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“Parliamentary Libraries: Past and Future”

***“Research and Library Services Working Together to Meet
Client Needs”***

**Adapting Research and Library Services in Parliament to the
Changed Constitutional Framework in Kenya**

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PARLIAMENT OF KENYA



1.0 INTRODUCTION

- ❑ Parliaments are constantly in transition to conform to the ever-changing internal and global dynamics in political governance.
- ❑ Conversely, changes in constitutional frameworks directly or indirectly impact on the responsibilities vested on parliamentarians, who constitute the core client base of research and library services within Parliament.

Introduction (*Cont'd*)

- ❑ Kenya recently repealed her independence constitution culminating in a national referendum and promulgation in August 2010.
- ❑ A new Parliament was voted in during the March 2013 general elections.
- ❑ Among the constitutional provisions include institutional reforms that have drastically changed the operational architecture of the legislature.

Introduction (*Cont'd*)

- ❑ As it has emerged, implementing the constitution has profound influence on the conduct and provision of research and library services in the Kenya Parliament.
- ❑ This paper is a conceptualized along recent experiences of constitutional reforms in Kenya.
- ❑ It seeks to share experiences from the Kenyan perspective for legislatures faced with an overhaul of the constitution in their jurisdictions.

2.0 PARLIAMENT GROWTH & TRANSITION IN KENYA

- ❑ In many respects, Kenya's Parliament mirrors that of many other African and Commonwealth states.
- ❑ It existed under British rule for more than 40 years, had a British model of government imposed upon it at independence, and soon become a one-party state headed by a popular leader.
- ❑ The post-independence Parliament in Kenya amplifies the transition process for the Kenya Parliament.
- ❑ However, the trajectory of Parliament to exercise its constitutional mandate over time was shaped and weakened by subsequent amendments to the independence constitution.

Parliament Growth & Transition in Kenya (*Cont'd*)

- ❑ However, in the history of Kenya, no degree of constitutional amendments or reforms occasioned such phenomenal paradigm shift as the repealed Constitution of Kenya 2010.
- ❑ The package of opportunities and challenges in terms of implementation and delivery of services has been a great exposure and experience for the Parliament of Kenya.

3.0 THE CONSTITUTIONAL FRAMEWORK

- ❑ The operational architecture for legislature has fundamentally changed with the Constitution of Kenya 2010 heavily dictating the environment in which Parliament of Kenya now operates.
- ❑ The contextual aspects of the changed constitutional framework informing this shift include:
 - (i) *The constitutional provisions*
 - (ii) *Enhanced separation of powers*
 - (ii) *Two Chamber (Bicameral) Parliament*
 - (iii) *Presidential system*
 - (iv) *Increased numbers of Members and Constitutional Offices of Parliament*
 - (v) *Oversight Mechanisms - Committee research*
 - (vi) *Office and library space*
- ❑ The above underscore the broad spectrum upon which the parliamentary research and library service provision to clients should be anchored.

(a) Implications on Parliamentary Research & Library Services Delivery

(i) *The Constitutional perspective*

- ❑ The focus of research and library services in Parliament can benefit immensely from the manner in which a country's constitution is constructed.
- ❑ The provisions of the Constitution of Kenya in 2010 have provided an invaluable platform on which to benchmark the operations, structure, role and scope of overall research and library needs and demand in Parliament.
- ❑ This has broadened the frontiers upon which research and library work and related activities in Parliament can be intensified.

Implications *(Cont'd)*

(ii) Enhanced separation of powers

- ❑ constitutional reform in Kenya targeted comprehensive institutional reforms which resulted in enhanced separation of powers,
- ❑ This amplified the independent and distinct roles of the three arms of state.
- ❑ Members are now confronted with enormous demands in terms of the constitutional responsibilities.
- ❑ The pivotal role for research and library is to jointly complement each other through provision of clients information needs necessary to consolidate the proper balance of power and operate competitively against the extensive executive bureaucracy.

