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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT- FOURTH SESSION: 2020

THE COMMITTEE ON IMPLEMENTATION

REPORT ON A STUDY VISIT TO LUSAKA, ZAMBIA:

3<sup>RD</sup> TO 9<sup>TH</sup> MARCH 2019

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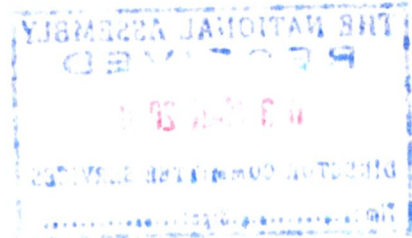
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## Table of Contents

List of Abbreviations and Acronyms .....	3
CHAIRPERSON'S FOREWORD.....	4
Hon. Moitalel Ole Kenta, MP .....	4
EXECUTIVE SUMMARY.....	5
1.0. PREFACE.....	7
1.1 Mandate of the Committee.....	7
1.2 The Committee Membership.....	8
1.3 Committee Secretariat .....	10
2.0. INTRODUCTION .....	11
2.1 OPERATIONS OF COMMITTEES IN ZAMBIA .....	13
2.2 PRESENTATIONS.....	16
2.2.1 MEETING WITH THE KENYA HIGH COMMISSION TO ZAMBIA.....	16
2.2.2 MEETING WITH THE SPEAKER, NATIONAL ASSEMBLY .....	17
2.2.3 MEETING WITH THE COMMITTEE ON GOVERNMENT ASSURANCES .....	19
2.2.4 MEETING WITH THE MINISTRY OF FINANCE.....	22
2.2.5 MEETING WITH THE MINISTRY OF JUSTICE.....	23
2.2.6 MEETING WITH OFFICIALS IN THE OFFICE OF THE VICE PRESIDENT .....	24
3.0. OBSERVATIONS.....	25
4.0. RECOMMENDATIONS .....	26



### **List of Abbreviations and Acronyms**

CGA	-	Committee on Government Assurances
COMESA	-	Common Market for East and Southern Africa
Dr.	-	Doctor
EAC	-	East Africa Community
Hon.	-	Honorable Member
MTP	-	Medium Term Plan
MTEF	-	Medium Term Expenditure Framework
MP	-	Member of Parliament
MoJ	-	Ministry of Justice
OVP	-	Office of the Vice President

## **CHAIRPERSON'S FOREWORD**

The Committee on Implementation undertook a study visit to Lusaka, Zambia from 3<sup>rd</sup> to 9<sup>th</sup> March, 2019. The objective of the visit was to provide the Committee with an opportunity to observe and learn the workings of the Committee on Government Assurances of the Parliament of Zambia and other relevant stakeholders. This is in line with the Committee on-going efforts to equip its members with knowledge for the effective discharge of their duties as members of the Committee on Implementation.

The Committee commends its Members for their patience, sacrifice, endurance and hard work in its execution of its mandate.

The Committee wishes to thank the Offices of the Speaker and the Clerk of the National Assembly for the necessary support and facilitation extended to it in the execution of its mandate.

The Committee also wishes to record its appreciation for the services rendered by the staff of the National Assembly attached to the Committee. Their efforts made the work of the Committee and the production of this Report possible.

Finally, it is now my privilege and honour, on behalf of the Committee on Implementation and pursuant to the provisions of Standing Order 199 (6), to present to this House the Report of the Committee on the Study visit to Lusaka, Zambia.

**Hon. Moitalel Ole Kenta, MP**

## EXECUTIVE SUMMARY

The Committee on Implementation undertook a study visit to Zambia from 3<sup>rd</sup> to 9<sup>th</sup> March 2019. The objective of the visit was to provide the Committee with an opportunity to observe and learn the workings of the Committee on Government Assurances in Zambia and other stakeholders.

The visit was expected to provide a learning environment for Members of the Committee on thematic areas and possible areas of engagement in order to improve on its operations. It was meant to help the Committee explore mechanisms of overseeing the Executive in the Country and empowering the Committee to come up with policies to strengthen its oversight role.

The objectives of the visit were to: -

- a) Review the different stages involved in the process of identifying Government Assurances;
- b) Consider how the Committee on Government Assurances monitors and evaluates Government Ministries to ensure that assurances, promises and undertakings given by the Ministers are implemented;
- c) Scrutinize the role of all the various stakeholders in execution of all government assurances;
- d) Hold meetings with the counterpart Committee of the Parliament of Zambia that deals with matters pertaining to implementation of government assurances; and
- e) Understand the challenges facing the Committee on Government Assurances of the National Assembly of Zambia and how they are mitigated.

Committee on Implementation observed that: -

1. The Vice President of Zambia is also a Member of Parliament, Leader of Government Business in Parliament and acts as a liaison officer between the Executive and Parliament.
2. Ministers in Zambia are also Members of Parliament and Committees but they do not sit in the Committee on Government Assurances.
3. The Committee on Government Assurances follows up on government assurances made on the floor of the House as well as adopted House resolutions and undertakes to monitor and evaluate their implementation.
4. The implementing agencies report back to the House on implementation status of House resolutions in form of Action-Taken Reports.
5. The National Assembly of Zambia has enhanced Public Participation by having a parliamentary FM radio that transmits proceedings and enhances coverage of Parliament, inviting public memoranda on matters under consideration by its Committees as well as conducting public inquiries.
6. The National Assembly of Zambia is currently developing an online tracking tool to enhance follow up and implementation of House resolutions.

