

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 16<sup>th</sup> May, 2013

The House met at 2.30 p.m.

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

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

The Second Report of the Procedure and House Rules Committee on Amendments to the Standing Orders.

*(By Hon. Cheboi)*

The Report of the Auditor-General on the Financial Statements of the Pyrethrum Board of Kenya for the year ending 30<sup>th</sup> June, 2012.

The Millennium Development Goals Status Report for Kenya, 2011, by the Ministry of State for Planning, National Development and Vision 2030.

The Annual Report and Accounts of the Masinde Muliro University of Science and Technology for the year ending 30<sup>th</sup> June, 2010.

The Annual Report and Accounts of the Masinde Muliro University of Science and Technology for the year ending 30<sup>th</sup> June, 2011.

The Report of the Auditor-General on the Financial Statements of the Multimedia University College for the year ending 30<sup>th</sup> June, 2012 and the Certificate of the Auditor-General thereon.

The Report of the Auditor-General on the Financial Statements of Kenya Tourist Board for the year ending 30<sup>th</sup> June, 2012 and the Certificate of the Auditor-General thereon.

The Kenya Airports Authority Annual Report and Financial Statements for the year ending 30<sup>th</sup> June, 2012.

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

**Hon. (Eng.) Rege:** Hon. Speaker, Sir, I am standing to seek your advice. The Tenth Parliament undertook some investigations into the satellite rocket launching pad in Malindi, but the report was not tabled before the House because it was time-barred. What should we do with that Paper?

**Hon. Speaker:** You can see the Clerk of the National Assembly for advice.

### NOTICE OF MOTION

ADOPTION OF REPORT ON AMENDMENTS  
TO STANDING ORDERS

**Hon. Cheboi:** Hon. Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, this House adopts the Second Report of the Procedure and House Rules Committee on amendments to the Standing Orders, laid on the Table of this House today, Thursday, 16<sup>th</sup> May, 2013.

**STATEMENTS**

BUSINESS FOR THE WEEK COMMENCING  
21<sup>ST</sup> TO 23<sup>RD</sup> MAY, 2013

**Hon.A.B. Duale:** Hon. Speaker, Sir, I have two statements to give. Pursuant to Standing Order No. 44(1), on behalf of the House Business Committee (HBC), I wish to give a statement regarding the business to come to the House next week.

On Tuesday, the HBC met and approved the Bills, which are anchored in the Constitution, and are scheduled to be passed before 27<sup>th</sup> August, 2013. These are: The Freedom of Media Bill; Support for the County Governments Bill; Public Participation and County Assembly Powers and Immunities Bill; and County Assembly Gender Balance and Diversity Bill. The Committee agreed that these Bills will be immediately committed to the relevant departmental committees of the House for deliberations.

On Motions, we expect to debate the following Motions next week: The Motion by hon. Koyi, urging the handover of agro-based parastatals to the respective counties in the Republic of Kenya and Motion by Hon. Ganya urging the tightening up of measures in place for curbing poaching among other matters. We already have 10 Motions which have been approved by hon. Speaker, and were balloted by the HBC on Tuesday.

Finally, the House Business Committee will meet on Tuesday, 21<sup>st</sup> May, 2013 at the rise of the House to consider business for the rest of the week. I wish to lay the Statement on the Table of the House.

SECURITY SITUATION IN RHAMU

Secondly, I want to make a statement on the security situation in Rhamu, Mandera County and the interventions the Government has put in place.

I wish on the outset to indicate that incidents of attacks and counter attacks have been taking place in Mandera County for a long time mainly involving two major communities in that county. This conflict escalated during the last general election when their differences became more pronounced. The latest major incident was reported in Rhamu on Friday, 10<sup>th</sup> May, 2013 at around 6.00a.m. when the militia from the two communities exchanged fire leading to the death of three people, one Degodia and two Garre. An additional 12 people were injured, out of whom five were seriously injured and were referred to Mandera District Hospital. This incident displaced a number of families who sought refuge at the Mandera North District Commissioner's office and Rhamu police station. Following this incident, His Excellency the Deputy President of the Republic of Kenya, the Hon. William Ruto, held a meeting with leaders from North

Eastern Province on Saturday, 11<sup>th</sup> May, 2013 to address the insecurity in Mandera County. The meeting was attended by 21 leaders drawn from all the communities in the region and Government security team lead by the Permanent Secretary, Secretary to the Cabinet and Head of Public Service. The meeting deliberated on the issue and conveyed information to Kenyans through a Press Statement issued by His Excellency the Deputy President. Later I will table the Press statement that the Deputy President read. They have agreed on the following:-

(i) The leadership unanimously agreed to go back to the county and assist in the restoration of peace and enhance peace and reconciliation activities;

(ii) The Government to immediately increase security presence and disarm all militia both local and foreign for peace to be restored;

(iii) The Government to assist in the provision of food and non-food items to the 5,000 persons displaced by the skirmishes in the county and also assist them to resettle back to their homes;

(iv) The Government to urgently engage our neighbour, Ethiopian Government, to ensure that foreign militia do not cross the border and perpetuate conflicts into that county;

(v) The Government to enhance the capacity of the administration and security personnel in conjunction with the county government to ensure prompt management of security situation;

(vi) The Government to ensure immediate reopening of all the schools in the affected areas.

On Sunday, 12<sup>th</sup> May, 2013, senior security officers from the Ministry of State for Provincial Administration and Internal Security accompanied by leaders from North Eastern Province held a leaders' meeting in Rhamu, Mandera County, and thereafter conducted three public *barazas* in the area. The leaders resolved that the Government gives a three-day amnesty for voluntary surrender of all illegally held firearms failure to which forceful disarmament will be carried out. The Government has further since boosted the security presence in Rhamu by deploying an additional 200 police officers. As a result of the amnesty, 14 firearms and 531 rounds of ammunition have been surrendered as at Wednesday, 15<sup>th</sup> May, 2013; that was yesterday.

I wish to clarify that contrary to media reports, the meeting chaired by His Excellency the Deputy President on Saturday, 11<sup>th</sup> May, 2013 did not discuss the possibility of the Kenya Defence Forces being deployed to handle the inter-communal conflict and neither was involvement of the Kenya Defence Forces discussed during the meeting. Words to note: the Kenya Defence Forces leadership was not present in the meeting because the issue was purely an internal security matter. Among the issues His Excellency the Deputy President reiterated was that the Government was committed to contain the clashes between the two communities of Rhamu, Mandera County. The Deputy President did not at any time ask for the deployment of the military in the area, but noted in the meeting that KDF forces who were already in place in their bases in Mandera and along the borders were ensuring that no foreign militia would cross to Kenya from the neighbouring countries. I, therefore, wish to clarify to the nation that it is wrong for anyone to allege that His Excellency the Deputy President ordered that KDF be deployed to the area to quell the conflict in Mandera County. Indeed, the Constitution that this country passed in 2010 is very clear on how to deploy the KDF under Article 241(3)(c) and I quote:

“The Defence Forces –

(c) may be deployed to restore peace in any part of the Kenya affected by unrest or instability only with the approval of the National Assembly”

Unless such time comes, no approval has been sought by the Jubilee Government. I wish to further state that the insecurity being experienced in Mandera County does not warrant the deployment of the Kenya Defence Forces. Our police services are capable of handling the situation and I have directed them to ensure that there is peace in the county. So far, the situation has normalized and the displaced families have already gone back to their homes. I wish to lay on the Table a copy of this statement plus the Press statement issued by His Excellency the Deputy President on 11<sup>th</sup> May, 2013.

