

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 7<sup>th</sup> May, 2013**

The House met at 2.30 p.m.

*[The Speaker (Hon. Muturi) in the Chair]*

PRAYERS

PAPERS LAID

The following Paper was laid on the Table: -

Estimates of Revenue, Grants and Loans of the Government of Kenya for the year ending 30<sup>th</sup> June, 2012.

*(By hon. A.B. Duale)*

**Hon. A.B. Duale:** Hon. Speaker, Sir, this document came with the other documents and it was just an oversight. However, I want to thank my good friend, hon. John Mbadi for raising it with me.

**Hon. Ng'ongo:** Hon. Speaker, Sir, as I appreciate the good attempt by the Leader of the Majority Party to correct what was obviously an unconstitutional behavior from the Government, last time we had to demand physically in this House for those Estimates of Revenue. Last time we only got drafts. I hope this time round they are not drafts.

Our Constitution is very clear under Article 221. It states thus: "At least two months before the end of each financial year, the Cabinet Secretary responsible for finance shall submit to the National Assembly estimates of the revenue and expenditure of the national government for the next financial year---" The key words here are "Revenue and Expenditure". If you go to Article 220, it defines exactly what the Government is supposed to submit to Parliament in details. There is a list of all the items there.

Hon. Speaker, Sir, there are two issues coming out of this and I would like to ask you to rule on them. Number one, what are we going to do with a Government that has blatantly violated the express provisions of the Constitution to provide us with estimates of revenue and expenditure before 30<sup>th</sup> April? Number two, can we get clarity as to whether all the items specified, and I think the Leader of the Majority Party needs to listen to this and address it--- If you go to Section 38 of the Public Finance Management Act, it specifies what is required on 30<sup>th</sup> April. Could we get clarity now from the Leader of the Majority Party so that we are not burdened with the task of looking at these documents and raising matters with the Government? Could we get clarification whether

or not all the documents are now available? What are we going to do with a Government that violates express provisions of the Constitution?

*(Hon. Member for Unguja stood up in his place)*

**Hon. Speaker:** This is not debate time. It is not everything that brings about an opportunity for debate. Hon. Mbadi is raising a very serious and fundamental issue. I think he sought clarification. One of the issues, the last one actually, is whether the Leader of Majority Party could clarify that certain documents are in place as stipulated in the law. The other one is about what we should do with a Government that consistently or persistently violates the Constitution. I think hon. Mbadi knows that what you do with a Government of that kind is that you vote it out. I am saying that because the Leader of the Majority Party is unlikely to give you an answer. There is nothing much, but hon. Duale could clarify that.

**Hon. A.B. Duale:** Hon. Speaker, Sir, hon. Mbadi asked two fundamental questions. The first one is what you have ruled on about Article 221 on the Cabinet Secretary nominee and why we are not getting it. You ruled on that and he has given the specific provisions in the Constitution on Articles 130 and 134. This document on the estimate of revenue, grants and loans is dated 30<sup>th</sup> April. That is when Parliament received that. That, indeed, shows that we were within the constitutional timeline of two months. This applies to the Budget Policy Document which Parliament has received. These are the documents which ultimately will go to the respective committees and more so the Budget Committee for hon. Members of this House to peruse and act on.

I want to assure hon. Mbadi that this is a Government on a coalition basis that respects the rule of law, the Constitution and the Standing Orders that he called illegal the other day. We want to follow the Standing Orders on this matter and on any other matter.

**Hon. Ng'ongo:** On a point of order, hon. Speaker, Sir.

**Hon. Speaker:** Hon. Mbadi, you sought clarification. You cannot take every opportunity to argue. I rule you out of order now. Please, resume your seat.

Hon. Linturi!

**Hon. Linturi:** Hon. Speaker, Sir, there is another clarification I want to seek in view of what my friend, hon. Ng'ong'o has said and in view of the answer that has just been given by the Leader of the Majority Party. I do not wish to contradict our Jubilee Government but this is an era where we must deal with things as they are and we must run away from the past. We used to do all kinds of things in a manner without regard to the rule of law and the Constitution. Having heard what the Leader of the Majority Party said, I am almost convinced that the Cabinet Secretary responsible for finance was in conformity with the Constitution and provisions of Article 221 because it is very clear that these statements must come to the National Assembly two months before and if they were received on 30<sup>th</sup>, then they were in the National Assembly.

Further, because they have done that part which they are supposed to do by law this Parliament must do its bit so that it is also within the rule. One of the things is for us now to have this list committed to the relevant House Committee. So, I find that our Leader of the Majority Party is doing well and he is in order.

**Hon. Ng'ongo:** On a point of order, hon. Speaker. The reason for raising this point of order is because I am confident that some of the information which this House is

entitled to has not come to this House. From the Public Finance Management Act, Section 38(b) and (e) specifically says that among the list of items that you are supposed to have here on 30<sup>th</sup> is information regarding any payments to be made and liabilities to be incurred by the national Government, for which an Appropriation Act is not required, which shall include the constitutional or national legislative authority for any such payments or liabilities. For your information, this is what we call the Consolidated Fund Services. If you look at the estimates of expenditure that we received, that item is missing. So, it is very important that we put this matter into perspective; that the Government has not provided. They did not even read the law to give us the documents that are required for this House to be able to transact its constitutional mandate of interrogating Budget Estimates. I would kindly ask the Chair to ask the Leader of the Majority Party to go and do his homework properly, even if it is a matter of sitting with the Treasury so that he gets the right documents that this House deserves to receive. This is going to be a very bad precedent; this will allow the Government to be bringing us half documents in this House.

*(Applause)*

**Hon. Speaker:** The Leader of the Majority Party do you want to say something?

**Hon. A.B. Duale:** Hon. Speaker, Sir, I want to assure my friend that committees of the House are also part of this House. The documents that we have placed before the House and there are more documents concerned with the Budget and all the issues my good colleague is raising, once we form the relevant committees, these documents will find their way there. They are already within Parliament. We have tabled the estimates and the revenues. We have even tabled the Budget Policy document.

*(Several hon. Members stood up in their places)*

**Hon. Speaker:** Can I move to the next Order? This is not the excuse for a debate at this stage. Let us move to the next Order.

## **POINT OF ORDER**

### **REQUEST TO MOVE MOTION FOR ADJOURNMENT**

*(Hon. Nanok stood up in his place)*

**Hon. Speaker:** There is a Member standing. Do you want to give notice of a motion?

**The Member for Turkana West** (Hon. Nanok): Yes, hon. Speaker, Sir.

**Hon. Speaker:** Which one?

**The Member for Turkana West** (Hon. Nanok): Motion for Adjournment of the House to discuss a definite matter of urgent national importance pursuant to Standing Order No.33(1).

**Hon. Speaker:** Then that should come after Statements.

**The Member for Turkana West** (Hon. Nanok): Okay, Hon. Speaker, Sir.

**Hon. Ng'ongo:** Hon. Speaker, Sir, I wanted to rise on another point of order to say that there are no Statements before we go to Order No.8. I do not know whether you will allow me to proceed because this is a matter of national importance and it is a matter touching on constitutionality. On the basis that the Chair had ruled previously that a matter that is touching on constitutionality can be raised at any time, I would request you to allow me to proceed if there is no Statement.

**Hon. Speaker:** But I have no notice of it!

**Hon. Ng'ongo:** Hon. Speaker, Sir, the previous ruling of the Speaker is that if you raise a matter of national importance that touches on the Constitution, you can rise at any time because the House should not violate any provision of the Constitution. Therefore, violation of a provision of the Constitution may not need that you be informed in advance.

**Hon. Speaker:** No, no! That is operating like we are in jungle. I thought it is very clear that this House is a House of rules and procedures. What is it that is unconstitutional about the way we are sitting?

**Hon. Ng'ongo:** Hon. Speaker, Sir, thank you for allowing me to raise this matter.

**Hon. Speaker:** I have not allowed you to do anything. You just take this as an excuse to prosecute your argument, I will direct that you are out of order and I request that you resume your seat.

We are at Order No.7; Statements.

## NOTICE OF MOTION FOR ADJOURNMENT

### INSECURITY IN TURKANA WEST CONSTITUENCY

**The Member for Turkana West** (Hon. Nanok): Hon. Speaker, this is the first time I am speaking in this House. I would like to move a Motion for Adjournment of the House to discuss a definite urgent matter of national importance.

I beg to give notice of the following Motion: -

THAT, pursuant to Standing Order No.33(1) I seek leave to move the adjournment of the House for the purpose of discussing the general state of insecurity in Turkana West Constituency. This is because more than five people have so far been killed by warriors from the neighbouring country, South Sudan. There is a Toposa *manyatta* in my constituency that houses these people

**Hon. Speaker:** You need support of not less than 20 hon. Members.

**The Member for Turkana West** (Hon. Nanok): I beg to move and beg the support of hon. Members!

*(Laughter)*

*(Several hon. Members stood up in their places)*

**Hon. Speaker:** I can see you have both the sympathy and support of more than the requisite number.

Hon. Members, the Member had drawn the Chair's attention to that Motion and, indeed, with the requisite support that he has demonstrated, I will direct that the House adjourns at 5.30 p.m. to discuss that Motion.

Before we go to the next Order, I noticed that the Leader of the Majority Party is present but the Leader of the Minority Party is not. May I know the position regarding the directive that I gave on Thursday?

## POINT OF ORDER

### POSITION REGARDING NOMINATION OF MEMBERS TO COMMITTEES

**Hon. A.B. Duale:** Hon. Speaker, Sir, I want to confirm on the outset that the Jubilee Coalition has submitted its list of Members to departmental committees, select committees and oversight committees including the Public Accounts Committee (PAC) and the Public Investments Committee (PIC) as per the Standing Orders on the criteria of nominating Members. We followed the criteria, we looked at the gender parity, regional balance and we have submitted the numbers as per coalition to every respective Committee. The Majority Party Whip and I have submitted the document to the Office of the Clerk.

Secondly, we want to confirm that as a coalition, Members of Parliament from our coalition and other coalitions have three major roles to play.

The three mandates are to represent the people who brought us to Parliament, to legislate and oversee. I want to go on record that the role of overseeing is not the preserve of a particular group in this House. Jubilee Members of Parliament, whether in the oversight coalition, whether in the oversight committees of Public Accounts Committee and Public Investments Committee or whether in the Departmental Committees or in the Senate, their role is to legislate, oversee and represent. That cannot and will never be circumvented by any group.

Hon. Speaker, Sir, we respect the Standing Orders, your ruling and that of the House Business Committee when we met last time. I want to confirm that we followed your ruling. We have submitted the names of the hon. members both men and women from our coalition who will sit in all the committees of the House.

Thank you, hon. Speaker, Sir.

*(Hon. Ng'ongo stood up in his place)*

**Hon. Speaker:** Is hon. Ng'ongo a leader of any party? Hon. Ng'ongo, resume your seat because the Standing Orders do not allow what you want. Let us hear from the Deputy Leader of the Minority Party.

**Hon. Midiwo:** Thank you, hon. Speaker, Sir. I am very sorry. I was just coming in when the Leader of the Majority Party was making a submission which was very misplaced. You told us last week that both sides of the House need to take a pragmatic approach to resolve this stalemate. The Leader of the Majority Party - the word "leader" means something in vocabulary - has not even taken a chance to invite us to a meeting. In all fairness, if you are a leader you must lead. You cannot be talking to the other side

through the media. Committees of the House are formed and the other side argues that, that formula is embedded in the Standing Orders. The Standing Orders which we changed two weeks ago, say: “not less than 19 and not more than 29.” This means that the list before the Clerk is not good enough and cannot even be a basis for formation of any committee, even if that was possible. It is not possible. It says “not less than 19 and not more than 29,” anything less than that does not meet the standard.

Hon. Speaker, Sir, Standing Order No.174 is very clear on how you constitute parliamentary committees. This House cannot engage in this particular exercise because it is a waste of public time and money. Standing Order No.174(1) says: -

“In nominating Members to serve on a select committee, the Selection Committee shall ensure that the membership of each committee reflects the relative majorities of the seats held by each of the parliamentary parties in the National Assembly.”

Hon. Speaker, Sir, it says “the Selection Committee shall ensure.” Nobody here can do it differently. Nobody can purport to want to do it. You may wish but you will get nowhere. I think if there is leadership required at any one time it is now, and let us do it at this early stage. Do not tell us that you are doing us a favour. This is a fundamental issue. When hon. Members go out there, they even want to say that these are favours from Jubilee to CORD. That is a shame. It is a travesty. It cannot be a favour.

Hon. Speaker, Sir, if you want us to find a solution, I think both sides need to do what we did in the Tenth Parliament. I want to plead with my friend, hon. A.B. Duale that the media may be his friend today and he can use it to abuse, but they will be abusing him tomorrow. Let him not be so happy that we are cornered and answer us in the media away from the directions of the Speaker. Hon. Speaker, even your body language tells you how to relax or how not to relax and find a solution.

Hon. Speaker, Sir, it is the duty of one, hon. A.B. Duale to lead this House because he leads the majority. We are willing to engage him so that we can find a solution. Any pretence that one side can form committees without the other is not viable or possible. You may want to think this way because you are used to impunity. Remember we are dealing with you after you have stolen our election victory. We are dealing with people who have really--- What is the problem? You have stolen our election victory and we are not supposed to be happy.

**Hon. Members:** On a point of order, hon. Speaker, Sir.

**Hon. Speaker:** Resume your seats. I have already recognized the hon. Rachel Shebesh. The rest of you should just resume your seats. Please, also use language that is temperate. Hon. Midiwo, to talk about anybody stealing an election is in the purview of the Judiciary but not here. I think we may not be able to canvass that here. It is not good to have hon. Members behaving like this.

**Hon. (Ms.) Shebesh:** On a point of order, hon. Speaker, Sir. I want to draw your attention and that of the House to the words that hon. Midiwo has used.

*(Loud consultations)*

**Hon. Speaker:** Order! Hon. Linturi, that is not consultation. What you are engaged in with hon. Ababu and hon. Ng’ongo is surely not consultation. You are making it impossible for the rest of the House to hear what the hon. Member is saying.

**Hon. (Ms) Shebesh:** Hon. Speaker, Sir, I was saying that just in case hon. Members did not hear clearly the words that hon. Midiwo used to describe our Leader of Majority Party, and by extension the Jubilee Coalition, he said that we are the ones who engage in impunity. Is it in order for hon. Midiwo to use the time that you had given him to discuss the question of forming committees to pass a political message? We, as Jubilee Coalition and our supporters, are getting tired of apologising for winning an election with over 800,000 votes. We are tired of a coalition that took us to the Supreme Court and we were patient and the ruling was given. Is it in order to continue pushing an agenda which is political when we are speaking about formation of committees? He is even misquoting the Standing Orders by saying that we have no power to form committees when we know that the numbers that Jubilee commands can form committees and continue. Is he in order?