The Committee recommends that: -

1. The Parliament of Kenya should establish a parliamentary FM radio station that transmits proceedings to enhance coverage and compliment the Parliamentary TV stations. This will enhance public participation and provide a forum for educating the public on Parliament's legislative and oversight role;
2. To enhance effectiveness of public participation fora, the Parliament of Kenya should leverage on vernacular radio stations to inform the public of scheduled activities that require public participation; and
3. The National Assembly of Kenya should fast track the rolling out of an online tracking tool for monitoring and evaluating the implementation of House resolutions as a matter of priority.

## **1.0. PREFACE**

### **1.1 Mandate of the Committee**

1. The Committee on Implementation is a select committee of the House established pursuant to the provisions of Standing Order 209 of the National Assembly Standing Orders, with the following terms of reference: -

(i) The Committee shall scrutinize the resolutions of the House (including adopted committee reports), petitions and the undertakings given by the National Executive and examine-

- a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and
- b) Whether or not legislation passed by the House has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

(ii) Standing Order 201 further provides that within sixty days of a resolution of the House or adoption of a report of a select committee, the relevant Cabinet Secretary under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the House in accordance with Article 153(4) (b) of the Constitution.

(iii) The Committee may, therefore, propose to the House, sanctions against any Cabinet Secretary who fails to report to the relevant select Committee on implementation status without justifiable reasons.

## 1.2 The Committee Membership

### Chairperson

Hon. Moitalel Ole Kenta, MP  
Narok North Constituency  
**Orange Democratic Party**

### Vice Chairperson

Hon. Godfrey Osotsi, MP  
Nominated  
**Amani National Congress**

### Members

Hon. Maj. (Rtd) John Waluke Koyi, MP  
Sirisia Constituency  
**Jubilee Party**

Hon. Paul Simba Arati, MP  
Dagoretti North Constituency  
**Orange Democratic Party**

Hon. Alois Lentoimaga, MP  
Samburu North Constituency  
**Jubilee Party**

Hon. Joseph Wathigo Manje, MP  
Kajiado North Constituency  
**Jubilee Party**

Hon. (Dr.) James Murgor, MP  
Keiyo North Constituency  
**Jubilee Party**

Hon. Johnson Many Naicca, MP  
Mumias West Constituency  
**Orange Democratic Party**

Hon. Onesmas Kimani Ngunjiri, MP  
Bahati Constituency  
**Jubilee Party**

Hon. George Theuri, MP  
Embakasi West Constituency  
**Jubilee Party**

Hon. Francis Munyua Waititu, MP  
Juja Constituency  
**Jubilee Party**

Hon. Richard Onyonka, MP  
Kitutu Chache South Constituency  
**Ford Kenya**

Hon. Paul Odalo Abuor, MP  
Rongo Constituency  
**Orange Democratic Party**

Hon. Owen Yaa Baya, MP  
Kilifi North Constituency  
**Orange Democratic Party**

Hon. Hassan Oda Hulufu, MP  
Isiolo North Constituency  
**Kenya Patriots Party**

Hon. Michael Thoya Kingi, MP  
Magarini Constituency  
**Orange Democratic Party**

Hon. Nelson Koech, MP  
Belgut Constituency  
**Jubilee Party**

Hon. Generali Kiprotich Korir, MP  
Langata Constituency  
**Jubilee Party**



Hon. Joshua Mbithi Mwalyo, MP  
Masinga Constituency  
**Wiper Democratic Movement-Kenya**

Hon. Charles Ngusya Nguna, MP  
Mwingi West Constituency  
**Wiper Democratic Movement-Kenya**

Hon. (Dr.) Daniel Kamuren Tuitoek, MP  
Mogotio Constituency  
**Jubilee Party**

Hon. Jared Okello, MP  
Nyando Constituency  
**Orange Democratic Party**

Hon. Silvanus Osoro, MP  
South Mugirago Constituency  
**Kenya National Congress**

