SPEECH BY VICE-CHANCELLOR, PROF. GEORGE A. MAGOHA, AT A PUBLIC LECTURE BY THE SPEAKER AND DEPUTY SPEAKER OF THE NATIONAL ASSEMBLY, SENATE AND LEADER OF MAJORITY PARTY IN SENATE ON JULY 28, 2014 IN TAIFA HALL AT 2.00 P.M
• Speaker of the National Assembly, Hon. Justin Muturi
• Speaker of the Senate, Sen. David Ekwee Ethuro
• Chairman of the Parliamentary Service Commission, Sen. (Prof.) Kithure Kindiki
• Madam Chancellor
• Chairman of Council
• Deputy Vice-Chancellors
• College Principals
• Deans and Directors
• Distinguished Guests
• Members of Staff
• Students
• Ladies and Gentlemen
Ladies and gentlemen, it is always heart-warming to us, the University of Nairobi community, to be visited by our Members of Parliament. Under the Constitution of Kenya 2010, the word Parliament has acquired a new meaning in our country – it now entails both the Senate and the National Assembly. This university has a strong motherly feeling in relation to our Parliament. I can say with absolute confidence that most of the Members of this Parliament have a not-so-distant historical connection to the University of Nairobi: some as our former students, some as our members of staff on some kind of leave, and some as former students of institutions and individuals that were products of this university. We feel justified in claiming our bragging rights as the institution that in a very serious sense has given
Kenya a Parliament. It is, therefore, with a sense of well-deserved pride that I say ‘welcome home’ to the speakers of the two houses of our Parliament and their Members here present.

The Eleventh Parliament has a unique challenge in the history of Kenya. As the first Parliament to be constituted after the promulgation of the Constitution of Kenya 2010, it has the challenge of showing present and future Kenyans the direction in terms of how the ambitious provisions of the Constitution may be actualized. One major source of headache in the implementation of this Constitution is the separation of the institutional powers created by the Constitution. In the first instance, Parliament must devise
coping mechanisms for dealing with the sibling rivalry arising from its own bicameral nature – so that Senate and the National Assembly may operate harmoniously for the benefit of Kenyan citizens.

Other challenges related to territorial matters in the exercise of power may be discerned in the boundaries between Parliament and the Executive, Parliament and the Judiciary, and Parliament and the various constitutional commissions established by the Constitution of Kenya 2010. The intriguing element in these challenges is that Parliament is both the definer of the boundaries and a participant in the boundary wars. This is a challenge that requires a high degree of discipline and selflessness in the conduct of its
business as the national institution that is most closely associated with the expression of the will of the Kenyan public. This challenge is enhanced by the fact that Parliament is one institution whose activities must be performed as transparently as possible – including live coverage of its proceedings on national television and radio broadcasts. Justifiably, the expectations of Kenyans are high since Members of Parliament are their spokespersons at the national-government level.

Touching on this matter of the people’s representation, we are reminded of the fact that there is yet another power boundary to be defined and handled delicately. I am thinking of the boundary between the County Assembly and
Parliament as a national institution. Members of our 47 County Assemblies are also representatives of Kenyan citizens and have all the right to speak on their behalf.

Moreover, they relate to their county governments in a manner that mirrors perfectly the way Parliament relates to the national government. There is ample evidence in our public media that these institutions are engaged in silent, and often not-so-silent, power struggles.

I, therefore, consider it appropriate that the organizers of this year’s Parliament week deemed it necessary to open the activities of the week with a public discussion of this intriguing question of the ‘Separation of Powers under the
Constitution of Kenya 2010’. I find it even more appropriate that they chose to relate it directly to the contextual circumstances of the 11th Parliament.

It is my sincere belief and trust that the brains gathered here in Taifa Hall today to consider this important question will give it the treatment that it deserves. Indeed, I believe they have no option because to ignore this question is tantamount to ignoring a simmering fire in Kenya’s bedroom.

Ladies and gentlemen, on behalf of the University of Nairobi
Community, and on my own behalf, I thank you and wish you a very fruitful discussion.

God bless you.