**Hon. Members:** On a point of order, hon. Speaker, Sir.

**Hon. Speaker:** That hon. Member. What is your name? If I hear you shouting the way you did---

**An hon. Member:** I am not shouting.

**Hon. Speaker:** Resume your seat. I thought you were a Member of the last Parliament and you ought to know that when the Speaker is on his feet you must remain seated. If you are walking in or standing, you must freeze. This is a matter that I thought you were taken through an induction about. The moment you engage in this manner, of course the new hon. Members will think that is the style of conducting business here. It is not right. You can see that one now is also--- Again, this is an old hon. Member, the hon. James Rege. Surely, we are not making matters any better by conducting business in the way you want. I merely asked a question: What became of my directive that the leadership of both sides submits the lists of hon. Members to serve in the various committees of the House on Thursday? That was the question that the Chair raised wanting to know what had happened. Hon. A.B. Duale says that his side has submitted names and that they are with the Clerk.

Hon. Midiwo says that they could not because there has not been a meeting. I am unlikely to have a solution or a cure for moods, temperament and things like those.

**Hon. Ng'ongo:** On a point of order, hon. Speaker, Sir. The matter before us is weighty and I would urge your indulgence that you allow a few of us to ventilate on this matter. This is a matter which touches on the Constitution of this country. It is a matter that is going to set a precedent in this country.

**Hon. Speaker:** Resume your seat, hon. Ng'ongo. Last week on Thursday, while debating this matter, I gave several Members a chance to express themselves. It is unlikely that any new ground is going to be covered by merely saying that you want to ventilate. It will just be a matter of repeating what was said because the issues involved in this matter are not that complicated. Indeed, I want to agree with hon. Midiwo that it is just a question of the leadership meeting and engaging in discussions. But because I am not going to compel people, I am not going to force Members to cede if they are unable to, I must give directions, so that the House continues to transact the businesses that are particularly immediate and those that require deliberation and decision by the plenary.

## COMMUNICATION FROM THE CHAIR

## CONSIDERED RULING: SUBMISSION OF NAMES FOR APPROVAL

You will all recall that on Thursday, 2<sup>nd</sup> May, 2013, I directed the Parliamentary party leadership to submit names of Members proposed to be nominated to the remaining committees for consideration by the House today, 7<sup>th</sup> May, 2013. I directed the Clerk to prepare a Supplementary Order Paper containing the names of Members nominated to the various committees. I wish to inform the House that as at 1.30 p.m. today, being the time by which a Supplementary Order Paper should be published, the Office of the Clerk had only received the list of Members nominated to the remaining committees from one of the coalition parties. This scenario threatens to disrupt the smooth running of the business before this House. Members, the House had commenced on a very positive note when we approved names of Members to serve in the four committees namely, the House Business Committee, the Committee on Appointments, the Committee on Selection and fourthly, the Procedure and House Rules Committee.

Indeed, I am aware that the four committees commenced their work immediately. Members, the importance of committees in any Legislature, particularly in a presidential system of governance, cannot be overemphasized. It is through committees that the bulk of the work of the House ought to be undertaken. Any disruption of the committee system therefore is a threat to the work of the House. In this regard, there is urgent business that is already before the House and whose period of consideration is limited by the Constitution or a specific statute or our Standing Orders. I have in mind the following businesses: -

(i) The consideration of the Division of Revenue Bill, 2013. This Bill, as you will recall, was read for the First Time on 30<sup>th</sup> April, 2013. The Public Finance Management Act and our Standing Orders require the National Assembly to complete the consideration of this Bill within 10 days. This period will expire on Thursday, 9<sup>th</sup> May, 2013.

(ii) The second urgent business is consideration of the County Allocation of Revenue Bill, which is awaited from the Senate following the passage of the Division of Revenue Bill, 2013. This Bill will affect the budgeting in the county governments and the release of Exchequer funds.

(iii) The third such business is the process of approval of the nomination of the Deputy Chief Justice, which ordinarily ought to be examined by the Departmental Committee on Justice and Legal Affairs.

(iv) The relevant departmental committees also ought to have commenced examining the petition on the Salaries and Remuneration Commission submitted by the Member for Igembe South last week. More importantly, the committee ought to have facilitated the process of public participation on the Budget cycle as required under Article 221(5) of the Constitution. Budget and Appropriations Committee also ought to have commenced the process of examining the estimates that were laid before the House last week. Members, needless to say, as soon as the names of persons nominated to serve as Principal Secretaries will be submitted to the House for approval, they should be vetted by the relevant departmental committees.

As your Speaker, I will uphold the oath of office that I took on 28<sup>th</sup> March, 2013, that I will always offer necessary guidance to this House on all matters that come before me. I want to assure the membership of this House that business will continue to be



transacted. I have stated before that I will always be guided by the Constitution, statutes and our Standing Orders. In this regard and in order for the House to continue with the business before it, I direct as follows: -

(1) That where names for formation of any committee have been submitted and the list meets the minimum threshold set by the Standing Order No.177 as amended on 25<sup>th</sup> April, 2013, the names be brought to the House for consideration and approval.

(2) That the Division of Revenue Bill, Bill No.1 of 2013, be placed in the Order Paper for tomorrow, Wednesday, 8<sup>th</sup> May, 2013, morning and afternoon sessions for Second Reading. The Third Reading should be concluded on Thursday, 9<sup>th</sup> May, 2013 and the Bill possibly be submitted to the Senate, as that is the last day.

(3) That Members wishing to propose amendments to the Division of Revenue Bill, Bill No.1 of 2013, should submit their proposed amendments to the Clerk at the rise of the House tomorrow, 8<sup>th</sup> May, 2013. I also urge the leaderships of parliamentary parties, once again, both within and as it appears obvious from outside this House, to continue consulting and submit the remaining names of Members to form committees without further delay.

Hon. Members, I will be issuing further guidance on this and other related matters in due course.

**Hon. Ichung'wah:** On a point of order, hon. Speaker, Sir. I must begin by congratulating you on that very wise decision and ruling on that matter. However, as we listened to Hon. Jakoyo Midiwo speak and cast aspersions on the leadership skills of the Leader of the Majority Party, I think it was very clear to hon. Members in this House, and the nation at large that there is a problem with the leadership in the Minority Party. Therefore, I doubt whether it was even in order for Hon. Jakoyo Midiwo to ask about the leadership of the Leader of the Majority Party who is leading the Majority Party and not the Minority Party. Knowing very well that there are many young and progressive Members of this House from the CORD Coalition who are ready and willing to serve in both the select and departmental committees of this House, I seek your guidance as to whether it will be in order for them to apply individually either to the Speaker or the Office of the Clerk to be enlisted in any committee of this House that they desire to serve in? This is because, hon. Speaker, Sir, as you rightly put it---

**An hon. Member:** On a point of order, hon. Speaker, Sir.

**Hon. Ichung'wah:** Hon. Speaker, Sir, I am on a point of order because I am seeking your direction on whether it will be in order for individual Members to be advised to submit their names, if they wish to serve in these committees. It is very clear now that the Minority Party is not only lacking leadership in this House but they are also getting directions as to how to transact business in this House from quarters outside this House.

*(Applause)*

Last week, we were aware that they were to submit names but telephone calls were made from London to stop them from submitting their list to this House.

*(Laughter)*

**Hon. Members:** On a point of order, hon. Speaker, Sir.

**Hon. Ichung'wah:** Hon. Speaker, Sir, I am on a point of order. It is clear that not only telephone calls were made by one old man from London, but also when those people arrived---

**Hon. Speaker:** Do not make allegations!

**Hon. Members:** Shame! Shame!

**Hon. Ichung'wah:** Hon. Speaker, Sir, protect me from these hon. Members. That is clear from the agitation you can see from these Members.

**Hon. Members:** Shame! Shame on you! Do you not have respect? Stupid! Who are you?

**Hon. Speaker:** Hon. Member, you do not make allegations against persons who are not in the House. It is right for you to talk about the leadership qualities of any of these hon. Members who are here or lack of it because they will also have an opportunity to challenge you on the allegations that you make. Yes, the hon. Member who appears extremely agitated! Let me have the old Member!

**Hon. Outa:** On a point of order, hon. Speaker, Sir. I just wanted to inform the hon. Member that---

**Hon. Speaker:** Not information please!

**Hon. Outa:** But he is ignorant on the Standing Orders!

**Hon. Speaker:** Order! Resume your seat!

**Hon. Outa:** He is a stupid man!

**Hon. Members:** Shame! Shame!

*(Several hon. Members stood up in their places)*

**Hon. Speaker:** The Serjeant-at-Arms---

**Hon. Members:** Out!

**Hon. Speaker:** Hon. Members, we cannot conduct business that way. The Hon. Fred Outa, I now order you to get out of the Chamber. I cannot allow impunity! The Serjeant-at-Arms, get him out! As he goes out, he is excluded from the precincts of Parliament for the next three days.

*(Applause)*

*(Hon. Outa was escorted out of the Chamber)*

**Hon. Members:** On a point of order, hon. Speaker, Sir.

**Hon. Speaker:** There will be order here! We will not allow people to--- What is wrong?

*(Several hon. Members stood up in their places)*

Everybody must be in his or her seat. You will be given an opportunity to say your bit but you must say it with decorum. We cannot allow people to haul insults and abuses to fellow Members. You can have very strong views different from your colleagues, but please express them in a dignified manner.

Yes, hon. Ababu Namwamba.

**Hon. Ababu:** On a point of order, hon. Speaker, Sir. First of all, before I speak, let me congratulate you for changing the attire of the Chair. It is more friendly and less intimidating. I just need some guidance. Would I be in order to request you to guide the House? Even as I do this, I want to plead with the House that this is a House of honour and that is why Kenyans honour us with the title “Hon. Members”. I really want us to pray that, however, stridently we may disagree, let us not really besmirch the honour of this House. I do not know whether I will be in order to seek your guidance as to whether you have permitted the House to ventilate on your ruling because that is what seems to be going on. If so, I would be more than glad to say a few things. First of all, I think it is in order for you to officially communicate to the House as to whether we have the consent of the Chair to ventilate on its ruling.

**Hon. Speaker:** This is a considered ruling. As you have noted from that ruling, we consulted. The Clerks did not have the names as required. Therefore, the directives given in that ruling stand. This is not open for any debate. You can rise on a point of order and raise other issues but not on what has already been ruled on.

**Hon. Ababu:** Hon. Speaker, Sir, with absolute and unequivocal respect to the Chair, I wish to seek further guidance from the Chair. Your ruling indicates that the House, therefore, proceeds in the terms contemplated by Standing Order No.177. For the record, please, allow me to read out that Standing Order. It says: -

“Subject to any written law, these Standing Orders or a resolution of the House, a select committee shall consist of an odd number of Members, being not less than eleven and not more than nineteen.”

How does that Standing Order sit alongside Standing Order 174(1)? It reads: -

“In nominating Members to serve on a select committee, the Selection Committee shall ensure that the membership of each committee reflects the relative majorities of the seats held by each of the parliamentary parties in the National Assembly.”

With due respect, I seek this clarification to know whether the application of Standing Order No.177 should be in line and in strict consonance with the requirement of Standing Order No.174 which speaks in absolute terms of “shall ensure that the membership of each committee reflects the relative majorities of the seats held by each of the parliamentary parties”. I just want to seek clarification in terms of how we apply Standing Order No.177 *viz-à-viz* Standing Order No.174.

**Hon. Katoo:** On a point of information, hon. Speaker, Sir.

**Hon. Speaker:** Who is being informed?

**Hon. Katoo:** Hon. Speaker, Sir, I wanted to inform my good friend hon. Ababu?

**Hon. Speaker:** Do you want the information?

**Hon. Ababu:** Hon. Speaker, Sir, my good brother, the Majority Chief Whip certainly knows that I hold him in very high regard and I would certainly find it difficult to decline information from him.

**Hon. Katoo:** Hon. Speaker, Sir, we were the youngest in the last Cabinet and so we developed a very good rapport together.

I wanted to inform him what I would have also informed hon. Jakoyo Midiwo. When these Standing Orders were changed, not all committees were given a minimum threshold of 19 Members and a maximum of 29 Members. In line with the ruling that hon. Speaker has made and which I fully agree with, it will be very good to have the

committees of this House comprise of Members across the divide. That has always been my wish. However, hon. Speaker, Sir, I want to believe that what you meant is that committees that will meet the minimum threshold be brought to the House. I just wanted to inform the House that in the membership of Jubilee Coalition, it is unfortunate that it cannot meet the minimum threshold without the membership of the CORD in most of the committees.

I want to be very honest. The minimum threshold as per the Standing Orders in all select committees and departmental committees is 19 Members. This is regardless of where the membership is coming from. It is very unfortunate that my good friends from CORD are denying the Jubilee side just one Member in order to meet the minimum threshold.

It is also very unfortunate that the committees that do not meet the minimum threshold as a result of there being no Members from the CORD family are the ones that do not have any contention. However, going back to the Public Accounts Committee and the Public Investments Committee which are contentious with respect to membership, with the new amended Standing Orders, the minimum threshold is 17 Members and the maximum is 27 Members. Going by the relative party majority, Jubilee Coalition is entitled to 17 Members while CORD is entitled to 10 Members. In those two committees, Jubilee Coalition has met the minimum threshold as required by the Standing Orders.

With regard to the Budget Committee, if you read Standing Order No.207, it has no minimum threshold. It only has a maximum of 51 Members, that is the chairperson plus not more than 50 other Members. The Jubilee Coalition is entitled to 32 Members. So, that committee is duly constituted.

The fourth committee is the CDF Committee. It is created by an Act of Parliament and the maximum number of Members it can have is 11. There is no minimum. The Jubilee side with its relative number is supplying seven Members out of 11. So, that committee is also duly constituted and it can also go on with its activities.

Hon. Speaker, Sir, in the Parliamentary Service Commission, the Senate also donates Members and they have already given their names. From this House, the Jubilee Coalition should give two Members while CORD should do the same. I understand the Jubilee Coalition is ready with the two names. Out of consultations, we need to get the other two names to have the Parliamentary Service Commission duly constituted for the benefit of this arm of Government.

I am being reminded of the Committee on Delegated Legislation, but the Jubilee side cannot constitute the minimum threshold because the minimum is 19 Members and yet it has only 18 Members – they are lacking one Member. I think that is the position of your ruling, Hon. Speaker, Sir.

**Hon. Speaker:** Hon. Namwamba, I know you have been noticeably away or quiet.

**Hon. Ababu:** Hon. Speaker, Sir, I am back. I really appreciate the information from the Majority Chief Whip. I agree with him about the absolute numbers in terms of the rightful share belonging to the majority coalition. You should know that we do acknowledge your majority status. It is not a status that we challenge. It is just the same way we would appreciate if you acknowledged our minority status and the special roles and responsibilities the Constitution and the Standing Orders do expect of us in that minority status.