### **1.3 Committee Secretariat**

**Ms. Tracy Chebet Koskei**  
**Clerk Assistant I /Team Leader**

**Mr. Abdirahman Hassan**  
**Clerk Assistant II**

**Mr. Joseph Okong'o**  
**Senior Media Relations Officer**

**Mr. Peter Mwaura**  
**Senior Legal Counsel**

**Ms. Jane Serem**  
**Audio Officer I**

**Mr. Eugene Apaa**  
**Research Officer III**

**Mr. James Muguna**  
**Research Officer III**

**Mr. Moses Kariuki**  
**Sergeant-at-Arms**

## 2.0. INTRODUCTION

1. The Committee on Implementation undertook a study visit to Zambia from 3rd to 9th March 2019. The objective of the visit was to provide the Committee with an opportunity to observe and learn the workings of the Committee on Government Assurances in Zambia and other stakeholders. The following Members undertook the study visit: -
  - (i) Hon. James Kipkosgei Murgor, MP – Leader of Delegation
  - (ii) Hon. Johnson Many Naicca, MP
  - (iii) Hon. Charles Ngusya Nguna, MP
  - (iv) Hon. Owen Yaa Baya, MP
  - (v) Mr. Abdirahman Gele Hassan- Clerk Assistant/Delegation Secretary
2. The National Assembly of Zambia is a unicameral legislative body. The current National Assembly formed following elections held on 11<sup>th</sup> August 2016, has a total of one hundred and sixty-six (166) members of parliament. One hundred and fifty- six (156) members are directly elected in single member constituencies using the simple plurality (or first-past-the-post) system. Nine (9) additional seats are filled through presidential appointment. The Vice President is also granted a seat in the Assembly. All members of the National Assembly have a five-year term.
3. The Head of Government is the President who appoints the Cabinet. The Parliament comprises of the President, directly elected by the people, as the head of state and head of government and the National Assembly.
4. The politics of Zambia takes place in a framework of a presidential representative democratic republic, whereby the President of Zambia is head of state, head of government and leader of a multi-party system.
5. There are nineteen (19) government ministries in Zambia. Ministers serve as political heads of ministries, such as the Ministry of Local Government and Housing, the Ministry of Health and the Ministry of Education.
6. Under a parliamentary democracy, Parliament oversees Government administration and subjects its activities to detailed scrutiny on behalf of the electorate. To carry out this important function, Parliament has established parliamentary committees that conduct surveillance on defined areas of Government administration. A parliamentary committee system ensures that the Executive is accountable to Parliament. It enables Parliament to probe into any maladministration and make recommendations for improvement.

7. Parliamentary committees have been in existence in Zambia as far back as the pre-colonial era. The committees have undergone growth and procedural changes over the years due to a number of factors such as increased government responsibilities and activities.
8. Committee systems therefore bring the legislature face to face with bureaucrats, thus increasing the information available to Parliament on government problems.

## **2.1 OPERATIONS OF COMMITTEES IN ZAMBIA**

9. In carrying out their functions, all General Purposes and Portfolio Committees adopt the following procedure of operations: -

### **1. Programme of Work**

10. At the beginning of every Session, all General Purposes and Portfolio Committees will begin their annual sessional assignments by drawing up a comprehensive programme of work which will define the activities to be undertaken in each year/session.

### **2. Summoning of Witnesses**

11. When the General Purposes and Portfolio Committees begin to meet as per their programme of work, they are at liberty to call any person and compel the production of documents that they feel will assist them in their work.

12. It is contemptuous for any witness to fail to appear before any parliamentary committee without giving good and acceptable reasons. It is equally contemptuous for any witness to give false information to a parliamentary committee.

13. In addition to reasonable expenses for transport actually incurred, witnesses summoned to give evidence before the Assembly or a committee thereof, are paid expenses on such conditions and at such rates as the Speaker determines.

14. Payment at the discretion of any committee may be made to any professional or other witnesses or to persons whom the committee may deem necessary to employ in furtherance of the inquiry with which the committee is charged; and the committee's resolution to do so is considered sufficient authority for the payment by the Clerk of the National Assembly.

### **3. Public Participation in the Deliberations of Committees**

15. The proceedings of committees are open to the public. Committees may also decide to conduct their business in camera.

16. Whenever necessary, respective committees inform the public through the media about issues under consideration. Those interested and with the necessary information, submit their written comments to the respective committees for consideration. Thereafter, the committees are at liberty to invite any members of the public to their meetings as witnesses.

17. Committees take Parliament to the people through inquiries. Public input is important and committees, as much as possible, promote public awareness and debate on matters such as Government policies and Bills being considered by Parliament. Committees therefore provide a forum for the presentation of the various views of individual citizens and interest groups.

18. Committees are allowed to conduct public inquiries and the media can comment and report on their activities during these proceedings as well as after the reports have been presented to the House. Public inquiries by committees enhance the effectiveness of committee's recommendations.

#### **4. Committee Reports**

19. Upon completion of their deliberations as per their respective programmes of work, all the General Purposes and Portfolio Committees compile their reports which are tabled in the House for consideration and subsequent adoption. Where the House does not adopt a committee report, all its contents become null and void and cannot, therefore, be used as reference material.

#### **5. Confidentiality of Committee Reports**

20. Although proceedings of committees are open to the public, the final outcome of those proceedings, which culminate into committee reports, still remain guarded property of the National Assembly. Committee reports are, therefore, treated as confidential until after being tabled in the House and adopted.

#### **6. Action-Taken Reports**

21. After the House has adopted committee reports, copies of the same, with covering letters, are sent to the respective ministries to take action on the observations and recommendations made by the committees on the various issues considered.

22. According to established Parliamentary Practice and Procedure, and the Standing Orders of the National Assembly of Zambia, Action-Taken Reports or Treasury Minutes are submitted to the National Assembly and tabled in the House not more than sixty days from the date on which a particular committee report was adopted.