*(Hon. A.B. Duale laid the documents on the Table)*

**Hon. Keynan:** Hon. Speaker, Sir, I appreciate the statement by the Government. There is something that happened this morning at around 3.00 a.m., I believe in Banisa. There was an attack and about three people were killed and hundreds of camels stolen. As much as we appreciate, one of the resolutions that were arrived at was that the conflict in Mandera had two centres, one was in Banisa and the other in Rhamu. The security officers are already in Rhamu. I want to appeal to the Leader of Majority Party to convey information to the Government that they also need to cover the other part, so that this nonsense of insecurity in different parts of Kenya is brought under control, because nobody benefits from it. I want to appeal to the residents of northern Kenya that since the advent of multi-party democracy insecurity has been completely eradicated. I want to appeal to them to stop fighting and engage in development, because it does not benefit anybody to fight. I want us to learn lessons from Somalia. I want to appeal to my colleagues to support the peace initiative by the Government, because if we do not support the Government, on its own it cannot achieve anything. We represent the people of Kenya here. I want to plead that this latest incident must be brought under control, so that it does not create a vicious circle of insecurity in that particular part of Kenya. This issue of security is something that we all need to support. Nobody benefits. Let us not politicize it. I was taken aback when I saw a statement that repeated that a section of the leadership of this House--- I understand the KDF Act, the Constitution and I believe what has been done so far; technically speaking our KDF are supposed to be stationed along our borders and that area is an international border. There is nothing wrong in having KDF presence along the Kenya-Ethiopia border. It is their function. Please let us have the other issue addressed, so that it does not lead to other attacks.

**Hon. Speaker:** Hon. Member, are you Gatobu or Gitobu?

**Hon. Kinoti:** I am Kinoti Gatobu, hon. Speaker. Thank you, Sir.

Mine is to pass my deep gratitude to this hon. House for the great support I was given when I lost my father last week. This hon. House and the Senate gave me a lot of support for the final resting of my beloved dad. Thank you very much.

Hon. Speaker, I want to raise an issue on a continuous trend that has happened in this country. There are so many declarations that Kenya has been party to and we do not seem to follow them to the letter. We have UN standards on the ratio of policemen to the citizens. That ratio must be followed. We have so many issues that are pending, yet we waste a lot of time on issues that are not of interest to *mwanaanchi*. We take time on the Rome Statute and similar issues, and forget the Abuja Declaration that requires that 15 per cent of the Budget of this country must be spent on healthcare. We forget that there is a UN Declaration which sets the ratio of policemen to citizens, which must be 1 to 400 whereas in Kenya it is 1 to 15,000. We forget other issues that we should focus on, especially security.

So, mine is to appeal to the Government, and especially the Budget Committee of this House, that the Budget of this year must show inclination towards that trend. If the Budget does not adhere to that, then we must have a way of pushing the Executive to ensure that we lean towards that direction. Mine is an appeal to the Budget Committee that whatever is presented before them should show inclination towards the Kenya Government employing enough policemen to secure the Kenyan people; if that Budget does not show inclination---

**Hon. Speaker:** Hon. Gatobu, at this point you are supposed to seek clarification from the Leader of Majority Party on the statement that he has read out. It is not an occasion to make those appeals and contribute to a non-existent debate or Motion.

**Hon. Kinoti:** Thank you, hon. Speaker for your guidance. Mine is to request the Leader of Majority Party to give us the deliberate moves the Executive has made towards improving the security of Kenyans.

Thank you, hon. Speaker.

**Hon. Ng'ongo:** Thank you, hon. Speaker. First of all, allow me to congratulate the Leader of Majority Party for bringing an unsolicited statement on the security situation in the country. Whereas I appreciate the statement given by the Leader of Majority Party, I have two issues to raise regarding his statement.

First is an observation that, even though we get it well stated that our KDF have not been deployed contrary to the Constitution, we are not against deployment of our KDF because they should serve this country. But we need deployment to be done constitutionally and the assurance is good enough. The only thing I would like to tell the Government is that such a matter is weighty; it touches on constitutionality. It needs to be responded to quickly, given that this is a "digital" Government. The Jubilee Government should be "digital" in its response, so that the country does not get agitated when they read some of these issues in the media. I agree with you, the media misreports things but you need to quickly correct it.

Finally is a clarification that I would like to get from the Leader of Majority Party. The security situation in the country is worrying; in north eastern, western, Bungoma, Busia, Tana River and Nyanza. Ten kilometres away from my home in Nyatike Constituency there is insecurity; about 10 watchmen were literally butchered in a single day.

Hon. Anyanga has spoken on this issue and he is so bitter about it. This shows something unusual. Rather than dealing sporadically with these issues, can the Leader of Majority Party tell this House the Government strategy for getting to know the cause of this escalating insecurity in the country? What is the motive behind it and how do we address it? This is not a matter where you hear that somebody or people have been slaughtered in Suba, then you move there with the police officers and try to harass people around. It will not work like that! You need to get to the bottom of the matter, the root cause of this insecurity in the country. Let us understand whether it is politically induced or some cult? What kind of thing is it? It is not really poverty because the people who come to slaughter others, like the ones who came in two vehicles, those were not poor people. Those are people who are up to some mission; what would you get from a watchman really? Your drive your two cars to go and slaughter a watchman and you disappear! You do not even steal from the premises the watchman is guarding. So, there must be something. Could the Leader of Majority Party tell this House, really what is the strategy of getting to understand what is causing this serious problem in the country?

**Hon. Murungi:** Thank you, hon. Speaker. My name is Hon. Kathuri Murungi, Member of Parliament for South Imenti.

Hon. Speaker, I would like to seek clarification from Hon. Duale, the Leader of Majority Party; who is also my leader in this House. There is the National Intelligence Service (NIS) in this country and a lot of killings are happening day in, day out. We are giving a lot of money via the Budget to this organ of the Government in this country. So, I would like to have a clarification to know whether we are adequately using this service, or whether these people are using the money they are given well to make sure that the right information is obtained and delivered to the police force, so that they can deal adequately with criminals

I heard over the electronic media that there were people circulating leaflets in Trans-Nzoia District when we still have the NIS people on the ground. So, I would like to request the Leader of Majority Party to kindly clarify whether we are using the NIS properly.

Thank you.

**Hon. Mutambu:** Thank you, hon. Speaker. I am seeking clarification from the Leader of Majority Party on what measures the Government intends to take to get information? The issue is not protecting; it is getting information, so that you can react to insecurity in this country. We know there are good machines to detect criminals. Are we ready to purchase machines like sky ships? If we send one to the air it will detect anything bad happening in our country. Are we ready to do that or we are just waiting to employ police and army officers? What can they do without technology? This is the question I want the Leader of Majority Party to answer.

**Hon. Speaker:** Let us have the response. If I do not mention your name, do it for purpose of record. This problem is not going to last for more than a week. Please bear with me for the time being.

**Hon. (Ms.) Korere:** Thank you, hon. Speaker. I appreciate the Leader of Majority Party for his statement. However, I would like to seek clarification from him because it is an open secret that the equipment that our security forces are using is wanting. We recently saw the General Service Unit (GSU) officers pushing their Land Rover and lorries before they could go for an operation. You can see that if an enemy was laying an ambush that would have been disastrous.

Hon. Speaker, for the first time, in about 10 years, at least we are seeing a government which is providing hands-on solution to the security problem. For the last 10 years, we have seen hands off, eyes off, ears off style; but, at least, we are seeing a hands-on style. We would like to know what they are doing to boost the morale of these people.

**Hon. Speaker:** Leader of Majority Party, you can now respond. Let him respond to those appeals first and then we will give you the second chance.

