

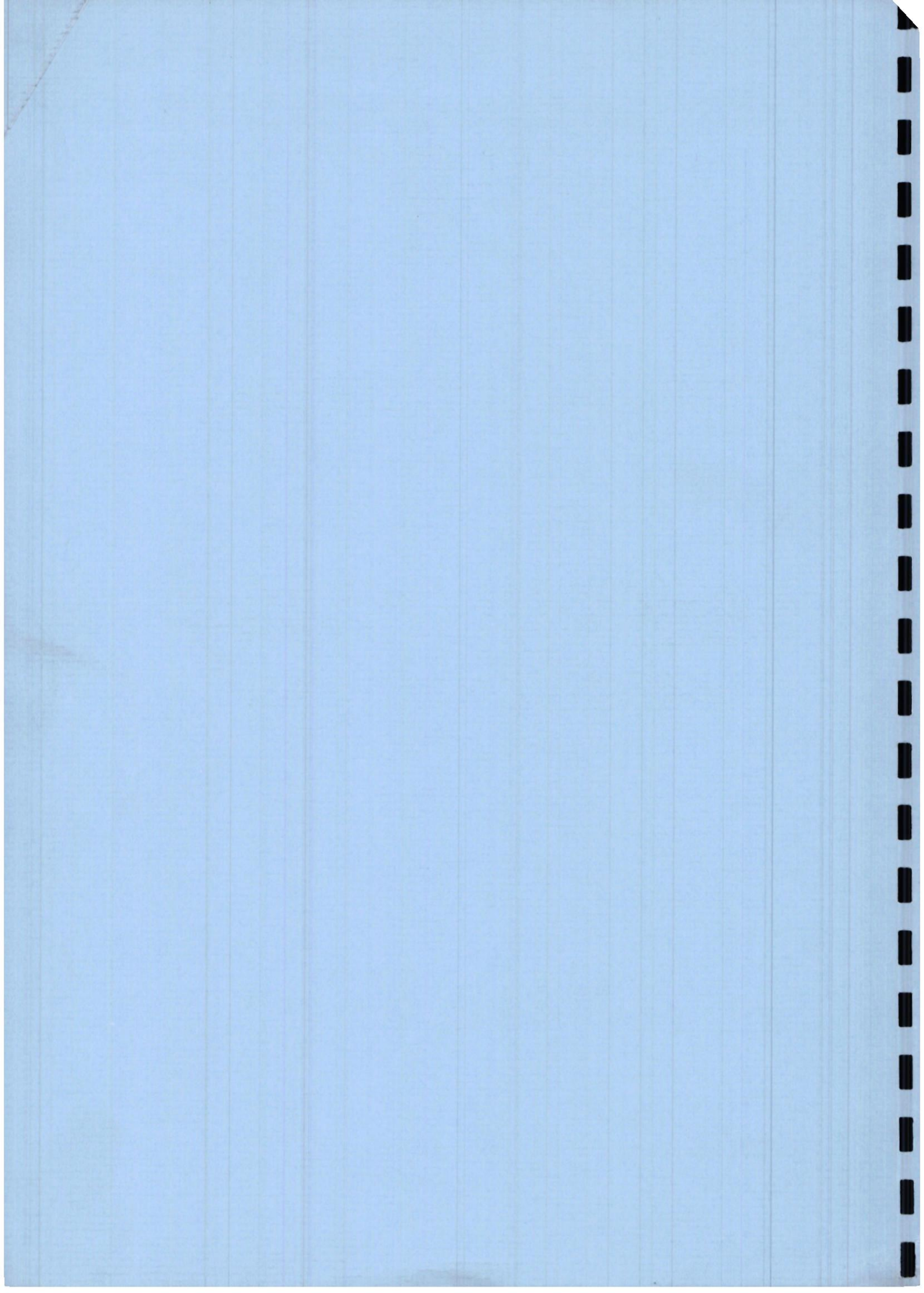
PARLIAMENT
OF KENYA
LIBRARY



PARLIAMENT OF KENYA

**PROJECT DESIGN FOR THE PARLIAMENTARY LIBRARY
AND RESEARCH AND LEGAL SERVICES CENTRES**

Preliminary Findings of Needs Assessment





PARLIAMENT OF KENYA

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TERMS OF REFERENCE

Introduction

The strategic plan for parliament (2000 – 2012) drawn up by the Parliamentary Services Commission (PSC) states:

"Information in its various forms, types and kinds, is the main stay of any organization, including a Legislature. Parliamentarians need information to enable them to fulfil the functions of Parliament: viz:- legislation, financial, appropriation and control, oversight and supervision of governance, *et cetera*. The information and communication processes needed by a Member to accomplish his (sic) role and responsibilities is enormous and could not be realized by an individual Member." (Appendix six, section H 1.2)

The UK Department for International Development (DFID) and the Democratic Governance Support Programme (DGSP) funded by the European Commission (EC), have funds available in 2003/4, to support the PSC to implement these key components of the Strategic Plan. DFID will provide support to the Library (approximate budget Ksh 25M) and the DGSP will support the Research and Legal Services components (approximate budget Ksh60M). It is critical that disbursement of these project funds commences by November 2003 under an initial 12 month project cycle, failing which the funds earmarked may no longer be available for this project. The purpose of this consultancy is to ensure that project implementation can start under a contract agreed between the PSC and the funding partners by 1 November 2003.

The PSC, DFID and the DGSP require a project initiation document, detailing specific objectives, outputs and activities, together with a work-plan and budget that defines management arrangements and allocates specific responsibilities and time-frames for implementation. This will be the main output from this consultancy. The following experts have been appointed to undertake this consultancy:

Pauline Nyamweya	- Team Co-ordinator
Ms Rahab Gatura	- Library Consultant
Ms Lyn Chiwandamira	- Research Consultant
Adv. Des Le Roux	- Legal Consultant
Mr Isaac Mruttu	- Architect

The consultants are required to conduct a needs assessment and design three discrete but interrelated project components; for the library, research centre and legal services centre respectively. A fourth project component will include an interior design plan and proposal for the effective utilisation of existing space during the operation of the library, research and legal services project components. This fourth component will also provide longer-term options for additions and space re-allocation to accommodate the longer-term needs of library, research and legal services.

This preliminary needs assessment report has used the Strategic Plan and Consultant's Report to the PSC as its starting point to establish the current position of the Parliament Library, Research and Legal Services Departments, and form a clear picture of the current priorities for these components. The PSC has facilitated access to existing resources, documents, MPs, parliamentary staff and relevant Parliamentary Service personnel, thus ensuring that the consultants give effect to these terms of reference. The consultancy will eventually recommend a strategic approach outlining short-term and longer-term strategies for achieving these priorities.

The short term priorities will be presented within a project framework, the first phase of which will start ASAP and end on 31 October 2004.

Objectives of this consultancy

This consultancy will achieve the following objectives:

1. Enable the current PSC, relevant Parliamentary Service staff and potential beneficiaries of the proposed project to internalise, fine-tune and adopt ownership of the Strategic Plan (2000-2012) as it relates to the Library, Research and Legal Services Departments.
2. The adoption of a specific mission and goals for the Parliamentary Library and for the proposed new Research and Legal Services functions. (This is not yet defined in the Strategic Plan but recommendations are contained in the Consultant's Report to the PSC)
3. Enable the current PSC, relevant Parliamentary Service staff and potential beneficiaries of the project to bring their collective experience and skills to bear on an operational plan to implement their strategic vision of future Library, Research and Legal Services for Parliament.
4. Capture the strategic vision and priorities, as identified by the PSC, Parliamentary Services staff and project beneficiaries, in a project initiation document, that defines objectives and specific activities to achieve parliaments' strategic vision, that includes international BEST PRACTICE from the region and other Commonwealth Parliaments, which complies with the requirements of GoK, DFID and DGSP, and which provides for co-ordination with the information technology project funded through the UNDESA and other related reforms funded by GoK and other development partners.
5. Provide recommendations and options for increasing and/or reallocating existing space for the long-term needs of library, research and legal services at Parliament.
6. To reach agreement, in consultation with the PSC, Parliamentary Service staff, the Project Implementation Unit (PIU) of the DGSP and DFID, on practical and efficient operational and decision-making mechanism for project implementation, as well as co-ordination with other (related) initiatives such as the IT project. This may be achieved through a Project Steering Committee or other similar mechanism.
7. To design a practical and realistic implementation plan, which allocates responsibility, sets time-frames and a realistic and detailed budget which complies with DFID and DGSP criteria (and which distinguishes clearly between budget lines for the separate components of the two funding agencies). A single document that splits clear responsibility between DFID and DGSP components is envisaged.
8. The implementation plan should include a proposal for reorganising the physical space currently available for legal research and library services. This will include a proposal for internal design and partitioning, to ensure optimal usage of existing space during the initial project period as well as a longer-term options for additions or re-allocation of existing space to library, research and legal services.
9. Selection and definition of specific and realistic performance indicators for both the project goals and activities, ensuring in the project design that sufficient resources are allocated to providing the information necessary for performance monitoring including impact assessment. The performance monitoring component of the project should reflect on the systems already in place and requirements laid down for Parliament, DFID and the DGSP.

10. Define optimal methods of disbursement of funds to the project, appropriate mechanisms for incurring project expenditure, including procurement and authorisation, as well as reporting and accountability (again in line with the existing systems and requirements of Parliament, the DGSP and DFID).
11. Outline medium and longer term considerations and actions that will enhance sustainability and continuous improvement of project outcomes.

Methodology

The consultancy will be conducted in a consultative and participatory manner so as to ensure participation, ownership as well as timely consultations with the PSC, Parliamentary Services staff, DGSP and DFID.

Outputs

- A final set of recommendations on the reform and improvement of the parliamentary library, research and legal services (hereafter the "services") – including a Vision and Goals for each component that reflect the overall strategic plan of parliament and are related to existing or planned initiatives having a bearing on the services.
- A final project document describing the priority objectives and related activities for implementation during a first 12 month project cycle. The project description should apply the logical framework methodology and include indicators for performance monitoring and well as agreed and costed mechanisms for measuring performance and impact. The document should separate clearly the different service areas and related budgets
- A detailed action plan agreed with the PSC, DFID and DGSP setting out prioritised and fully costed activities to be undertaken within the different service components, stating the implementation agency/ies, responsible person/s, timeframes and indicators of achievement.

