



International Center for Policy and Conflict

## Immediate Press Release

### **Ringera Saga: Neither Speaker nor Parliament overstepped Mandate**

**Nairobi, September 14, 2009-** The International Center for Policy and Conflict states that the Speaker of the Kenya National Assembly and the Parliament did not overstep their mandate or authority. It is callous for anyone to claim that the Speaker is undermining the Executive and attempting to cause constitutional crisis. We observe the Parliament reasserted its sovereignty and guarded jealously the freedom of Speech in Parliament. Further, the Parliament acted in the total respect of the Parliamentary jurisprudence in conduct of its business and management and articulation of public policy.

The Courts in interpretation of laws and matters before them use authorities and such other source of law to interpret and deliver jurisprudence, with a very distinct purpose from that of the Parliament. We challenge Kenyan Members of Parliament to familiarize themselves with various jurisprudences flowing from many Speakers' rulings in Parliaments within the Commonwealth. Kenyan Parliamentarians appear stuck in the past old order of sycophancy to the Executive while the country has entered into second phase of democratization in public policy discourse.

ICPC encourages MPs to take cognize that certain broad set of factors are crucial to democratic consolidation: stable and predictable political institutions that work effectively and independently; a supportive political culture devoid of sectarian parochialism; governmental accountability; and a expanding and growing economy that steadily reduces inequality with real impact. ICPC notes that 19 years back to multiparty in Kenya, democracy in form appears to be relatively healthy, but in substance shows signs of total decay. The constitutional framework is significantly flawed in several respects, particularly with regard to the interaction among party and public politics, voter representation, and legislative–executive relations. The Constitution does little to effect the separation of powers between the legislature and the executive particularly due to amorphous character of governance system in Kenya.

We believe that the legislature is one avenue where the needs of the people can be adequately identified and their experiences and views articulated in order to determine common national fundamental public policy of the Republic of Kenya. ICPC hails development of a “strong” accountable Legislature as it acts as a body, which exercises scrutiny and oversight over the Executive. This role must be seen as one of the central tenets of democracy because through it the Legislature can ensure that the Executive is carrying out its mandates, monitor the implementation of its legislature policy and draw on these experiences for future law-making.

It is the primary duty of Parliamentarians led by the Speaker to transform the National Assembly into an effective and efficient people's Assembly that is responsive to the needs of our people and driven by the ideal of realizing a better quality of life for all Kenyans. Parliamentarians have the responsibility to ensure that Legislature acts as a voice of the people in fulfilling its fiduciary duties and functions of passing laws and overseeing the implementation of necessary laws and public policies passed in the August House. ICPC is challenging Parliament to reaffirm that its task is to serve the Kenyan people loyally and selflessly, without expectation of material reward or personal gain.

Oversight should be seen as a way of promoting cooperation between the Executive and Legislature and in this way contributing to accelerated service delivery. The oversight role is often seen as that of ‘opposition parties’ alone, designed to police and expose maladministration and corruption of the Executive. Such as view is limited and deficient. We wish to observe that oversight and accountability helps to ensure the Executive implements laws and public policy in a way required by the people, Legislature and the dictates of the Constitution.

The Legislature is in this way able to keep control over the laws and public policy it passes and to promote the constitutional values of accountability and good governance. Seen in this light the oversight function of the Legislature compliments rather than hampers the effective delivery of services with which the Executive is entrusted. We do not therefore see any contradiction or interference of the Speaker or Parliament on the Executive as it is being alleged. ICPC believes that Kenya is walking the last mile towards creating a proper functioning democracy and accountable public institutions and as such Parliament need to be seen and treated as yet another terrain of the struggle.

**Signed by**  
**Ndung'u Wainaina**  
**Executive Director**  
**International Center for Policy and Conflict**