**Hon. A.B. Duale:** Hon. Speaker, I want to say it on the Floor of the House that as we are in this debate, His Excellency the President is chairing a high level---

**Hon. Speaker:** I am not about to throw you out but when a person is speaking, the rules demand, in fact, that you cannot walk between the person speaking and the Speaker. That is just for information.

**Hon. A.B. Duale:** Thank you Chair.

The Head of Criminal Investigation Department (CID) is actually with the President at the moment. Since morning, the president has been chairing a high level security meeting composed of all the top security commanders from all the 47 counties to get to the bottom of the insecurity in the country.

Hon. Keynan raised a very fundamental issue. The security of our people would improve far better if the leadership at all levels got involved, right from Parliament, that is the National Assembly, the Senate, counties, our governors, women leaders and our youth leaders. It should

become a collective responsibility. So, leadership which Hon. Keynan talked about is there. I am sure the leadership of north eastern Kenya gave a commitment in a meeting of Saturday, which I attended.

Secondly, the incident that happened this morning was very unfortunate. When His Excellency the President was at a swearing-in ceremony, he made a very clear statement that anyone who wants to destroy the basic fabric of our nation's security will not be tolerated. So, that was a statement coming from the Head of State. This is not only in the police, but even in the World Health Organisation doctor to patient ratio, we are still very far. But as a developing nation, and as a Parliament that is going to budget the money, we know that we will not reach the UN standard in the near future, but we will be very close. That is what all of us, as the leadership, aspire to achieve.

Hon. Ng'ongo asked what the strategy is. The strategy of the Jubilee Government in terms of dealing with insecurity is the one in the manifesto, in the Budget that will be submitted to the respective departmental committees. Those of us who will be on the Committee on Defence and Foreign Relations and the Committee on Administration and National Security will see the amount of money this Government has put in for personnel recruitment and equipment. Two days ago, the President ordered that this country spends Kshs4 billion annually on security equipment. He has even set up a committee that will fast-track the procurement process. Never in the history of this country have we spent Kshs4 billion on equipment and to get more vehicles and housing for our police officers. This is so that we can be secure within our borders.

Hon. Gatobu talked about the competencies of the NIS. I will pass that to the Committee on Defence and Foreign Relations once we form it. Today, there is white smoke up, and we will form this committee. That committee has the mandate to summon the Director-General and the senior management of the NIS, grill them and ask them whether they are doing their bit.

**Hon. Keynan:** On a point of information, hon. Speaker, Sir. I also thank the Majority Leader for accepting the information. It is important that we also understand what constitutes the functions of different entities of the Republic of Kenya. The work of NIS is to collect, collate, analyze and disseminate information to different departments in the Government. Therefore, security is the work of the police. We need to get this very clearly, so that we do not blame an arm that is not concerned with this particular issue. Therefore, we should be asking ourselves: Do the customers of NIS utilize the information they are given for the protection of the people of Kenya? Secondly, funding our security sector has never been an issue. Funding has always been there, but have we been getting the right equipment? You will remember that we had the Anglo-Leasing and this is why my sister has said that as we fund, we should also make sure that we get quality equipment for our security sector.

**Hon. A.B. Duale:** Hon. Speaker, Sir, I have allowed hon. Keynan to give me that information because he chaired the Committee on Defence and Foreign Relations. He had the pleasure of serving in the last Parliament. The Members are asking whether the NIS is giving prompt information because you can give information after an incident has happened, that is after Kenyans have lost their lives. I will leave that to the relevant departmental committee that will grill the personnel of the NIS. Every institution of security in this country has an obligation, function and a role. This Parliament allocates the taxpayers' money to that institution. I am sure that from next week, if we approve the names today, you will have the chance to grill that institution.

Finally, hon. Members also talked about the equipment. I want to assure the Members that this House has the mandate to scrutinize the budget, the spending and the implementation.

So, it is us, in our respective committees and positions as leaders and on the Floor of the House, to ensure that the money budgeted is used at the right place, quality is ensured and implementation is undertaken as per the Constitution.

**Hon. Linturi:** Thank you, hon. Speaker, Sir.

*(Hon. Members stood up in their places)*

**Hon. Speaker:** Hon. Members, you will allow me to use my discretion. Some of you who are rising and trying to shake your heads, I can tell you the exact time you walked into the Chamber. Therefore, relax. I am monitoring.

**Hon. Linturi:** Hon. Speaker, Sir, I have two clarifications to seek from the Statements that have been given by the Leader of the Majority Party. In his first statement, I want to appreciate the proactive position that he is taking in regard to updating this House on the work that is pending, and which must be done by this Parliament, especially the passage of certain laws that have certain constitutional deadlines. An example is the Freedom of the Media Bill. The clarification that I want the Leader of the Majority Party to give is when these Bills will be published. When will these Bills come before Parliament? This is because I believe that we need some good time for every Member of Parliament to acquaint himself with the Bills for purposes of proper debate and proper input in terms of content and material that is contained in the Bills. The reason is because Bills have been rushed through this Parliament when we have very little time remaining, and we have ended up as a Parliament passing very weak laws. When are we expecting these Bills? When are the relevant bodies within Government that are crafting these Bills willing to present them to Parliament?

Hon. Speaker, Sir, the other one is on the statement that he made with regard to the security situation in the country. I believe that the police force is at its lowest in terms of morale. I believe I would not personally attribute the rise in crime in the country to equipment. It is the personnel themselves. What is the Government going to do in terms of boosting morale in the police force, especially in terms of their remuneration? Last year, there was a circular that was issued by the Ministry of Public Service stating when the raised salaries of police officers were supposed to be implemented. This has not been done. They could be on a go slow when we are really not aware. We want you to address these things.

Hon. Speaker, Sir, we would also want to know whether the National Police Service Act-- Recently, if you remember, we scrapped all the ranks within the police force and we have an Inspector-General who has no direct command over the police officers. He cannot discipline them or do anything, yet we have a Police Oversight Authority (POA) that appears to know so much about security when police officers actually do not know much. When are you going to correct these anomalies and inconsistencies, so that we have a Mr. Kimaiyo who has direct control over the police force, so that when there are issues, we are able to ask him to be accountable to this Parliament?

Thank you, hon. Speaker, Sir.

**Hon. Speaker:** Hon. Ndung'u Gethenji.

**Hon. Gethenji:** Thank you, hon. Speaker, Sir. I rise to lend some support to the statement by Hon. A.B. Duale. In addition, we need to think a bit more creatively and out of the box, in the sense that security is not only about resources, the number of personnel that we commit to a particular problem, or how many bullets or rubber that we can buy or afford to provide our security forces with. Many nations around the world, including some neighbouring



ones, have far better security within their borders than we do in Kenya, yet they have a much lower ratio of security forces or security personnel to the population.

Another example is in the Middle East. In Dubai security is very high. You can leave your mobile phone on a table. There are no incidents where communities rise up against others and hack them to death, yet it is not necessarily about the faith that these people espouse. It is about the culture and the ethic that is within the people. This culture and ethic is what I wish to speak on and challenge our Government and the security forces on how we can redirect, retool and reengineer the social thinking of our population. I struggled to find an English word for it; I know in Kiswahili a community that supports or espouses a morality or ethical fortitude is said to have *ungwana*. In Africa in the past we practised and held dear to *ungwana*. The opposite of *ungwana*, which we saw an example of on Tuesday, is *ushenzi*. If they had retooled and reengineered themselves, the terrorists, criminals, thieves, rapists and murderers who live amongst them would be ousted by the same communities in which they live; they would have nowhere to hide. Not only would they have nowhere to hide but we would then commit less resources to security.