#### **7. Nature and Scope of the Action to be taken**

23. Parliaments and their committees do not govern nor do they seek to govern. Rather, parliaments and their committees have the mandate to enforce accountability by those that govern to those that they govern. The observations and recommendations that committees make are, therefore, meant to enforce accountability.

24. However, where the Executive feels very strongly that a particular recommendation cannot be adhered to, it is required to give a convincing reason why such a recommendation cannot be accepted. In other words, it is not obligatory for the Executive to implement all the recommendations made by committees of Parliament, provided that where differences of opinion occur, explicit and satisfactory reasons are given.

## 2.2 PRESENTATIONS

### 2.2.1 MEETING WITH THE KENYA HIGH COMMISSION TO ZAMBIA

**The delegation met with the High Commissioner of Kenya to Zambia & Malawi and the Permanent Representative to COMESA, Ms. Sophy K. Kombe, accompanied by Mr. Philip Ochieng, Financial Attaché' and Mr. Edwin Ronoh, Chief Immigration Attaché' among other officials of the Embassy, who informed them that: -**

25. The Kenya High Commission was established in 1970 with dual accreditation to the Republics of Zambia and Malawi. The mission was subsequently accredited as Kenya's Permanent representation to the then Preferential Trade Area (PTA) now the Common Market for Eastern and Southern Africa (COMESA), whose headquarter is in Lusaka.
26. Kenya's diplomatic relations with the two countries of accreditation have remained warm and cordial over the years and bilateral trade volumes continue to grow. Within COMESA, Kenya is keen to see the realization of the Continental Free Trade Area through its participation in the Tripartite Free Trade Area (EAC-COMESA-SADC).
27. The Embassy provides information on trade & investment opportunities and advisory services in fields such as education & employment opportunities in Zambia and Malawi.
28. Kenya and Zambia have enjoyed warm relations since independence and both were members of the non-allied movement during the cold war. The two countries cooperate through immigration, agriculture, livestock and public service reform programs. A number of Kenyans have established properties and businesses in Zambia indicating the good relationship between the two nations.



### 2.2.2 MEETING WITH THE SPEAKER, NATIONAL ASSEMBLY

**The delegation made a courtesy call to the Hon. Speaker of the National Assembly of Zambia, Hon. (Dr.) Patrick Matibini, MP, PhD. who welcomed the Members to the Parliament of Zambia. The Honourable Speaker informed the delegation that: -**

29. The Parliament of Zambia has been unicameral since independence. However, there have been attempts in the past to change to a bicameral parliament but the proposal has so far been resisted. There were also proposals to reserve special seats for women and youth but that have been declined as well.
30. The National Assembly of Zambia has a total of one hundred and fifty- six (156) Members elected on first-past-the-post system of election where the winner takes all. The ruling party, the Patriotic Front, has eighty –nine (89) Members of Parliament, the United Party for National Development has fifty-eight (58) MPs, the Movement for Multiparty Democracy, the ruling party from 1991 to 2011, a paltry four (4) MPs, while the Forum for Democracy and Development has only one MP elected under its ticket. However, the current National Assembly of Zambia has fourteen (14) Independent Members of Parliament, the largest ever in the history of Zambian Parliament.
31. The President has power to nominate eight (8) members. The Vice President, by virtue of being a running mate to the President, is a Member of Parliament and Leader of Government Business in Parliament. The Speaker is also a Member of Parliament but doesn't have a constituency and is politically neutral. The First Deputy Speaker has no constituency and is the Chairperson of Committee of the whole House while the Second Deputy Speaker who has a constituency, is a member of the ruling party & permitted to be partisan and sits in for the First Deputy Speaker whenever circumstances necessitate.
32. The number of women MPs in Zambia Parliament is currently twenty- nine (29); 25% below the Southern African Development Community (SADC) threshold, hence the need to engineer deliberate interventions to address the gap.
33. The position for the leader of the opposition is appointed by the party with the second largest number of MPs in Parliament; the threshold being a third of the membership of the National Assembly and therefore, there would be no leader of the opposition if the membership falls below the required threshold.
34. When nominating members to committees, equitable representation of political parties in the National Assembly, gender representation and the experience and qualifications of individual members are taken into consideration.

35. Standing Orders make provision for the constitution of standing and select committees. Standing committees are constituted at the beginning of Parliament to undertake various studies as delegated by the House or on their own resolutions and to submit reports to the House while select committees are ad hoc and are appointed when need arises for a specific purpose and have a limited life span. Each committee consists of not more than ten (10) members and not less than one half of members constitute a quorum. However, the Standing Orders Committee may make adjustments to the membership when need arises.
36. The Leader of Government Business in the House, Deputy Speakers, Ministers, Leader of Opposition and Chief Whip only belong to House-Keeping Committees while every other members belongs to a standing committee but cannot be appointed to more than three committees. Parliamentary standing committees are classified into three distinct categories, Housekeeping, General Purpose and Portfolio Committees.
37. In the quest to enhance transparency, the Parliament of Zambia has made provision to allow members of the public and the media to attend meetings of the Portfolio and the General Purposes Committees.
38. A number of committees were established in 2002, as part of reforms of parliament and its democracy, including the Standing Committee on Government Assurances and the Committee on Reforms and Modernization.
39. The National Assembly of Zambia has a parliamentary FM radio that transmits proceedings of Parliament. It's popular and keenly followed by citizens hence getting Parliament closer to the people. There is also a media and public centre as well as a monitoring & evaluation department to measure the progress of parliament.