Timing

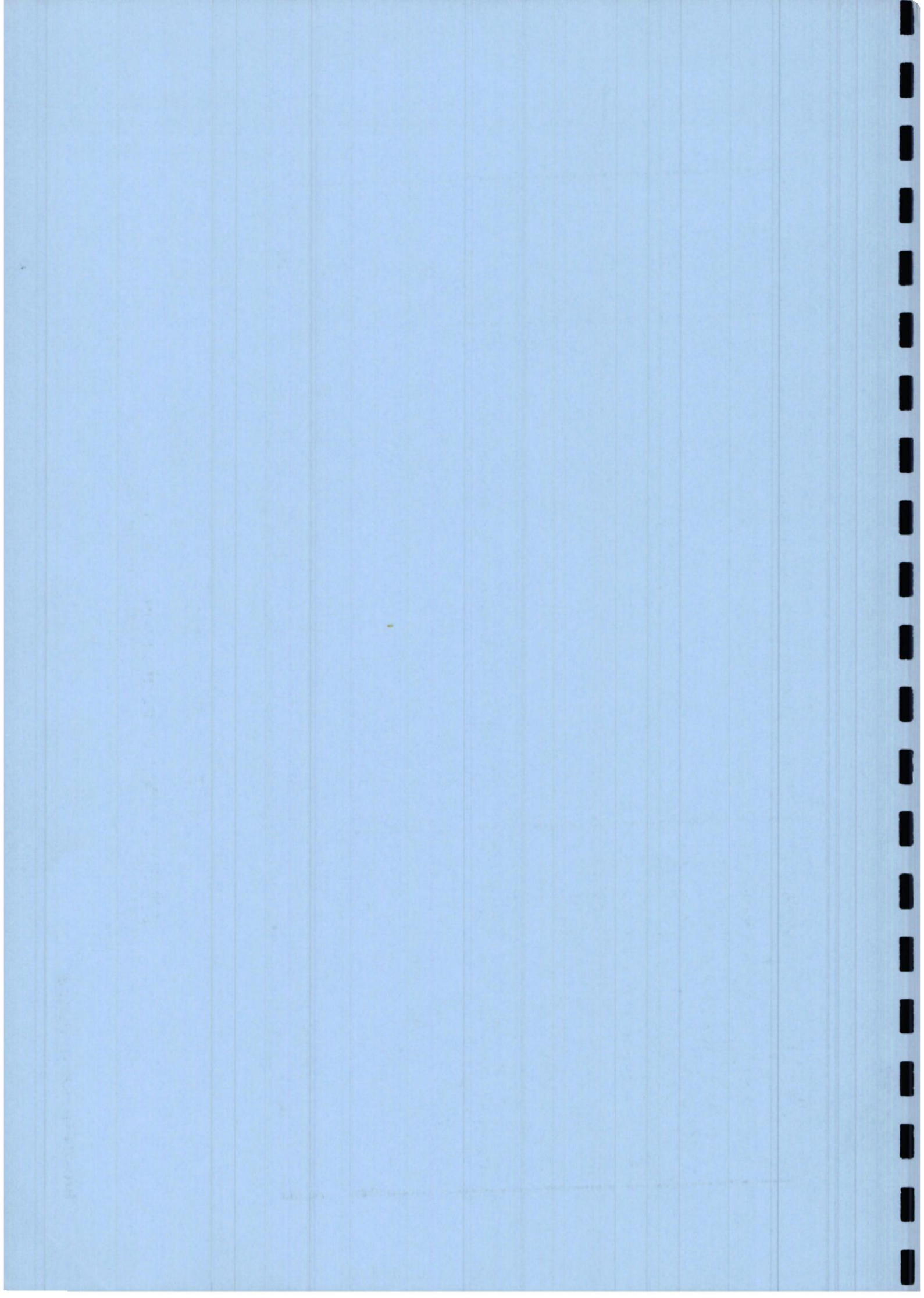
The final outputs must be delivered by the third week of October 2003, to enable implementation (proper) to coincide with a contract start date of 1 November 2003. The consultants are required to prepare a detailed proposal and schedule of activities to ensure delivery within the deadline. The proposal should allow sufficient 'process' time for consultation and in particular the development of ownership of the proposal within Parliament.

Final Consultations and Approval

The consultants humbly request that the PSC or a wider sub-committee established for this purpose, approve the draft project design and project initiation document, as key-stakeholders representing the project beneficiaries. The said project documents will be complete by 6th October 2003, and the said consultations and approval can take place soon thereafter.

MS PAULINE NYAMWEYA
TEAM CO-ORDINATOR
29th September 2003

APPENDIX ONE: PRELIMINARY REPORT ON THE LIBRARY



NEEDS ASSESSMENT – LIBRARY SERVICES

PRELIMINARY REPORT

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>1. Scope of Library Services</p> <p>Understanding of what library services entail.</p>	<ul style="list-style-type: none"> ▪ The members and staff were clear of the need of a modern library with relevant and up to date information. ▪ There is a fair understanding of what types of services the library could provide to the beneficiaries. ▪ The current library is not able to meet information needs of MPs and staff ▪ There is a great demand for quality library services 	<ul style="list-style-type: none"> ▪ The library should have an acquisition policy based on the needs of MPs, committees and staff. ▪ Books and periodicals relevant to the needs of MPs should be purchased. ▪ Relevant and current reference materials should be purchased to meet the great demand of this service by MPs. New encyclopaedias, dictionaries, handbooks, procedural manuals, directories, yearbooks, maps, guides, biographies etc. should be purchased. ▪ The library should subscribe to electronic databases, which offer current information relevant to the work of parliament. ▪ The library should make sure they acquire all the grey literature, which has been produced by parliament since its inception. The grey literature is extremely important because it covers relevant information and it is difficult to find.

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
		<ul style="list-style-type: none"> ▪ All library materials should be catalogued, classified and indexed for information storage, retrieval and dissemination. ▪ Proper record of borrowers should be maintained in order to monitor the circulation of library materials as well as to evaluate the usage of the library. Library statistics should be maintained on a daily basis. ▪ Loan forms should be printed to keep record of what is used and who is using the library facility. ▪ Services to be added to the library are: <ul style="list-style-type: none"> - Current Awareness / Accession lists should be introduced in the library to inform the members of what is new in the market. - Accession list should be available on line so that every user can access it from their workstation. - Press cuttings should be indexed and properly filed for quick retrieval the library should link a relevant database providing this service. - The library should strengthen inter-library loan services with relevant institutions such as National Archives and Documentation Center, University of Nairobi Library, the High Court Library, Attorney General Chambers Library, The British Council Library and

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
Beneficiaries of Library Services	<ul style="list-style-type: none"> ▪ Speaker ▪ The PSC ▪ Members of parliament ▪ Clerk of parliament ▪ Committees ▪ Parliamentary staff. 	<ul style="list-style-type: none"> - The American Cultural and Information Center, among others. - Selective Dissemination of Information (SDI)/ Information files on topical matters to be debated in parliament should be offered to members. - A reserve section for rare and important reference materials should be established - A special section for committee reports should be allocated in the library. - Constituency and MPs profiles should be compiled - Non -Book materials such as audio-visual materials and other IEC materials should be added to the collection. - A multimedia space should be created in both libraries.
Provision of Library Services to	<ul style="list-style-type: none"> ▪ The library assists certain parliamentary committees and their clerks to prepare factual background papers for general use by members. 	<ul style="list-style-type: none"> ▪ Library materials relevant to the subject areas covered by current committees should be acquired.

DOMAIN	CURRENT STATUS/NEEDS		RECOMMENDATIONS
Committees	<ul style="list-style-type: none"> ▪ There are three categories of committees, which require information on a continuous basis. <ul style="list-style-type: none"> - Investigatory and Audit of Public Finance Committees - Domestic and House-Keeping matters Committees - Departmental Committee (DCs) - Ad hoc committees. ▪ The current library collection does not meet the great demand of information from committees. ▪ There is no proper record of reports produced by various committees. ▪ The committees require specialised and up to date information. The library is not able to effectively meet the information needs of the committee. ▪ Most of the committees have been keeping their own materials for reference. 		<ul style="list-style-type: none"> ▪ All reports produced by the committees should be catalogued, indexed and classified for quick information retrieval. ▪ A computerized database should be established to contain all information relating to each committee ▪ One copy of each committee report should be kept in the reserve collection. ▪ The various committees should participate in the selection and acquisition of library materials, especially the library committee. ▪ All materials, which are currently kept by various committees, should be taken to the library for processing, storage and retrieval. ▪ The Library Committee should meet more often and the Head Librarian should submit a written report to the Committee.
Library Needs of Users	<ul style="list-style-type: none"> ▪ Members of parliament <ul style="list-style-type: none"> - The current parliament has very highly qualified and experienced professionals. - Most MPs have post secondary education. - MPs have greater need for relevant and updated information. - Most of the MPs do not make use of the library because the services offered by the library do not meet their needs. - The few members who visit the library go there to read newspapers. 		<ul style="list-style-type: none"> ▪ The MPs are the primary users of the library and therefore their needs should be given priority. ▪ The library collection should be improved and systematically organized to attract use by MPs ▪ The furniture in the library should be removed and modern furniture purchased to create more room. ▪ The whole library should be re-organized to create a modern library. ▪ New rules and regulations on the use of

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>2. Processes and Procedures</p>	<ul style="list-style-type: none"> - Most of MPs have not borrowed any material from the library. - Although MPs are aware of the existence of various library resources, they never use them. - The current library does not have proper sitting space for reading - MPs consider the library collection outdated and useless to their needs ▪ Parliamentary Staff <ul style="list-style-type: none"> - Most of the parliamentary staff do not use the library. - The library collection is not relevant to their needs - The organization of materials and furniture is not attractive to them - The library tends to be noisy because it is used as a meeting place by MPs 	<ul style="list-style-type: none"> ▪ the library should be made available to MPs and staff ▪ A cybercafe should be made available in both libraries. ▪ Most of the parliamentary documents should be available on line so that MPs can access them anytime. ▪ All materials collected from workshops, seminars, conferences and overseas trips should be the deposited in the library for processing, storage and retrieval.
<p>Processing Documentary Information</p> <p>(a) Standardization</p> <p>(b) Accessioning</p>	<p>Most of the documents and publications in the library have not been accessioned, labeled, catalogued, indexed and classified.</p> <ul style="list-style-type: none"> ▪ The library does not process the information using internationally acceptable standards ▪ The library does not have accession register to record new publications. ▪ There is a Kardex for recording periodicals but it has not been updated for the past six years. 	<ul style="list-style-type: none"> ▪ Information processing in the library should be computerized. ▪ The library should use standardised tools to process, store and retrieve information. This is extremely important for computerisation. ▪ An accession register should be purchased to record the library collection ▪ A date stamp and a library stamp should be acquired for labeling library materials. ▪ All the books, documents and reports should be catalogued using Anglo-American Cataloguing rules 2 (AACR2).