Implications *(Cont'd)*

(iii) Two Chamber (Bicameral) Parliament

- ❑ Reforming the country's constitution invariably led to a change in the number of chambers - a departure from a unicameral legislature.
- ❑ This is a key reference point of research and library services work planning.
- ❑ The operational dynamics in terms of research and library services to meet the diverse needs of Members of each House have required adjustments to provide client information needs with utmost competence, taking cognizance of constitutional mandates of each House.

Implications *(Cont'd)*

(iv) Presidential system

- ❑ The most immediate and far reaching implication of the changed constitutional framework that members of Parliament no longer sit in the executive.
- ❑ This brings out the distinct existence and composition of the executive and the legislature.
- ❑ The separate existence, implying expanded responsibilities also place enormous expectations on the technical departments of Parliament – research and library services included.
- ❑ Conversely, the disproportionate size of the legislature as opposed to the executive bureaucracy demand that Parliament must come up with innovative and more creative short and long-term initiatives to match expectations and demands for research and library services, against an overall institutional role in oversight.

Implications *(Cont'd)*

- (v) ***Increased numbers of Members and Constitutional Offices***
- ❑ Under new Constitution framework, Parliament of Kenya now comprises 418 Members (349 Members of the National Assembly; 67 Senators; and 1 Speaker for each House).
 - ❑ Compared to the previous Parliaments comprising 222 Members and the Speaker, the increased number has important implications on the service delivery to clients.
 - ❑ Besides the members, the number of constitutional offices of Parliament has increased to cater for the political divide and two chambers Parliament.
 - ❑ The ensuing workload requires dedicated and well-coordinated joint efforts of research and library teams to adequately respond to the increased demand for services.

Implications *(Cont'd)*

(vi) Oversight mechanisms - Committee research

- ❑ As the legislature takes on greater activity in the policy process, it tends to rely more on its committees to refine proposals under consideration.
- ❑ The constitutional context providing for a presidential system implies an orientation to committee system to transact Parliament's constitutional mandates more effectively.
- ❑ There is therefore substantive demand for committee research by way of technical support and specialist advice which requires reliable reference resources that the library provides or subscribes to.

Implications *(Cont'd)*

(vii) Office and library space

- ❑ Kenya's parliament building is a relic from the pre-independence days with additional chamber added in 1963.
- ❑ Successive amendments to the independence constitution raising the number of election constituencies did not elicit expansion of the buildings or precincts.
- ❑ In particular, expansion of library space or the construction of a library building did not attract the deserved attention.
- ❑ With a repealed constitution to implement, the library had to give way, and is today temporarily set up away from its earlier designated venue.
- ❑ Besides, both research and library services are in different and separate buildings within the parliamentary precincts.
- ❑ This set up can weaken close working relationship and creates operational difficulties in terms of working closely to respond to client demands.

(b) Adapting to the Constitutional Framework

(i) *Internal re-alignment*

- ❑ Internal re-alignment and perhaps restructuring is an inevitable response to the existing and emerging implications of the constitutional framework.
- ❑ As a response to the research demands and information needs of Parliament, the research service has re-organized into four specialized divisions.
- ❑ The specialized divisions, while designed to address various sector issues, are also expected to build staff capacity and competencies in a specialized area.
- ❑ This process requires knowledge sources to build and therefore sustained interaction with the services available within the library is critical.

Adapting to the Constitutional Framework *(Cont'd)*

(ii) Re-orienting the research and library services agenda

- ❑ The prevailing constitutional framework demands a re-orientation of the research and library agenda pursued by Parliament.
- ❑ A research and library services model that would adequately resonate with the constitutional context, though being explored, is yet to be determined.

Adapting to the Constitutional Framework (*Cont'd*)

(iii) *Subscription and access to online resources*

- ❑ Accessing data is still a challenge for research services and more so in the face of enhanced separation of powers.
- ❑ To ease this growing challenge, the library services has subscribed to a wide variety of online databases.
- ❑ Research and library have worked closely to identify and select credible and relevant online resources.
- ❑ This has strengthened services for the clients in terms of timely information and better efficiency for research products and reference services.