While I agree that the numbers are as stated by the Majority Chief Whip, that does satisfy the requirements of Standing Order No.177, but it would still fall short of the requirement of Standing Order No.174. This is because that requirement of Standing Order No.174 does contemplate the numbers, but then goes ahead to lay the standards in terms of representation across the board. I believe that the authors of the Standing Orders knew exactly what they were saying when they said that when nominating Members to serve in a select committee, the Selection Committee shall ensure that the membership of each committee reflects the relative majorities of the seats held by each of the parliamentary parties in the National Assembly.

Hon. Speaker, Sir, with due respect, I believe that there is absolutely no conflict of intent or meaning between Standing Order No.174 and Standing Order No.177. The former speaks to the question of representation and variety of membership representing the shades of opinion in this House. It speaks more to the question of absolute numbers, as to who has what. However, Standing Order No.177 cannot and must not take away the requirement of representation as stated in Standing Order No.174.

Really, this matter and my good friend the Leader of the Majority Party knows that, is actually a fantastic test for the character of this House. It is a test on where as hon. Members of the Eleventh Parliament we want to take this House in terms of direction. It is about whether we want to adopt a bipartisan approach to some issues that are fundamental to take this country forward, especially keeping in mind the background of the very hotly contested election that we have come from. That election is now behind us, but the responsibility to move this country forward now rests here. Hon. Members of the Majority Party, the President addressed this House on the official opening of Parliament. He challenged this House to cast aside these differences and emotions that are threatening to tear this House asunder once again. May we, hon. Members, borrow that spirit from the President and attempt to resolve these matters in a manner that moves this country forward.

Allow me, hon. Speaker, Sir, as I conclude to share these words from a wise man, Edmund Burke, a British Statesman who lived between 1729 and 1797. He wrote this about Parliament:

“Parliament is not a congress of ambassadors from different and hostile interests, which interest each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not a member of Bristol, but he is a member of parliament.”

We have been selected Members of ODM, PICK, Independent Members, Jubilee and whatever you want to call it. However, when we sit here, ultimately we are Members of the National Assembly of the Republic of Kenya. So, when we are confronted by a challenge such as this one, may we rise to the challenge of honouring certain higher ideals that go beyond merely the difference of this party or that coalition. At the end of the day in 2017, some of you might find yourselves with me in ODM. Some people might find themselves in another party. That is just how the game goes.

I want to challenge the Leader of the Majority Party and the Leader of the Minority Party who is seated by my side--- I want to challenge my brother, the Majority

Party Chief Whip and the Minority Party Chief Whip that there is a window of opportunity to craft an arrangement that can move this Parliament forward and set a precedent of bipartisanship that would enable this House to lead in the journey of healing this country and move it forward.

*(Several hon. Members stood up in their places)*

**Hon. Abongotum:** On a point of order, Hon. Speaker, Sir.

**Hon. Speaker:** Everybody is on a point of order. But let me give this direction: That, to the extent that your point of order purports, even in the slightest way to reopen the matter in which I have ruled, I will rule you out of order.

**Hon. Abongotum:** Hon. Speaker, Sir, I rise to seek further guidance from the Chair on this special matter before this House. As you can see, there is a possibility of a real stalemate and dispute. If we are not careful, this matter may take another one week or even one month. The Jubilee Coalition has the mandate to deliver on its nine pillars. In fact, we need to deliver on a few of them within 100 days because this is a serious coalition. I want to urge my colleagues to be sober. Let us not grandstand; let us not display brinkmanship. I want to propose a suggestion through the Chair. Is it in order for me to suggest that we isolate the Public Accounts Committee and the Public Investments Committee; we move on with other Committees and you form a Committee to deal with this dispute? That is because this House has transacted business without some of these committees. We had a problem in the last Parliament with the Departmental Committee on Legal Affairs and Administration of Justice. We went on for six months without this Committee. Can we isolate the two and finish the business with the other Committees and move on? That is my suggestion.

*(Several hon. Members stood up in their places)*

**Hon. Speaker:** Let me recognize the Leader of the Minority Party. Obviously, you know the pecking order; the rest of you should freeze.

**Hon. Nyenze:** Hon. Speaker, Sir, I just want to say that this issue of PIC and PAC has persisted for far too long and as Hon. Ababu has said, it can be very easily resolved so long as we do not have this grandstanding and chest thumping. We can sit and resolve this issue very fast because of all the other Committee, including the Budget Committee we have all agreed and we said that for the Budget, the Government can have majority members and we move on. But for these two oversight Committees, we are only arguing over one single Member from the Jubilee; they surrendered three. We are only saying that they surrender four and we move on.

**Hon. Members:** No!

**Hon. Nyenze:** Hon. Speaker, Sir, the other thing is we use Standing Orders in this House and we are guided by that “bible” and the Constitution of Kenya. If you hold your ground very strongly, the Leader of the Majority Party, it will not work for you because CORD will withdraw Members from even the other four Committees that were earlier formed. We will leave everything to you and you will not transact any business without us because we are a serious partner.

*(Applause)*

**Hon. A.B. Duale:** On a point of order, Hon. Speaker, Sir.

*(Hon. (Ms.) Odhiambo-Mabona consulted loudly)*

Please protect me from one Ms. Odhiambo-Mabona. My colleagues who are here from the last Parliament will bear me out that I need protection.

*(Laughter)*

**Hon. Members:** Why?

**Hon. A.B. Duale:** Because of the history! Hon. Speaker, Sir, you have given a ruling and those of us who respect the Constitution and the Standing Orders--- I want to say it here very clearly that we also voted for a new Constitution and we will speak to the media and educate the public.

The Leader of the Minority Party has said that the CORD Coalition is going to withdraw its Members from the four Committees.

**Hon. Members:** Yes!

**Hon. A.B. Duale:** I have heard it so do not repeat it.

*(Loud consultations)*

The problem here is that some people do not want to read the Standing Orders and know the procedure of even withdrawing from a Committee that has been constituted. The Deputy Leader of the Minority Party, my colleague, was a Member of Parliament in the old days of KANU. He should apprise himself with the new revised Standing Orders. It is not the preserve of the leader of a coalition to remove members from a committee that has been constituted. It is the individual Members---

*(Loud consultations)*

Let us not live in a mob house. This is a House of rules. With your indulgence, I want to take this House down the memory lane. In the Eighth Parliament, the retired Mwai Kibaki was the Chair of PAC. He was the leader of DP and the majority was from KANU, the then Government. In the Ninth Parliament, the leader of PAC was the current President, Uhuru Kenyatta but the NARC Government then led by Mwai Kibaki and other leaders who had the majority in that Committee decided to deny Hon. Uhuru Kenyatta, the Leader of the Official Opposition the opportunity and gave it to one Omingo Magara. In the Tenth Parliament - in which I had the pleasure to serve - there was a Coalition Government between ODM and PNU. It was agreed that if PNU provided the Chair, ODM would have the majority. It was Dr. Khalwale who became the Chair. He was from PNU. My own party - by then ODM - and I am lucky I left it---

*(Applause)*

Today, I would not be the Leader of the Majority Party if I had not moved from that party. Dr. Khalwale was a Member of Parliament representing PNU and the ODM had the majority. If we follow these Standing Orders and I want the country---

*(Hon. Keynan stood up in his place)*

Hon. Keynan, I am on my feet.

*(Several hon. Members stood up in their places)*

**Hon. Speaker:** I will allow all of you to say what you have to say.

**Hon. A.B. Duale:** Hon. Speaker, Sir, I am putting the record straight, if you could allow me two minutes.

**Hon. Keynan:** On a point of order, Hon. Speaker, Sir.

**Hon. Speaker:** Hon. Keynan, you know there is no Motion and all of you are rising in their places because---

**Hon. Keynan:** This is in reference to what the hon. Member has just said.

**Hon. Speaker:** Hon. Keynan, why are you rising?

**Hon. A.B. Duale:** Hon. Keynan, you will have your chance. The House will be here until 6.30 p.m.

*(Loud consultations)*

Hon. Speaker, Sir, they do not want the country to know the truth. If you give me two minutes; in the wee hours of the Tenth Parliament something extraordinary happened and this House must look at who were the members of the Procedure and House Rules Committee---

**Hon. Members:** That is enough!

**Hon. A.B. Duale:** Hon. Speaker, Sir, could you protect me? They are now shouting. I need your protection because the truth always hurts. These Standing Orders were amended because, following the opinion polls, some people thought they would win.

**Hon. Keynan:** On a point of information, Hon. Speaker, Sir. I want to appreciate the contribution of my former schoolmate, hon. A.B. Duale but it is critical that we put facts before this House because this House will always be guided by facts. I am on record, on 9<sup>th</sup> January this year, to be the only Member of Parliament of the last Parliament to have moved an amendment. That is because I foresaw a number of provisions in these Standing Orders as not being in tandem with the new Constitution. One was having the Speaker as the chair of the House Business Committee when that is supposed to be the preserve of the majority leader. They were also having the Speaker as the chairman of another committee while that again is supposed to be the preserve of the majority leader.

That, notwithstanding, my friend hon. A.B. Duale made an illusion that, indeed--- If you read the Standing Orders, every Member is expected to serve in a committee through selection by a party and this is what Standing Order No.176 says. That is in line with what hon. Nyenze has just suggested - to withdraw Members from the committees.



If that happens, then it means that the moment you receive notice from the minority leader that so and so has been recalled, that Member cannot serve in that particular committee. That is what Standing Order No.176 (1) and (2) say: -

“(1) The parliamentary party that nominated a member to a select committee may give notice, in writing, to the Speaker that the member is to be discharged from a select committee.

(2) The discharge of a member shall take effect upon receipt by the Speaker of a notice under paragraph (1).”

Therefore, the crisis here is that once a Member has been recalled by the party that sponsored him, that Member cannot serve in that committee.

Hon. Speaker, Sir, having said that, I want to follow up with what hon. Ababu has said; I know hon. A.B. Duale is a very pragmatic leader. This is the beginning of our term. We have a lot of issues that we really need to share. We appreciate that you have the numbers. We appreciate that, for now, we are disadvantaged. We really want you to sit and sort out the differences because this crisis can easily be managed. In the Eighth and Ninth Parliaments, the divide between the minority and the majority was so wide that even communication between hon. Members used to be very difficult. We do not want to go back to that. We need one another. We have been elected. We have the mandate. We need really to provide leadership. I want to believe in hon. A.B. Duale and hon. Nyenze. We should provide leadership; do not allow this issue of PIC and PAC membership to start giving us a headache on how we are going to commence business of the Eleventh Parliament.

I really appreciate.

**Hon (Ms.) Odhiambo-Mabona:** On a point of order, Hon. Speaker, Sir.

**Hon. Speaker:** Hon. Odhiambo-Mabona, by merely shouting and claiming to be on a point of order, that is not the way to catch the Speaker’s eye. Hon. John Mbadi Ng’ongo. You will resume your seat.

**Hon. Ng’ongo:** Thank you, Hon. Speaker, Sir. Actually, it reached a point where I thought that this House was going to get out of hand; thank you for bringing order back to this House.

As my other colleagues have said previously, this is actually a House of hon. Members. Let us disagree but do it with decorum. This issue has been canvassed many times and I just want to add my voice to it. I am not going to challenge your ruling. We respect you as we elected you. Regardless of where I voted, it does not matter. I told you where I voted. It is a secret between you and me, but you know I did not vote for you.

*(Laughter)*

Hon. Speaker, Sir, having said that and having brought some life back to this House, I think I want to plead with the majority. We did not want to be the minority, but we are in the minority and you are in the majority. You have the privilege of running the affairs of the Government of the Republic of Kenya. The majority cannot have their cake and eat it. I want to plead with the majority that in any civilized democracy, you cannot have watchdog and audit committees dominated by members of the majority. If there is any mischief---- We have put everything on the table and I want to plead with some of us that when we make statements in this House, we should think of the repercussions and

consequences. You may not like someone but there are people who love him. So, when you say some words, you hurt some people and this country came from a very difficult time in 2008. We are still healing. We are grumbling about some decisions by the Independent Electoral and Boundaries Commission (IEBC) and Supreme Court. We do not want to be reminded of certain things.

Hon. Speaker, Sir, I say that if you hate someone, that is your right. But, please, remember some of us adore you, respect you and love you. So, this thing will really bring a lot of differences in this House. This matter is like what happened in 2008. We were at the same position we are in today. I agree with you that this country cannot wait any longer for the formation of committees. We have the Budget Estimates ahead of us and we want to scrutinise them. We have the Division of Revenue Bill, which Bill is going to give money to the counties. Looking at that Bill, I get shocked. I was imagining we are going to shut off that law, because the amount that is being allocated to counties is too little to even finance their recurrent expenditures. Therefore, we need not have this grandstanding and chest-thumping any more.

Could we have the Leader of Majority Party and the Leader of the Minority Party do the same thing that hon. Thuo and hon. Midiwo did in 2008, that is sit down and agree? What is so difficult? Because you are in the Government, give us the 14 members. I know you will use your powers and influence to buy two or three and get back your will, but we shall have respected the rule on separation of duties.

*(Laughter)*

**Hon. Linturi:** On a point of information, Hon. Speaker, Sir. I really sympathise with my friends on the other side. I would want to plead with my Jubilee Coalition members to have the same feeling that the CORD guys are having. Why am I saying this? Things are awkward; when a child has lost a parent it becomes very painful, especially if the kid is spoilt of choices in a *nusu mkate* situation. They are given some milk and other things. If that kid is not used to fighting and getting things by force, he or she becomes helpless because of the absence of the parent. In this case, even if the Standing Orders were done by a team for self preservation, fortunately God heard our prayers and we are in the Government and seated squarely. We want to discharge the mandate that the people gave us to provide service to this country. I want to plead with my brothers, and hon. Ng'ongo and hon. Ababu. They will remember we were in this House. Since the rules do not expressly provide for what you are demanding, let us sit down, retreat, take a cup of tea and see how we can accommodate each other without being over-abrasive. Honestly, we will agree but we must exhibit a lot of respect for our Leader of Majority and this side of the Government.

This is a House of rules. If I am out of order, I do not mind being guided. I have seen cowboys coming to this House. That kind of dressing is something I would want the Speaker to give us guidance on as to whether cowboys are allowed to come to the Chamber dressed the way they are. I am told it is hon. Mwaura.