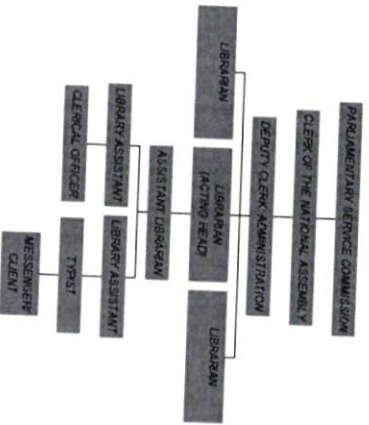
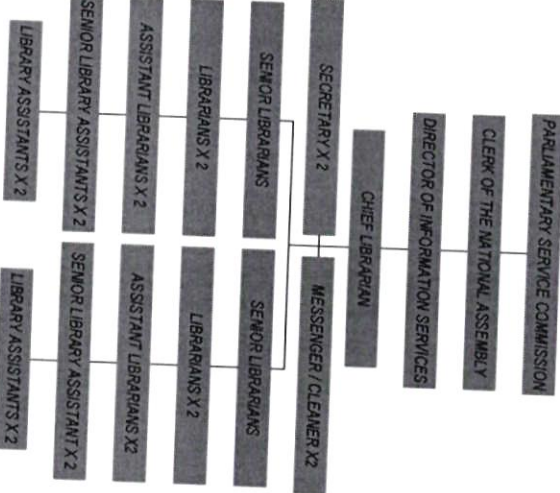
DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
(c) Labeling	<ul style="list-style-type: none"> ▪ Most of the library materials have not been labeled. There are no library and date stamps to label the publications as soon as they are received in the library. 	<ul style="list-style-type: none"> ▪ A new classification scheme suitable for a parliamentary library should be identified. All the library collection should be classified and shelved systematically ▪ All the books should be indexed using a specialized Thesaurus relevant to the role of parliament. ▪ The library should prepare information dissemination tools such as a current awareness bulletin to meet the information needs of MPs and staff. ▪ Weeding of the library collection should be done periodically to create room for current materials. ▪ The room available at County Hall should be re-organized to host the library archives.
(d) Cataloguing	<ul style="list-style-type: none"> ▪ There is a card catalogue but it has not been updated since the early 1990's. What is currently in the library is not reflected in the card catalogue. 	
(e) Classification	<ul style="list-style-type: none"> ▪ Some of the books have been classified using Dewey Decimal Classification Scheme. ▪ Most of the publications are not classified and it is difficult to use the library because there is no complete catalogue of the collection. 	
(f) Indexing and subject access	<ul style="list-style-type: none"> ▪ The library collection has never been indexed - Information retrieval is therefore difficult and a lot of information is lost 	
(e) Thesaurus	<ul style="list-style-type: none"> ▪ The library does not have a Thesaurus for subject description 	
(f) Information Retrieval	<ul style="list-style-type: none"> ▪ It is very difficult to retrieve information in the library because there is no retrieval system ▪ The current retrieval system is based on the personal knowledge of individual library staff. 	
(g) Information Dissemination	<ul style="list-style-type: none"> ▪ The library does not have any tools to disseminate information 	
(h) Weeding	<ul style="list-style-type: none"> ▪ The library contains a lot of documents and publications which are outdated and need to be moved to the Archives. ▪ Weeding will create more space for re-organization of 	

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>Use of New Information Technologies</p>	<ul style="list-style-type: none"> ▪ the library ▪ There is a room in the basement of Country Hall, which is being used to keep old materials and needs to be better organized and managed ▪ Photocopying <ul style="list-style-type: none"> - The library does not have modern photocopying equipment to meet the needs of the users and staff - The library has one old photocopier machine which is slow. ▪ Computers <ul style="list-style-type: none"> - The library has (4) four computers - One computer is used to access internet by members and staff - The other three computers are used for word processing ▪ All processes are done manually 	<ul style="list-style-type: none"> ▪ Two heavy-duty photocopying machines should be purchased to meet the current needs of the two Librarians. ▪ Two medium sized photocopiers should be purchased to make sure photocopying services are not distracted. ▪ The Library need to be computerized using user friendly library packages such as CDS/ISIS. ▪ The Library need to purchase a microfilming equipment, microfilm reader and printer. ▪ All the old newspapers and other periodicals should be put into microfilm to create space for current materials. ▪ The Library should purchase audio visual equipment such as: <ul style="list-style-type: none"> - CDROM Reader - Microfiche Reader Printer - Data projectors - Video machines - TV monitor - Ear phones - Computers and Laser Jet printers should be purchased for the computerisation of the Library

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
3. Internal Resources		Services and cybercafe
Budget	<ul style="list-style-type: none"> ▪ The following is the allocation by donors for this project: <ul style="list-style-type: none"> ○ DFID: KSh 25m ○ EU: KSh 60m ▪ Part of the money allocated by donors will be towards the improvement, reorganization and re-design of the over the next year ▪ The PSC confirm that there is a budget set aside specifically for the library. 	
Human Resources Strategy, e.g. staffing, training	<ul style="list-style-type: none"> ▪ The Library currently has six staff members with the following qualifications: <ul style="list-style-type: none"> - One librarian with master's degree in library and information science. - Two librarians with university degrees in information science and Arts respectively - Two members of staff have a diploma in library and information sciences. - One has a certificate in library and information studies. ▪ The library has qualified staff to manage a traditional library. ▪ The staff available has no experience in the use of new information technologies in library work. ▪ The current staff have no skills in managed a specialized library. ▪ The staff does not have skills in managing non-book materials and grey literature. 	<ul style="list-style-type: none"> ▪ There is great need to increase the number of qualified personnel so as to alleviate the existing dismal provision of service. ◆ The current staff is not able to meet the great demand of information by MPs and staff. ◆ More staff will need to be hired to supplement the existing 9 <ul style="list-style-type: none"> - One messenger /cleaner - One secretary - Two library assistants with diploma in Library and Information Science - Four Senior Library Assistants – university graduates - Three assistant librarians with a degree in Library and Information Science - Three Librarians with a post-graduate

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
		<ul style="list-style-type: none"> ▪ qualification - Two senior librarians with post graduate degree in Library and Information Science - One Chief Librarian with post graduate degree in Library and Information Science, as well as management skills. ▪ While recruiting staff, special preference should be given to those who have skills in managing special libraries and use of new information technologies ▪ The salary scales of the staff should be improved to compare with other departments ▪ The Chief librarian should be part of the senior management staff of parliament ▪ The chief librarian should have very good management skills. ▪ The staff need to be retrained on how to managed specialized resource centre with traditional forms of information as well as non-book materials. ▪ Staff need to be trained on how to catalogue, index, classify and store Grey literature. ▪ The staff need to be trained in the use of computers in a specialized library. ▪ A retreat for the library staff and senior management of parliament should be organized to find out the needs of the staff and their vision for the library.

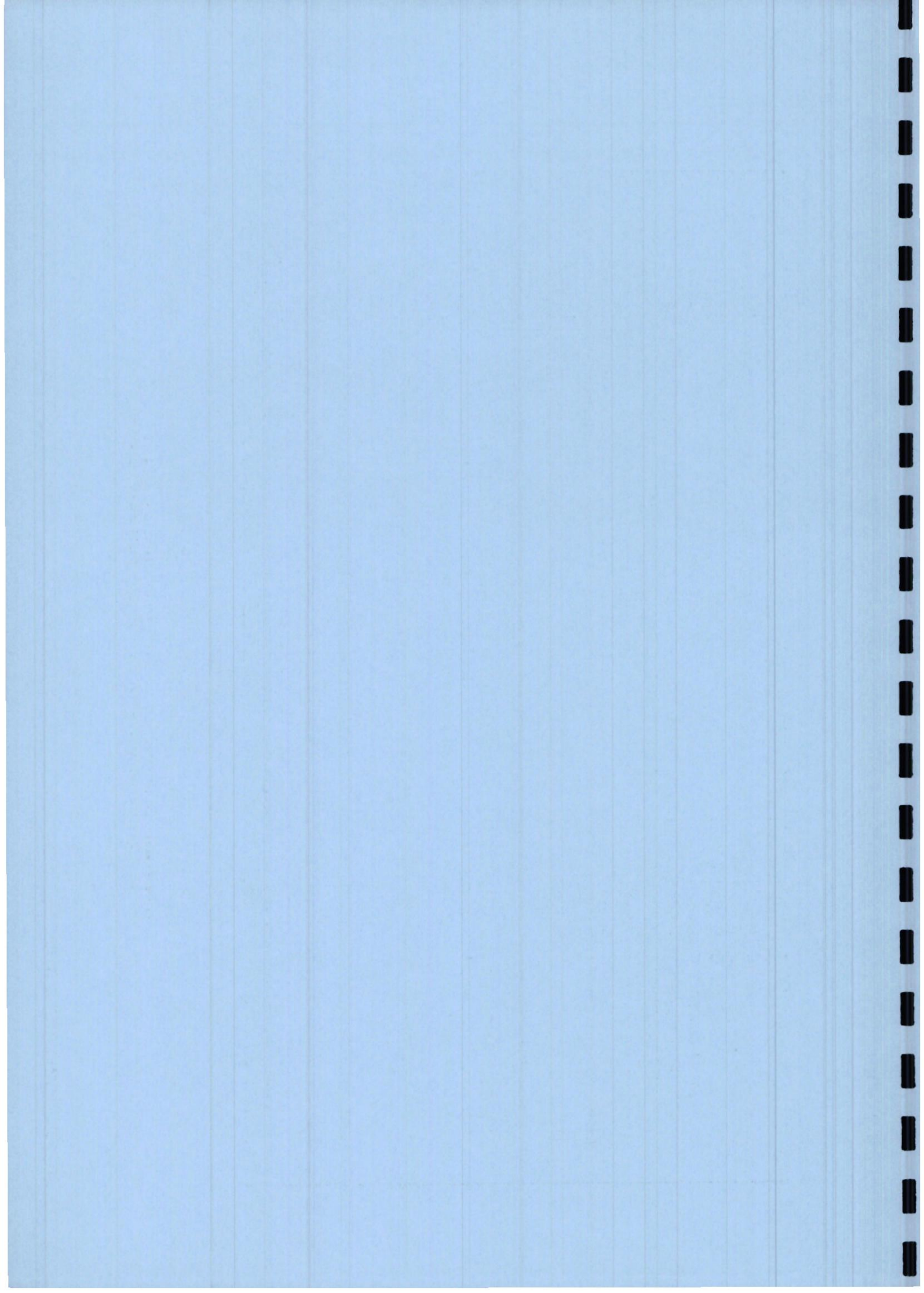
DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
Infrastructure (equipment, and offices, etc.)	<ul style="list-style-type: none"> ▪ The Library furniture is not user friendly. ▪ The shelves are too big and they occupy a lot of space. ▪ The cabinet are that suitable for the current needs of the Library. ▪ The tables and chairs are not suitable for a modern Library 	<ul style="list-style-type: none"> ▪ Proper working tools should be made available to the staff to improve the management of the library ▪ The current old shelves need to be removed to create more room for modern shelves. ▪ The fixed cabinets should be dismantled to create more room in the Library. ▪ New furniture and equipment should be purchased for the two libraries. ▪ The furniture and equipment for the two libraries should be movable ▪ The old Library should be carpeted.
Time	The donors expect this project to kick-off on 1 November 2003 and to be completed by 31 October 2004.	
4. Institutional Arrangements		
Vision and Mission	<p>Vision – To encourage programmes to foster the adaption of the latest technologies, including the Internet and their use within the Library.</p> <p>Mission – promote understanding and co-operation between legislatures and their information services recognising the ever growing need for legislators to have access to up-to-date and accurate information about development world-wide.</p>	<p>Vision: To have a well organized modern Library to provide all the information needs of the Library.</p> <p>Mission: To efficiently and effectively fulfil the information needs of the MPs, committees and Parliamentary staff.</p>
Organisational	The organisational structure recommended for the directorate	<ul style="list-style-type: none"> ▪ There is need to rename the Directorate