**Hon. Speaker:** Are you seeking a clarification from the Leader of the Majority Party?

**Hon. Gethenji:** Hon. Speaker, Sir, the clarification is this: We want to know from the Government how we can retool and reengineer our societies without necessarily buying more bullets, guns and vehicles. We need to think outside the box because security is not only about resources.

**Hon. Speaker:** Okay. Hon. (Dr.) Wakhungu.

**Hon. Wakhungu:** Thank you, hon. Speaker, Sir. I need some clarification from the Leader of the Majority Party on what is going on in Trans Nzoia County. We know that security is very critical as far as investors are concerned. Before that, I would like to congratulate the Government for supplying four vehicles to Bungoma County. Right now when you come to Trans Nzoia County, particularly Kiminini to a place called Kiungani, we have had leaflets. What is the Government doing to counter the threats contained in those leaflets?

Two, in Trans Nzoia County we only have one vehicle that the Officer Commanding Police Station (OCPD) is using. What is the Government doing so that we can have more equipment? Lastly, we know that as far as security in this country is concerned, the buck stops with the Inspector-General. We have seen things in the newspapers. Could you clarify the roles of the Inspector-General and the Chairman of the National Police Service Commission? It seems they have overlapping roles? Maybe they are contributing to the insecurity in this country.

Thank you.

**Hon. Speaker:** I want to know whether any of the hon. Members with disabilities may be interested in seeking clarifications, more particularly Hon. Wanyonyi Wetangula, because they are not able to rise like the rest of you. Do you have any clarification you may wish to seek? All of you are taking advantage of the fact that you are able to rise in your places.

**Hon. Wetangula:** Thank you, hon. Speaker, Sir. From where I sit, it is very difficult for you to see me. Sometimes I raise my hand but it is very hard for you to see me; thank you for recognising that fact.

Hon. Speaker, Sir, sometime back there was something that the police came up with called "community policing". The clarification I would like to ask is: What became of this very good idea that the police came up with? Is it still in existence, or it just died and went with Maj.-Gen. Ali when he left the police force? If it is there, then it will help the police to flush out these

militia gangs that are moving around causing chaos and scaring people around in the quiet villages.

Thank you.

**Hon. Speaker:** The hon. Member behind you. Kindly, say your name?

**Hon. Lati:** Thank you, hon. Speaker, Sir. My name is Lati Lelelit and I represent the good people of Samburu West. I want to say that I sympathise very much with the people of Mandera, Bungoma and those other areas that are experiencing insecurity in our country right now. I want also to say that I appreciate the Government's efforts. We have seen the President and the Deputy President moving around the country and I think it is a new thing for our insecurity issues. I think these guys will address insecurity. Maybe we have some bad luck, but I am hoping that there will be a change in our country.

Hon. Speaker, Sir, I also want to appreciate the Leader of the Majority Party for the energy that he has exhibited in this House. I think he is responding very well to every issue, and I hope he will maintain that tempo for the next five years. I know five years is a very long time; I know he started with a sprint; I think he will do well for the next five years.

Now I want to seek some clarifications from the Leader of the Majority Party. If you look at what is happening in Mandera today - and I come from Samburu where insecurity is not a new thing - it is something that actually happened in other places a few months or a few years ago. If you look at Samburu, for instance, we had the Baragoi incident where 42 Kenyan soldiers were massacred. We have lost firearms and that is what has been happening in our country. We have become a reactionary country. We are simply firefighting. Today we are in Mandera, tomorrow we are in Bungoma and I do not know where we will be the other day. If we cannot address the events of the past, like the Baragoi massacre, how sure are we that we will not keep on firefighting as a Government? If there is a fire, we move away. What are the proactive steps that this Government intends to take, first to deal with the events that might come in future and, secondly, to deal with the past events like the Baragoi massacre? Thank you.

**Hon. Speaker:** Now, the lady next to me here. Hon. Members, this matter about security is not only limited to Mandera. Therefore, we cannot just make it a Mandera issue. This is the National Assembly of the Republic of Kenya. So, please, even if you come from the great County of Mandera, allow the rest of Kenyans who represent others to ventilate this issue of security.

**Hon. (Ms.) Tobiko:** Thank you, hon. Speaker, Sir. My name is Hon. (Ms.) Tobiko from Kajiado East. Let me appreciate the statement by the Majority Leader and the efforts he has exhibited as my brother Lati has said. He is doing a very good job.

I just want him to take note and pass the same information to the leadership of this country. Of the Cabinet Secretaries we approved the other day in this House, one was conspicuously missing, the one for the internal security docket. I think that needs to be addressed urgently. That is an issue in the country. We cannot afford to continue staying without a Cabinet Secretary for that docket. Maybe, for record purposes - because we did not get an opportunity that day to give our views as far as the composition of the Cabinet Secretaries was concerned, let me put on record that the Maa Community is waiting. We have men and women who are able to take care of that docket. That will also ensure ethnic balancing. We would appreciate if the Government gives us consideration.

Secondly, let me also say that our security forces need to be paid well. We cannot continue, as a country, to have poorly remunerated forces and expect good services from them. Thank you.

**Hon. Speaker:** One more; now, the great County of Nairobi. One hon. Sumra!

**Hon. Sumra:** Thank you very much, hon. Speaker. I would like to thank the Leader of Majority Party, but he has not clarified--- If you look at the Boston bombing recently--- If you look at the bombing in Europe, please, let us invest in CCTV cameras. We can have more policemen and vehicles, but CCTV cameras at Central Business District (CBD) and entrances of towns will really help. So, the Leader of the Majority Party and the security committee should take note of that. It is very important that CCTV cameras are installed, and they will help. Since we are talking about Nairobi, security is also bad. At the end of the month, people get rations from Uchumi Supermarkets and they are mugged.

We are not addressing security. How can we address security when people are unemployed? Our youths have been taken for a ride. The Government had promised that one youth would be a Minister. There is nobody leading the youth. Our youths are unemployed, and so we should address that problem. The Majority Leader should emphasize more on CCTV cameras.

We are there to support in terms of giving the technology. We have gone through that and if there is any role we can play, we can do it. We should not blame the Inspector-General. What has happened in Bungoma should have been detected by the National Intelligence Service (NIS). We are reading in the newspapers that uniformed people were used. We have not got answers as at now. What is happening in Bungoma is not a security matter. It is political and witch-hunting matter. We need those questions to be answered. Thank you.

**An hon. Member:** One more burning here! One more!

**Hon. Speaker:** Those are just too many. Remember the Leader of Majority Party has to respond. If you engage in the debates that you have been engaging--- I want him to respond.

**Hon. A.B. Duale:** Thank you, hon. Speaker, Sir. Hon. Linturi asked a question but he is not in the House. But let me answer for the benefit of the House. Hon. Linturi talked about the Bills that are pending. I want to assure hon. Linturi that the first statement that I read concerns the House Business Committee which is chaired by the Speaker. So, it was the statement of the House Business Committee that is read every Thursday.

On the constitutional Bills that are pending, the deadline is on 27<sup>th</sup> of August. I am sure His Excellency the President has constituted his Cabinet. They will have the first Cabinet sitting. The Cabinet Secretaries will be part of the public participation in formulation of Bills. Before the Bills come to the House, they must start from the Ministerial offices, and then go to the constitutional commissions that we formed in this House. Finally, after approval by the Cabinet, then a Bill is printed and brought before the House. I am sure now with the Cabinet in place, those Bills will be fast-tracked.