*(Loud consultations)*

**Hon. Midiwo:** Hon. Speaker, Sir, could the House keep quiet, please.

**Hon. Speaker:** Can we hear the Minority Leader?

**Hon. Midiwo:** Hon. Speaker, Sir, I want to thank you for giving me the opportunity. This is a fundamental debate. It is important that what is going on record is something that this country will benefit from as we go into the future. Let me agree with my friend, hon. Linturi, that we are orphans. We know that they are enjoying the milk, namely, the Brookside and the Tuzo. We do not need to be reminded. We are orphans of Willy Mutunga, you know that. So, we have given you the mandate---

**An hon. Member:** On a point of order, Hon. Speaker, Sir.

**Hon. Speaker:** Hon. Midiwo, you know you cannot make reference to a Judge here. Please, withdraw.

**Hon. Midiwo:** Hon. Speaker, Sir, I withdraw that. We are orphans of the Supreme Court. I know a lot is being said or put to Kenyans because Kenyans are watching but the truth must be told. When hon. A.B. Duale says that he is talking from history and not giving the whole truth, it is not good. When hon. Kibaki was the Chairman of PAC, the Standing Orders allowed that the Government must have a majority of not more than two. It was like that until when you were the Chairman of PIC that we decided that it was with good wisdom that it was not necessary. The argument we are raising now - you and I raised it on this Floor before - it is only fair that we are going to have an oversight role. You must---

**Hon. Nyamweya:** On a point of information, hon. Speaker, Sir.

**Hon. Speaker:** What is wrong with this one? I thought he served for a few years before the last Parliament. You are seated shouting point of information. Hon. Nyamweya, surely! Continue, hon. Midiwo.

**Hon. Midiwo:** Hon. Speaker, Sir, we thought that the membership of Jubilee should thank God and the people of Kenya for giving them the mandate of having the majority. No matter what PIC or PAC will do, even if CORD has numbers and chairmanship, they can override it on the Floor of this House. Some induction would have been in order before we hit this deadlock but we have not benefited from that.

They would come and defeat any report. It will not make sense for anybody to be chairman of any Committee where the majority may never allow him or her to produce a report. That is the bone of contention. You have said that you gave instructions to the Clerk to give you names. Standing Order No.173 - and I want to be a lawful Kenyan - spells how names can get to the Floor of the House. Standing Order No.173 gives the power to nominate Members to a Committee by the Selection Committee. That list can only go to the House Business Committee to prioritize it for debate here. From the House Business Committee, it can go to the Clerk to be put in the Order Paper but there can be some pronouncement that the Clerk can be instructed to get the list. Without following that, we are trying to take this country and this Parliament in the wrong direction. It has never happened and I do not think it can go without us saying the right thing.

I said here last week that we need to stop your office, your Executive Office and the technical arm which is the Office of the Clerk, from trying to deal with those Members without the House Business Committee. That is the role of the House Business Committee. What we are treating this House to this afternoon needed to have been a conversation in the Selection Committee and the House Business Committee. That is the rule. Let me thank the Majority Whip, who should have been the Majority Leader, because he is a thoroughly sharp man. He has said that the import of your ruling, which

we want to respect even if we do not agree with it is that we are back to square one. That is the import. You do not have 19 and we have 11 in those Committees, but he seems to be saying that he can form the Budget and Appropriations Committee which says that you can have a maximum of 51. He cannot. Standing Order No.174 kicks in. It talks about parliamentary parties with their majorities accommodating independent candidates and other parties. That is Standing Order No.174. So, he cannot do that in law.

I want to plead with you. I know you and I have walked this path. These Standing Orders are causing conflicts in this House. You and I requested for them for over one year and this House refused to release them to us. In other fora where we are concerned about constitutionality, we wanted to bisect them, make sense and subject them to public debate. I want to agree with hon. Ng'ongo that this document is not properly before this House. My colleagues are saying and even hon. Linturi has just said that this side, for self preservation, passed these Standing Orders because they thought they would be in the Government. That is what they seem to be saying, but the person who moved the Standing Orders is a Member of Jubilee and the Speaker of the Senate. Read before you walk into your mess. Read the HANSARD and see that the person who moved, for four hours, is now the Speaker of the Senate. He is 100 per cent Jubilee.

Hon. Speaker, Sir, you may want to move this country and this House forward and you have a constitutional duty to do so and I know that you have it. I want to plead with you that if you have to do it on your own - I am not a lawyer, but I know how you read laws - Standing Orders Nos.173, 174 and 176 all come before Standing Order No.177. Therefore, you cannot take Standing Order No.177 and say it is law. I know that that is how you would advise me because you have taught me how to read the Constitution. You cannot read Standing Order No.174 and leave the rest. I know you will advise me because you have told me before or you taught me how to read the Constitution.

*(Laughter)*

Hon. Speaker, I plead with you so that we can move forward because we all have an interest. I do not think this side or that side benefits from the current stalemate. Under your chairmanship, the mess created has even made you the Chairman of many other Committees which is very unusual. I agree that this could have been done for self preservation of certain individuals. However, that was never to be. Now, you have a duty to call us because the Leader of the Majority is the Chairman of the Selection Committee and he cannot leave his Committee and present a list.

**Hon. Nooru:** On a point of order, Hon. Speaker, Sir. I think we have listened to this argument for almost two-and-a-half hours now. Suggestions have been made, rulings have been given and we are advancing an argument which does not lead us anywhere. I think whoever stands here and gives us an opinion must tell us how we should get out of this stalemate. I think hon. Kamama gave a proposal that we proceed in this manner and our friend there did not respond. Hon. Linturi gave a proposal that we leave the other Committees and move this way and they never responded. The argument of Hon. Midiwo the whole afternoon cannot lead us anywhere.

**Hon. Midiwo:** Hon. Speaker, Sir, I was going to suggest that because I see you as a solution. I want us to use the chairmanship which you have inadvertently been given by

these Standing Orders to our advantage. Lead us to a meeting to resolve this stalemate so that we can spare this country what we are treating it to. I do not think that, at the end of the day, even if you follow correctly the submissions of the Majority Whip--- I think we are really wasting time. We need to get to work. I know that you can lead us somewhere. Therefore, I request the leadership of this House to treat them like people who work under your office. The Constitution says so and we can get a solution to this problem even by this evening.

Thank you, Hon. Speaker, Sir.

**Hon. Members:** On a point of order, Hon. Speaker, Sir.

**Hon. Speaker:** All of you are rising on a point of order. There is no Motion. I think I can bring a closure to this so that you can do other business. I have already made my ruling and that is the way we will proceed. Even as you wrangle about composition of Committees, and if you carefully followed my ruling, I invite all those who have not looked at the Division of Revenue Bill to immediately go for it and start reading it because tomorrow, we will begin debating it.

*(Applause)*

That is the import of part of my ruling. We have assumed rightly that there is no Committee to which it could have been referred to which could have helped the plenary with its recommendations. Now, you have to do it here.

Those of you who have cared about the content of a Bill of that nature, like my good friends, Hon. Ng'ong'o and Hon. Shebesh, please, we want you to begin looking at it immediately. Of course, I am not forgetting that hon. Jakoyo Midiwo is very useful when it comes to these kinds of Bills. I want to invite all of you to read that Bill because that will be the business tomorrow.

Surely, as a House, we have a responsibility to the country and that Bill is very important. I do not know how many times Hon. Ng'ong'o has risen in this House to talk about that Bill and other related Bills. So, as you continue to wrangle, disagree or even agree about the other Committees, it is directed for the time being that as we wait to hear what else you will come up with if any, we will transact business in the manner that I have directed. So, we will move to the Second Reading of the Bill and debate it. Those Hon. Members who wish to propose amendments to that Bill, must be ready with them by close of business tomorrow so that they will be included in the Order Paper for Thursday. That is because we must conclude debate on that Bill by Thursday and refer it to the Senate.

Even as we sit here not forming Committees, remember that the Allocation of Revenue Bill is also coming from the Senate and if we will not have the relevant Committees to deal with it, we will move with it in the same manner – that is in the plenary. That is the long and short of it. This is because we must do our constitutional duty. So, that is the import of my ruling.

Just in case you may not have understood it, and because other had not arrived, I want to invite those who were not present like Hon. Dalmas Otieno and the Leader of the Minority Party that, please go and look for that Bill, begin preparing because we want to hear and of course, Kenyans want to hear reasons and arguments relating to the contents of that Bill as well as preparing for what will come from the Senate.

In the meantime, as I have said, we will encourage more meeting between the leadership of the political parties. Remember it is not the business of the Speaker to place hon. Members in Committees. That is very clear in the Standing Orders. So, on one hand, you want to agree with those Standing Orders and on the other hand, you do not want to agree with them. This is what is causing confusion but more importantly, let us appreciate that we, Kenyans, gave ourselves the current Constitution which gives a presidential system of governance. Even as you contribute here about the things that we are talking about, kindly go and check what happens with regard to Committees in presidential systems of governance. That should put to rest the debate on this matter.

Let us move on to the next Order!

## MOTIONS

### REDUCTION OF NATIONAL HOSPITAL INSURANCE FUND PENALTY CHARGES TO DEFAULTERS

THAT, aware that the National Hospital Insurance Fund (NHIF) defaulters continue to be surcharged a penalty of 500 per cent of the outstanding amount; further aware that the penalty is barely affordable to majority of Kenyans, this House urges the Government to consider reducing the NHIF penalty surcharge to defaulters from the current 500 per cent to 25 per cent.

*(Hon. Gitari on 25.4.2013)*

*(Resumption of Debate interrupted on 2.5.2013)*

**Hon. Speaker:** Hon. Mwaura, I am told that you had a balance of five minutes.

**Hon. Mwaura:** Thank you, hon. Speaker, Sir. Before I discuss this Motion, I want to clarify that I am not a cowboy as alluded to by hon. Mithika Linturi. I wear my hat because of albinism; it helps me to see well and be in focus. When I am outside, it helps me have an identity.

Hon. Speaker, Sir, I was talking about reducing the fees from 500 per cent to 25 per cent. As has been said before, this surcharge is aimed at helping members who otherwise would not be able to access any form of insurance to be able to access services in public hospitals. This House is on record on numerous occasions asking for a comprehensive health insurance Bill, which is yet to come to the House. There were assertions when we were discussing this Motion that, indeed, this is supposed to help the people who are paying directly to NHIF. When they default, they are unable to come back to the fold. We have been told that medicare is quite expensive and default places an undue burden on the NHIF when it comes to clearing the bills of the same members they are supposed to service.

This House was informed that the penalty applies to employers who withhold funds that are meant for their employees and they use the money in their businesses. I think it will not be in order to use the plight of individual contributors to cushion entrepreneurs, who do not follow the rule of law. It was alluded that the 500 per cent surcharge actually encourages corruption. There is no guarantee that even if it was 25 per

cent people would not connive with staff or the collector of these funds to get a rebate or a waiver. It will, therefore, not be in order to argue that this surcharge is encouraging corruption. Even at 25 per cent members will still want to negotiate. I suggest that this fees be reduced from 500 per cent to about 200 per cent, so that it is not very high and is also a deterrent to those who would want to come back to the system.

I oppose this Motion.

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, Hon. Speaker, Sir. First of all, I want to apologize for raising this point of order at this point, but because it affects my participation in this House, I must raise it.

Hon. Speaker, Sir, at this point we are raising the issues that you ruled on - many hon. Members were standing up on points of order. You singled me out. Hon. A.B. Duale singled me out. I am seeing it as a pattern to intimidate. Indeed, as a matter of fact, I had an opinion that was similar to that of Jubilee on this matter. So, I do not see even why I am being intimidated. I do not know why hon. A.B. Duale is making reference to the Tenth Parliament; this is the Eleventh Parliament. I cannot be intimidated. I just want to indicate on record that I will not be intimidated.

**Hon. Speaker:** What was your point of order now? You said that you cannot be intimidated. Who is intimidating you? Please, hon. Odhiambo-Mabona, refrain from using that kind of language. You know, it does not help. There is nobody who is intimidating you. I have heard Members refer to each other here in an honourable manner. I am sure those making reference to you are doing so because they are colleagues with whom you have worked. It is in appreciation of what you have done together. Nobody is intimidating you.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Speaker, Sir, I am raising this---

**Hon. Speaker:** Now you are out of order!

**Hon. (Ms.) Mbarire:** Thank you, hon. Speaker, Sir, for giving me this opportunity to contribute to this Motion by hon. Joseph Gitari. I want to begin by congratulating him for thinking ahead of many of us on this particular matter.

Any Member of Parliament knows that the biggest burden that we carry in our constituencies is healthcare. Many times, Members of Parliament have to participate in many fundraisings to see how to cushion our communities and our constituents from huge medical bills. I see that the institution that has been given the mandate to help reduce this health burden is instead increasing it; this itself is not a good thing.

Charging a defaulter 500 per cent of the outstanding amount as a penalty is discouraging prospective members of NHIF from becoming members of that important Fund. I know that back home the amount my constituents have been paying is Kshs1,950 per year. This is not little money considering that many of them live on a dollar a day. It is, therefore, important that much as the penalty is important so as to deter future defaulters, it must be a penalty that people can afford. Most of these people back home need this insurance policy in order to take care of their medical challenges.

I rise to support that it be reduced from 500 per cent to 25 per cent, because at this level it ceases to be a penalty. Once a penalty, then anybody will be defaulting and there is no need for anybody to feel the pinch for defaulting. There must be a level of deterrence by the penalties that we come up with. I would like to support hon. Mwaura who suggested 200 per cent. Reducing it to 25 per cent is not deterrent enough.

It is very important that this House comes up with universal health care for our country. I was in the Ninth Parliament and the then Minister for Health, Hon. Charity Ngilu, brought a very important Bill, but it was “killed”, mainly because of the interest of the private sector. In the Tenth Parliament, the NHIF came up with some form of a universal health care through a pilot project that went sour because of the issues that came up during procurement stage. The issue of Clinix is still very fresh in our minds. The Eleventh Parliament must ensure that we give to the citizens of this country a universal health care, so that diseases can cease to impoverish our citizenry.

I hope that the Jubilee Government, which promised universal health care in its manifesto, will bring a Bill as soon as possible, so that we have ample time to go through it and ensure that we protect it from external influence by interested private sector players.

With those few remarks, I beg to support.

**Hon. Speaker:** I am in trouble again with the names. Are you from Funyula?

**Hon. Onyura:** Hon. Speaker, Sir, I am aware that given our numbers, you are still learning our names.

I would like to say a few things about this Motion. I noted that the first two Motions, Private Members’ Motions that have come to this House have had something to do with health. To me that is significant. Issues of health are a major challenge for this nation. I rate security as number one, food as number two and healthcare as number three most important challenges for this nation.

