



OFFICIAL REMARKS AND KEY NOTE ADDRESS BY THE SPEAKER OF THE NATIONAL ASSEMBLY, THE HON. KENNETH MARENDE, E.G.H., M.P. DURING CONFERENCE ON KENYA NATIONAL DIALOGUE AND RECONCILIATION, TWO YEARS ON; WHERE ARE WE? AT THE CROWNE PLAZA, ON THURSDAY, 2ND DECEMBER, 2010.

**His Excellency, Dr. Kofi Annan,
Cabinet Ministers,
Assistant Ministers,
Members of Parliament,
Excellencies, High Commissioners and Ambassadors,
The Permanent Secretary(s),
Distinguished Guests,
Ladies and Gentlemen,**

I am pleased to join you on this auspicious occasion that is in many ways a significant conference on **'Kenya National Dialogue and Reconciliation'**. Allow me like my brothers and sisters who have preceded me, to welcome to Kenya Members of the Panel of Eminent

African Personalities and all who may be visitors here this afternoon. I acknowledge your re-affirmation, and commitment in supporting the Government and the people of Kenya as they carry out the important national undertaking of implementing the Constitution. I wish to at the very outset recognize and appreciate your very valued support, to and continued solidarity with, our country pre and after three years ago next February. Because you were there at our hour of greatest need and have not tired, you are our true friends indeed.

Distinguished Guests, Ladies and Gentlemen,

The passage of the reviewed and overhauled Constitution marked what must be a turning point in Kenya's history – one of the most monumental achievements since independence that is the harbinger of a new dawn. The new dispensation that is inherent in the constitution should leverage us to transform and keep pace with regional and global challenges that affect our people. We are called to roll up our sleeves and stand up to the challenge of fully implementing the Constitution so as to not only meet and respect the timelines as clearly spelled therein, but go on to put in place structures that will progress our Nation to where it rightly, if not

deservedly belongs. The Spirit of the Constitution as we are all aware is intended to counter, inter alia, the culture of impunity and negative ethnicity and corruption, while expanding democratic space capable of nurturing and fostering sustainable development in line with Vision 2030.

Without delving into specific provisions, the Constitution of the Republic of Kenya promulgated on the 27th August, 2010 to the greatest extent ever witnessed in this country embraces and embodies better governance, enhanced potential for upholding the rule of law and underscores human rights. In real terms everything looks good for Kenya and the country is set to go, the supreme law is excellent by all human standards but it must be actualized by implementation. As I have said elsewhere, in other fora, our country did not get to the brink because we had a bad or poor constitution or shortage of laws but because we were not firm on implementation. I am naturally and deliberately an optimist and therefore believe that the best will happen, should happen and must be made to happen. Those of us privileged to be in leadership positions must play our respective roles to realize the requisite change. In the words of Tony Blair as he rooted for the New Labour Party **“lets us say what we mean and mean what we say. Not just what we are**

against but what we are for Not just to promise change but work to achieve it” paraphrased by me.

There is no gainsaying that we should be awake to the fact that non-reformists fear change and challenges and in that they have a phobia over altering the status quo which may entail loss of power, influence or prestige. It is therefore not surprising that we are beginning to witness resistance, hesitation and procrastination by some of our leadership as we walk the path of giving effect to the Constitution.

Ladies and Gentlemen,

Positive reforms will impact all Kenyans irrespective of their communities, and that every individual will emerge a winner through its benefits as clearly put by a **Legendary American college football coach, Paul "Bear" Bryant (1913 - 1983).**

'It's not the will to win, but the will to prepare to win that makes the difference'

We now have the opportunity, to re-arrange the affairs of our society if for no other reason than to survive as a country and move to a higher level. Kenya cannot afford to remain aloof to the events taking place in distant lands from our borders. The effects of globalization have resulted in a sense of collective responsibility on us to conform to some commonly accepted standards of handling public affairs across the world.

I wish to commend the progressive efforts of civil society in Kenya. It has played a great role in sensitization, public education and for a longtime acted as the mouthpiece of the public. More positive collaboration, partnership and networking with other stakeholders will be required to achieve greater penetration and influence in future peace initiatives. An entry on the scorecard is merited in favour of the Government for greatest tolerance to activities of civil society. It is very refreshing to more often than in yester years witness free demonstrations by the citizenry urging their rights.

The former Constitution of Kenya had provisions safeguarding human rights of citizens together with a redress mechanism at the High Court but Kenyans were not satisfied that their rights were actually protected in

real life including freedom of expression. It was therefore felt that a new Constitutional dispensation was necessary to tangibly address the area of human rights. The Agenda 4 agreement therefore identified comprehensive review of the Constitution as a priority. Five other institutional reform areas were identified, namely, police reform, parliamentary reform, judicial reform, executive reform and civil service reform. An additional corollary of the following were isolated as needing attention:

- (i) land reform,
- (ii) poverty, inequality and regional imbalances,
- (iii) unemployment, particularly among the youth,
- (iv) consolidation of national cohesion and unity, and finally
- (v) transparency, accountability and impunity.