On the issue that the police morale is very low, I cannot gauge that because I am not the Inspector-General of Police, neither am I a member of the police force. If that is the case, the question is: How do we improve the lives of our police officers? In the Estimates that we have tabled, the Jubilee Government wants to create 30,000 housing units for our police officers across the country. There is a huge budget for equipping the police and assisting them with logistics. There is a budget for vehicles. We want every police station in our country to have a vehicle, so that they can respond to distress calls as fast as possible. So, when we put the committees in place, I am sure the committee on security will look at the huge budgetary allocation that the Government has made. It has never been seen before. I think Hon. Gethenji's intervention was more of a statement. He told me that security is about the lives of our people and how we could improve them. Hon. Gethenji's concern comes back to the Government



**Hon. Speaker:** Hon. Aluoch, seek further clarification. Hon. Members, I will stop anybody who begins to debate. Seek clarifications! Do not show your prowess of debating at this stage.

**Hon. Aluoch:** Hon. Speaker, Sir, incidents of insecurity now are no longer sporadic or isolated. They seem to be calculated in a way that makes us think that it is possible that the police are not acting on their core duty, which is detection and prevention of crime. We expect that the NIS and the police service are working in tandem. If that is so, how come the Government is now acting only after the event and not before? How come? Something must be wrong and I want to repeat what Hon. Linturi said, that it is possible that our police force is thoroughly demoralized. In this period of transition they do not seem to understand where their role is going to be.

The fact that the Government intends to spend Kshs4 billion on equipment for the police should not be a factor for us to be happy about. This is because the police will spend two-thirds of that money to purchase luxury vehicles for themselves, yet that will not serve the purpose. It is possible that within this House and the Senate, there are hon. Members who are putting fire and petrol on these incidents. Recently a Member of the Senate had the audacity to state in a public rally that part of my constituency up to a place called Daraja Mbili should go to Western Province. That has created chaos in both Western and Nyanza provinces. When these matters are reported to the commission on integration nothing happens. Mr. Kibunjia and his commission do nothing about it.

I want to come back to the issue of equipment to the police force. Look at the stretch between Kisumu and Maseno. This is a highway that connects Kenya to Central Africa, and where incidents of crime are very high. The APs in Kisumu North have been asking for a Land Rover, but they have not got any. They have to borrow one from the DC or my office for them to act. Could the Leader of the Majority Party explain how vehicles are distributed within the counties?

**Hon. Speaker:** Hon. Member for Mandera County.

**Hon. (Ms.) Fathia:** Thank you, hon. Speaker, Sir.

**Hon. Speaker:** Hon. Fathia before you seek your clarification let me say that I have been seeing in the media a group of Members of Parliament in this National Assembly being described as “CWR”, that is County Women Representatives. We do not have any such Members in this Assembly. I say that with authority because I see it on the screen here. You describe the 47 Members of the Assembly representing counties as County Women Representatives. That is clearly wrong. The Constitution is very clear in Article 97(1):-

(1) The National Assembly consists of-

- (a) two hundred and ninety Members, each elected by the registered voters of single member constituencies;
- (b) forty-seven women, each elected by the registered voters of the counties, each county constituting a single member constituency;
- (c) twelve members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Article 90, to represent special interests, including the youth, persons with disability and workers, and
- (d) the Speaker who is an *ex-officio* Member.

Therefore, to the entire country and particularly our media, which is fascinated with creating titles for all manner of institutions, including those who think they can baptize swines

and give them the names of hon. Members, there is no Member of this Assembly who is a county woman representative. All the 47 are Members of Parliament in this National Assembly representing counties. I hope everybody will make that correction. We do not want to demean any Member of this Assembly. I hope this is understood by all for avoidance of doubt.

**Hon. (Ms.) Fathia:** Thank you so much, hon. Speaker, Sir, for explaining our position as the county women leaders.

*(Laughter)*

Let me begin by thanking our Leader of Majority Party for bringing here the debate on insecurity. As a person from Mandera County, I visited the constituency and the situation was really bad. What has happened to the morale of our policewomen? Why are they not working well? Even if we spend Kshs4 billion to buy equipment and the officers are not motivated and appreciated, we will not achieve much. You can even buy the best equipment or nuclear equipment, but if the officers are not appreciated nothing will happen. The security situation is pathetic because you can see old people on their knees crying.

Hon. Speaker, Sir, children do not go to school in Mandera County because of insecurity. This is the case, yet we have police officers there. At least, I am happy with the Government because it has given a lot of support. However, insecurity is a countrywide problem. There is insecurity in Bungoma and Busia. This is very funny. Something is wrong somewhere and it has to do with the morale of the policemen.

The other day when there were activists around Parliament, you could see a police officer try his best. He was roughed up by five people while the one behind him was trying to capture the pigs. That is bad behaviour. However, they talked about police harassing people when a policeman took a *rungu* and started beating them up. I think the police are demoralized. They feel that people do not value them even if they do something. It is high time we appreciated the integral importance of our armed forces, such as the military police, our Administration Police officers and other security agencies. This is because they are the people who take care of us.

**Hon. Speaker:** Hon. Fathia, we appreciate what you are saying. It would be very good if this was a Motion. However, seek your clarification.

**Hon. (Ms.) Fathia:** Hon. Speaker, Sir, what has the Government done to ensure that our people's security is guaranteed even if they walk in the middle of the night or any time? We do not want a situation where you wake up in the morning, and switch on your radio wanting to know which county has a problem. So, I urge the Government to work on insecurity.

**Hon. Mati:** Thank you, Hon. Speaker, Sir. First, I would like to congratulate the Leader of the Majority Party for---

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, please let us give the hon. Member a chance to seek his clarification. I have told you that this matter is of national importance. Let us not think that it is localized; we should not begin thinking that it can only happen around Mandera County.

**Hon. Mati:** Thank you, hon. Speaker, Sir. I rise to seek clarification on a few things that I know for a fact would be done better if the Government adhered to some of the interventional measures and used the instruments it possesses. Ten years ago, Kenya was chosen to be a focal point for small arms in East Africa. This is a very important institution that co-ordinates the



Their pay is another issue. What is the Government doing to ensure that our security forces, who are well trained, whom I feel have the courage to put their lives at risk for our security, are better compensated to do their work and have the necessary morale to serve us better?

**Hon. (Ms.) Otucho:** Hon. Speaker, Sir, I rise to seek clarification. We have heard about what the Government has done about insecurity in western Kenya, and in particular Bungoma. I have heard about additional vehicles having been dispatched to Bungoma. I heard in this House that even additional security officers have been posted to Bungoma. Some officers have even been transferred. I am seeking to know what the Government has done about the insecurity in Teso South. My constituency is the most affected; in particular I want to know what the Government is doing about compensating victims because some of those people who died were the sole bread winners. Their children right now cannot even go back to school. There are those who could not even afford to cater for their hospital expenses and are still in hospital. What is the Government doing about that situation?

**Hon. Momanyi:** Hon. Speaker, Sir, thank you for allowing me to contribute this afternoon. I thank the Leader of the Majority Party for the statements that he has given in this House. But I have noted with a lot of concern that the Leader of the Majority Party talks too much and does very little action. Where I come from, in Borabu, we do not have even a single police vehicle. We have a lot of problems in that constituency and the Government is fully aware of this. I want to know from the Leader of the Majority Party instead of talking too much, what is the exact time when we will have the equipment and these things done instead of telling us that the Government is going to do this and that? We want him to give us timelines when the Government is going to do this or that because talking too much and at the end of the day doing nothing does not help this country.

**Hon. Njenga:** Hon. Speaker, Sir, I would like to congratulate the Leader of the Majority Party; he has clarified on issues that are quite important. But I want to get a clarification on what policy the Government uses to distribute equipment. Does it have a policy on how is it going to distribute infrastructure? I am asking so because my predecessor on the Floor has just said that his whole district does not have a single vehicle. Equally in my own constituency, Gatundu North, I do not have a single vehicle. Recently, a policeman had to depend on a neighbour to go and save a situation. I even do not have a police station. Does the Government have a policy of facilitating districts that are quite deserving?

