading to the PSC formation, its membership, mandate and operations and insight into the structure and workings of the Parliamentary Service Common services. The delegation was further informed that;

- Prior to 1999, the Kenyan Parliament had a unique composition made up of the President and the National Assembly and served as a department in the Office of the President, charged with the responsibility of service provision to MPs. Parliament was therefore staffed by the Executive;



Delegation meets with members of the Kenyan Parliamentary Service Commission

- Members of the National Assembly were so poorly resourced and remunerated that they sought hand-outs from the Executive, which made them ineffective in checking the Executive and therefore undermined their roles of oversight, representation and legislation;
- An MP by the name of Hon. Oloo Aringo moved a motion which introduced a bill to establish an independent and autonomous Parliament in 1998. This made provision for an amendment Act No. 3 of 1999, which established the Parliamentary Service Commission;
- The Kenyan Parliamentary Service Commission consist of the Speaker of the National Assembly as Chairperson, a Vice Chairperson elected by the Commission, **seven** members appointed by Parliament from amongst its members, four nominated equally from both Houses by the party or coalition of parties forming the national government; of whom at least two shall be women, **three** nominated by parties not forming government from each house and **one** man and **one** woman appointed by Parliament from among persons who are experienced in public affairs, but are not members of Parliament and the Clerk of the Senate who serves as the Secretary to the Commission;
- The Commission operates through seven (7) Committees related to Finance, Staff welfare, Members Welfare, Tender and Procurement, Security and Development, Committee on Information and Public Communication and Audit;
- To effectively serve the Bicameral Parliament, the Parliamentary Service is administratively structured through the National Assembly Service, Senate Service and the Parliamentary Joint Services to provide common services.

Through this initial engagement, the following observations were made;

- ❖ The Kenya Parliamentary Service Commission and generally all other structures within parliament give solid attention to gender consideration. The Kenya Parliament has successfully passed through the Affirmative Action Bill to ensure Gender parity in Parliament. In all Political party structures within the parliament, there is reference to a Zebra Matrix, which ensures that after any male member on the party list there is a corresponding female member on the list;
- ❖ The Clerk for each House of Parliament is appointed by the Parliamentary Service Commission, with the approval of the relevant House;
- ❖ The Parliamentary transition from the executive control of parliament to the formation of the Parliamentary Service Commission seems to be a similar approach also taken forward by the Parliament of Sierra Leone. The Kenyan Parliament is however far advance in terms of its autonomy than that of the current Parliamentary Service Commission in Sierra Leone.

5.2 Meeting with representatives of the Director of Administrative Service, Director and Deputy Director of Legislative and procedural Services at both the National Assembly and Senate:

During this engagement, the delegation was given insight into the administrative services in Parliament, with an overview of remuneration and benefits of Members of Parliament and an overview of the mandate and operations of the Senate and National Assembly. The delegation was further provided the following information:

- The Directorate of the Administration is domiciled in the Parliamentary Joint Services and is responsible for supervising and providing strategic direction to the Human Resources Management Department, Office Support Services, Catering Services, Human Resources Development and Transport Services;
- The Kenyan Members of Parliament quite apart from their monthly salary, also benefit from specific entitlements and allowances which are related to the following;

√Sitting Allowance √Air Time Allowance √Car Loan √Vehicle maintenance Allowance √Mortgage benefits
√Parliamentary Responsibility Allowance √Medical entitlement covering Inpatient, Outpatient, Maternity,
Dental, Optical and covers 5 dependent children below age 25 and spouses

- A Bereavement Policy makes provision for a bereavement benefit to the family and assist in the burial preparation of the demise member. This policy also covers the Spouse and Biological/legally adopted children as well;
- There is also provision for Group Life Insurance (Death in Service) benefits paid to a nominated next of kin after the demise of a sitting Member. The total payable is based on three times annual basic salary of a Member at the time of demise. This is paid in addition to the Death Gratuity (under the pensions benefit);
- Members of Parliament are entitled to employ staff on contract both at the national and constituency/county level. The employed staff members are paid using the constituency/county allocation. Commissioners in the PSC are also entitled to employ staff on contract which includes the following: 1 PA, 1 Researcher, 1 Secretary, 1 Driver and 2 Office Assistants;
- Members of Parliament with a disability that is of an extent that will affect their ability to fully participate in Parliamentary business are facilitated by the PSC to engage an aide on contract. Such members are also facilitated with assistive devices;
- Members who are lactating are facilitated with their infants aged 1 year and below and a Caregiver whenever they travel on official business locally. They are also provided with a nursing facility in the precincts of Parliament.