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>structure</p>	<p>by the Strategic Plan is as follows:</p> 	<p>RECOMMENDATIONS</p> <p>to Directorate of Library and Research services.</p> <ul style="list-style-type: none"> There is need to clarify the issue of leadership (which deputy clerk is going to be responsible for the Department). The proposed organisational structure of the Directorate is as shown below. 

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
Location of the Library	The Strategic Plan recommends a model where research and library services are located in one directorate but operate independently. This model is also recommended by the consultants' report (p.68) which state that the model is the most frequently selected approach by developing legislatures throughout the world (South Africa, Egypt, Zimbabwe, Zambia, Uganda).	
Recruitment of staff	<p>The following recruitment process takes place:</p> <ul style="list-style-type: none"> ▪ Job descriptions finalised by the Personnel Department ▪ These are approved by a subcommittee of the PSC ▪ An advertisement is drafted and placed in newspapers ▪ An Interview Panel is appointed ▪ Shortlisting of the candidates takes place <p>These first 3 steps should ideally take about 3 - 4 weeks</p> <ul style="list-style-type: none"> ▪ Interviews are held with the candidates who have been short listed ▪ The Interview Panel forwards its recommendations to the PSC ▪ The PSC must then approve the appointment of the recommended candidate. ▪ The candidate undergoes a medical examination. ▪ The candidate receives a formal letter of appointment. <p>Ideally the recruitment process should take about 2 months to appointment of staff. Currently it is taking 3-4 months. Many</p>	

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
	<p>interviewees were sceptical of the recruiting process in the National Assembly.</p>	
Reporting Arrangements	<ul style="list-style-type: none"> ▪ The current structure requires that the Head of the Library reports to the deputy clerk in charge of Administration. ▪ No clear management structure exists within the Library 	<p>The Head of the Library should be at the Deputy clerk level.</p>

APPENDIX TWO: PRELIMINARY REPORT ON RESEARCH SERVICES



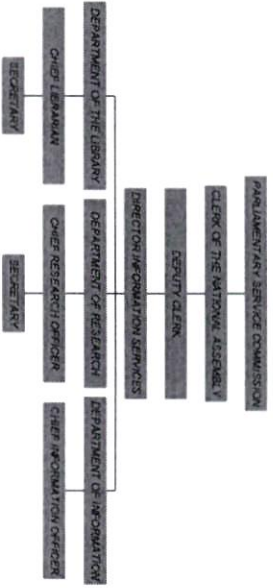
NEEDS ASSESSMENT – RESEARCH SERVICES


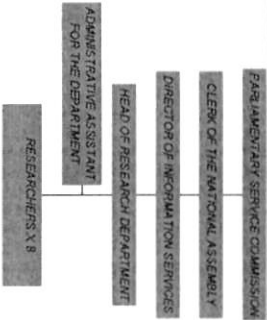
PRELIMINARY REPORT

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>1. Scope of Research Services</p> <p>Understanding of what parliamentary research services entail.</p>	<ul style="list-style-type: none"> ◆ There is a mixed understanding of parliamentary research services vis-a-vis services provided by the Library both in the strategic plan (2000 - 2012) and amongst MPs and staff. ◆ There is a fair understanding of what parliamentary research services entail amongst the library and committee clerks. The clerks had a clear understanding of how research services would enhance committee work. ◆ The Member of Parliament clearly understands the role for a Parliamentary Research service in strengthening the NAK as an institution of governance. They pointed to the potential for research to restore the proper balance between the executive and the legislature. They also acknowledge the role of research in enhancing the principle of separation of powers. ◆ Most of the respondents acknowledge the need for an "information revolution" within the National Assembly of Kenya (NAK). 	<ul style="list-style-type: none"> ◆ There is need to clearly define the core business of both the library and research department to highlight their role and functions. These functions and notes should be discussed with the various stakeholders to ensure that there is no duplication. In the Zimbabwean situation, there was for a long time duplication of services due to unclear demarcation of services and roles. The Research department was slowly developing into a mini library. ◆ Different Parliaments have different roles and functions depending on the emphasis placed on the issue of analysis. BEST PRACTICE elsewhere where research operates separately from the library but housed in one directorate (e.g. Zimbabwe, South Africa, Zambia, and Uganda) the core business of research is defined as follows. ◆ It is therefore, recommended that in the

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>Research services required</p>	<p>The main services identified for MPs include:</p> <ul style="list-style-type: none"> ◆ provision of background information for the preparation of Conference papers and for issues being debated in Parliament. ◆ analyses of policies, implementation and effect on poverty reduction. ◆ obtaining background information and documents on specific policy issues. ◆ analysis of Bills. ◆ provision of oral and written advice to MPs. ◆ compilation of biographical data. ◆ undertaking electronic searches for information on the Internet. 	<p>It is recommended that the services identified for the main beneficiaries be provided.</p>
		<p>case of the NAK, the same principle be adapted whereby, Library is responsible for sourcing, processing and disseminating of information, and Research provides analysis. The Consultants report recommends that the Library should limit itself "to providing members with fast turnaround information, including photocopies of library documents, and internet printouts, while research department processes requests for in-depth research reports and analysis.</p>

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
	<p>The main services identified for Presiding Officers include:</p> <ul style="list-style-type: none"> ▪ Background papers for speeches and conferences <p>The committee clerks identified the following research needs for committees</p> <ul style="list-style-type: none"> ♦ highlighting central policy issues before committees, including legislation, budgetary and policy matters. ♦ production of background material for committees. ♦ policy reviews. ♦ preparing analyses of Bills before the committee. 	
Current research services	There is no research department. Research services are being provided by committee clerks and staff for library on an ad hoc basis upon request by MPs. There is no proactive research provision.	
Reactive vs. Proactive processes	There is no proactive provision of information to MPs. Research needs for MPs and committees are not anticipated in advance.	
Research Resources	<p>The following are currently being used to carry out research:</p> <ul style="list-style-type: none"> ♦ written publications in the library. ♦ Government reports ♦ Internet 	It is recommended that policy institutes be identified with the relevant policy materials.
Current Client base	Currently, the main clients are "Young MPs"	It is recommended that the client base include the presiding officers, PSC, Committees and MPs.
2. Institutional Arrangements		
Vision and	The Strategic Plan does not spell out any vision and mission of	Vision : To become a think-tank for the

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>Mission</p>	<p>the Directorate. The consultants report suggests a vision for the Directorate as follows:</p> <p>"To develop an infrastructure of information services that is unified, seamless, consistent and easily accessed by the Members, Committees and staff of the National Assembly".</p> <p>However, it does not spell out the vision and mission of the research department.</p>	<p>National Assembly of Kenya.</p> <p>Mission: To provide information to members, committees and management by gathering, analyzing and disseminating relevant information in a non-partisan, easily accessible, confidential and understandable format</p>
<p>Organisational structure</p>	<p>The organisational structure recommended for the directorate by the Strategic Plan is as follows:</p>  <pre> graph TD PSC[PARLIAMENTARY SERVICE COMMISSION] --> CNA[CLERK OF THE NATIONAL ASSEMBLY] CNA --> DC[DEPUTY CLERK] DC --> DIS[DIRECTOR OF INFORMATION SERVICES] DIS --> DL[DEPARTMENT OF THE LIBRARY] DIS --> DR[DEPARTMENT OF RESEARCH] DIS --> DI[DEPARTMENT OF INFORMATION] DL --> CL[CHIEF LIBRARIAN] DL --> S1[SECRETARY] DR --> CRO[CHIEF RESEARCH OFFICER] DR --> S2[SECRETARY] DI --> CIO[CHIEF INFORMATION OFFICER] </pre>	<ul style="list-style-type: none"> ▪ There is need to rename the Directorate to Directorate of Library and Research services. ▪ There is need to clarify the issue of leadership (which deputy clerk is going to be responsible for the Department). According to the existing organogram provided by the PSC secretariat, the Research department will fall under the Deputy Clerk responsible for committees (yet this Deputy clerk is not responsible for legal services). ▪ The proposed organisational structure of the Directorate is as shown in Figure 2.