The thing is that I think this problem needs to be addressed; there is the problem of officers staying in police stations for so long. They take long and become part and parcel of cartels. So my question is: Do they have a policy or a time limit as to how long an officer should stay at a police station? It is good that he said that they still have community policing; he said that the problem is the strategy by which they are going to implement their programme. Where are they going to start? I know that if you want to catch a thief, use another thief. Communities know the criminals. What is the Government doing – although I am on the side of that Government – to, at least, involve the communities and jumpstart what we call community policing which, I think, is the short-term and long-term solution to insecurity in Kenya?

**Hon. Mirenga:** Hon. Speaker, Sir, this is one of those times when I congratulate the Leader of the Majority Party.

*(Hon. Wetangula put on his microphone)*



**Hon. Speaker:** Hon. Wetangula, you have no business putting on that microphone.

**Hon. Mirenga:** Hon. Speaker, Sir, thank you for noticing that the great County of Kisumu had not been represented in a manner that befits it. If we discussed exhaustively the matter at hand; insecurity, without talking about insecurity in Kisumu City, then we would be very unfair to the residents of that City. I want to tell the Leader of the Majority Party to communicate to the Government that there is serious insecurity in the City of Kisumu. There are many estates which after 7.00 p.m. are no go zones, yet we have police stations there. The police are aware of this; we do not understand why they cannot deal with numerous numbers of thugs, and thuggery, who roam that City.

Constituents live in fear; many of my colleagues have talked about the morale of the police force. You can see the Leader of the Majority Party's morale is very good and I think the Government is doing enough for him. We hope that he will ask the same Government to do something to the police force.

**Hon. Speaker:** Yes, hon. ole Kenta.

**Hon. ole Kenta:** Thank you, hon. Speaker, Sir.

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

**Hon. Speaker:** What is it, Hon. Kombe? Please, speak on record.

**Hon. Kombe:** Hon. Speaker, Sir, would I be in order to ask the Chair to consider counties where no hon. Members have spoken?

**Hon. Speaker:** Proceed, hon. ole Kenta.

**Hon. ole Kenta:** Thank you, hon. Speaker, Sir, for giving me the opportunity to contribute to this important debate. I would like to thank the Leader of the Majority Party for confirming to us that they have realized that they have actually given us a raw deal, as far as appointments of Cabinet Secretaries is concerned. I hope that it will not just be a matter of realization but they are looking forward to correcting the situation.

Hon. Speaker, Sir, as everybody here knows, it is a cardinal responsibility of any government to protect the lives and property of its people. There is a problem in Kenya now. The issue of insecurity is not just within the urban areas, but it is spreading fast to rural areas. The Leader of the Majority Party has spoken about recruitment of additional police officers. Indeed, the Deputy President had also alluded to that fact. The question is when recruitment of additional police officers will take place after the passage of the Budget.

We should appreciate that there are many factors which contribute to insecurity. One of them is communities feeling left out as far as distribution of resources and senior Government positions are concerned. What is the Government doing to ensure that there is equitable distribution of resources, opportunities and other rights amongst indigenous communities? Somebody raised the issue of the National Intelligence Service (NIS). Hon. Keynan may have tried to explain but I believe that the most important duty of this body is gathering security intelligence and putting in place counter-intelligence measures to enhance national security, in accordance with the Constitution. I believe that the NIS should wake up and do its job. We do not want a repeat of the 2008 debacle.

Thank you, Hon. Speaker, Sir.

**Hon. Ng'ongo:** On a point of order, hon. Speaker, Sir. With due respect, the way we are proceeding would require that an hon. Member moves a Motion for Adjournment. This is really not clarification being sought on the statement issued by the Leader of the Majority Party. We cannot go on forever with statements issued by the Leader of the Majority Party. Could we, therefore, have an hon. Member move a Motion for Adjournment during the next sitting of this

House, so that we restrict ourselves to the statements sought so far? The Leader of the Majority Party should finish responding, so that we can move to the next business.

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

**Hon. Speaker:** Hon. Members, just resume your seats. It is not just by shooting up like that, that you will catch the Speaker's eye.

Hon. John Ng'ongo is right, but you should remember that only the other day, the House adjourned to discuss this matter of national security. However, given the anxiety and desire by hon. Members to contribute on the matter, it was clear that the time available then was not sufficient. Therefore, I have deliberately allowed this to go on, even though I can see quite a number of hon. Members who want to make their maiden speeches by way of seeking clarifications. This is very difficult because you are likely to find yourselves being interrupted. Hon. Ng'ongo is right because matters of security are really of national concern and importance. Therefore, let me allow a few more hon. Members to seek clarifications on the same.

I will now go to the County of Kilifi and get hon. Kombe.

**Hon. Kombe:** Ahsante, Mhe. Spika. Ningetaka kiongozi wa chama cha walio wengi Bungeni atueleze kinaga ubaga mipango ya Serikali ya kuhakikisha kwamba wananchi wanaweza kutoa habari kwa polisi kwa njia mwafaka, na bila ya kushurutishwa. Mara nyingi vitendo vya ugaidi vinapoibuka kwenye maeneo ambako kuna makundi kama vile Mombasa Republican Council (MRC), uhalifu huo husingiziwa MRC mara moja. Hata hivyo, huwa hakuna wa kusingiziwa uhalifu unapofanywa na watu fulani kwenye sehemu ambako makundi kama MRC hayako. Maafisa wa usalama wanapofika katika sehemu hizo, huwahangaisha wananchi badala ya kutafuta ukweli.

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

**Hon. Speaker:** What is your point of order, hon. Mpuru Aburi?

**Hon. Aburi:** Jambo la nidhamu, Mhe. Spika. Kuna mpangilio ambao haueleweki vizuri katika Bunge hili kwa sababu unatoa fursa ya kuzungumza kwa Wabunge wa mrengo wa Jubilee upande huo na upande huu. Baadhi ya Wabunge wa mrengo wa Jubilee wakiona umetoa fursa upande huo, huvuka upande huu ili waweze kupata fursa ya kuzungumza. Tafadhali, lishughulikie suala hili.

*(Laughter)*

**Hon. Speaker:** Hon. Members, Hon. Aburi is out of order. In this House, you are allowed to sit in any place, except where I am seated.

Proceed, hon. Kombe.

**Hon. Kombe:** Ahsante, Mhe. Spika kwa mwongozo huo.

Nilikuwa nikieleza kwamba maafisa wa usalama wanapofika kwenye maeneo kulikofanywa ugaidi, badala ya kutafuta ukweli wa mambo ili waweze kuwafuata wahalifu vilivyo, wao huwavamia watu wasio na hatia, kama vile wakulima, na hata watoto wa shule. Ninasema hivi nikizingatia kitendo kilichofanyika Malindi wakati Casino ilipovamiwa. Watoto wa shule katika sehemu za mashambani walivamiwa na maafisa wa polisi, wakatandikwa na

baadhi yao kukamatwa na kufungiwa korokoroni. Vijana hao waliwekwa korokoroni kwa muda wa siku nane na kuachiliwa bila ya kufunguliwa mashtaka yoyote.

Kwa hivyo, ninamwomba kiongozi wa chama cha walio wengi Bungeni kulieleza Bunge hili mikakati iliyonayo Serikali kuhakikisha kwamba wananchi wanaweza kutoa habari kwa polisi bila ya kushurutishwa ama kuhangaishwa. Polisi wa sasa wanatarajiwa kuzingatia utendakazi na uadilifu wanapotoa huduma kwa wananchi, na siyo kutumia nguvu na kuwahangaisha wananchi kama walivyokuwa wakifanya polisi hapo zamani.