Following this engagement, the following observations were made:

- ❖ Members of Parliament of Kenya are far better enumerated than their counterparts in Sierra Leone;
- ❖ Kenyan MPs are therefore well motivated to perform their parliamentary functions and is demonstrated by their participation in the business of the House and other related activities;
- ❖ The only entitlement package where Sierra Leoneans are better than their Kenyan Counterparts border on the Pension Scheme.

5.3 Meeting with the representatives of the Director of the Parliamentary Budget Office and Ag. Director of Finance and Accounting Services;

The delegation was taken through the budget making process in Kenya, the role and operations of the Parliamentary Budget Office, as well as an overview of the budget making process in the Public Service Commission.

The delegation was further informed that;

- The Kenyan budgeting processes takes into consideration four main stages: macro target setting, review of sectoral priorities, financial programming (Preparation, Consolidation and Approval of the Budget Estimates) and Execution and Auditing;
- A lot of power is vested in the Parliament to prepare the Budget. A specific Finance Committee of Parliament therefore plays a leading role in the entire budgeting process. Hence, it was observed that the expression "Parliament has the power of the purse" is more evident in the Parliament of Kenya than in Sierra Leone;
- The budgeting process in Kenya is so enriching that the Parliamentary Budget Office provides Fiscal Analyst in all Sectoral Committees where the budget is been fully scrutinised even before it is brought to the general house. It normally takes 21 days within the Kenyan Parliament to look into the budget estimates;
- Within the context of the budget preparation in the Public Service Commission as is the case with other MDAs, it was revealed that the budget is normally prepared in programmes for it to be accepted. This means every

budget estimates must be clearly identified with a programme for which the budget must speak to. Estimates are therefore submitted in the form of a work plan and all activities must be in line with the Strategic Plan and has to clearly respond to it;

- The programme based budget is thus the emphasis, with a requirement for it to be performance based driven, with clear output and outcome indicators;
- It was quite revealing to know that the Budgeting process in Kenya is quite consultative, with public hearings normally done and the electorates required to make buy-in into the process.

5.4 Embarked on a guided tour and observed plenary proceedings at the Chamber of the National Assembly of the Kenyan Parliament;

The delegation later embarked on a guided tour within the prescient of the National Assembly and also had an opportunity to observe plenary proceedings at the Chamber. The delegation was recognised during the session by the Hon. Speaker of the National Assembly and made the following observation during the tour;

- The National Assembly is very much disable friendly and have ramp constructed in all entry points within the Parliament Building;
- The prescient of the Parliament is clean, with proper sanitation conditions within the facilities. The Cleaners within Parliament are staff of Parliament and are responsive to their duties. The toilet and other facilities are well maintained and the entire atmosphere is work friendly, with decorum always maintained to a reasonable level;
- The Sergeant-At-Arms Office is fully operational within Parliament and the Security personnel very much professional in the discharge of their duties. The current Sergeant-At-Arms in the Kenya Parliament is a Retired Major in the Kenyan Army;
- The confines of the Parliament are well secured and therefore one cannot see any Peddlers trading within it, as is evident in the Parliament building of Sierra Leone;
- The Cafeteria arrangement within the Kenyan Parliament is also quite impressive. The service takes the form of a buffet and a separate canteen area mainly allocated for MPs and senior staff of Parliament, whiles another is available for junior staff of Parliament;
- As part of the orderly atmosphere within the Parliament, a separate Lounge is reserved for MPs, whiles another is available to be utilised by visitors or other members of staff;

5.5 Meeting with Mr. Maasai Lekipaika, Deputy Director of the Human Resources Services and representative of the Director of Information and Research;

During this engagement, the delegation was curious to know the operations of these two Directorates within the Parliamentary Service Commission and how they each support both houses of parliament. The Information and Research Directorate was of specific importance, because the Parliament of Sierra Leone has just set up a Research Unit and therefore saw this as an opportunity to learn and obtain best practices which could be replicated in Sierra Leone.