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>Location of the Research Services Department</p>	<p>The Strategic Plan recommends a model where research and library services are located in one directorate but operate independently. This model is also recommended by the consultants' report (p.68) which states that the model is the most frequently selected approach by developing legislatures throughout the world (South Africa, Egypt, Zimbabwe, Zambia, Uganda).</p> 	<p>It is recommended that the research department be housed in the Directorate of Information</p> 
<p>Recruitment of staff</p>	<p>The following recruitment process takes place:</p> <ul style="list-style-type: none"> ▪ Job descriptions finalised by the Personnel Department ▪ These are approved by a subcommittee of the PSC ▪ An advertisement is drafted and placed in newspapers ▪ An Interview Panel is appointed ▪ Shortlisting of the candidates takes place <p>These first 3 steps should ideally take about 3 - 4 weeks</p> <ul style="list-style-type: none"> ▪ Interviews are held with the candidates who have been short listed ▪ The Interview Panel forwards its recommendations to the 	<p>It is recommended that the nine interviewed candidates be appointed. If however some of the interviewees do not accept the appointments that consideration be given to the interns at NAK or committee clerks.</p>

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
	<p>PSC</p> <ul style="list-style-type: none"> ▪ The PSC must then approve the appointment of the recommended candidate. ▪ The candidate undergoes a medical examination. ▪ The candidate receives a formal letter of appointment. <p>Ideally the recruitment process should take about 2 months to appointment of staff. Currently it is taking 3-4 months. Many interviewees were sceptical of the recruiting process in the National Assembly.</p> <ul style="list-style-type: none"> ♦ The Strategic Plan does not indicate the number of researchers. The consultants' report suggests of 9 professionals plus support staff. ♦ The Recruitment process to identify the researchers is at an advanced stage. A total of 9 people have been identified after (interviews). The interviews were carried out last year. Once the PSC approves the names, appointment letters will be sent. ♦ The recruitment process targeted nine professional specializing in areas paralleling the jurisdiction of departmental committees. 	
Reporting Arrangements	The current structure requires that the Head of research reports to the director who reports to a deputy clerk.	That the Head of the research department reports directly to a Director who reports directly to the Clerk, and not to the Deputy Clerk
3. Internal Resources		
Budget	<ul style="list-style-type: none"> ▪ The following is the allocation by donors for this project: <ul style="list-style-type: none"> ○ DFID: KSh 25m 	In light of the nature of their work, the research department would require the

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
	<ul style="list-style-type: none"> ▪ Part of the money allocated by donors will be towards the setting up of the Legal Services Department over the next year <ul style="list-style-type: none"> ○ EU: KSh 60m ▪ The PSC is expected to budget for the Legal Services Department from the next financial year – it is confirmed that this has been catered for. <p>Consultancies with personnel in the PSC secretariat, Finance and Human Resource departments reveal that there is a budget set aside specifically for research salaries.</p>	<p>following:</p> <ul style="list-style-type: none"> ◆ 1 office for the Head of Research ◆ 1 office for the office administrator for the department ◆ 6 offices for the various subject specialists as they will be required from time to time to give oral information to MPs. ◆ Economics/Finance Specialist ◆ Law and Government ◆ Education services and Technology ◆ Politics and Social Affairs ◆ Policy Analysis ◆ Transport and Communications <p>There should however, be room for expansion to accommodate more researchers at a later stage.</p> <ul style="list-style-type: none"> ◆ Due to the exclusion in the current budget of funds to purchase IT hardware and software, it is recommended that the EU/DFID project purchase 10 computers and 3 printers, and a photocopier for the department. ◆ It is also recommended that the researchers be trained how to utilise the equipment, database management and analysis. This will clearly enhance the capacity of researchers to analyse issues. ◆ Since there is no budget to enable access

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
	<ul style="list-style-type: none"> ▪ Currently Senior Clerks at the Table provide research 	<ul style="list-style-type: none"> ♦ to professionals in specific field that can assist committees in their oversight role, that the EU/DFID project fund this process. ♦ There is need to develop a training programme that includes visits to other Parliaments with similar models be drawn up and funded by the EU/DFID project. There is need for university or a policy institute in Kenya to be identified to give intensive training sessions in policy analysis. There is need to develop a performance management system to assess the performance of the department. ♦ In order to ensure that a culture of performance is developed in the department at an early stage the following need to be put in place: <ul style="list-style-type: none"> • development of instruments to monitor and evaluate delivery of research services (e.g. client, request forms, evaluation forms) • development of mechanisms to record usage levels of research products. • development of quality control mechanisms ▪ That initially, the department provides
Human		

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>Resources Strategy, e.g. staffing, training</p>	<p>services on an ad-hoc basis.</p> <ul style="list-style-type: none"> ▪ Although the Strategic Plan does not indicate whether the researchers will be partisan or non-partisan, the functions spelt out (p 110 - 113) suggest that the researchers will be non-partisan. This is also the recommendation from the consultants' report (p. 56) and was confirmed by interview held with the different stakeholders. ▪ Recruitment process to identify the Head of the Research department has not commenced. ▪ The consultants' report recommends the recruitment of support staff (i) but does not spell out the specific roles of this person nor the skills required. A (pillar). As a result the role of this support staff is not clear. ▪ There is no mention of access to external expertise that can give support to committees on specific technical complex issues and yet technical analysis forms the bulk of the work performed by any legislative. As a result there is limited analysis for issues that are debated in Parliament or committees. ▪ The Strategic Plan is silent on the issue of training needs for the research department. The consultants' report recommends that experienced personnel from legislative should provide training and Parliamentary bodies with highly developed research services in the techniques and effective utilization of parliamentary research services. ▪ There are no specific training needs listed in both the Strategic Plan and consultants' report. ▪ There are no clear training strategies in terms of training members to use the research service and staff to deliver the research services. There is need for a comprehensive training programme to address the issues raised. 	<ul style="list-style-type: none"> ▪ objective and non-partisan research and provide partisan research at a later stage. ▪ That the process to identify the HOD of the department commence as soon as possible to provide leadership for the department. ▪ That a framework to access external expertise in areas such as HIV/AIDS vaccines, genetic engineering etc be created to assist committees and to mentor the researchers. ▪ That the heads of committees and research review their work programmes from time to time. ▪ That a comprehensive work plan for the department be put in place at an early stage to monitor project development.

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
Infrastructure (equipment, IT and offices, etc.)	<ul style="list-style-type: none"> ▪ there are no clear indications of the training requirements required to achieve synergies and complementary between <ul style="list-style-type: none"> - Research and library - Research and committees - Research and IT ▪ The Strategic Plan and the consultants' report are silent on the issue of performance management. The consultants' report suggests the development of office guidelines concerning prioritisation in responding to requests for service. 	<ul style="list-style-type: none"> ▪ That a training programme that includes intensive induction, attachment programme within the NAK, focused study visits to developing and then developed legislatures, change management, team building, performance management etc be put in place. ▪ That a performance management infrastructure be put in place to evaluate performance of staff and the project.
	<ul style="list-style-type: none"> ▪ No equipment and furniture, for example, computers and desks, are currently available for Research Services staff ▪ There is enough money available in the donor funding to procure the equipment required to set up the Research Services Department ▪ The institution is able to fund the procurement of furniture for the Research Services Office if the donor funding is not 	<p>That the NAK starts the process of acquiring furniture and computers to ensure that it is in place by the time the researchers are appointed.</p>

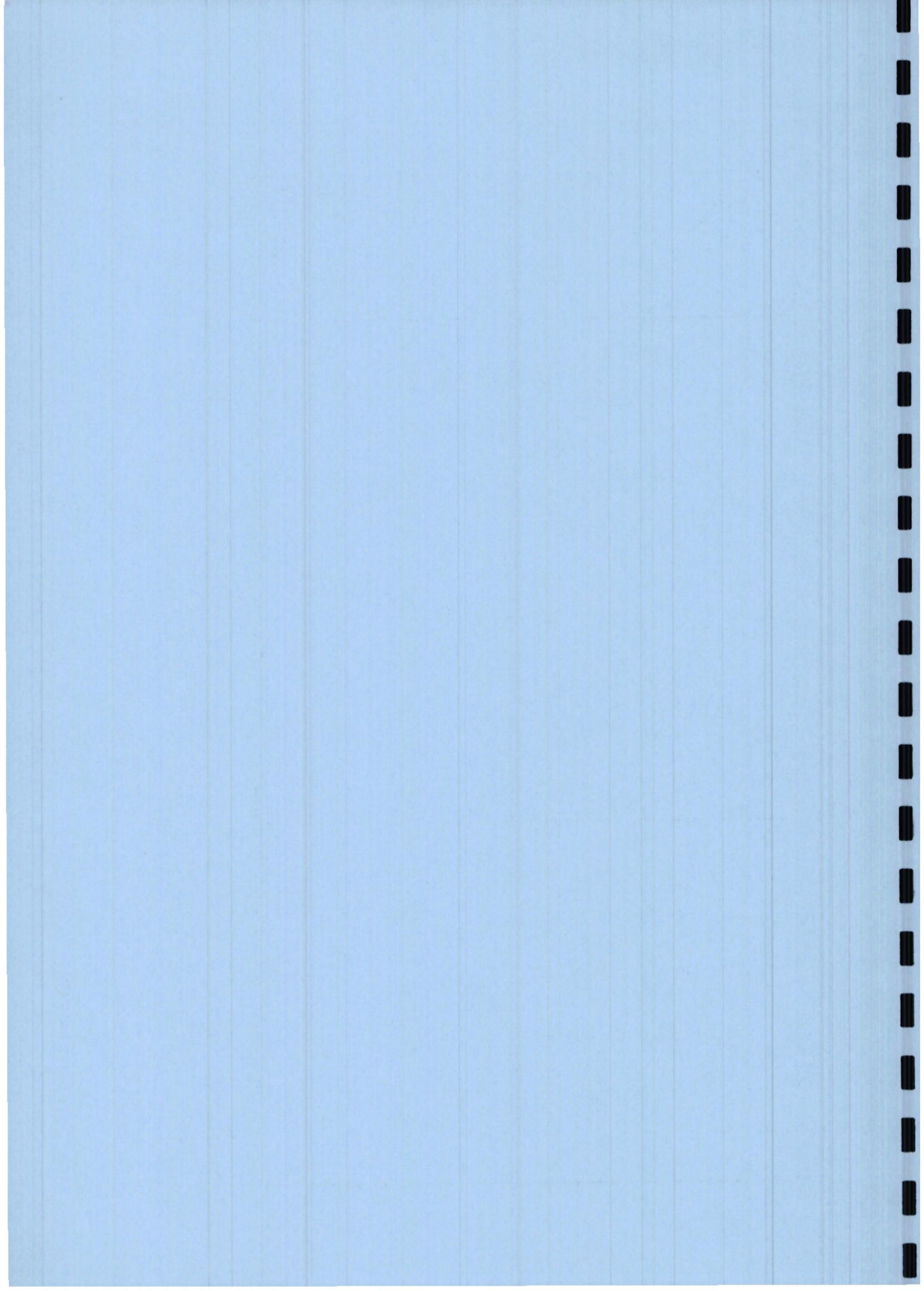
DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
	<ul style="list-style-type: none"> ▪ Currently there is no office space for the researchers. Possible places where they could be housed include: <ul style="list-style-type: none"> - County Hall Archives - Harambee Plaza (if 2nd floor is acquired) - The offices currently being occupied by PSC when PSC vacates them. - One of the Committee rooms. ▪ The NAK in an attempt to strengthen the capacity of Parliament, members in IT, purchased 223 desktop computers and printers. Consultations with stakeholders revealed that there is need for training programmes to enhance the capacity of MPs to use the computers. The research department's budget does not have allocations to purchase computers and printers for researchers. For the department to be effective there is need for NAK to identify donors who will be willing to provide both the hardware and software required. 	<p>That some space be allocated in the main Parliament building and in Harambee Plaza in the short term. However, a long-term solution needs to look at the issue of security of documents and administration issues. In the short term it is recommended that at least one office be allocated in the Main Parliament building to receive requests from MPs.</p> <p>Since Parliament had not budgeted for computers for researchers in the current financial year, that the EU/DFID project purchase IT hardware and software for the research department and Finance departments to ensure accurate reporting on the project.</p>
Information	<ul style="list-style-type: none"> ▪ Currently the library has a collection of various policy documents. ▪ The Library has a working relationship with the Kenya National Archives and Documentation Centre, the University of Nairobi's Library, the British Council Library and the American Cultural Centre. There is a heavy dependence on information from Government because the National Assembly was part of the Public Service Commission until the establishment of the PSC. 	<p>It is recommended that credible institutions be identified and a database of experts in special technical areas be created to create a wide information base for Parliament information needs.</p>
	<ul style="list-style-type: none"> ▪ The donors expect this project to kick-off on 1 November 	<p>That a steering committee which includes</p>