Ahsante, Bw. Spika.

**Hon. Speaker:** Ahsante sana, mhe. Kombe. Sasa tumpe nafasi kiongozi wa chama cha walio wengi Bungeni ajibu.

**Hon. A.B. Duale:** Hon. Speaker, Sir, it was the predecessor of this House which passed the law that created the National Police Service Commission. Again, the same Parliament vetted and cleared the way for appointment of the Inspector-General of Police (AIG), one David Kimaiyo. I think the Government should bring herean amendment to that Act. The independence and mandate of the Inspector-General of Police in terms of his daily operations must be very clear from that of the National Police Service Commission (NPSC). That Act should be brought to this House for review and amendments, so that Kenyans know where the buck stops. When it is the failure of the Inspector-General of Police, let it be clear that it is his failure; if it is the failure of the NPSC let it be clear that it is its failure. That amendment is coming, and I am happy that most Members of this House have followed what I have said.

Hon. Aluoch asked why the police are reactionary; I want to tell hon. Members that there have been many potential incidents that the police have prevented from taking place. We only see incidents that take place. Our security agencies have prevented many incidents from taking place in all the counties.

Hon. Fathia talked about the role of the police; I do not want to speak for the previous Government. I do not want to speak for the Government that was in office when the Baragoi massacre took place. I want to speak for the Government that has been in power for 38 days. In terms of the Estimates that have been brought here, there is commitment for recruitment of more police officers. More equipment, including vehicles will be bought. There is an amount of Kshs4 billion for equipment annually in the next five years. Commitment to fight insecurity has been given by the head of State and his deputy. There is commitment to secure our homeland security, our borders, the lives of our people and their property. This is a top priority in the Jubilee manifesto.

Hon. Mati talked about the focal point and small arms; Kenya is signatory and hosts that organization. Our Inspector-General of Police was a leading person in that organization. So, we have an obligation and commitment as a Government to make sure that proliferation of small arms within this region is reduced. But we must be awake to the fact that Kenya is surrounded by countries where conflict is the order of the day. We hope that Somalia will become very stable and the Sudan and South Sudan will reduce their conflict. We hope that all our neighbours will enjoy peace and stability.

Another hon. Member asked whether the 200 police officers will be there as a temporary measure. In the Government, security is a top priority and it must be assured. The Government does not do things piecemeal. The 200 police officers will be there; we must restore law and order in Mandera, Bungoma, Busia and Tana River counties, and even in all other counties.

Hon. Speaker, I want to state my position and be recorded on the HANSARD; I did not say the Maa Community was given a raw deal. I am not the appointing authority. Maybe, a day

will come when I will be the appointing authority. At that time, I am sure the Maa Community will get one of the positions of Cabinet Secretary. For now I am the Leader of the Majority, and can only offer suggestions to the appointing authority and pray, because I believe in prayers. The people who brought a pig outside our gate and wrote my name on it did not know the degree at which I profess my religion, and the position of the swine to the Islamic Religion. I can only say “shame on them”. They ashamed 25 per cent of the muslim community in this country, who did not take it lightly.

Mhe Kombe aliuliza kama Serikali inafanya mipango gani kuona kwamba wananchi wanahusishwa katika kutoa habari bila kulazimishwa. Hilo tualifanya kupitia ulinzi wajamii. In the last Parliament Hon. Anyang-Nyong’o was asked a question in Kiswahili. I am sure that wherever he is, he is watching what I am going through. I can remember what he went through.

Serikali itahakikisha kwamba---

**Hon. Speaker:** Hon. Leader of Majority Party, if you start answering in Kiswahili, you are not allowed to break into English!

**Hon. A.B. Duale:** Mhe Spika, nitajaribu. Nasamba kwamba kama Bunge na nchi ni lazima tuone kuwa Wakenya wamepata haki. Tutakifanyia mabadiliko kikosi chetu cha polisi. Wakati wa polisi kuwapiga watu ili kuwalazimisha watoe habari umepita. Tuna Katiba mpya na ni lazima polisi wawe na mipango mizuri katika utumishi wao.

The hon. Member for Gatundu North talked about policy and infrastructure; I want to say here that the 30,000 housing units to boost the morale of our security agents will be provided equitably and fairly across all the 47 counties, as is required by the Constitution. Ours is a Government that believes in the rule of law and respects the Constitution.

Regarding police officers overstaying in certain areas, we moved them from Bungoma, Garissa and Busia. I am sure the head of State is meeting the field commanders of the 47 counties today. We will not allow a police officer to stay in a station for more than three years. If an officer stays in a station for 10 years, he is no longer a police officer, but a businessman; he will own a *matatu, boda boda* and do other businesses.

Hon. Mirenga from Kisumu City talked about many gangs; I want him to work with the Government, so that the Baghdad Boys, the Chinese Boys and American Boys based in Kisumu are dismantled. Now that the elections are over he must help the Government to dismantle them. During the elections they had a purpose. Now that the elections are over, let him help the Government to dismantle the many gangs in operation.

**Hon. Mirenga:** On a point of order, hon. Speaker, Sir. Is the Majority Leader in order---

**Hon. Speaker:** Leader of Majority Party, we want you to respond to your claim about the people you referred to as Baghdad boys, Chinese boys and the American boys, who had a purpose. That is the point that Hon. Mirenga is protesting.

**Hon. A.B. Duale:** Hon. Speaker, every organization has a purpose, but I withdraw the remark and apologize---

**Hon. Ng’ongo:** Hon. Speaker, Sir, I usually do not like interrupting my good food, Hon. A.B. Duale but there is even a more fundamental issue. The Hon. A.B. Duale asked Hon. Mirenga, who is a Member of this House, to help dismantle an illegal group. That is casting aspersions on the hon. Member by implying that he has the knowledge on how that illegal group was constituted. I would urge the Leader of Majority Party to also withdraw that part.

**Hon. A.B. Duale:** I have said that I am appealing to the leadership of this House, Senators, governors, county representatives, women leaders, youth and church leaders to help the Government in securing our country. Hon. Mirenga, if my memory serves me right, is the

Member for Kisumu City. Hon. Ng'ongo is the Member for Suba. I am only appealing to the leadership of Kisumu, led by Hon. Mirenga, our able Member of Parliament, to help us create a secure city for investment.

**Hon. Member:** On a point of order, hon. Speaker. The Leader of Majority Party is not telling us the causes of the conflicts in Mandera, Bungoma and so on. Can he tell us the cause of the conflicts first?

**Hon. Speaker:** I think you are seeking a clarification, which is okay, since you have done it in a clever way.

**Hon. A.B. Duale:** Hon. Speaker, Sir, earlier Hon. Ng'ongo said that we need to have a Motion. I was replying to the question on the KDF involvement in the Mandera issue; this is a really sensitive and constitutional matter. It is not very important to know the causes; it is for us, as a Government, to make sure that the security of our people is secured. The hon. Member for Teso South---

**Hon. Mirenga:** On a point of order, hon. Speaker, Sir. I think that either the Leader of Majority Party is not taking the business of the Government seriously, or it is the Government that is not taking the affairs of this country seriously. It is very sad to listen to the Leader of Majority Party saying that it is not important for the Government to know the causes of the problems that we are facing in this country. Is he in order to say that the Government is not interested and, therefore, it is not important to them to know the causes of these conflicts?

**Hon. A.B. Duale:** Hon. Speaker, Sir, Hon. Mirenga, if my memory serves me right, was one of the Members of Parliament who anticipated being on this side of the House after the general election. Unfortunately, now he has to interrogate me. I have exhaustively replied to him.