If there is any institution that can help us get universal healthcare that we have all been talking about, that institution is the NHIF. I would urge the House and the nation that we do everything we can to support this particular institution; develop it, move politics away from it and let it be managed by professionals. Looking at the way the Motion is framed, I would be very reluctant to support it. When we reduce the surcharge, who are we assisting? Who are we trying to protect? Are we trying to protect the defaulters? Is this not likely to affect the NHIF adversely? Most likely, unless the penalties are deterrent enough, you will find that the level of compliance will go down much more. So, I would wish that the surcharge is retained at the level at which it is. What could be done is to have certain provisos, so that each case is looked at from its own background, circumstances, merits or demerits. Administrative levels should also be created where any defaulter can present their case and argue it, so that it is known whether the default is because of gross negligence or just stubbornness, and then it is dealt with appropriately. Maybe it is mischief which can then be dealt with appropriately. Where a defaulter can show, for example, that it occurred as a result of circumstances beyond their control, then there should be ways of waiving it rather than reducing it, and, therefore, encourage defaulters to comply.

With those few comments, I oppose this Motion.

**Hon. Speaker:** Hon. Members, it is now time for the Mover to reply.

**Hon. Gitari:** Hon. Speaker, Sir, thank you for the chance to reply to the Motion that I sponsored. I would like to go on record that my interest in moving this Motion was in the *mama mbogas, boda bodas* or the people referred to as special contributors by the NHIF Act. We are not in any way trying to protect employers. My concern is for special contributors.



I would like to take this chance to thank Hon. Nyamai for supporting this Motion. I also want to thank all hon. Members who have contributed to this Motion. My plea is that we vote for this Motion. I was consulting with the Member for Kabete, Hon. Muchai. I looked at this document properly with him and we wanted to move an amendment, but we were caught up by time. The people we are trying to protect is the special class.

I want to recognize Hon. Geni, Dido, Kabui, ole Lemein, Lati, Mwamkale, Ngare, Naicca, Ms. Mbarire, Dr. Nyongesa, Ms. Nyasuna, Dr. Nyikal, Dr. Oginga, Kemei and Makenga amongst others. After sponsoring this Motion, I sat down with Dr. Nyikal and went through the NHIF Act. We later agreed that we were not trying to protect employers. So, I would like to urge my colleagues to support this Motion, so that we try to improve the lives of *mama mbogas* and the *boda boda* people who are most unfortunate.

**Hon. Langat:** On a point of order, Hon. Speaker, Sir. I am sorry to interrupt my friend. Is it in order for him to say that the Motion, as it is, is not helping employers when he is trying to help direct contributors? The way it is crafted, it is a blank shot to everybody.

**Hon. Speaker:** You are now arguing. He is replying! That cannot be a point of order. You are just arguing with the Mover. We have gone past the stage of debate. Let him finish replying, and you will vote one way or the other.

**Hon. Gitari:** Thank you, Hon. Speaker, Sir, for protection. I thought that in the Tenth Parliament, Hon. Langat was acquainted with these matters. I am surprised that he is still behaving like an underdog.

My Motion's intention is to try and protect *mama mbogas*, the people who contribute on their own and not the employers who can hold money when they have deducted it from employees. My concern, and hon. Langat is also aware of the same, is that even people in his constituency people are being surcharged the 500 per cent; these are people who voted for him and brought him to this House for a second time.

I wish to leave it there and to the conscience of hon. Members. I hope that they will support this Motion.

*(Question put and agreed to)*

**Hon. Speaker:** Next Order!

#### ESTABLISHMENT OF LIVESTOCK INSURANCE FUND

**Hon. Farah:** Hon. Speaker, Sir, I beg to move the following Motion: -

THAT, aware that livestock farming is the major source of income for the people living in the arid and semi-arid (ASAL) areas in the country; deeply concerned about the devastation caused by perennial droughts in most parts of the country, especially in the ASAL areas, that has occasioned heavy losses to livestock farmers, thus greatly affecting them financially; noting that many farmers have lost almost all their livestock and experienced a sharp reduction in the quantity and quality of produce due to the harsh climatic conditions in the ASAL areas; convinced that unless these farmers are protected from the harsh climatic

conditions, livestock farming is likely to face the risk of irreversible economic ruin, this House urges the Government to urgently establish a Livestock Insurance Fund to cushion livestock farmers in all the ASAL areas against losses occasioned by drought.

Hon. Speaker, Sir, as we all know the livestock sub-sector in Kenya forms a major component of our economy. The livestock sub-sector plays a critical role in our household incomes, and also contributes a lot to our national economy. According to statistics of the Kenya National Bureau of Statistics, around 12 per cent of our Gross Domestic Product (GDP) is contributed by the livestock sub-sector; it contributes more than 40 per cent of the agricultural GDP. This sector is critical in the running of our economy, but it faces a very dangerous trend in this country. It is a sector that requires the involvement of Government policy in managing what helps that sector such as grazing lands, how to mitigate drought and floods and how to control the irrigation efforts we make in this country, because irrigation takes a substantial chunk of the land that is meant for livestock rearing.

Hon. Speaker, Sir, we can all see that livestock reduces poverty in many households in this country. Food security is provided by livestock in this country to many households; it also creates employment for many million Kenyans, especially in the ASAL areas, and many regions of this country depend solely on the livestock sub-sector. At Independence, the Government of Kenya directed its major policies towards the cash crop sector, and what is usually referred to as “the White Highlands”, and the livestock sub-sector found itself relegated to the backwaters.

Hon. Speaker, Sir, the Presidential Address that our President gave us in this House raised this point too. Although the livestock sub-sector and how to improve it is mentioned in the Jubilee Manifesto, the President did not mention them in his Address to this House. The livestock sub-sector, or animals, give the community various products. We can talk about milk and other products associated with milk. We can talk about meat, hides and skins and other services provided by livestock in terms of ploughing our farms. So, we can term livestock an input into our agriculture.

Livestock also provides transport to many Kenyans, especially in the ASAL areas. According to the statistics of the Kenya National Bureau of Statistics from the 2009 population census we have a total of 3,355,407 exotic cattle in this country, 14,112,367 indigenous cattle and 17,129,606 sheep. We also have 27,740,143 goats in this country. We also have 2,971,111 camels in this country. Donkeys are 1,832,519 while pigs are 334,689. Hens number 31,827,529. This is notwithstanding the cultural beliefs of some of our communities who do not reveal the number of their animals. So, the figures are not conclusive. We have more than that. So, when we multiply that with the prices of animals that all of us know, we see that this sector is important to our economy.

*[The Speaker (Hon. Muturi) left the Chair]*

*[The Deputy Speaker (Hon. (Dr.) Laboso) took the Chair]*

Hon. Deputy Speaker, livestock contributes about 12 per cent of the country's GDP as I said before, and also contributes 40 to 42 per cent of the total agricultural GDP; thus, it is a very important sub-sector in this country. The ASAL areas in particular

depend on this sub-sector. In fact, their economic backbone is livestock. These ASAL areas comprise 80 per cent of the country's land mass. This 80 per cent of the land mass of this country holds 75 per cent of the livestock population we are talking about. Within the ASAL areas of Kenya, the livestock sub-sector contributes 90 per cent of employment opportunities. It also accounts for nearly 95 per cent of the family incomes in the ASAL areas. Therefore, livelihoods for millions of people in the ASAL areas depend on livestock.

Hon. Deputy Speaker, however, the livestock sub-sector faces numerous challenges, which need mitigation, so that those millions of Kenyans are assisted. The sub-sector suffers from inadequate Government support, save for what I call firefighting in the name of off-take when a catastrophe like drought strikes. It also faces inadequate extension services that are enjoyed by the co-operative societies sub-sector. There is also poor access to markets where livestock farmers can market their animals. There is also very poor disease control in this country that would make the livestock sub-sector flourish. It also suffers water-borne diseases and several other diseases, which wipe out animals in some cases. We need to create what are called "disease free zones", so that our animals can have markets in the world. These are currently not available. We also encounter recurrent drought and famine that usually wipe out our animals. In such cases, we restart life from square one. We begin life from zero.

When the rains come, they experience floods which sweep away all their animals. The ASAL region is disadvantaged all the year round. There is also poor infrastructure, for example roads for delivering their animals to the market in good time. There is a lot of land degradation to an extent that people have problems with grazing land. There is also unattractive investment environment and opportunity for the livestock farmers. We have the cattle rustling menace that has endangered the lives of the people in this region. This has disadvantaged them in terms of economic development. Farmers restart their lives when these problems occur.

The Government, under the Vision 2030 Economic Plan, has identified the livestock sub-sector as a critical area, but real policy to promote that sub-sector is lacking. These problems cause so much psychological stress and sometimes death to the farmers in this sector. There are people who commit suicide when their livestock numbers go down to zero. Children leave school because animals are all wiped out. Hunger strikes and poverty is the result when these catastrophes happen. As the livestock sector experience these disadvantages, the crop sub-sector of agriculture enjoys enormous support from the Government, such as establishing market boards like the National Cereals and Produce Board, the National Irrigation Board, the Coffee Board of Kenya, the Pyrethrum Board of Kenya and the Kenya Tea Development Agency. There is also the creation of funds such as the Coffee Stabilization Fund, subsidized fertilizer supply, free seeds and many others. The livestock sub-sector does not enjoy any of these. For the livestock sub-sector to flourish in this country, it needs support from the Government.

This Motion, therefore, is in support of the establishment of a Livestock Insurance Fund to cushion livestock farmers in the ASAL areas against these recurrent losses of livelihood. It is also meant to reduce the risk of impoverishment as a result of severe drought, and guarantee a structured livestock management regime among the pastoralists. It should also guarantee income streams for pastoralist households against the weather extremities and livestock disease outbreaks. It is also to change perceptions, so that

livestock keeping is viewed as a business and an economic venture and not as a way of life. It is also to enhance livestock productivity through better animal husbandry.

With those remarks, I beg to move. I request my good friend, hon. Ali Wario to second the Motion.

**Hon. Wario:** Thank you, hon. Deputy Speaker for giving me this opportunity to contribute and support this Motion. The common characteristics between a rich and a poor pastoralist is the degree of vulnerability. The recurrent drought, floods and conflicts have weakened and threatened the coping mechanism and resilience base of the pastoralist communities. You can wake up a rich man and the next day, you are poor because of simple animal diseases, conflicts, drought or floods. As a House and Government, we have to come up with mechanisms to protect the livestock farmers and shield them from recurrent drought and disasters.

Ours has been institutionalized marginalization. If you read the Ominde Report of 1972, it shows that the pupil retention and enrolment rates in pastoral areas are very poor. There is Dr. Koech's Report on education of 1993 and the UNDP Report on the deterioration of educational standards in pastoral areas. The Government could have put in place mechanism to deal with the issue. This is simply because the current education system and policy is not meant for pastoralist children. If you look at the land policy, despite the fact that 80 per cent of the land mass of this country falls under pastoralism, pastoralism is not recognized as a land use system in Kenya. This is why I am saying that ours has been institutionalized marginalization.

If you look at the amount of funding and research that is being undertaken in other sectors like agriculture--- If a similar amount of funding and research had gone to pastoralism and the livestock industry, the poverty index in the ASAL areas would not have been as worse as it is today. I will come to that vulnerability. The intention of this Motion is to protect the livestock farmers. In early 1980s, livestock products had outshined the combined export of tea and coffee. The intention of this Motion is to protect the livestock farmer from recurrent droughts. It is also to protect their resilience base. It is also to improve the coping mechanism of the pastoralist fraternity.

With those few remarks, I second this Motion.

*(Question proposed)*

I am seeing no interest in the Motion.

**The Member for Saku (Hon. Dido):** Hon. Deputy Speaker, my name is hon. Rasso Dido, Member for Saku in Marsabit County.

I rise to support this Motion. I wish to thank the Mover. The Motion raises key issues about ASAL areas and livestock.

*(An hon. Member crossed the Floor  
without bowing at the Bar)*

**Hon. Deputy Speaker:** Hon. Member, you cannot cross the Floor. You cannot move from one side to the other. You must go to the Bar, bow and then move to the other side of the House.

*(The hon. Member bowed at the Bar)*

Continue, hon. Member!

**Hon. Dido:** Hon. Deputy Speaker, ASAL areas are synonymous with poverty, illiteracy, insecurity, underdevelopment and marginalization. For those of us from the ASAL areas, it is a tragedy if you look at Kenya. When 70 per cent of our country is ASAL, and 30 to 40 per cent of the population resides there, it means a large part of this population is absolutely poor. The people have generally been condemned to the lowest of the low-quality life. Year in, year out, people in the ASAL areas have been subjected to food relief, which should not be what the Government should subject the people to. I come from a constituency that is largely dependent on livestock farming. This also applies to the larger Marsabit County, where almost 90 per cent of the land mass is ASAL; only 5 to 10 per cent of the land mass is suitable for agriculture.

Hon. Deputy Speaker, in the last four to five years, there has been persistent drought and farmers have lost almost all their livestock. Today, it has rained in most of those places and there is lush green grass, but there are no cattle to feed on it. The Government has been quick in addressing the problems facing the tea, coffee, pyrethrum and sugar-cane sectors. Why has it been very slow in addressing the plight of livestock farmers?

Secondly, I believe that the Ministry in charge of development of Northern Kenya and other Arid Lands was created in the first place to address the plight of ASAL areas and largely livestock farming. However, very little has been achieved by this Ministry.

In the last Presidential Address to this House, nothing was mentioned in form of support or investment the Government intends to undertake in the livestock sector, yet 30 per cent of the Kenyan population is dependent on it. Therefore, I would like to propose that we look in totality at the issue of land management in ASAL areas, land ownership and the development of the livestock sector. This must go hand in hand with the development of water resources and marketing.

If the Government looks at the livestock sector as a commercial enterprise, farmers will see at the end of the day that their effort will not go to waste.

Hon. Deputy Speaker, I rise to support this Motion.

**Hon. Deputy Speaker:** Order! Hon. Member over there, let the hon. Member behind there contribute first and then you can take the Floor.

**Hon. J.K. Chege:** Thank you, hon. Deputy Speaker. It is good to see you. We thank God for being that strong, and we wish you all the best.

I appreciate the problem of the livestock farmers, particularly in ASAL areas. I represent Limuru Constituency, which is partly semi-arid but we must go into this problem much deeper. Insurance may not be the solution to this problem. I know that these areas face a problem of banditry, and so insecurity is a big problem. We are also in a problem because we cannot clearly define, or zone, what we call “arid and semi-arid areas”.

Hon. Deputy Speaker, if you may recall, there are times when livestock is brought to Nairobi because of drought. My plea is that we should have modern technology in place and early warning systems, which can enable us tell when drought will come. The Government should help people in those areas, so that appropriate measures are taken in order to save livestock. We have seen on newspapers and television stations our brothers

and sisters lose livestock without proper warning. There was no strategy to save the livestock. I believe that we should do more than cushion livestock farmers in the ASAL areas. We need to help them with technology, so that they are forewarned about drought. We must also develop the right infrastructure and establish industries in those areas.

