KEYNOTE ADDRESS AND OFFICIAL OPENING
THE HON. JUSTIN B. N. MUTURI, EGH, MP.
SPEAKER OF THE NATIONAL ASSEMBLY

The Hon. Justice (Dr.) Patrick Matibini, MP, Speaker of the National Assembly of Zambia,
The Hon. Justice Philomena M. Mwilu, Dep. Chief Justice, Supreme Court of Kenya
The Hon. Moses Cheboi, Deputy Speaker, National Assembly,
The Hon. Aden Duale, EGH, MP. Leader of the Majority Party, National Assembly,
The Hon. John Mbadi, CBS, MP. Leader of the Minority Party, National Assembly,
Mr. Karimulla Akbar Khan, Secretary General, CPA,
Chairpersons of House Committees,
Honourable Members,
Mr. Michael R. Sialai, CBS, Clerk of the National Assembly,
Distinguished Resource Persons,
Ladies and Gentlemen,

It is with great pleasure and honour for me to address this distinguished forum of honourable Members. Coming at the initial stages of the 12th Parliament, the Post-Election Seminar no doubt sets the pace to our parliamentary political careers’ in matters that relate to the tenets of good governance and continued advocacy of sustained
democratic ideals for our beloved country for which we have been elected to uphold and cherish.

This forum has drawn participation from diverse parliamentary jurisdictions within the Commonwealth of Nations. Indeed, we share similarities in the parliamentary traditions that have over time shaped our practices and procedures in our respective legislatures. I most sincerely appreciate the great individuals from these jurisdictions among them, the Republic of Zambia, Canada, the United Kingdom, and Australia who have graced this Post-Election Seminar. Equally, the Commonwealth Parliamentary Association (CPA) and the National Democratic Institute (NDI) of the United States of America are well represented at this Seminar. I humbly welcome you to our beloved country, and trust that
you will spare time to savor the rich and beautiful heritage that our country is renowned for worldwide.

**Honourable Members,**

The Post-Election Seminar elicits a lot of interest as it accords honourable Members the opportunity to build capacity and expand knowledge of parliamentary procedures and practice, learn from other commonwealth jurisdictions, and to share emerging issues in the traditions, practices and procedures within the Commonwealth. A grasp of global perspectives of governance institutions and democracy is also envisaged.
In our own institutional and governance context, it is an opportunity to reflect on our performance as a country that has in the last few years experienced a complete paradigm shift in terms of the constitutional architecture of the country. The rules of engagement governing the interactions between the executive, the judiciary, and the legislature have radically shifted with invaluable lessons to our governance system. Yet, we cannot conclusively deliberate the agenda of this forum without interrogating the various dimensions of our internal governance occasioned by bicameralism, the enhanced separation of powers, the presidential system, and political party structures in Parliament.

In this regard therefore, I find the theme for this Post-Election Seminar quite appropriate, befitting and relevant to our present situation as a nation and as a new Parliament.
Appreciating that we have recently emerged from a very rigorous electioneering period, the theme enjoins us to recognise the crucial role good governance plays in building strong societies that is the goal for the Commonwealth family of Nations - hence the need to safeguard the welfare of the Nation.

**Honourable Members,**

The Commonwealth of Nations, with 53 member states, is indeed a unique global grouping, spanning every region of the world and including in its membership countries of all sizes and stages of development. We are proud to co-host this Post-Election Seminar with the Commonwealth Parliamentary Association (CPA).
The flexible, but still firm framework on which the Commonwealth of Nations was founded and which reflected Member States shared experience of British administrative law and the philosophy of Westminster government continues to be observed to this day. That flexibility has been the key to its success, such that the Commonwealth has been able to embrace nations of many political persuasions and huge cultural diversity while, maintaining a principled commitment to liberal democracy.

Parliaments remain an intrinsic component of the success that the Commonwealth has leveraged on to enhance democracy and propagate good governance. Allow me therefore to applaud the commitment of the CPA Secretariat for partnering with the National Assembly to make this Post-Election Seminar a success. Through the Post-
Election Seminar, Members have the opportunity to reflect, learn and share experiences towards better governance of legislatures. In particular, the Post-Election Seminars add impetus to the work of the Speaker and the party leadership who have to deal with largely new entrants (first term Members) into Parliaments, as well as political party issues that persistently remain alive in legislatures beyond the competitive electioneering period.