The delegation was therefore provided information on the following;

- The Directorate of Information and Research Services was established in 2007, mainly to provide Parliament with research and information services needed by Members for the fulfilment of Parliament's constitutional duties;

- Apart from the Parliamentary Research Services, the Information and Research Directorate is also composed of the ICT Services, Public Communications, Broadcasting Services Unit, Media Relations Department, Library Services, Audio Services and Printing Services;
- The Research Services in Parliament ensures that Researchers are assigned to each Committee;

Regarding engagement with the Deputy, Human Resource Services, the following information was provided to the delegation;

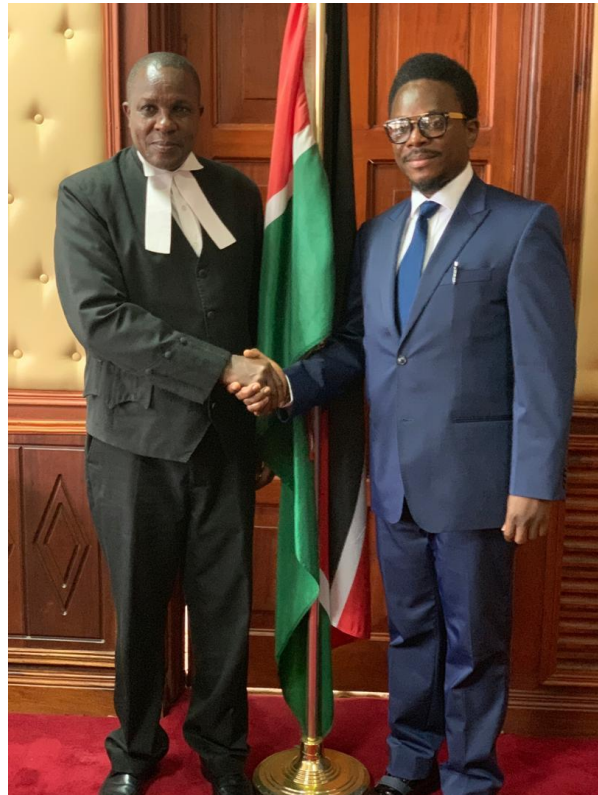
- All training in the Public Service Commission is based on a comprehensive Training Needs Assessment (TNA), normally conducted by a Training Specialist. The information obtained after this assessment normally form the basis for a yearly training projection;
- The TNA is carried out at three (3) levels (individual, departmental and organisational);
- Within the Parliamentary Service Commission in Kenya, there is the use of an Annual Performance Appraisal process, which helps to identify individual and departmental training needs. It is therefore expected of every department to prepare its training projections annually and submit to the Human Resource Department by 30th June every Year;
- All training programmes/projections are linked to the strategic objectives of the PSC Strategic Plan;
- A staff is entitled to undertake relevant training at an approved training institution for a period not exceeding two weeks every two years;
- To ensure that the Parliamentary Service benefits adequately from the skills acquired by the employees who have undergone training with assistance of the PSC either fully or partially, staff are bonded by the PSC to serve in the Parliamentary Service for a period of time upon completion of such training.

5.6 Meeting with the Clerk of the National Assembly, Michael R. Sialai, EBS; and the Protocol Department;

The meeting with the National Assembly Clerk provided an opportunity for the delegation to be given first-hand information on the general operations of the House.

He also highlighted the main responsibility of the National Assembly, as against that done by the Senate. The Budgeting process he mentioned is led by the National Assembly. In the Kenya Parliament, he mentioned that Ministers and Heads of MDAs who fail to appear for questioning can be fined by Parliament. The Ministers and MDA heads in Kenya therefore always respond when they are required to face questions at Parliament.

The Clerk Clearly provided information on the composition of both Houses of Parliament, spoke about his chief functions within the Parliament which according to him include serving as Principal Adviser to the Speaker. He further emphasised that both Clerks of the Senate and the National Assembly are independent of the two houses of Parliament.



Clerk of Sierra Leone Parliament meets with Clerk of the Kenyan National Assembly

The Delegation further engaged the protocol department and was informed as follows;

- The department amongst its functions provide support with facilitating the movement of visitors, help with visa arrangements and event management;
- The department is also tasked with organising open day programmes to showcase Parliament;
- It was observed that the role of the Protocol department is visible and critical for management of international visits and other related event.

5.6 courtesy call at the Sierra Leone High Commission in Nairobi, Kenya

The delegation took time to pay a courtesy visit to the Sierra Leone High Commission's office in Nairobi, Kenya. It was significant to make this visit because Sierra Leone for the first time in the nation's history was able to establish this Office in the Kenyan Capital, as it only had a Consulate before. It was quite revealing to see the level of work already accomplished by the High Commissioner to upgrade the office and his official residence.