### 2.2.3 MEETING WITH THE COMMITTEE ON GOVERNMENT ASSURANCES

**The delegation met with the Chairperson of the Committee on Government Assurances Hon. Elliot Kamondo, MP who informed them that: -**

40. The Committee on Government Assurances is one of the General Purposes Committees. In that regard, its mandate cuts across all Government Ministries. It's composed of ten (10) members of parliament, both from the opposition and the ruling party.
41. The Committee whose quorum is four (4) elects its own Chairperson and Vice Chairperson at its first meeting, which is presided over by the first or second honourable Deputy Speaker. The Chairperson and Vice Chairperson should be of opposite gender and subject to other provisions of the Standing Orders, are required to hold office for five years.
42. The Chairperson of the Committee on Government Assurances (CGA) is from the main opposition party while the Vice Chair is from the ruling party. However, it's not mandatory and all backbenchers can contest for the position of the Chairperson of the Committee.
43. Ministers are also Members of Parliament but they do not sit in the Committee on Government Assurances. The CGA request for submission from Ministries and summon witnesses through the Clerk's office, if the submissions provided by the stakeholders are not satisfactory.
44. The Terms of Reference of the Committee are to:
  - i. Scrutinise the assurances, promises and undertakings given by Ministers or the Vice President from time to time on the floor of the House, with the objective of ensuring that these are implemented;
  - ii. Comment on delays in implementation and adequacy of the action taken;
  - iii. Follow up on the implementation of the resolution of the House on private members' motions;
  - iv. Exercise such other functions as may be allotted to the Committee by the Speaker, from time to time; and report on –
    - (a) the extent to which such assurances, promises, undertakings and any other matters related to the foregoing have been implemented; and
    - (b) Where implemented, whether such implementation has taken place within the minimum time necessary for the purpose.
45. At the beginning of each session, the Committee considers and adopts its programme of work that defines the course and scope of activities during a particular session. In coming up with its programme of work, the Committee makes reference to government assurances made on the floor of the House by the Vice President or Ministers as captured in the

parliamentary debates. Once the programme of work is adopted, it becomes binding and the Committee always ensures that it adheres to the adopted programme of work.

46. The work of the Committee is very important to the extent that it ensures that the government performs what it actually promises to perform and further evaluates the extent to which the projects have been performed against the planned level of activities, which are assured on the floor of the House or in the policy documents from the Ministries.
47. The Committee compares what was assured on the floor of the House against what has been done in implementing that particular assurance through written and oral submissions for new assurances. For outstanding assurances, they are addressed through the action taken report. All assurances are expected to be implemented within a reasonable time depending on the nature of a particular assurance.
48. In ensuring that the Committee's oversight role is achieved and that all Government assurances are implemented:
  - (a) The Committee extracts assurances from the verbatim debates from the House.
  - (b) Where resolutions of the House on private members' motions are made, the Committee extracts the resolutions as an assurance and follows up with the portfolio Ministry on the implementation of the resolutions.
  - (c) It writes to the Ministries where the extracted assurances fall in order to appreciate the progress made towards the implementation of the new assurances.
  - (d) Invites Permanent Secretaries who's Ministries are responsible for the extracted assurances. Once written submissions have been made, the Permanent Secretaries are invited to meet with the Committee for oral clarifications on the assurances.
  - (e) Where implemented, the Committee comments on delays in implementation and adequacy of the action taken.
  - (f) The Committee then comes up with a report that is later brought to the attention of the executive, which contains the observations and recommendations made by the committee to the executive, who should respond appropriately through the action taken report.
  - (g) The Committee then scrutinises the adequacy of the action taken by the executive. If a matter has been adequately addressed to the satisfaction of the committee, then that particular assurance will be closed. If not, then that particular assurance will again appear in the committee's report as an outstanding assurance, which is again sent to the executive for them to respond through the action taken report. This circle continues until the assurance is adequately dealt with to the satisfaction of the committee.
  - (h) In achieving this task, the committee also undertakes tours to project sites across the Country in order to confirm if the projects are being undertaken according to the pronouncements made by the executive.

49. The Zambia Parliament has a Legislation Committee that deals with matters bills, although the Committee on Government Assurances take up on assurances on bills given on the floor of the House. The Committee also follows up on developmental projects on rural areas and has established that the government has currently actualized around 25% of its projects.
50. The National Assembly of Zambia doesn't have an online tracking tool for implementation of House resolutions. However, it's currently developing one to enhance follow up and implementation of House resolutions.
51. The key challenge noted during the meeting with the Chairperson was that the House makes some resolutions without a corresponding budget for their implementation.
52. In terms of venues, committees do not have a separate venue and that the committee on Government assurances is allocated same time as other committees, although the Public Accounts Committee is allocated more time to transact its business.
53. The Committee also undertakes benchmarking tours to other Parliaments in the region in order to learn best practices in achieving the committee's role of following up on government assurances made on the floor of the House.