Sometimes, it does not make sense when we bring livestock all the way from Garissa and other areas to Nairobi for slaughter. It is important that we establish the factories there, which can process livestock products and bring those products to Nairobi.

Hon. Deputy Speaker, insurance cannot solve the problem, but I appreciate that one requires a fall-back position. I truly believe that we need to agree that insurance works in the medical field, but when it comes to the livestock sector, there is need to know the category of animals we are covering. We also need to know how we will make sure that the numbers are documented and then separate banditry-related losses from losses due to drought. I think this is a good idea, but we need to put certain measures in place such as providing water and establishing industries in those areas, so that we can save animals. We also need to provide technology to ensure that warnings are given in good time, and that whatever insurance we are proposing is one that those people will afford. The Government should guarantee that it will be manageable, and will not be one which one will depend on while waiting for years before he or she is compensated.

So, I sympathize with my colleagues, and I would like to say that this is a good idea. However, I believe that we need to do more to---

**Hon. Deputy Speaker:** Hon. Member, we want to know whether you support the Motion or you do not.

**Hon. J.K. Chege:** Hon. Deputy Speaker, I support this Motion.

**The Nyeri County Woman Representative** (Hon. (Ms.) Kanyua): Hon. Deputy Speaker, this is my maiden speech. I would like to take this opportunity to congratulate you and the Speaker and all the leaders in this House. This is the first time that this country has a presidential system, and so we are going to see a bit of hang ups. So, all the leaders in this House will have a duty to move the country as well as the House forward in terms of the presidential system. I also thank the people of Nyeri for electing me with 216,000 votes. I promise that I will work hard and champion a lot of their causes.

I would like to support the Mover of this Motion. I urge that the Motion covers more than the ASAL areas. Livestock is not just found in the ASAL areas. There are many other places in this country where livestock is found. I agree that many of our families have livestock as an asset. If you look at the legal terms, it is actually possible to find insurable interest in the only asset that a family has. This particular Motion is supportable, but it should cover more than the ASAL areas.

I would also like to urge that we move towards sector reforms. When we came to this House early in the year, the political reforms had been done in the electoral area, police and Judiciary. These are what we call the political rights. We are now moving to economic rights. The other Motion before this one was on health. So, the more this House passes piecemeal Motions, the more we do not help the country. I would urge that in a Motion like this one we look at more than an insurance fund. If there are alternative feeding habits or alternative measures that could be adopted the better, so that we do not just wait for drought, loss of livestock and then insurance comes in. I will be urging that the House categorizes these sectors. If today we are looking at livestock then we should look at the wider livestock sub-sector reforms. We also need to look at health, land, and

water reforms, now that the Cabinet Secretaries are coming. If we do that, in five years a lot of those things will have been better done.

I support the Motion and urge that it covers livestock across the country.

**Hon. S.A. Mohamed:** Hon. Deputy Speaker, I rise to support the Motion. However, livestock insurance alone is not enough for this sector. As you are aware, 80 per cent of the land mass of this country is ASAL. The best practice to utilize is livestock keeping. The livestock sub-sector contributes about 12 per cent of the GDP, but what is ploughed back is less than one per cent. I believe that is not very fair. We appreciate that agriculture is given all the attention. Every small project has a statutory body that markets it, for example, pyrethrum. Unfortunately, the only statutory body that markets livestock is the Kenya Meat Commission (KMC) which has been closing down year in, year out. Up to now it is yet to stand on its feet.

The turnover of the livestock sector is about Kshs48 billion per year. There are also other multiplier effects like supply to agro industries from the meat, bones, blood and manure. As you are aware, this country imports a lot of fertilizer when we have a lot of green manure that is not utilized in this country. Most Kenyans do not like taking white meat, except our brothers, the vegetarians. We are yet to appreciate the livestock sector. People see it as an archaic way of life or an agonizing kind of system. When it comes to meat consumption, everybody enjoys it. We need to appreciate taking the meat and also keeping the animals.

This sector employs about 6.5 million Kenyans directly, and accounts for about 50 per cent of our labour force, especially in the rural areas. However, according to projections we do not support this sector. According to the FAO Report of 2006, this country will be meat deficient come 2014, because the per capita meat consumption is about--- In Nairobi alone it is about 10 kilogrammes and in Mombasa it is about 18 kilogrammes per person per year. If we do not take care of our animals and we do not insure them, then this country is going to import meat from outside very soon.

In addition to that, for us to spur economic growth, and if we want to increase our GDP from a single digit to double digits, we need to invest in the livestock sector. We have overinvested in the highlands, where land has been subdivided. The only areas remaining are the pastoral areas. For us to achieve economic growth, we need to focus our priorities on the livestock sector.

Hon. Deputy Speaker, livestock keeping has immense potential value. It reduces poverty, manages the environment, creates sustainable development and produces climate resilience. However, pastoralism is seen as an archaic, economically inefficient, chaotic and environmentally destructive activity. This is a very wrong notion. There is no supporting argument. The livestock sector actually survives through the support of the civil societies and multinationals. Without support from these quarters, I think our livestock sector would not be in existence, especially in the pastoral areas.

This sector has many challenges. One is inadequate statistical information and undervaluation. There is poor investment by the Government, biased information, poor sanitation, lack of statutory marketing bodies and continuous vagaries of weather. We can see somebody who was rich yesterday, as he kept, say, 400 animals and then the next day he is poor. Livestock keepers cannot be surviving on the goodwill of Kenyans who give them famine relief throughout.

I support the Motion, but the livestock sector must enjoy more investment and support from the GDP. We must also have insurance for livestock, so that we are able to sustain the livestock keepers.

**The Member for Navakholo** (Hon. Wangwe): Hon. Deputy Speaker, my name is Emmanuel Wangwe. I am the Member of Parliament for Navakholo Constituency. I first wish to thank the people of Navakholo for giving me the chance to come and represent them in this House.

I wish to support that a fund be established to take care of the livestock farmers in the ASAL areas. I wish to recognize that livestock keeping is a kind of business. In any investment there must be a fall-back position. Giving a fall-back position to a livestock farmer will enable him take more risks. If we support livestock farmers to invest in livestock, we shall be doing a good thing. The President promised to secure a level playing ground, and involve every investor in this country. We need to begin with ourselves. Whenever he is doing an investment, it will be so good for him to proceed. Secondly, why I support this Motion is because looking at the economic pillar in Vision 2030, every person is supposed to be independent in terms of economic and technological growth. If we support the farmer to economically empower himself, he is going to gain more and more advancements in terms of investing in livestock, whether he is from the arid or semi arid areas. Therefore, I would like to look at not only ASAL areas but also the whole country in terms of funding.

Also, if the Government is going to invest in provision of an insurance fund, it will be a major boost as the private sector is not willing to move in and provide the funding on behalf of the livestock farmers. Therefore, pooling resources together to provide funding will encourage more livestock farmers to get into livestock farming.

With those few remarks, I beg to support.

**Hon. (Ms.) S.W. Chege:** Hon. Deputy Speaker, I start by supporting the Motion not because it affects people in arid and semi arid areas, but because I want this insurance fund to benefit other areas.

If you look at farmers in this country, they are exploited, not only at the marketing level because we do not have proper markets for our farmers. When it comes to taking care of their livestock, they struggle very hard, but at the end of the day they do not get anything from farming. I would like to say that we have this insurance fund; I am hoping that this House is going to discuss other insurance funds that can benefit other farmers because even tea farmers have their own challenges when we come to the very cold July time, when they lose a lot of their farm produce. I want to look at the livestock insurance fund as one of the things that we are going to use to support our farmers, so that they benefit from their livestock.

I also want to mention something on marketing. I hope that this House is going to support the Kenya Meat Commission, so that when livestock farmers work so hard, they know they have a ready market. I hope this House is going to support the KMC, so that our farmers have a better market.

With those few remarks, I beg to support.

**Hon. Shidiye:** Hon. Deputy Speaker, thank you for giving me this opportunity. It is common knowledge that livestock farmers in this country are suffering. When you go to pastoral areas, you will see the kind of abject poverty our pastoralists are facing. I say so with a heavy heart. You will realize that every two years there is drought and people



die of famine and livestock is wiped out, yet 50 years of Independence successive governments have never done anything. We had livestock Marketing Division (LMD), which bought animals in large numbers. During those golden days, pastoralists were some of the richest people in this country. Today, you will realize that most pastoralists are dependent on food handouts. Every season they beg the Government, Non-Governmental Organizations and charitable organizations for food; these people are really suffering. When I go to my village which is in Lagdera, I realize that in 50 years of Independence nothing substantial has happened. It is as if people have lost hope of living. They are dependent on providence.

We have the KMC but it is underfunded, ill equipped and does not have what it takes to be called a KMC. It does not have the funds, and today the few people who take their animals there are not paid in time. Even the site of the KMC is not appropriate; we need abattoirs; we need the KMC right where the animals are. You will be forced to transport animals by road in lorries, and they will lose kilogrammes of weight and quality. By the time the animals get to the KMC you will have lost a lot, yet you cannot take them back if the prices are not good.

The other issue that is related to pastoralists and livestock is security. We have seen cases of banditry and cattle rustling. In the olden days cattle rustling was not a big thing, because it was a traditional practice. You lost animals and then stole others from your neighbours. When there was drought, you lost animals or neighbours came and stole from you.

The kind of cattle rustling that we are facing today is so huge; it is like a militia activity. The thieves or bandits not only wipe out human beings but also animals. They also sell the animals. Security has become a festering wound in this country. It is a serious issue in this country. In crop farming, when you lose your crop in one season, the next season you can plant but with livestock farming, if lose your animals where are you going to get other animals from? How are you going to start life? How are you going to live? I think the Government must either provide this insurance or create a welfare state, where every person who has no source of earning a living is provided with necessities by Government. Short of that, people suffer a lot. There is poverty and people have nothing to eat. We will have insecurity and there is no way the Government can stop insecurity when there are big inequalities.

This is a country where we have very unequal communities. We have communities which are extremely rich and others which are extremely poor and you literally feel it. When you are in this part of Kenya, it is completely different from the other parts of Kenya. You feel like you are not part and parcel of this country. There is no tarmac. If you tell people that you are going to Nairobi, they will ask you whether you are going to Kenya and what you will have for them. Year in, year out, Members of Parliament have been elected. We have had Ministers from our areas; we have big portfolios held by people from our areas but nothing has changed substantially. People are still very poor, they have nothing to eat, and they have no water or electricity. There is nothing substantive on the ground and you feel the pain as a leader, because these people elected you. We have failed as a country to perform our duty.

If you go to Brazil, you will realize that the Government has made a deliberate effort to provide water bowsers and pastures to pastoralists. It is an organized system where nobody suffers. Today we are consuming butter from as far as Australia. We are

consuming milk from Australia and other good things from other parts of the world, yet these things can be found in this country. So, if we are not serious with our community--- If we are not serious about how our people live, or if we are not serious about what we are going to do to enhance livestock farming, pastoralism will die. Unfortunately, in our area you cannot farm or irrigate crops. There is no single water source. People have suffered.

Insurance is a good thing but when we have livestock. When you do not have the livestock, what will you insure? You will have nothing to insure.

Hon. Deputy Speaker, we are facing another problem of cattle diseases; it is a major problem in our area. We have foot and mouth disease. We have trypanosomiasis. We have other diseases which affect livestock farmers. We have people who are employed by the Government as Livestock Extension Officers on the ground, but none of them has facilities. They do not have vehicles. They do not have vaccines. They do not have what it takes to do their work, yet the Government continues to pay these people salaries.

Hon Deputy Speaker, I support this Motion because it really affects Kenya. We know very well that we have a long way to go. We have a duty as a Government. We are in the Jubilee Government and we believe that it is going to come up with good policies that will enhance food security and help alleviate poverty and situations which the people are facing.

Hon. Deputy Speaker, with these few remarks, I support.

**Hon. Deputy Speaker:** The hon. Member for Aldai.

**The Member for Aldai** (Hon. Serem): Hon. Deputy Speaker, this is my first time to give a speech in this Parliament. So, let me take this opportunity to thank you very much for getting elected to as our Deputy Speaker. I also thank the people of Aldai for electing me as their Member of Parliament.

I rise to oppose this Motion simply because we should not continue establishing institutions when the Government is in charge. If we want to facilitate this country, we should encourage investors. Let the Government engage in its business. The Government, in most cases, takes advantage of the common man. We should actually reduce taxes, so that insurance companies take up these ventures instead of the Government getting involved. This is because if you look at what has happened in the National Hospital Insurance Fund as an institution of Government, we hear issues of corruption year in, year out. So, the best option is to create an opportunity for investors to get involved instead of the Government getting involved. That is the best option, otherwise we will be hearing stories of Kenya Meat Commission being--- The best option is to reduce taxes and give opportunity to insurance companies to invest in these areas. That will be the best move instead of getting the Government involved. That is my opinion.

Thank you.

**Hon. Deputy Speaker:** Hon. Kajuju.

**Hon. (Ms.) Kajuju:** Thank you, Hon. Deputy Speaker. I am glad that you are back. We welcome you back. We pray with you at this moment when you are facing a tough situation.

I rise to support the Motion before the House and state that a livestock insurance fund ought to have been in place as early as yesterday. We notice that most of the population in Kenya really lives on livestock farming, not just in the ASAL areas but

even in other areas that do other types of farming. My support is due to the fact that when you take out an insurance cover it is supposed to take care of a catastrophe or a disaster. We have seen that we take out insurance covers for our motor vehicles and properties. Nothing can stop us from taking care of livestock farming when we know where most of the Kenyans get their income from. I know that there are people whose lives totally depend on livestock, and then there is drought--- Even in some areas rain is not a blessing; it is a curse. We find that when it rains, livestock is swept away. We see carcasses of livestock on television. So, this Motion should not just be restricted to ASAL areas; it should apply to other areas which also engage in livestock farming.

Hon. Deputy Speaker, following the passage of the new Constitution, Article 204(2) talks about the Equalisation Fund. This Equalisation Fund is supposed to take care of the marginalised areas, so that we bring them to the level that has been attained by the rest of the country in as far as provision of water, electricity and other basic needs are concerned. I believe that the Government has that duty. It is an obligation; the Government has to ensure that over and above provision of insurance to the people through the NHIF, even livestock farming gets insured.

Hon. Deputy Speaker I, therefore, completely support the Motion.

**Hon. Deputy Speaker:** Hon. Aden.

**Hon. Aden:** Thank you very much, Hon. Speaker. Let me take this opportunity to welcome you back and say that through our prayers--- I wish you and your family comfort at this trying time.

I rise to support this Motion and state that, indeed, livestock farming accounts for a very significant part of our economy and supports a very significant part of the lives of Kenyans.