Adapting to the Constitutional Framework (*Cont'd*)

(iv) *Enhancing internal synergies*

- ❑ In the last decade, Parliament of Kenya has established critical technical departments such as Legal Services, and the Parliamentary Budget Office.
- ❑ With these sections offering complementing services to the mutual clients, the research and library services have jointly pursued lines of engagement aiming to strengthen internal synergies.
- ❑ The effect of this is to forge ahead in managing the information needs of parliamentarians with a common agenda.

Adapting to the Constitutional Framework (*Cont'd*)

(v) *Research evidence use*

- ❑ Legislative duties have become increasingly complex and challenging as legislative debates have now become evidence-based while such evidence has to be credible.
- ❑ This underlines the need for effective research backstopping for lawmakers.
- ❑ Evidence-based research has emerged as a critical area of interface between research, library services and mainstream research organizations translating research to policy in terms of legislative decision making.

Adapting to the Constitutional Framework (*Cont'd*)

(vi) *Establishing Linkages and networks*

- ❑ The Parliamentary Service Strategic Plan advocates for constructive and mutually beneficial engagements with research institutions and knowledge centres for its technical departments.
- ❑ With enhanced separation of powers, it is difficult to interact and engage effectively with government departments without suspicion and bureaucracy slowing the process.
- ❑ Establishing networks and linkages has helped ease these challenges.

Adapting to the Constitutional Framework (*Cont'd*)

(vii) *Leveraging on Information Communication Technology (ICT)*

- ❑ Information technology, with its ability to access and share large quantities of data, disseminate and reach the desired clientele quickly and cheaply has been embraced by many parliaments, Kenya included.
- ❑ Technology has been applied effectively to respond to the work volume that has arisen from the changed constitutional framework.
- ❑ The library continues to make the work of the legislative researcher more effective through targeted access to information sources through subscription to selected online databases.
- ❑ There is need for legislative researchers and librarians to continually embrace emergent techniques and tools to serve their clients better through effective services and products in their respective areas.

Adapting to the Constitutional Framework (*Cont'd*)

(viii) Creating demand

- ❑ The demand by the clients served by parliamentary research and library services are broad and varied.
- ❑ Creating demand and proper planning creates a niche for the services especially when confronted with new operational frameworks.
- ❑ Therefore, research and library services must work together to continually transform and respond to client needs focusing on enhanced uptake of their services and outputs.
- ❑ This involves generation of diversified services and products and marketing and/or dissemination.

4.0 LESSONS FOR PARLIAMENTS

- ❑ Significant variations exist among countries with respect to the structure of legislatures and this has implications on the organization of the information services available to Members of Parliaments.
- ❑ The spectrum of operation must therefore be premised on a platform of seamless and coordinated approach in provision of services to clients.
- ❑ The complementarities in functions of these two services in serving the client can influence the quality of decision making and legislative outcomes.
- ❑ Any operational gaps between the services have far-reaching repercussions to the clients' dispensation of constitutional their responsibilities.

Lessons for Parliaments

- ❑ Lessons can be drawn from Kenya's recent experience:-
 - (i) *Continuity and posterity* - Parliaments need to have clearly designated offices space for research and library. This will take care of collaborative teamwork and any transitional disruptions occasioned by massive governance reforms that might impair smooth joint services delivery to clients.
 - (ii) *Bicameral parliaments* - Are more demanding in terms of research and libraries services needs of clients and infrastructure, particularly when premised on presidential system.
 - (iii) *Effective service delivery* - There is a considerable interplay between research and library services in Parliaments that is best harnessed when joint efforts are directed to serving the mutual clients.

5.0 CONCLUSION

- ❑ Information is today a fundamental feature for progressive democratic governance to thrive and for parliaments to effectively achieve the mandate enshrined in the constitution.
- ❑ *The core argument of this presentation is that:-*
 - i. The construct and design of parliamentary research and library services within the overall operational and organizational context of Parliament is critical in adapting to a new constitutional dispensation.
 - ii. The structure, establishment services provision of research and library in parliaments is closely interlinked with the constitutional framework of the jurisdiction in which they operate.
 - iii. Optimal utilization of research and library services in parliaments and hence service provision to clients is best provided within a framework that is responsive to the parliament governance system outlined in the constitution.

“Thank You”