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>Time</p>	<p>2003 and to be completed by 31 October 2004</p>	<p>personnel from finance and the Deputy clerks of committees and research be put in place There is need to train the team in project management, procurement, management of donor funded projects, change management, team building etc.</p>
<p>4. Skills and Capacities of Research Staff and start preparation work for the execution of the project.</p>		
<p>Skills and capacities required</p> <p>Confidentiality</p> <p>Similar requests</p>	<p>The Strategic Plan does not state the different qualities and skills required for the research department.</p> <p>The Consultants' report (Appendix C) details the qualities and skills and job descriptions of the research staff.</p>	<p>It is recommended that a policy document be prepared, highlighting the research ethics. Best practice throughout the commonwealth have the following ethics:</p> <p>Confidentiality - That all research material generated by researchers is very confidential, not to be published, belongs to the MP who requested it, or it is a Conference paper, it belongs to Parliament, a policy review for a committee belongs to the committee and not to researchers or committee clerks.</p> <ul style="list-style-type: none"> - That when more than one member requests similar research, a research paper (fact sheet/research brief) may be produced and circulated to all MPs who have requested for it. - That is not permissible for a researcher to inform MPs of other MPs making similar requests.

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>Ownership of research products</p> <p>Management of requests</p>		<p>- That once a paper is given to an MP, it becomes his (and not the researchers) and that the MPs name is the one that appears on it.</p> <p>Requests - That all requests for research products to be made to the HOD who then distributes them to the research staff. The distribution of research requests of MPs to research staff be made the basis, of familiarity with the issue, expertise and preference of the MP.</p>
<p>Preparation time</p>		<p>Timeframe for preparation - That MPs requests are handled on a first come first served basis. Research staff are advised to ask for deadlines.</p>
<p>Sharing of vision</p>		<p>The key challenge is to ensure that staff of both library and research shall have the same vision. Against this background, the following is recommended:</p> <ul style="list-style-type: none"> ◆ Visits to other Parliament development of a strategy of improvement in the effectiveness of service delivery while responding to demand. ◆ The engagement of experts to assist with the initial processes. ◆ Doubt of a system of continuous majority and improvement with the aim of achieving excellence in the delivery of

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
		<ul style="list-style-type: none"> ◆ Undertake direct surveys of MPs views and satisfaction. ◆ Review of and adaptation to the developing demands of research into information by Library and research.
Multi-disciplinary nature of team	From the onset, as indicated in both the Strategic Plan and consultants' report, the research team will be multidisciplinary.	Team building workshops.
Inter-departmental relations with library	Both the Strategic Plan and Consultants' report envisage an information system that has functional specialisms but that share the same vision and aims to ensure a coherent and holistic approach to the delivery of information to MPs. The research department will have close relations with the committees and the Library.	Due to the complementarity of the work of committees and library and research, it is important that a training programme which incorporates the three departments.
Research ethics	<ul style="list-style-type: none"> ◆ Confidentiality ◆ Prioritization of research work ◆ Ownership of research papers ◆ Timetable for preparation Interdepartmental relations	It is recommended that the induction programme include issues of research ethics. The research staff should sign confidentiality agreements to avoid leakage of information since researchers will be involved in committee work.

APPENDIX THREE: PRELIMINARY REPORT ON LEGAL SERVICES



NEEDS ASSESSMENT – LEGAL SERVICES


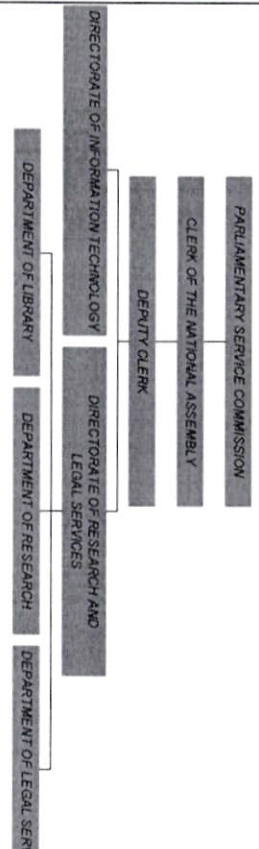

PRELIMINARY REPORT

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>1. Scope of Legal Services</p>		
<p>Understanding of what provision of legal services entail.</p>	<ul style="list-style-type: none"> ◆ There is a clear understanding of why the Parliament of Kenya needs a Legal Services Department. ◆ There is a fair understanding of what types of services the Department could provide to the beneficiaries of its services. ◆ The Members and staff are fairly clear about how they will use the services of the Legal Services Department. 	<ul style="list-style-type: none"> ◆ There is need to clearly define the core business of the Legal Services Department to highlight its role and functions. ◆ Once the Legal Services Department has been established, all beneficiaries need to be informed of the services which the Department will offer.
<p>The current sourcing of legal advice</p>	<p>Currently the National Assembly uses the services of the Attorney-Generals (A-G) Office and Private Legal Firms to provide it with legal services.</p>	<p>The Consultants recommend that the National Assembly of Kenya:</p> <ul style="list-style-type: none"> ▪ Establishes the Legal Services Department as a stand-alone department within the proposed Directorate of Legislative and Procedural Services ▪ Establishes this department within the next two months ▪ Determines the nature of its future relationship with the A-G's Office to ensure an ongoing cordial relationship with that office

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>Beneficiaries of Legal Services</p>	<p>All the interviewees agreed that the following should be the beneficiaries of legal services in the National Assembly of Kenya:</p> <ul style="list-style-type: none"> ◆ Speaker ◆ The PSC ◆ Committees ◆ Members of Parliament ◆ Clerk of Parliament 	<p>The Consultants agree that the beneficiaries should be:</p> <ul style="list-style-type: none"> ◆ Speaker ◆ The PSC ◆ Committees ◆ Members of Parliament ◆ Clerk of Parliament
<p>Type of Legal Services to be provided</p>	<p>All the interviewees agreed that the Legal Services Department should generally provide the following types of services:</p> <ul style="list-style-type: none"> ▪ Drafting services - bills, amendments, rules, motions, resolutions, etc. ▪ Legal advisory services, including litigation 	<p>The Consultants recommend that the Legal Services Department of the National Assembly of Kenya provides the following services:</p> <ul style="list-style-type: none"> ▪ Legal and procedural advice to the Speaker, the Parliamentary Service Commission (PSC), the Committees, the Members and the Clerk of Parliament ▪ Drafting Services to the PSC, Committees and individual members ▪ Tracking of Bills ▪ Bill analysis for use by Committees and Members, in close consultation with researchers ▪ Drafting of contracts to be entered into between the PSC and contracting parties ▪ Facilitating litigation on behalf of the PSC

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>2. Institutional Arrangements</p>		<ul style="list-style-type: none"> ▪ Liaison with the drafters in the office of the Attorney-General on matters relating to Bills introduced by the Executive and individual Members ▪ Advice to relevant Committees and the House on the status of delegated legislation and other statutory instruments
	<p>Vision and Mission</p>	<p>Vision</p> <p>Currently there is no Vision for the Legal Services Department</p> <p>Mission¹</p> <ul style="list-style-type: none"> ▪ To develop legal services that are consistent and easily accessed by the Speaker, the PSC, Committees, Members and the Clerk of the National Assembly ▪ To recruit and appropriately train the highest quality staff that: <ul style="list-style-type: none"> ○ possess the legal skills necessary to provide the beneficiaries of legal services with the appropriate legal advice and legal drafting services ○ are committed to the principle that Parliament is the people’s “watchdog of democracy”

¹ Extracted and adapted from Consultants’ Report to the PSC on the Strategic Plan of Parliament, page 64

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>Organisational Structure</p>	<p>In the Strategic Plan of the PSC, the following structure is proposed:</p>  <p>In the Consultants' report which reviewed the Strategic Plan, the following is recommended:</p>  <p>Most of the interviewees suggested that 3 staff members would suffice for the moment. These would be:</p> <ul style="list-style-type: none"> ▪ Legal Counsel ▪ Assistant Legal Counsel ▪ Administrator/Secretary 	<ul style="list-style-type: none"> ▪ We recommend that: ▪ A minimum of 2 Legal Counsel and 1 administrator/secretary is appointed in the first year of the department's existence ▪ We recommend the following Organisational Structure:  <ul style="list-style-type: none"> ▪ Ongoing monitoring of the department and a review of services takes place at the end of year one to determine whether the number of staff are still meeting the needs of the beneficiaries.