Hon. Deputy Speaker, as we have seen year in, year out, or every two years, there is drought that wipes out lives of very many families that live in the ASAL areas. Drought causes death of animals and poverty thereby creating slums and very many informal settlements in some of our main towns, especially those in the north eastern part of Kenya. In the constituency which I represent, nomadic pastoralism accounts for over 90 per cent of the occupations of people. Year in, year out, we have seen many villages being created and very many slums coming up in towns like Garissa. I want to say that this also contributes very much to rural urban migration. With the policies that we have now, we want to support livestock farmers' lives. If not checked, this will create, as has been mentioned by another honourable Member on the Floor here, insecurity. Insecurity will continue to exist because we have a large number of idle youth in towns and slums, who have nothing to do. They lack a good educational background.

Some of the things we need to do to support and bring out pastoralists from this problem is to provide formal education. I want to give an example of a case of an old man in my constituency who had 500 cows, and who in the last drought lost 450 of them and was left with only 50 animals. According to my calculation, this was a rich man who was worth over Kshs12 million but is now living as a pauper, since he has a small number of animals. This number is not enough to support his life. We should educate pastoralists and tell them that when they have large numbers of livestock, they should sell them and invest in other ventures. Indeed, these can actually give them income that can enable them buy other animals after dry spells.

Hon. Deputy Speaker, there is need to increase support to these livestock farmers by providing animal husbandry, cattle dips, veterinary services and, above all, marketing for the livestock products. Livestock farmers have suffered for long, and it is becoming meaningless, with all the hardships, to look after livestock. Farmers' animals are wiped out by drought now and then, but if we show the farmers an opportunity that can create---

**Hon. Deputy Speaker:** Hon. Aden, I have to stop you, but you have a balance of four minutes.

Now I call on hon. Nanok to seek leave to move the adjournment Motion.

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 33**

#### **INSECURITY IN TURKANA WEST CONSTITUENCY**

**Hon. Nanok:** Thank you, hon. Deputy Speaker, for the chance to move the Motion for Adjournment of the House to discuss a matter of national importance, pursuant to the Standing Order No.33(1). I seek the adjournment of the House for the purpose of discussing the general state of insecurity in Turkana West Constituency. This is because of the number of people who have so far been killed in the constituency by warriors from our neighbouring country, South Sudan, who have settled on Kenyan territory.

Just to give a bit of a background of this, in mid April this year, there was a Toposa *manyatta* that crossed the Kenyan border from South Sudan and settled in Kenya, specifically at a place called Lokariwuon Sub-Location of Lokichoggio Location in Turkana West. This information was known to the local administrators because it was passed on to them, but the challenge has always been that the local administrators do not seem to believe when they are told of insecurity. It has become the order of the day. When I talk about insecurity, this is not new in this House. Last week, we discussed about the insecurity that had occurred in Bungoma. In October, 2011 the Kenya Defence Forces crossed into Somalia because of the insecurity that was being caused by the *Al Shaabab* from Somalia. That threat is not as much as it was before that undertaking by the KDF. The current situation affects people living in Turkana County in general. Massacres have occurred which are perpetrated by warriors or raiders or persons who come into Kenya to execute killings in the name of cattle rustling. In actual sense, this is insecurity to the people of Turkana and their property.

We have just discussed a Motion here on the livestock industry. In Turkana County, you cannot distinguish insecurity from livestock farming because livestock is the mainstay of the economy of this county. Insecurity follows wherever livestock goes. People fight over resources in these areas. On 26<sup>th</sup> April, 2013, a man and his wife, the man going to burn charcoal and the wife going to do small farming on her farm, because it is now raining in Turkana West and people are growing sorghum, were shot dead by warriors from a *manyatta* that has been erected on the Kenyan territory. Three days later on 29<sup>th</sup> April, two other men were again shot while they were cultivating. Last Sunday on 5<sup>th</sup> May, a woman who was going to burn charcoal for her livelihood was shot at and badly injured. As I speak, she is at Lodwar County Hospital. I can bet that the medical

bill that will accumulate from her treatment, definitely, this woman will not manage to pay it.

*[The Deputy Speaker (Hon. (Dr.) Laboso) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. Cheboi) took the Chair]*

How many people must die for the Government to react? In Bungoma, they died, we had a slow reaction. In Garissa, in 2012, we had the Todonyang Massacre where 40 people were killed. It was only after 40 people were killed that the Kenya Government moved in and put the Rapid Deployment Unit (RDU) officers in Todonyang. The RDU officers camped at Nadapal Border Post. Between Nadapal and where this Toposa *manyatta* has settled on the Kenyan territory is a distance of about 15 to 20 kilometres. Sometimes you are left wondering. No wonder people in Turkana County talk of going to Kenya. They feel left alone. At this point, it looks like there is insecurity all over, but there are places where Government effort is concentrated. I am wondering whether we will be treating Kenyan citizens as equals if that happens.

Every time our people are killed, we go to the security machinery in this country and the answer is: “We are unable to react because we do not have vehicles”. If a vehicle is available, there is no petrol. If petrol is available, there are only two or three officers.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Nanok, you should be summarizing now. Your 10 minutes are almost over.

**Hon. Nanok:** Hon. Temporary Deputy Speaker, Sir, it is time this House dealt with insecurity in this country with a toothcomb and gave very clear directions as to how our people and their properties will be protected. We are creating vulnerability by allowing persons who are not supposed to be in Kenya to reside in Kenya. What will we do about the families of those who died?

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members will contribute for five minutes each. For those Members who intend to use this time to give their maiden speeches, I really want to be clear that they should be relevant. We do not want people to delve into other issues that are not relevant to this Motion. Let us have the Nairobi County Woman Representative.

**Hon. (Ms.) Shebesh:** Thank you, hon. Temporary Deputy Speaker. First, I want to congratulate the hon. Member who has moved this Motion for Adjournment on an issue of national importance. This is because it takes responsibility of reason to realise that the first priority here is the people you represent.

In the Tenth Parliament, we spoke about insecurity in Turkana many times that it left us wondering why it was becoming almost impossible for the security agencies to deal with it. In our last debates, it was apparent that the security system in Turkana was not adequate and, therefore, there was a call for our armed forces to occupy the area in an effort to protect the people of Turkana. However, when I listened to the Member, and I hear that those who are now attacking people of Turkana are coming from a neighbouring country; a country that we know, it shocks me that we have not heard from the security agencies that are responsible on what they intend to do. Just because it is the Turkana and the attackers are the Toposa who are supposed to be related to the Turkana, it does not

make it more different than when we had issues with the Ethiopian invasion on Kenya and the Government brought out its machinery.

Before this country becomes divided on the issue of where security is provided and where it is not, I have heard our Deputy President say that the issue of using cattle rustling as an excuse to commit criminal activities will be curtailed. We urge the new Government that has proved that it will do things differently to take the issue of insecurity in Turkana seriously and prove to Kenyans that there is no region in this country that does not deserve the protection of the State. Turkana must be the first example so that we do not have to discuss it in this House in that light. Instead, we should discuss Turkana as the area that will give us the oil that will make this country rich, make us stable and give us prosperity.

Therefore, I support the Motion.

**Hon. Ekomwa:** Thank you, hon. Temporary Deputy Speaker, Sir. I take this opportunity to introduce myself, but I am not making a maiden speech. I am hon. James Lomenen from Turkana South.

I rise to support this Motion because it has come at the right time. Allow me to quote the assertions of a philosopher called “Thomas Hobbes” in his theory of “Social Contract”. He states that the role of a government is to protect life and property. If the government fails to protect life and property of its citizens, the citizens go back to a state of nature. When their lives and properties are threatened, they find their own way of protecting themselves. That is the observations we have made from these pastoralist areas.

Insecurity in Turkana County is no longer an internal issue but an international one. I support the hon. Member from Turkana West that it is not only in Sudan--- I want to confirm in this House that several attacks have happened in my constituency and those who participate in those attacks are Ugandan citizens. That incident was confirmed by the OCPD. This is because one of those militias who were killed wore a T-shirt that was written “Vote for Museveni”. The MTN lines confirmed that the attackers came from Uganda. The Government of Kenya has that information but up to now it has not taken the matter seriously. We have also learnt with great grief that it seems in this country there are people who are more important than others. This is because when three or five people are killed in Nairobi, you see the Government machinery being serious but when over 10 people are killed in Turkana, it is usual. Why is that the case? I think we all belong to this country and the Constitution of Kenya gives us all right to life. There are no people who are given more right to life than others.

We noted last week that what had happened in Bungoma was very serious. I want to confirm to this House that I have lost 20 registered voters within three weeks. How many will I lose in five years? Those registered voters even voted for the President. If we were to go into an election now, you will not have them. This is a serious issue. There is no joy for me to be in this House when I keep on losing the people I represent.

This Motion has come at the right time. If we deserve security, let us be given that security. If we do not deserve that security then we should be told.

Hon. Temporary Deputy Speaker, Sir, I also want to confirm to this House that the President said that he has plans to ensure that one policeman handles 450 citizens. However, let me tell you in my constituency I have zero policeman against 10,000

citizens. You can imagine that situation. How do you expect those people to get protection?

**An hon. Member:** On a point of order, hon. Temporary Deputy Speaker. We have actually stood for long and nobody is giving us a chance. Since we came to this House, we have not spoken. It is high time you gave a chance to the persons who have not spoken.

**The Temporary Deputy Speaker** (Hon. Cheboi): All Members have been standing. You will catch the Speaker's eye at the right time.

**Hon. Nakuleu:** Thank you, hon. Temporary Deputy Speaker, Sir. I want to first thank the Mover of the Motion for coming up with this Motion. It ought to have come much earlier---

**Hon. Isaack:** On a point of order, hon. Temporary Deputy Speaker, Sir. This Motion is the property of the House and every Member would wish to contribute on it. It is not only Members from Turkana who ought to contribute. Please, hon. Temporary Deputy Speaker, Sir, give everybody an equal opportunity.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Shaaban, you realize that this is a Motion for Adjournment. If you really have a burning issue touching your particular area and it is of national importance, you are free to move that kind of Motion. Allow the Chair to work.

**Hon. Nakuleu:** Hon. Temporary Deputy Speaker, Sir, Turkana County borders three international boundaries, that is, Uganda, Ethiopia and Sudan. This gives us every reason to urge the Government to pay more attention to Turkana County. The issue at hand is an atrocity committed by non-Kenyans who have crossed the border and now live on Kenyan soil. These people have crossed the border and are now 10 kilometers into our land. The issue has been reported to security agencies. It is now almost one month since the killings started and no action has been taken by the Government. What we now urge as a House is that the Government drives back these Sudanese to their area. The Kenya security forces should then secure our land for the peaceful stay of our people. We cannot exist with non-Kenyans on our land when there is no bilateral agreement between the Kenya Government and these arsonists.

Hon. Temporary Deputy Speaker, Sir, we also urge the Government to be a bit sensitive on the issue of the pastoralist communities, be it from North Eastern Province, Eastern Province or Turkana County. Once an incident happens in the ASAL area, it is just termed as that. A report showing how many people died is all that is done. The whole thing then stops there. However, when a single person dies in his house somewhere in Nairobi, the Government constitutes a commission to investigate the cause of death. We cannot be treated discriminately. We are not in Kenya by choice. The Government, therefore, has no option other than accommodating us like the rest of Kenyans.

We also want the Government to ensure that there is equitable development. The lifestyle of our people must change. The Government should not allow them to rely solely on livestock. We want the Government to improve the infrastructure in the area. If the Government wants to retaliate, where will the security personnel pass and yet there are no roads? We do not even have telephones. We need the Government to take a serious step and be a bit sensitive on the lives---

**Hon. Akujah:** Hon. Temporary Deputy Speaker, Sir, the security situation in this country and more so in northern Kenya and Turkana leaves a lot to be desired. I want to

support what my colleague from Turkana North has said. Turkana County borders Uganda, Ethiopia and Sudan. All the tribes that border Turkana County are very hostile to the Turkana. What is worrying most of us is that the Government of Kenya, even after 50 years of Independence, has continued to concentrate security forces in the cities like Nairobi, Nanyuki, Gilgil and Nakuru. This was actually a colonial strategy to take care of the colonialists. The Government of Kenya is still doing the same 50 years down the line.

The borders I mentioned earlier are porous. These are people who are very hostile. Why can the Kenya Government not post security forces along these porous borders instead of concentrating them in Nairobi and Nakuru? What is so special about these particular cities?

In 2009 and 2010 there was disarmament in Turkana County. In Loima Constituency, we returned 204 guns which the Government promised to replace with Government guns that were to be given to Kenya Police Reservists, who were then to take care of people and their property. Since then not even one gun has been given out to the people of Turkana. We are wondering whether the Government is really taking care of its people or it has its own agenda.

I fault this Government because northern Kenya and Turkana have been marginalized and no priority has been given to these areas. As hon. Shebesh said, this matter was talked about in the last Parliament repeatedly. It seems like it is impossible to post security forces to these areas.

We are urging the Government to do something. During the Presidential Address, nothing was mentioned about the security issue in Turkana. All they said is that they were going to deal with cattle rustlers. I do not know how they will deal with this because it is something that has been going on for 50 years now and nobody has ever done anything.

I support the Motion.

**Hon. Farah:** Hon. Temporary Deputy Speaker, Sir, we all need to remind ourselves that we all swore to protect Kenyans. This begins with the President of Kenya. We cannot hear the music of Kenyans dying every day in all corners of the nation. Sometimes we ask ourselves, which of the 47 counties in this country is safe? I cannot mention even one. This is serious and the Government of Kenya must take action. It is not a secret anymore that insecurity is rife in all corners of this country. We must do something to bring sanity to this country.

We are in a new dispensation. We are implementing the new Constitution which allows for devolution. We do not want to suck the energy of our Governors by involving them in security issues. We are supposed to be innovative and find ways and means of creating resources to support their huge budgets. We cannot derail them anymore.

Security cannot be maintained by only the security apparatus. This is an all-inclusive exercise. *Wananchi* must be involved and so must be the leadership of this country. As we decry the state of insecurity across the country, it is the duty of the Kenya Defence Forces to guard the borders of this country. I wonder what they are doing. We have so many of them in military camps wasting time, eating, and sleeping. They must wake up and guard our borders, for example, in Turkana. When 43 people or more are killed in Tana River, where are the services of our intelligence personnel? The killers prepare and arm themselves to kill innocent people. I wonder what is happening in this country. Let us have sanity in this country.



**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Woman Representative from Kirinyaga.

**The Kirinyaga County Woman Representative** (Hon. (Ms.) W.K. Njuguna): Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity. This is my first time to speak in this House. I want to thank Kirinyaga people for electing me to come and represent them in this House.