#### **2.2.4 MEETING WITH THE MINISTRY OF FINANCE**

**The delegation met with the Permanent Secretary, Ministry of Finance of the Republic of Zambia, Dr. Emmanuel Mulenga Pamu, PhD, who informed them that: -**

54. On the budget processes, the Treasury sets the ceilings with stakeholders and spearheads the process for Ministries and for Cabinet approval and thereafter presents to the National Assembly. The Controller of Budget interrogates and seeks clarifications until it's approved by Parliament. There is also extensive consultation with non-state actors e.g. MPs.
  
55. In April of every year, the technical team prepares the roadmap framework for the budget. In June, the concept paper for Cabinet is laid out specifying areas of focus and Medium-Term Plan (MTP) that define the general direction of budget. In July, Treasury finalizes the MTP taking into account the views of the members of the public.
  
56. The Medium-Term Expenditure Framework and the Budget Policy Statement are not debated but the Budget Estimates are read on the last Friday of September and debated till December annually. The Treasury appears before the Committee on Government Assurances (CGA) in terms of what the ministry has done in implementing various resolutions and reports by the House.
  
57. The CGA interacts with the Public Accounts Committee after audit to answer queries on audit matters after budget has been executed. The CGA initiates the process of inviting ministries and follows up on implementation of government assurances.

## 2.2.5 MEETING WITH THE MINISTRY OF JUSTICE

**The delegation met with the Director Governance, Mr. Mwenda Tamule who informed them that: -**

58. The Ministry of Justice issues gazette notices that give each ministry different portfolio functions and the specific ministries initiate the process and seek cabinet approval.
59. The Ministry has a Parliamentary Liaison Officer that handles parliamentary business, ensures questions concerning matters legal are handled in consultation with the Ministry of Justice (MoJ) and sensitizes the public about legislations. The Ministry also assists in drafting of legislations.
60. However, in terms of implementing laws, specific ministries implement legislations that fall under their purview. Sometimes, some ministries shy away from implementation of various laws that may not favour them. However, some Acts of Parliament have commencement dates that specify when a certain law would be implemented.
61. The CGA writes to respective ministries on measures put in place to supplement specific legislation and urges various ministries to fast track implementation and give reasons on challenges and failures to implement. Various committees also have some form of follow-up process on implementation of various matters that fall within their jurisdictions.
62. The National Assembly of Zambia has a Committee on Delegated Legislation that deals with regulations, subject to approval by Parliament.

## 2.2.6 MEETING WITH OFFICIALS IN THE OFFICE OF THE VICE PRESIDENT

**The delegation met with the Director, Parliamentary Business Division Mr. Kalobwe Soko, and Mr. Charm Kalimbika, Director General, office of the Vice President who informed the delegation that: -**

63. The Vice President is the Leader of the Government Business in Parliament and liaison officer between the executive and parliament. The office of the Vice President has a division that deals with parliament business. The VP is also a Member of Parliament and acts as a link between the executive and parliament planning committee from executive and line ministries.
64. All communication/correspondences between the executive and parliament pass through and is approved by the Office of the Vice President (OVP). The OVP also provides the secretariat to the Secretary to the Cabinet.
65. The office of the VP receives questions and is required to coordinate with line ministries to ensure that either written or oral submissions are provided within the timeframe required. It would be an embarrassment to the executive and OVP in particular, if questions are not responded within the prescribed timelines.
66. A prescribed form is filled in by the respective ministries and the Secretary to the Cabinet detailing responses to questions raised by Parliament. The office of the Vice President ensures that responses from line ministries are within government policies before signing the form, if satisfied with the response given by government and thereafter sends the form to Parliament.
67. During supplementary questions, Ministers respond to what they are sure of and the Vice President has the privilege and authority to curtail response if it's not satisfactory or not in line with oath of office or government policy.



### 3.0. OBSERVATIONS

68. During its study visit, the delegation of the Committee on Implementation observed that: -

- (i) The Vice President of Zambia is also a Member of Parliament, Leader of Government Business in Parliament and acts as a liaison officer between the Executive and Parliament;
- (ii) Ministers in Zambia are also Members of Parliament and committees but they do not sit in the Committee on Government Assurances;
- (iii) The Committee on Government Assurances follows up on government assurances made on the floor of the House as well as adopted House resolutions and undertakes to monitor and evaluate their implementation;
- (iv) The implementing agencies report back to the House on implementation status of House resolutions in form of Action-Taken Reports;
- (v) The National Assembly of Zambia has enhanced Public Participation by having a parliamentary FM radio that transmits proceedings and enhances coverage of Parliament, inviting public memoranda on matters under consideration by its Committees as well as conducting public inquiries; and
- (vi) The National Assembly of Zambia is currently developing an online tracking tool to enhance follow up and implementation of House resolutions.