The Commission is currently in the process of putting together a data base of all Sierra Leoneans in Kenya and to do a formal opening of the office, to be graced by the Sierra Leone Minister of Foreign Affairs and International Cooperation.

The High Commissioner was so generous to host the delegation to a dinner at his residence.

5.7 Visit to the Centre for Parliamentary Studies and Training.

The Centre for Parliamentary Studies and Training (CPST) was established through legal Notice No. 95 of July 2011 as a one-stop specialised Resource Centre for the training and capacity development of both Members and staff of Parliament of Kenya, County Assemblies and other Legislatures.

The main purpose of this visit was to learn about the processes accounting for creating the centre and also ensuring a deeper understanding of its operations, for potential replication in Sierra Leone. The delegation was therefore provided the following information;

- The CPST is one of the Directorates in the Parliamentary Service Commission of Kenya;
- The Mandate, Roles & Functions of the CPST border primarily on conducting training for the exposition and enhancement of knowledge, skills and experience of members and Staff of Parliaments and County Assemblies, Provide directly or in collaboration with other institutions of higher learning, facilities for parliamentary research, studies and training and participate in the preservation and transmission of Parliamentary knowledge in Kenya and beyond;
- The CPST Training Thematic Areas border on the Constitution, Parliament and governance Systems, Law making and Procedural Matters, Information, Communication and Public Participation and Outreach, Public Finance Management, Human Resource and Administration of Parliament and Facilitative/Cross-Cutting Issues;
- Training calendar is structured in four [4] levels; Trainings for Senators and Members of National Assembly, Trainings for staff of Parliamentary Service Commission (PSC), Trainings for members and Staff of County Assemblies and Trainings for staff of and Members of Regional Parliaments;

The delegation was taken through the various processes leading to the full operationalisation of the Centre, covering the curriculum development, development of Trainers Manual and Facilitators Guide and collaboration fostered with International training bodies.

6. Recommendations

The Benchmarking and Study visit accounted for a couple of recommendations, which could serve as the main learning outcomes and are therefore mentioned below;

- i. The Parliamentary Service Commission in Parliament of Sierra Leone should commence the process to set the stage for the autonomy of Parliament to be actualised, which will go a long way to address most of the gaps and hanging issues within Parliament;
- ii. The PSC to ensure the Sergeant –At-Arms recruitment process is completed and capacitated to respond to security concerns and other issues relevant to main more decorum within the prescient of Parliament;
- iii. A review of the cleaning services to be done, so that the personnel responsible for the cleaning are employees of Parliament who will be effectively supervised and monitored for us to significantly improve on our current hygiene and sanitation conditions within Parliament;
- iv. Consideration to be given for the confines of Parliament to be secured to that we have only one entry point which will respond to the lapses accounting for theft cases within parliament. The parliamentary office environment should not allow Peddlers and we should strictly enforce rules bordering on the dress code of visitors and even staff of Parliament;
- v. The **Female Caucus** needs to be solidly supported so that we can commence the process of ensuring the Affirmative Action Bill is eventually enacted in Parliament;
- vi. It was observed that one of the reasons responsible for the effectiveness of MPs in Kenya is because they better enumerated. It is therefore recommended that consideration be in motion to look into the conditions of Service of our MPs in the future;
- vii. The Parliamentary Service Commission should make every effort to ensure the Parliament building is accessible for Persons with Disability, as this is a globally accepted standard in most Parliamentary Jurisdiction;
- viii. It is recommended that the Parliamentary Budget Office and Research Unit be gradually capacitated and staffed with personnel with the requisite qualification, due to their significant contribution in modern Parliaments;
- ix. The Parliamentary Service Commission should commence the initial processes that will eventually lead to the setting up of a Parliamentary Centre for Studies and Training in Sierra Leone;
- x. A recommendation implementation monitoring matrix or tracker be developed to ensure actions, implementation milestones and action plans are closely monitored to ensure consistency in translating into action the critical steps to gradually ensure our Parliament meets internationally accepted practices and standards.

7. Conclusion

The benchmarking visit provided an avenue for a lot of lessons learnt and consolidation of best practices within the Kenyan Parliament. Much of what is required now is to set the pace for the implementation of these practices within the Parliament of Sierra Leone.

Hon. Speaker and Hon. Members, I beg to report.