With regard to this issue which is a big concern to very many of us, I would like to say that there are very many factors contributing to insecurity in this country. It is unfortunate because we find that very many people who live near the borders are not sure whether they will be alive the next day. We have seen many strangers, people coming into the country illegally and you wonder where they pass. I request that we have security measures along our borders.

We also need to look into the issue of floods. People are drowning in rivers because of the heavy rains. The rainy season comes back after many months yet nothing is done. We have seen people dying on the roads. There is insecurity even in *matatus*. We always get news about people dying on our roads. What are we doing about these *matatus*? When speed governors had been introduced, incidences of accidents had reduced. Why can it not be reintroduced so that we save lives? Dying is not going on a journey; it is loss of life. The Government is supposed to put in place measures to control this menace.

We are talking about drought and this is the time we should be organizing how we can harvest water that is getting lost so as to use it during the drought season. This will control loss of human life.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): Again I want to repeat, hon. Members contributing for the very first time, kindly, let us be very relevant. You have some leeway but we should not be irrelevant.

**Hon. Rotino:** Hon. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to contribute to this very important Motion. I want to thank my friend from Turkana West for bringing this Motion because people are losing lives. It is so painful when we speak about insecurity all the time. There is no session that hon. Members have not raised Motion for Adjournment to discuss insecurity in this country. We want to urge the Government that even as we discuss the Budget, they should deliberately allocate more money to the police force. This is because as we speak about insecurity, the police force does not have enough facilities and equipment. They are not facilitated to deliver. So, we should try to allocate enough money in the Budget. We have talked several times about security of roads because for the police force to deliver, we must provide them with facilities. We must create roads. There are roads, for example, in my own constituency because we border South Turkana, that link us. For those roads, we must allocate enough money so that they are made passable. This is so that when there is something that happens within those areas, the police officers are able to drive and reach those places on time.

I want to inform this House that when there is an incident, we are very quick to form commissions to deal with such issues. Maybe we should move a Motion that a commission be instituted that is going to deal specifically with the issue of cattle rustling so that it is addressed by a commission. This will ensure that we come up with

recommendations and lay them on the Table of this House so that the Government can implement them.

We do not want to be talking about insecurity all the time. It is 50 years since Independence and our people are still killing each other because of chasing one or two animals. This should not happen. Many schools have not opened. Even as speak now, some schools have not opened because of insecurity and cattle rustling. We are hiding behind cattle rustling to create insecurity. Many schools – we have about 20 schools in my constituency – have not been opened and they will not be opened maybe for the next three or four months until we organize the KPR to go and take care of them and escort them. This should be something of the past. We want to urge this Government that now that we have county governments, they should address this seriously so that we do not talk about this thing again. We spend a lot of time talking about this because nobody has addressed it.

Hon. Temporary Deputy Speaker, Sir, if the Government has failed; if the Government says that they do not have enough personnel, can they then employ KPRs and pay them? I want to cite a good example. During the elections on 4<sup>th</sup> March, policemen were not enough to be deployed in different polling stations. In my constituency, for example, they had to engage 112 KPRs to man those areas.

**The Temporary Deputy Speaker** (Hon. Cheboi): Your time is up!

**Hon. ole Ntutu:** Hon. Temporary Deputy Speaker, Sir, I also want to join my colleagues from Turkana to say that insecurity in this country has been going on for a long time and it is about time for someone to do something about it. In Narok West Constituency which I represent, for the last six months, my people have been living in fear. Militias from our neighbouring country, Tanzania, have been terrorizing them for the last six months. For example, on 17<sup>th</sup> September, 2012, a bus ferrying people was stopped and occupants were robbed of Kshs800,000. On 10<sup>th</sup> October, 2012, a constituent was shot dead. On 19<sup>th</sup> December, 2012, a DO's car was shot at Olpusimoru Road while attending a security meeting and one person was injured. A minibus of 50 passengers was robbed Kshs500,000.

Yesterday and on Saturday between 5.00 p.m. and 6.00 p.m., three Tanzania militiamen walked into a village with an AK-47 rifle and killed two brothers of the Ole Lepore family. Men and women of that village fought back the militia men with *rungus* and managed to kill one and recover one AK-47 rifle.

Hon. Temporary Deputy Speaker, Sir, what am I saying? I am saying that in that part of that country, there is no police. I have been there personally for the last two days and I have not seen even a single policeman. People there are defending themselves with *rungus*. This is very serious because it is similar to what my counterpart from Turkana has just talked about. People are coming into Kenya from Ethiopia and killing our people. The same thing happened in Naikara Ward. This time round, it is the Tanzanians who are coming over to that area and killing our people. They are armed and the people in Narok West are not armed. I am asking: Where is the Government? This is a Government that I voted for. It is a Government that I have worked very hard to put in place so that it can take care of the people of Kenya.

Hon. Temporary Deputy Speaker, Sir, I want to inform this honourable House that the Tanzania Ministry of Natural Resources and Tourism announced in April that they had leased land to the United Arab Emirates (UAE) measuring 15 square kilometers.

This is a section of Loliondo Game Controlled Area, where they have given a lease to a company to carry out hunting. That activity is spilling over to Kenya, or rather to the only famous Maasai Mara that we have. It is one of the seven wonders of the world. Animals are being killed and now it is the people. Schools did not open yesterday because of insecurity. I am asking this honourable House: How many times are we going to talk about insecurity in this country? Somebody is sleeping on his or her job. Very soon, the Appropriation Bill will come and the National Intelligence Service (NIS) in this country is not doing its work. How can people come from another country, kill people and go back? That is something we need to bring to a stop.

Thank you, hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Cheboi): The hon. Member for Nakuru Town East.

**Hon. Gikaria:** Thank you very much, hon. Temporary Deputy Speaker, Sir. My name is David Gikaria, Member of Parliament for Nakuru Town East. I rise to support my colleague from Turkana for having brought this Motion. I ask myself: Who are we talking to? Are we talking to the President or the Government? This is because these things started with the constituency of the Leader of Majority Party, and then there was Busia, Bungoma, Turkana and it is almost everywhere. Early this afternoon, we were treated to some circus in the formation of committees. What we need most is to have those committees in place. If we had them in place, then the committee in charge of security matters would have, at least, summoned the Inspector-General of Police or other relevant authorities that are in charge of security and take them to task. Of course, by virtue of the powers of those committees, we could be getting some answers because we will wake up every day and find that, as my colleague hon. Dado said, none of the 47 counties is safe.

We are saying that because insecurity is not only happening in Turkana, but also in Nakuru. People are asking: Where is this Government? That is because recently, a very prominent investor in Nakuru Town, who has brought a lot of business and development there, suffered an attack. His staff were carjacked and his phone was stolen at gun point and one person was shot. That phone has a tracker and it can be tracked. Every day, the phone is being used with six different sim cards. This information was passed over to the District Criminal Investigations Officer (DCIO), but we do not get any support. I personally went to the DCIO, but nothing has happened.

Hon. Temporary Deputy Speaker, Sir, as a new hon. Member in this House, I wish that the new committees are formed. I am hoping and praying that God is going to descend on this House and bring some order, so that we can have the committees to address these very crucial issues of insecurity, which are taking place in almost every part of this country. Two years back in Nakuru, the same security officers terrorized Kenyans. It was a ploy by some police officers. They entered a *matatu* masquerading as passengers and four of them were arrested and taken to one of the police stations in Nakuru. A month after that, two policemen were shot during a bank raid. So, we are very much concerned about the security issue and more so when it affects ordinary Kenyans.

Hon. Temporary Deputy Speaker, Sir, it is very sad that after the incidents in Busia, one policeman was captured on television saying that we have to go back to vigilante groups since we had no choice. You can imagine what vigilante groups have done in parts of urban areas of this country. If we get such advice from security agents---

Security can be dealt with in our estates and villages. I think, just as my brother, hon. ole Ntutu from Narok West has said, this country has lost people and because we cannot get any protection from the Government, then we have to result to---

**The Temporary Deputy Speaker** (Hon. Cheboi): Your time is up. Hon. T.G. Ali.

**Hon. (Ms.) T.G. Ali:** Thank you, Hon. Temporary Deputy Speaker, Sir. I think what is happening is not something new. I can give examples of what has happened in Isiolo over the years. It is one thing that, maybe, will also help this Government to put some measures in place. I think the story about security personnel is difficult. For example, there is lack of communication equipment in the very difficult areas. There is also the problem of lack of fuel and vehicles to pursue bandits. I think one of the things that the Government has done to improve security is compulsory disarmament in some of the areas. However, the Government has done that without putting in place measures to ensure that communities are secure. If, for example, they are told to return all their guns and the Government is not able to offer them security, then it is very unfortunate.

Hon. Temporary Deputy Speaker, Sir, insecurity in those areas is a very big disadvantage to the communities and also counties. That is because it sends away investors who would also want to put in investments to improve the areas that have been marginalized for over 50 years. So, I stand to support the Motion and I would tell the Government that if it is not able to put measures in place to ensure that communities are secure, then it should allow them to arm themselves and take care of their properties and lives of their children. At least, they should not succumb to those kinds of insecurity situations.

I know we have had cases where parents have been attacked and women have been rendered widows and children have been left orphans. I have not seen even one case where the Government has come up with support to communities. If we had enough money in our budget to take care of the children and widows, or to give property to communities, then, maybe, the Government would feel the pinch. It would realize that a lot of money is spent and take care of security issues better.

So, support the Motion.

**Hon. (Ms.) Emanikor:** Thank you, Hon. Temporary Deputy Speaker, Sir. I am Joyce Emanikor, Turkana County. The reason why we have the highest poverty index in Turkana and, maybe, in other ASAL areas is partly attributed to insecurity. The reason why we have low levels of education and high illiteracy rates in Turkana and other parts of ASAL areas is because of conflicts and insecurity. We have many poor people in urban centres in those counties because of the high school dropout rates among the pastoralists due to insecurity. They go to towns and cannot adapt to live in towns. It is possible for the Government to bring this to an end. If it was able to subdue the *Al Shaabab* across the borders, then it surely can manage security in this country.

Security is a basic and fundamental right of every Kenyan as enshrined in the Constitution. We do not see why we should be begging for security when it is a right. We do not see why, every time, we should be talking about security in our counties when we know very well that we deserve it as citizens of those counties. We need to support the Inspector General. We need to facilitate him, give him more guns and ammunition. We should even give more guns to the local Kenya Police Reservists and if possible, remunerate them, so that they can take care of their borders. You know very well that

Turkana secures three international borders on behalf of the Kenya Government. We have security officers at some of those points, but they are not doing their work well. It is still the local people who are working on behalf of the Government. The Government should reciprocate by supporting the local efforts on the ground. The county governments should also take charge. We believe that once resources are given to them, that will take place. The Government should boost security. In the Police Force, you sometimes find a whole inspector in charge of only two policemen. Such an inspector is being underutilized. Those officers usually fear for their lives and they leave everything to the local people. We need to promote homegrown strategies of conflict resolution and security provision by supporting the local organizations that are also supporting security.

We also need to work on our access and security roads. The road from Lodwar to Kitale and Lodwar to Lokichoggio is impassable not because it is deplorable, but because of highway bandits which the Government can also deal with. You cannot believe that in this country there are roads that you cannot drive along without a security escort. You cannot travel from Kitale to Lodwar without security. You cannot travel from Lokori to Kapedo and to Marigat without security escorts. You cannot travel from Kakuma to Lokichoggio without security escorts and yet you are in your own country. So, besides the cross-border conflict, we also have other issues to deal with within ourselves.

I support.

**Hon. (Ms.) F.I. Ali:** Hon. Temporary Deputy Speaker, Sir, first and foremost, I want to congratulate you on your election---

**The Temporary Deputy Speaker** (Hon. Cheboi): And you have four minutes to wind up.

**Hon. (Ms.) F.I. Ali:** Hon. Temporary Deputy Speaker, Sir, first and foremost, I want to congratulate you on your appointment to the Speaker's Panel. You deserve it.

**An hon. Member:** On a point of order, Hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Fatuma has quite a few minutes and I would really not want interruptions with points of order now.

Proceed, Hon. Fatuma.

**Hon. (Ms.) F.I. Ali:** Thank you, Hon. Temporary Deputy Speaker, Sir, for defending me. I want to seriously contribute on this issue of insecurity. I want to inform this House that before I joined the Eleventh Parliament, I was a Commissioner with the Kenya National Commission on Human Rights (KNCHR) and I have done a lot of investigations in Turkana regarding displacement as a result of insecurity or attacks from the borders. I have researched on the conflict between the community members and the militia in Mount Elgon. I also looked into the issues of Tana River and Baringo in 2012 and the story is the same all over in the northern frontier districts from 1963 to date.

This looks like an area of less interest in this country. It is less considered and there is a perception among the communities living there that the Government does not treat them as equal citizens. The Government has a duty to protect the citizens of this country, including the citizens of the northern frontier districts. The local people are entitled to adequate security. The Government has not treated those communities with the dignity that they deserve. They have been marginalized in terms of development. All the resources meant for development are used - and up to now - to deal with insecurity issues. Sometimes, one feels that the State wants to continue giving excuses in terms of dealing with insecurity issues as part and parcel of the lives of the communities in

northern Kenya. This includes Turkana, Wajir, Baringo and all those areas that are occupied by pastoralist communities.

If there is bit of killings in some parts of this country, for example, Central Province, Nairobi and Nakuru, there will be serious State attention and resources will be quickly mobilized. It will be taken as a national disaster but when it happens in northern Kenya, Turkana, Tana River, Mandera and Wajir, it is treated as the tradition of those communities. This country has failed the people of northern districts. It has discriminated against those communities. When incidents of insecurity happen and fights occur in northern Kenya, they are treated as part of the people's culture. That is not the case. It is the State's failure.

Last week, we heard about Bungoma. Recently, a group of us travelled to Mandera and everywhere in northern Kenya, there are organized militias. If the Government is not ready to protect the lives and properties of the people from those communities, why can it then not legalize militias to protect the people of northern Kenya? We have failed the people of those communities who are citizens of this country and we are not legalizing their militias. We should pay them from the State coffers and say: "Yes, we have failed". The Government must formally say that because we cannot accept that. We are elected by the communities from northern Kenya and we cannot pretend that there is no problem. There is a huge problem in those areas. The Government must declare insecurity in this country a national disaster. We have totally failed.

The President, in his Presidential Address, promised that the Government will protect and safeguard lives and the property of the people of this country. When will they do it? It is just on the paper. When will they enforce it? Even if you increase resources for the Police Force, the killings will continue. They believe that there is no need of protecting the lives of people in certain areas, for example, in Turkana, Samburu and the Somalis.

## **ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. Cheboi): Members, it is time for interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 8<sup>th</sup> May 2013, at 9.00 a.m.

The House rose at 6.30 p.m