Honourable Members of Parliament, Ladies and Gentlemen,

Parliament has over the past two years enacted legislation aimed at enhancing the rule of law, protecting the citizenry, ending impunity and

consolidating national cohesion. This has been consequent to the National Accord and Reconciliation Act, 2008 and the Constitution of Kenya (Amendment) Act, 2008 that ushered in the Grand Coalition. These Acts include:

- (i) The Proceeds of Crime and Anti-Money Laundering Act,
- (ii) The International Crimes Act,
- (iii) The National Cohesion and Integration Act, and
- (iv) The Truth Justice and Reconciliation Act.

Parliament adopted new Standing Orders on 10th December 2010. Standing Order 34, which is a new provision allows for the live broadcast of House proceedings while Standing Order 180 that provides that all Committee proceedings shall generally be open to the public. The Order Paper for each sitting day is published on Parliament's website to enable the public follow Parliamentary proceedings. An extremely interactive and vibrant Prime Minister's time has been introduced on every Wednesday that falls on a sitting day, the Leader of Government Business outlines to the House the Parliamentary business that is anticipated for the following week. This has enhanced the public's right to information on the business

of Parliament and enhanced democratic space in the working of Parliament.

Departmental Committees have kept the Executive on its toes by carrying out their oversight function, leading to complaints by the Executive that Parliament is overstepping its mandate, clearly demonstrating the vigour with which the Committee are conducting oversight over the Executive. The Departmental Committees on Implementation and that of Delegated Legislation are tasked with ensuring that the Executive implements Parliaments resolutions and upholds the rule of law.

Select and Departmental Committees have been formed to deal with some of the grievances that led to the post-elections crises as well as the aftermath. Such as the Select Committee on unlawful gangs in Kenya, the Select Committee on internally displaced persons, the Select Committee on Cattle Rustling and the Departmental Committee on Equal Opportunity.

Ladies and Gentlemen,

Parliament adopted the National Land Policy in September 2009 which is an important step in the road to land reform.

Parliament is expected to enact a minimum of 49 statutes to properly bring into operation the Constitution. These are listed in the Fifth Schedule to the Constitution. The time frames for these are:

- Within the first one year – 16 statutes.
- Within eighteen months – 5 statutes.
- Within two years - 9 statutes.
- Within three years – 4 statutes.
- Within four years – 8 statutes.
- Within five years – 7 statutes

Other activities required of Parliament within relatively short time frames include:

- (i) Establishment of the Constitutional Implementation Oversight Committee. This has already been done.
- (ii) Appointment and/or approval of the chairperson and/or members of the following Commissions;
 - (a) Commission on the Implementation of the Constitution.
 - (b) Salaries and Remuneration Commission
 - (c) Commission of Revenue allocation.
 - (d) Independent Electoral and Boundaries Commission.
 - (e) Judicial Service Commission.
- (iii) Approval of persons nominated for appointment as Chief Justice and Deputy Chief Justice as the current Chief Justice is expected to vacate office within six months of the date of promulgation of the Constitution - A new Chief Justice shall therefore have to be appointed, after approval by the National Assembly. The Constitution further provides for the vetting of all Judges and Magistrates to establish their suitability to remain in office.

Parliament is currently seized of the Vetting of Judges and Magistrates Bill, 2010.

- (iv) Approval of persons nominated for appointment as the Attorney-General and Auditor-General.
- (v) Enactment of legislation to establish mechanisms and procedures for vetting Judges and Magistrates.

Ladies and Gentlemen,

The National Assembly may, by a resolution supported by the votes of at least two-thirds of all the members of the National Assembly, extend the period prescribed in respect of any particular matter by a period not exceeding one year. The power to extend the period may be exercised only once in respect of any particular matter and only in exceptional circumstances to be certified by the Speaker of the National Assembly. This is not a route we wish to take and shall instead strive to carry out all Constitutional matters within the time frames given.

As part of the interaction between the people and their leaders, Parliamentarians should fulfill their roles as opinion leaders who can initiate and steer public debate on pressing issues that will without doubt go to promotion of tolerance and reconciliation. Despite the challenges of Grand Coalition Government, Budgetary Constraints and legal interpretations of Constitutional provisions among others, I am confident that we shall be able to forge ahead and complete formidable the task before Parliament. **Now, it is not where we have come from, but where we are going that is of utmost importance.**

Your Excellency, Distinguished Guests,

In Conclusion, the pursuit of lasting peace must be a continuous exercise undertaken by all humanity, not just in our region or Kenya. But for Kenyans the duty to hold this country together, nurture and grow it is noble and belongs to all of us.

Finally, **Ladies and Gentlemen,** I wish to be associated with you and support you to ensure that you succeed in your respective mandates

which I am certain you will. You have the Speaker's unrelenting commitment to deliver on matters of legislative. Let us with one accord, preserve, transform and progressively reconfigure the spectacular mosaic that is in Kenya.

Thank you.