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
Location of the Legal Services Department	<ul style="list-style-type: none"> ▪ The majority of the interviewees felt that the Legal Services Department should not be a part of the Research Department. ▪ Most interviewees felt that the Legal Services Department would fit better in the proposed Legislative and Procedural Services Directorate. 	<p>The Consultants recommend that the National Assembly of Kenya:</p> <ul style="list-style-type: none"> ▪ Establishes the Legal Services Department as an independent department within the proposed Directorate of Legislative and Procedural Services. This may be reviewed after 1 year to determine whether the department needs to be completely independent.
Recruitment of staff	<p>The following recruitment process takes place:</p> <ul style="list-style-type: none"> ▪ Job descriptions finalised by the Personnel Department ▪ These are approved by a subcommittee of the PSC ▪ An advertisement is drafted and placed in newspapers ▪ An Interview Panel is appointed ▪ Shortlisting of the candidates takes place <p>These first 3 steps should ideally take about 3 - 4 weeks</p> <ul style="list-style-type: none"> ▪ Interviews are held with the candidates who have been short listed ▪ The Interview Panel forwards its recommendations to the PSC ▪ The PSC must then approve the appointment of the 	<p>We recommend that the recruitment process, including the development of job descriptions, starts immediately to facilitate the implementation of this project.</p>

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
	<ul style="list-style-type: none"> ▪ recommended candidate. ▪ The candidate undergoes a medical examination. ▪ The candidate receives a formal letter of appointment. <p>Ideally the recruitment process should take about 2 months to appointment of staff. Currently it is taking 3-4 months. Many interviewees were sceptical of the recruiting process in the National Assembly.</p>	
3. Internal Resources		
Budget	<ul style="list-style-type: none"> ▪ The following is the allocation by donors for this project: <ul style="list-style-type: none"> ○ DFID: KSh 25m ○ EU: KSh 60m ▪ Part of the money allocated by donors will be towards the setting up of the Legal Services Department over the next year ▪ The PSC is expected to budget for the Legal Services Department from the next financial year – it is confirmed that this has been catered for. 	<p>We recommend that the aspects of this project to be funded by the donors and that to be funded by the PSC be determined for inclusion in the Project Design.</p>
Human Resources Strategy, e.g. staffing and training	<ul style="list-style-type: none"> ▪ Currently there are no staff of the National Assembly that provide legal advice to the institution. Some staff members in the Legislative and Procedural Services Department assist with the drafting of amendments, motions, etc. External legal advisers and the services of the A-G's office are used where applicable. 	<p>We recommend that:</p> <ul style="list-style-type: none"> ▪ The Legal Services Department maintains a cordial relationship with the A-G's office and establishes links with other relevant legal institutions.

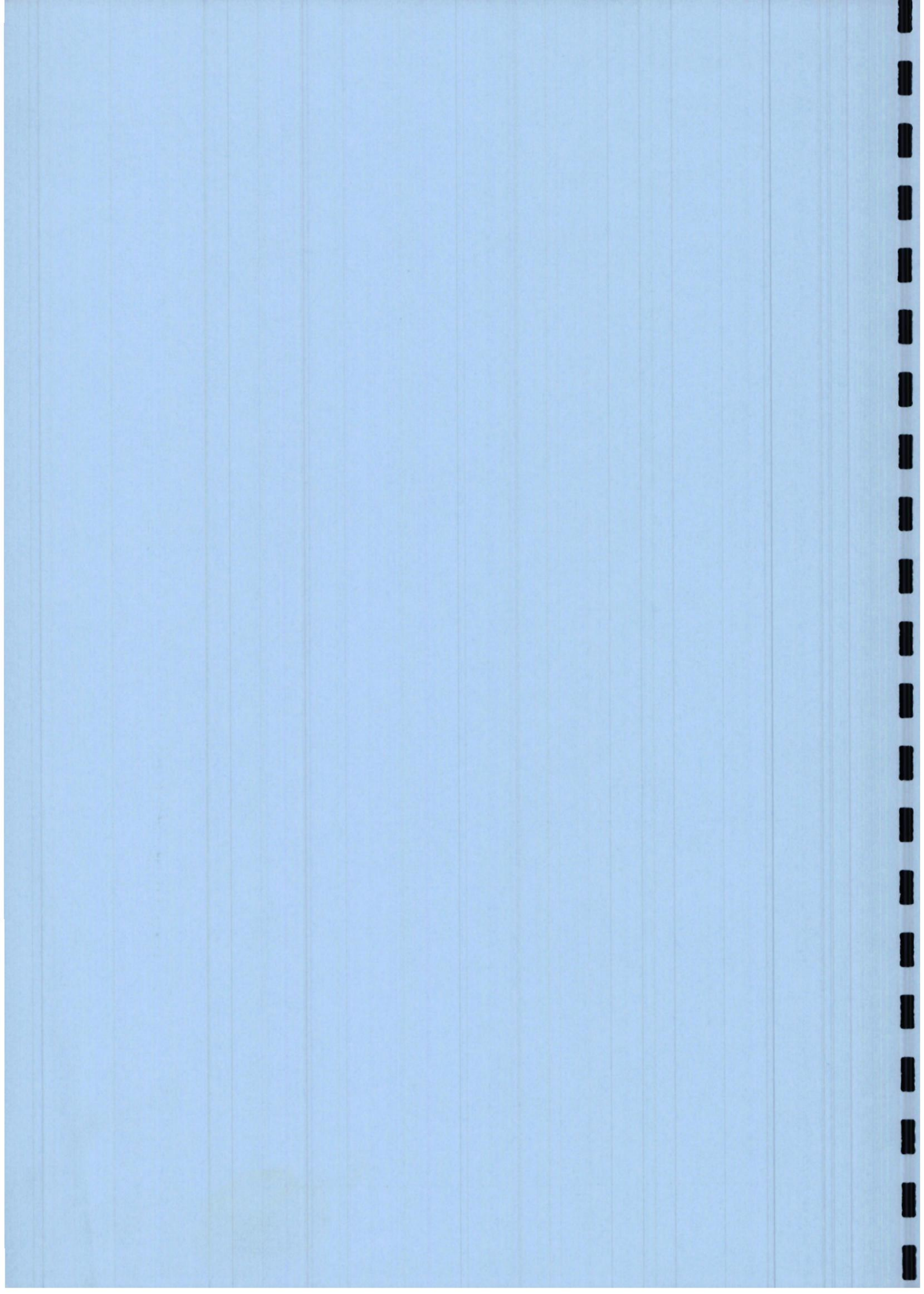
DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
	<ul style="list-style-type: none"> ▪ Most of the interviewees felt that the Legal Counsel should be at the level of Deputy Clerk and report directly to the Clerk. ▪ The Strategic Plan and the consultants' report are silent on the issue of performance management. Currently the Parliamentary Services undertakes performance appraisal as determined for the public service – this has been described as inapplicable to the Parliamentary Services. ▪ There is no formal plan to train the Legal Counsel in the workings of the parliamentary environment and its unique needs once they have been appointed. Some interviewees suggested that the incumbents might be sent to other parliaments for training. 	<ul style="list-style-type: none"> ▪ For the first year of the department's existence, at least, the Legal Counsel could report to the Deputy Clerk: Legislative and Procedural Services. This may be reviewed after 1 year. ▪ A comprehensive Human Resources Development Strategy be developed for the Parliamentary Service, which would include performance management. ▪ The 2 Legal Counsel are exposed to the functioning of Legal Services Departments of other Commonwealth Parliaments within the region and outside through study visits.
<p>Qualifications and Competences of staff</p>	<p>Currently these have not been determined.</p>	<p>We recommend that:</p> <ul style="list-style-type: none"> ▪ The 2 Legal Counsel should have sound knowledge and understanding of Kenyan Law and the Kenyan legal system ▪ At least 1 experienced drafter is appointed – advisably the Legal Counsel ▪ It is not necessary for the Assistant Legal Counsel to be a drafter, but the person must have the potential to acquire the skills

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
		<ul style="list-style-type: none"> ▪ Careful consideration is given to the attitude and style of working of the incumbents since the parliamentary legal environment is different to the corporate legal environment.
Infrastructure (equipment and offices)	<ul style="list-style-type: none"> ▪ No equipment and furniture, for example, computers and desks, are currently available for Legal Services staff ▪ There is enough money available in the donor funding to procure the equipment required to set up the Legal Services Department ▪ The institution may be able to fund the equipment for the Legal Services Office if the donor funding is not sufficient ▪ There is a chronic lack of space in Parliament. A number of suggestions were made regarding the physical location of the Legal Services staff. 	<ul style="list-style-type: none"> ♦ We recommend that since Parliament did not budget for computers for the Legal Services Department in the current financial year, that the EU/DFID project purchase IT hardware and software for this department. ▪ The following options may be considered for an office location for the Legal Services Department: <ul style="list-style-type: none"> ○ Harambee Plaza - the institution still has to acquire this space, but the finances for renting are available² ○ Main Parliamentary Building ○ The Archives in County House

² Issues to be considered with this option are accessibility to Members, proximity to Parliament and security of the location since it is a privately-owned building and Parliament will be renting only 2 floors.

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
Information	<ul style="list-style-type: none"> ▪ Currently the library has the following legal information available: <ul style="list-style-type: none"> ○ Statutes of Kenya ○ Halsbury Statutes ○ Kenyan Law Reports ○ Selected publications of the Law Quarterly Review ○ A few old law books ▪ The Library has a working relationship with the A-G's library and this will probably continue even after the improvement of the Parliamentary Library. 	<p>We recommend that credible legal journals and other relevant materials be identified with the staff in the Legal Services Department.</p>
Time	<p>The donors expect this project to kick-off on 1 November 2003 and to be completed by 31 October 2004.</p>	<p>We recommend that a Steering Committee be established to ensure that the project is completed on time.</p>