#### 4.0. RECOMMENDATIONS

69. The Committee recommends that: -

- (i) The Parliament of Kenya should establish a parliamentary FM radio station that transmits proceedings to enhance coverage and compliment the Parliamentary TV station. This will enhance public participation and provide a forum for educating the public on Parliament's legislative and oversight role;
- (ii) To enhance effectiveness of public participation fora, the Parliament of Kenya should leverage on vernacular radio stations to inform the public of scheduled activities that require public participation; and
- (iii) The National Assembly of Kenya should fast track the rolling out of an online tracking tool for monitoring and evaluating the implementation of House resolutions as a matter of priority.

Signed  ..... Date 03/03/2020 .....

**Hon. Moitalel Ole Kenta, MP**  
**Chairperson, Committee on Implementation**

MINUTES OF THE 75<sup>TH</sup> SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON SATURDAY, 30<sup>TH</sup> NOVEMBER, 2019, IN GARDEN SUITE 1, 6<sup>TH</sup> FLOOR BOARDROOM, HILTON GARDEN INN, AT 11.00 AM.

**PRESENT**

1. The Hon. Moitalel Ole Kenta, MP - **Chairperson**
2. The Hon. Richard Onyonka, MP
3. The Hon. Alois Musa Lentoimaga, MP
4. The Hon. Maj. (Rtd.) John Waluke Koyi, MP
5. The Hon. Johnson Many Naicca, MP
6. The Hon. Joseph Wathigo Manje, MP
7. The Hon. George Theuri, MP
8. The Hon. Generali Nixon Kiprotich Korir, MP
9. The Hon. Hassan Oda Hulufu, MP
10. The Hon. Joshua Mbithi Mwalyo, MP
11. The Hon. Michael Kingi, MP
12. The Hon. Paul Odalo Abuor, MP
13. The Hon. Silvanus Osoro, MP

**APOLOGIES**

1. The Hon. Godfrey Osotsi, MP - **Vice Chairperson**
2. The Hon. Francis Munyua Waititu, MP
3. The Hon. (Dr.) James Kipkosgei Murgor, MP
4. The Hon. Onesmas Kimani Ngunjiri, MP
5. The Hon. Paul Simba Arati, MP
6. The Hon. Charles Ngusya Nguna, MP
7. The Hon. (Dr.) Daniel Kamuren Tuitoek, MP
8. The Hon. Jared Okello, MP
9. The Hon. Nelson Koech, MP
10. The Hon. Owen Yaa Baya, MP

**IN-ATTENDANCE**

**THE NATIONAL ASSEMBLY**

1. Ms. Tracy Chebet Koskei - First Clerk Assistant (Lead Clerk)
2. Mr. Abdirahman G. Hassan - Second Clerk Assistant
3. Mr. Peter Mwaura - Senior Legal Counsel
4. Mr. Eugene Apaa - Research Officer III
5. Ms. Zeinab Wario - Sergeant-at-arms
6. Ms. Jane Serem - Audio Officer I
7. Ms. Alice Kitur - Secretary

**MIN. NO.NA/COI/2019/355:**

**PRELIMINARIES**

The Chairperson called the meeting to order at ten minutes past eleven o'clock and said the Prayer. The Agenda for the meeting was adopted as proposed and seconded by the Hon. Hassan Hulufu, MP and the Hon. Paul Abuor, MP, respectively.

**MIN. NO.NA/COI/2019/356:**

**CONFIRMATION OF MINUTES**

The Agenda item was deferred.

**MIN. NO.NA/COI/2019/357:**

**CONSIDERATION AND ADOPTION OF THE REPORT ON STUDY VISIT TO LUSAKA, ZAMBIA**

The Committee, following deliberations, unanimously adopted the report on study visit to Lusaka, Zambia after it was proposed by the Hon. Johnson Naicca, MP, and seconded by the Hon. Joshua Mwalyo, MP. The Committee made the following observations and recommendations:

**Committee Observations**

- (i) The Vice President of Zambia is also a Member of Parliament, Leader of Government Business in Parliament and acts as a liaison officer between the Executive and Parliament;
- (ii) Ministers in Zambia are also Members of Parliament and committees but they do not sit in the Committee on Government Assurances;
- (iii) The Committee on Government Assurances follows up on government assurances made on the floor of the House as well as adopted House resolutions and undertakes to monitor and evaluate their implementation;
- (iv) The implementing agencies report back to the House on implementation status of House resolutions in form of Action-Taken Reports;
- (v) The National Assembly of Zambia has enhanced Public Participation by having a parliamentary FM radio that transmits proceedings and enhances coverage of Parliament, inviting public memoranda on matters under consideration by its Committees as well as conducting public inquiries; and
- (vi) The National Assembly of Zambia is currently developing an online tracking tool to enhance follow up and implementation of House resolutions.