Overall, the wealth of knowledge envisaged to be shared and gained at this Seminar cannot be gainsaid. It transcends the work of a serving Member of Parliament and also life outside Parliament once a Member is not reelected or retires from active politics.
Honourable Members,

As alluded in the foregoing, individual parliaments and legislatures have been shaped by the rich tradition and parliamentary practice of the Commonwealth. It is these traditions that continue to shape the way we conduct business in Parliament. Despite strong traditions, the rules of procedure are constantly under scrutiny and being adapted and subjected to varied interpretation to keep parliamentary system alive, vital and responsive to the evolution of the society to which it is applied. Our rules have greatly been influenced in recent times by promulgation of the Constitution of Kenya in August, 2010. Constitutional change resulted in bicameral parliament, presidential system, enhanced separation of powers, House and party leadership offices, and increased number of members. These constitutional contexts have influenced the way of
relating with the other arms of state, relations between the two Houses, House committees and composition of their secretariats, as well as political party structures within our Parliament.

**Honourable Members,**

Any constitutional democracy worth its name must set aside time for reflection for it be able to forge into the future with confidence. The invaluable lessons during the 11th Parliament, which baby sat the implementation of the Constitution, will be of immense significance to the performance of the 12th Parliament.
For a start, governance institutions define who we are as a country. The foundations of Kenya’s constitutional democracy are anchored on complete separation of powers. Admittedly, the Constitution of Kenya has fundamentally altered the relationship between the Judiciary, the Legislature and the Executive by making separation of powers a constitutional reality. However, these provisions will only benefit the citizens of this country if mechanisms are put in place and pursued in the practice of good governance.

In furtherance of the above, the presidential parliamentary system enshrined in the Constitution has inevitably entrenched the independence of Parliament. During the 11th Parliament, proper execution of this provision saw the entrenchment of a vibrant committee system. However, these committees need the backing of strong secretariats to
reclaim the balance of power likely to arise from the fact that the executive enjoys a huge bureaucracy that may not be available to Parliament. This is to say that Members need access to timely, accurate and concise information to undertake the oversight function. I am a strong advocate of this school of thought. Capacity of both Members and staff must be sustained to equip and update them with knowledge in their areas of committee mandate and specializations respectively.

The latitude for separation of power that Parliament enjoys cannot be taken for granted. The momentum gathered during the 11th Parliament must be doubled to sustain Parliament’s independence which in turn translates to deepening democracy and good governance through effective discharge of its constitutional responsibilities.
Honourable Members,

Bicameralism has also heavily weighed on our operations and practices as a Parliament. The rebirth of the bicameral Parliament in Kenya had its challenges in the 11th Parliament. Much of the initial discord oscillated largely around lack of concurrence on Bills that required consensus of either House as required under Article 112 of the Constitution, and especially the Division of Revenues Bill. The provisions for Mediation Committees have however borne fruit and subsequent matters have been resolved amicably.
Nonetheless, cooperation remains the overarching aim towards an efficient Parliament institution free from operational dissonance. We cannot however rule out future discordance as parliaments are constantly in transition and constitutional mandates, though distinct are open for divergent interpretation within a functional democracy. Each of the issues that may arise should be addressed with open mindsets and only serve to entrench the Constitutional mandates of each House and further strengthen our nascent bicameralism.

**Honourable Members,**

Political parties are the undisputable foundations in a multi-party democracy. They must have committed membership to thrive and effectively serve in the governance
institutions of a country. As Members, we can attest to the fact that political parties transcend virtually all aspects of the parliamentary business and decision making, and exert immeasurable influence on its activities.

Drawing from the experience of the 11th Parliament, and also the short stint of the 12th Parliament, it is now evident that political party structures and engagement have taken root in our parliamentary operations and governance. Emerging from this practice is that the much desired party discipline mechanisms is now strengthened. We can attribute much of the ensuing practice to the Constitution provisions that institutionalized party leadership offices in Parliament (Article 108). The structured manner of political party leadership in the House today deviates from the form and practice of multi-party set up
under the independence constitution. This not only sets the foundation for strong political party culture, but also reigns on errant Members who have the audacity of using political parties as vehicles to get elected only to abandon the sponsoring party upon election.

Conventionally, robust political parties’ participation in Parliament has been advanced through party caucuses – commonly referred to as “Parliamentary Group” meetings. For such caucuses to succeed, parties need to meet on a regular basis, not as a response to sporadic happenings in the political arena. In fact, it should be as regular as the House weekly sittings since the Order Paper is available on the National Assembly website every Friday preceding the sittings. To achieve this, we must desist from the notion that the “Parliamentary Group” meetings are convened with the aim of directing Members to
toe the party position. This has also been misconstrued to mean that the independence of Parliament is threatened and such gains are being eroded.