**APPENDIX FOUR: PRELIMINARY REPORT ON PROJECT
IMPLEMENTATION**



NEEDS ASSESSMENT – PROJECT IMPLEMENTATION

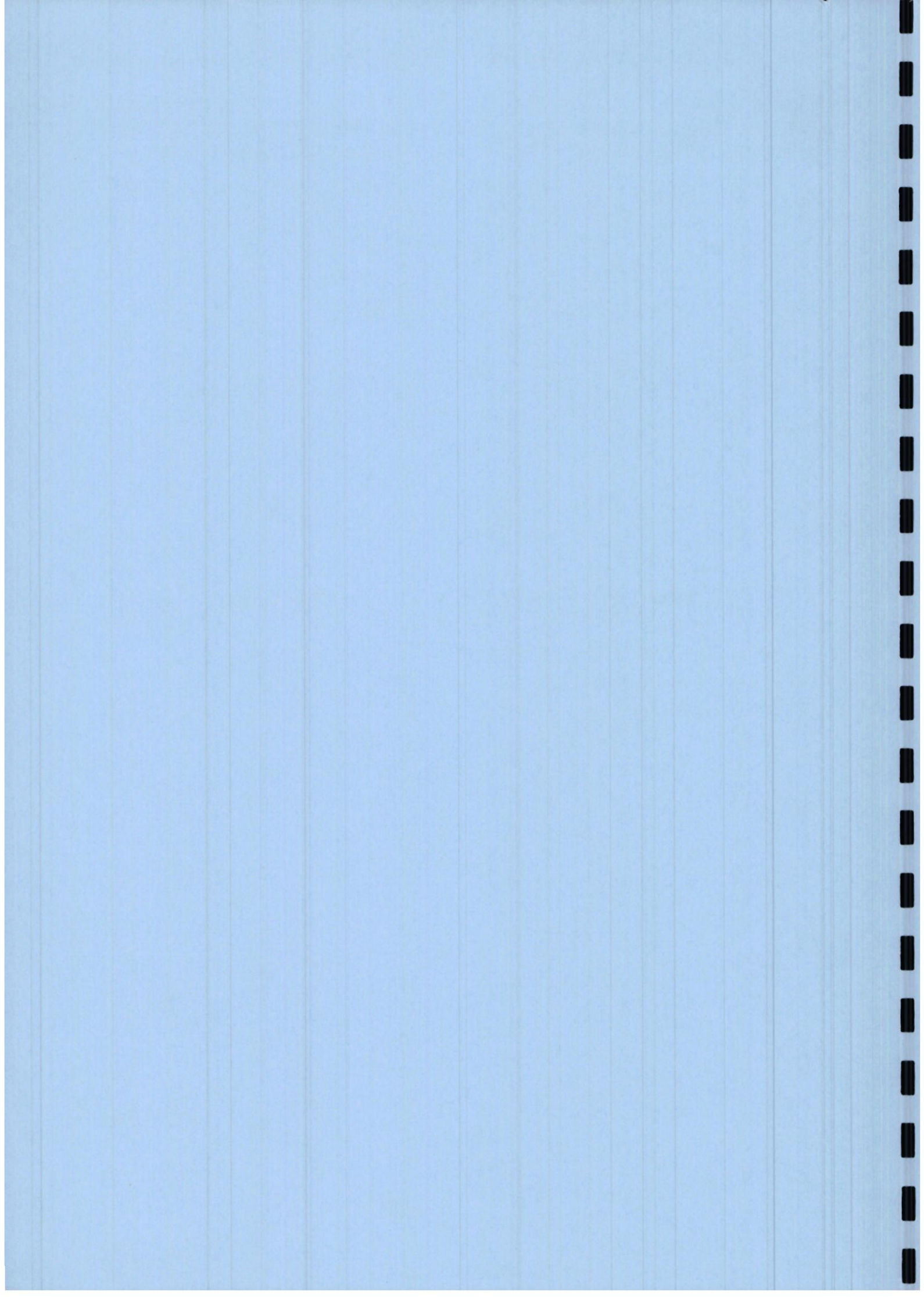
PRELIMINARY REPORT

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
1. Project Implementation And Decision-Making Mechanisms		
Structure and Human Resources	<ul style="list-style-type: none"> ▪ The institution has appointed a 5-person team, approved by the PSC, to co-ordinate the implementation of this current project. This committee has held two meetings. ▪ The Finance Department has sufficient staff to provide the required services during the implementation of this project 	5-person team to continue to manage the process and act as change agents
Processes and Procedures		<ul style="list-style-type: none"> ▪ The process of implementation of this project should be managed as an Organisational Development and Change Management Process ▪ 1 person to manage the implementation of the project on behalf of the donors
2. Procurement, Accounting and Disbursement Procedures		
Governing legislation and regulations	<p>The following contain the relevant provisions regarding the control and management of Government finances:</p> <ul style="list-style-type: none"> ▪ Sections 48 and 99 – 105 of the Constitution of Kenya 	

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
	<ul style="list-style-type: none"> ▪ The Exchequer and Audit Act ▪ The Paymaster-General's Act and Regulations ▪ The Government Financial Regulations and Procedures ▪ Procurement Regulations 	
<p>Procurement and Tendering Procedures in the National Assembly</p>	<ul style="list-style-type: none"> ▪ In the National Assembly of Kenya, when procuring goods and services up to KSh 4,5m, quotations are required – this process may take about 1 month ▪ If procuring goods and services for more than the above amount, the following procedure applies: <ul style="list-style-type: none"> ○ Advertisements appear in the newspaper after which there is a waiting period of 28 days ○ The tender applications are then opened and evaluated over a period of about 2 weeks ○ After the award of the tender, there is a further waiting period of 21 days to give the unsuccessful bidders an opportunity to appeal against this decision ○ If there are no appeals, the contract is concluded with the successful tenderer. 	<p>We recommend that Heads of Department receive training on procurement specific to the project.</p>
<p>Accounting procedures</p>	<ul style="list-style-type: none"> ▪ Currently a custom-made accounting programme is being used ▪ If the correct procurement process has been followed, invoices will be paid within 2 days of receipt of the invoice. ▪ The following checks and balances are in place: <ul style="list-style-type: none"> ○ Vetting at junior level ○ Internal auditing on a daily basis ○ External auditing – spot checks once a week ▪ There are no special accounting procedures for 	<p>We recommend that:</p> <ul style="list-style-type: none"> ▪ Computerisation of the Accounts Department, with the relevant software for compatibility with the systems used by Treasury and Donors ▪ Appointment of a Programmer to facilitate this process

DOMAIN	CURRENT STATUS/NEEDS	RECOMMENDATIONS
<p>Disbursement of funds in the National Assembly</p>	<p>Disbursement of funds can be a speedy process if the correct procurement process has been followed. The following applies:</p> <ul style="list-style-type: none"> ▪ 3 months before the Budget is proposed, the Chief Finance Officer requests the Heads of Department (HODs) to submit their budget proposals ▪ The HODs meet to rationalise their proposals for approval by the PSC ▪ Once the PSC has approved this budget, funds may be disbursed within the agreed limits. 	<ul style="list-style-type: none"> ▪ Staff in the Finance Department are trained to administer donor funds ▪ Accurate and timely reports are prepared for submission to donors during the implementation of the project <p>A networking system is developed between the institution and the donors to facilitate this process</p>

APPENDIX FIVE: DESIGN PROPOSALS



NEEDS ASSESSMENT: DESIGN PROPOSAL

PRELIMINARY REPORT

1. Main Parliamentary Library, Parliament Buildings

- We propose to retain the existing character of the library due to its age and architectural importance as a building worthy of listing. In order to accommodate the modernizing requirements of the library we have proposed minor alterations to the existing space coupled with general refurbishment of existing fixtures and fittings. The purpose of this activity is to create additional space and enable the parliamentarians make efficient use of the facility.

- The alterations and refurbishment will result in the following key spaces:
 - 1no. Head Librarian's office
 - 1no. Shared Office for two librarians
 - Internet area with 4no Internet ready terminals
 - Newspaper & periodicals reading area
 - Enclosed quiet reading room
 - Mezzanine space with shelves

- It is expected that the main parliamentary library will provide technical parliamentary information; Hansard, Bills, Laws, Sessional Papers, etc.

2. Loans, Reference, IT and Audio Visual Library, 1st Floor Continental House

- In order to provide modern facilities that will empower Members of Parliament to adequately carry out their duties, we propose a Loans, Reference, IT and AudioVisual Library in Continental House. It is expected that material available here will complement Member's offices to enable them to adequately represent their constituents.

- The facilities proposed here are as follows:

2no. Offices for Librarians

1no. Audio Visual Room with adequate audio visual materials

13no. Internet ready terminals

Reading area

Shelving for loans and reference books

Reception

3. Legal and Research Center

- Parliamentary Service Commission wishes to establish a Legal and Research Center so as to empower Members to have access to research material and legal advisory services.
- In proposing suitable space for this center, we have noted the fact that there is a high requirement for privacy, both for officers carrying out their research and parliamentarians briefing or receiving the material.
- The legal and research service will be non-partisan; it would therefore be improper for MPs from different sides of the House to have information that their opponents had requested. For this reason, we have endeavored to find existing spaces that would house the center comfortably and provide the desired number of spaces.

The following options were considered:

Option 1: Archive Room, County Hall

This is an existing part-basement space in County Hall.

- During our site survey, we noticed evidence of rising damp in the floors and walls. On further inquiry, it was confirmed that the basement usually floods during the rains. The water proofing system / barrier / membrane appears to have failed.
- We were additionally informed that during the hot season, the room gets unbearably hot and would therefore not be suitable for office use unless ventilation and cooling measures were taken.
- It will not be possible to house a Legal and Research Center in this area given the ideal space requirements given to us by our partner consultants.

We do not recommend using this room to house facility.

Option 2: Committee Room, Continental House

This would be any committee room at Continental House. We have based our findings on the existing committee room we have access to on 4th Floor Continental House.

- Continental House was recently refurbished, meaning that given the shortage of space and lack of offices for staff, it would be *safe* to assume that the committee rooms are also inadequate.
- Given the number of private research offices required, administration offices, waiting area, etc., we feel that the committee rooms would be inadequate. Unless, 2 or 3 adjoining committee rooms were made available.

We would therefore not recommend using a committee room to house the Legal and Research Center.

Option 3: One floor be made available at Harambee Plaza

- During our consultations with stakeholders, we were made to believe that it might be possible to procure a complete floor at Harambee Plaza. If this is the case, we believe that the floor would provide adequate space to house the Legal and Research Center.

We are therefore recommending that the PSC procure one floor at Harambee Plaza, which would then be designed to provide the facilities as follows.

- **Schedule of spaces:**

Total Floor area required 164 square meters

Director of Research	4.0 x 4.0m
Chief Research Officer	3.0 x 4.0m
Office Administrator	3.0 x 4.0m
Political & Social Affairs	3.5 x 3.0m
Law & Government	3.5 x 3.0m
Economics & Finance	3.5 x 3.0m
Education & Technology	3.5 x 3.0m
Transport & Communication	3.5 x 3.0m
Policy Analysis	3.5 x 3.0m
2 No. Legal Services Officer	4.0 x 4.0m
Leg. Serv. Administrator	3.5 x 3.0
Waiting area	12 x 6m (say 80 square meters)

The provision of these services will not be possible in options 1 and 2 above.