### Committee Recommendations

In view of the observations made, the Committee made the following recommendations, THAT -

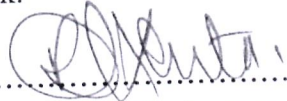
- (i) The Parliament of Kenya should establish a parliamentary FM radio station that transmits proceedings to enhance coverage and compliment the Parliamentary TV station. This will enhance public participation and provide a forum for educating the public on Parliament's legislative and oversight role;
- (ii) To enhance effectiveness of public participation fora, the Parliament of Kenya should leverage on vernacular radio stations to inform the public of scheduled activities that require public participation; and
- (iii) The National Assembly of Kenya should fast track the rolling out of an online tracking tool for monitoring and evaluating the implementation of House resolutions as a matter of priority.

MIN. NO.NA/COI/2019/358:

ADJOURNMENT

There being no other business, the meeting was adjourned at five minutes to twelve o'clock.

Sign.....



(Chairperson)

Date.....

03/03/2020

The National Assembly




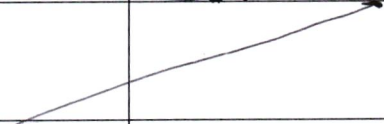
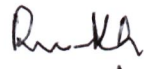
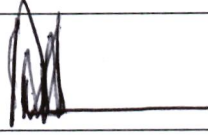

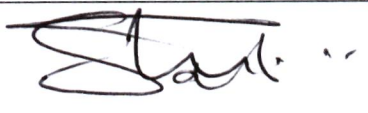
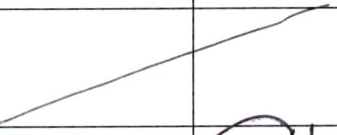
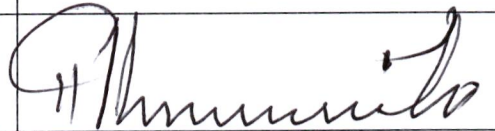
12<sup>th</sup> Parliament–3<sup>rd</sup> Session-2019

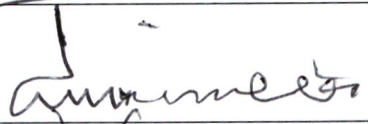
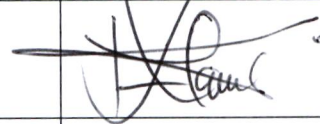
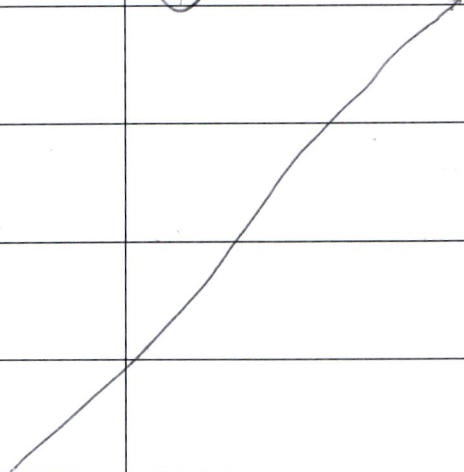
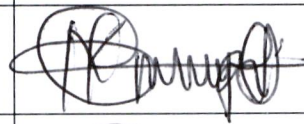
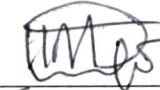
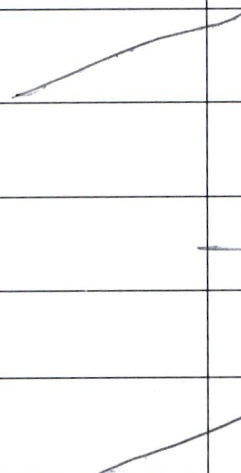

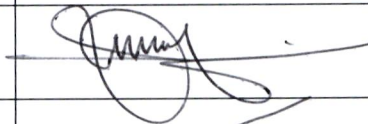

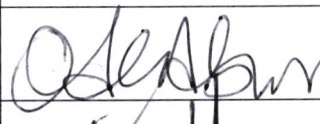

Committee on Implementation

We, the Members of the Committee on Implementation, have pursuant to Standing Order 199 adopted the Report on Study Visit to Lusaka, Zambia. We affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity.

Venue: Garden suite 4, Hilton Garden Inn  
Start Time: 11:10 am.

Date: Saturday, 30<sup>th</sup> November, 2019  
End Time: 11:55 am.

S/NO.	NAME	SIGNATURE
1.	The Hon. Moitalel Ole Kenta, MP–Chairperson	
2.	The Hon. Godfrey Osotsi, MP- Vice Chairperson	
3.	The Hon. Richard Onyonka, MP	
4.	The Hon. Alois Musa Lentoimaga, MP	
5.	The Hon. Francis Munyua Waititu, MP	
6.	The Hon. George Theuri, MP	
7.	The Hon. (Dr.) James Kipkosgei Murgor, MP	
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19.	The Hon. Michael ThoyaKingi, MP		
20.	The Hon. Nelson Koech, MP		
21.	The Hon. Owen YaaBaya, MP		
22.	The Hon. Paul Abuor, MP		
23.	The Hon. Silvanus Osoro, MP		

**Committee Clerk**  
**Name** Tracy Chobot Koskei  
 (Signature)

**Date** 29/11/2019