Nevertheless, blind pursuit of party position should not blur our bottom-line in terms of discharging the constitutional responsibilities in the 12th Parliament. We must cultivate mutually beneficial inter-party relations to drive House business. This is the ultimate challenge to political party leadership and Members of the 12th Parliament. We must think and act beyond our political party interests to guarantee the electorate the governance they deserve. Lest we forget, our interactions beyond political party affiliations have the positive externality of building a cohesive society built on firm and independent democratic institutions.
Honourable Members,

Our shared values are core to nation building and the success of governance institutions. The Constitution has ably articulated these fundamental national values both under Article 10 and Chapter Six of the Constitution.

I am persuaded to reiterate that the national values envisaged by the drafters of the Constitution will go far in shaping the oversight mandate of the 12th Parliament. The starting point however is the process that gets us elected to Parliament, and which is anchored in our electoral laws.
Accordingly, electoral laws must resonate with our national values and the Constitution. Further, elections have the capacity to break or build the governance systems and institutions in a country. It is imperative therefore that electoral laws need to be subjected to review from time to time to respond to the emerging societal needs, values, experiences, and national aspirations.

**Honourable Members,**

Parliament traditions transcend virtually all parliamentary business and exert immeasurable influence on its activities. It guides in the parliament’s dispensation of its constitutional role and mandate in an organized and orderly manner. Much of the tradition obtaining today in many parliaments is conspicuously a reflection of the
particular country’s history. Our case is not any different from the jurisdictions that make up the Commonwealth.

Notwithstanding the above, Parliament traditions are typically observed at play in a wide range of formal and organizational proceedings from the actual inauguration of a new Parliament to the election of Speaker, manner of debate in the House, legislative process, moving motions in the House, manner of raising points of orders, to making maiden speeches. The traditions are as distinct as any corporate culture albeit more rigid. It is imperative by now that this is clear to you and should assist us find our footing when serving in the 12th Parliament.
As the Speaker of the National Assembly, I preside over the House business guided by the rules of procedure to ensure seamless flow of debate and adherence to parliamentary decorum. Conventionally, there is an implicit contract between Members and the Speaker based on a clear understanding that the considerable powers a House gives to a Speaker will not be abused, that no undue advantage or favoritism to one side or the other will be shown. I therefore encourage Members to observe these sacrosanct values as we endeavor to transact House business be it in the chamber or in committees of the House.

I have on numerous occasions restrained myself from taking stern action against a Member(s) who consistently breach House rules. It is therefore incumbent upon
Members to get a good grasp of the rules of procedure for the efficient transaction of our noble constitutional responsibilities individually and collectively. These rules have always been exercised to uphold the dignity of the august House. Serving in the 12th Parliament puts all of us in the enviable position of the custodians of the strong parliamentary tradition.

Needless to overemphasize, parliamentary tradition is indeed dynamic and vulnerable to influence by the developments in society, specifically the democratic and electoral processes which have the biggest influence on Parliament. If called upon during the life of the 12th Parliament, be ready to rise to the occasion and participate fully in the development of this tradition. The subsequent procedures and practices provide the
desirable software for efficient parliamentary environment, and progressive governance and democracy.

Honourable Members,
Parliaments must remain an inspiration to the society. They must also carry the burden of actualizing these aspirations. You are the bearer of this heavy responsibility. While we have a contract with the electorate for five years, it is the legacy that we leave that will live beyond the five-year period and perhaps determine the extension of the political contracts. This is what sets a fertile ground for good governance and democratic growth.

As I conclude, honourable Members, it is time for in-depth soul searching and honest reflection as we endeavor towards creating a legacy and memorable political careers in
the 12th Parliament. The vast knowledge to be gained at this Seminar will go a long way to unbundle the huge potential I have witnessed during the short period of the 12th Parliament.

Once more, it is my humble privilege to welcome you and thank each one of you for attending this Seminar. To our distinguished resource persons from other jurisdictions, and the CPA Secretariat, we are deeply humbled by your presence. The experience to be shared should be the unifying factor and lay ground for continuing dialogue in our shared understanding of the parliamentary procedures and practices, and governance.
Finally, distinguished Ladies and Gentlemen, it is my singular privilege to declare this Post-Election Seminar officially opened, and to wish you fruitful discussions. Thank you for your attention.

**KARIBUNI**

“MAY GOD BLESS YOU”

The Hon. Justin B. N. Muturi, EGH, MP.
Speaker of the National Assembly

**Monday, 5th March 2018**