Hon. Otucho asked about compensation. Where death has occurred, the Government has paid for the funeral; where our citizens are in hospital, the Government, through the Office of the President, has paid the hospital bills and if they have not done it, we will make a formal communication, if Members write. I think we can do that.

Hon. Momanyi says that little action has been taken. There is no vehicle in Borabu---

**Hon. Momanyi:** I think there is a fundamental issue here. We cannot be allowing the Leader of Majority Party to be getting away with very serious statements by just wishing them away like that. He has just said that there is no reason to know the cause of conflict, and you are letting him get away with it. Could you please make him comply?

**Hon. Speaker:** The only mistake you made is to put me as part of the debate. I will allow free flow of---

**Hon. A.B. Duale:** Hon. Speaker, Sir, I want to be very procedural now. I gave a statement on the causes of the conflict.

**Hon. Anyango:** On a point of order, hon. Speaker, Sir. I am rising to seek your guidance on the application of Standing Order No.209, the functions of the Implementation Committee with regard to what the Leader of the Majority Party is doing. He is giving undertakings in the House, and speaking as if there were Cabinet Secretaries in this House. How shall we enforce all these comments he has made. All these undertakings have not been formalized by way of a resolution of any relevant committee of the House for follow up in future. We have a new era in the House, and he is only a Leader of Majority Party. The Hon. Member is giving undertakings on behalf of the Government, and we cannot question him the way we would sanction Cabinet Secretaries for failure to implement, within reasonable time any commitments, undertakings or resolutions of the House. So, seeking your guidance appears to be an exercise in futility; it is an

entertainment in the House because we cannot enforce it by applying the provisions of Standing Order No.209 in future. There is no time scale. We have sought clarification, and he has given his personal opinion; sometimes he has even attempted to give undertakings on behalf of the President, but he has no powers to do so in this House. I need your guidance on how we dispose of this drama by Leader of Majority Party for the last two days before us.

**Hon. Speaker:** That is an important point which Hon. Anyango has raised; I think I need to guide the House. The power of any committee, including the power of the House to summon any witness, is not limited to summoning only Members who are part and parcel of this House. Members of this House can also quite properly be summoned by a committee of the House and be questioned. It is important that anybody making statements here knows that once committees are in place - I understand there is a possibility of committees being in place very soon - there will be a chance that you can be summoned to explain yourself on the various comments you make.

I am fully aware of the provisions relating to the mandate of the Committee on Implementation provided for under Standing Order 209. It is exactly to make follow up. If in exercise of that mandate the Committee on implementation feels that it needs to summon the Leader of Majority Party, so be it. It will be acting within its powers and prerogative.

Thank you.

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

**Hon. Speaker:** It should be a point of order, and not trying to controvert something. If you try to controvert it, you will be in gross disorder. Hon. Angwenyi, what is your point of order?

**Hon. Angwenyi:** Hon. Speaker, Sir, is the Hon. Anyango in order to question the role of the Leader of Majority Party in Parliament? The role of the Leader of Majority Party in Parliament--- I believe you should take us to an induction course and tell us what role each one of us plays in this House. What is the role of each one of us? I know the role of the Leader of Majority Party is to represent the Government on the Floor of the House, and that is exactly what he is doing. Before I finish, could the Leader of Majority Party touch on Kisii County, where there is a lot of insecurity?

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

**Hon. Speaker:** No! No! I am surprised by Hon. Onyonka who has, at least, five years experience in this House. When one hon. Member is on his feet, another cannot claim also to be on a point of order, and he wants to keep on--- I do not want to use the "shouting" because hon. Members are not supposed to shout.

Surely, during those five years, you must have looked at the Standing Orders; even the former Standing Orders provided for the same rule. When another Member is on a Standing Order, you cannot also claim to be on a point of order. You can see what Hon. Ng'ongo is doing; he is not in order, and not even what I can see you attempting to do. Please, relax until I finish. Relax! Relax!

The hon. Leader of Majority Party, respond to the point of order.

**Hon. A.B. Duale:** Hon. Speaker, Sir, I want to confirm that the offices of the Leader of Majority Party and the Leader of Minority Party are a creation of the Constitution under Article 108. I have never been an entertainer. Hon. former Minister, Hon. Anyango, I realise that you are in a wrong place now. You are a Member of Parliament and you have been here before.

Hon. Speaker, Sir, can I finish? I want to finish, hon. Speaker.

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

**Hon. Speaker:** Leader of Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, I want to finish. Please protect me!

**Hon. Speaker:** No! No! Leader of Majority Party resume your seat! I will continuously keep referring you to the Standing Orders. Those hon. Members who were here in the last Parliament know that it is important that you keep applying them. Standing Order number---

**Hon. Angwenyi:** No. 1.

**Hon. Speaker:** I am referring to Standing Order No. 83. It is good for us to read that Standing Order; that will help us maintain order. Every Member, not just the Leader of Majority Party or the Leader of Minority Party should know this. Any Member of the National Assembly may raise a point of order---

Standing Order 83(1) reads as follows:-

“Any Member may rise on a point of order at any time during the speech of another Member stating that the Member rises on a point of order and that Member shall be required to indicate the Standing Order upon which the point of order is based.”

The hon. Leader of Majority Party, when another Member claims to be standing on a point of order, he has a right. So, as long as the Member claims to be rising on a point of order, you resume your seat, so that we listen to the point of order. You cannot just say, “Let me finish!” No! No! That is not provided for. This is because the Standing Order says, “At any time during the speech of another Member”.

Therefore, let us hear the point of order to be raised by Hon. Onyonka.

**Hon. Onyonka:** On a point of order, hon. Speaker, Sir. Thank you hon. Speaker for realizing that I was actually not quite happy that the House was not giving---

**Hon. Speaker:** I have not realized that you were not happy. I am not making you happy; please proceed to execute your point of order.

**Hon. Onyonka:** The point of order I was raising is that, you had already made a ruling on the issue that Hon. Angwenyi raised. So, I did not understand why, again, you allowed him to start debating a matter which you had ruled on.

Thank you.

**Hon. Ng’ongo:** On a point of order, hon. Speaker. I would just want to request the Chair to make a further ruling on its ruling with regard to the immunity enjoyed by hon. Members of this House. If tomorrow any hon. Member is going to be summoned to a Committee of this House to explain a matter canvassed in this House, it is likely to interfere with our privileges and immunity that we enjoy. So, to what extent, therefore, would we hold hon. Members accountable for their statements by summoning them to Committees, unless they asked to appear as friends of the committees?

Hon. Speaker, if I make a statement in this House that appears to be disorderly, what happens is that I am named in the House. But there will be summoning of hon. Members by committees of the House. You need to enlighten us more on how we will still continue to enjoy our immunity. That is with regard to the Leader of Majority Party in the House.

**Hon. Speaker:** Hon. Ng’ongo, I do not know how many times you will need to read and re-read the Standing Orders. Every Member is responsible for the accuracy of his statements. It is grossly out of order for a Member not to be saying accurate things.

**Hon. Member:** Including---

**Hon. Speaker:** It does not matter. If you make statements that you know are not accurate, it is only fair that even the House or a Committee summons you. You cannot come here and make statements that you know are not accurate. It is not interfering with your immunity.

Proceed, Leader of Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, I only have the last one from Hon. Momanyi. He requested a statement on Borabu where action is needed and there is only one vehicle. I want to assure him that matter has been factored into the Kshs4 billion in the Budget. But again, this must go through the public procurement law that this House has passed. So, I want to assure him that Borabu has a vehicle; I think I have basically responded to the statement on security and the KDF involvement that started at 2.30 p.m.

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

**Hon. Speaker:** You know you are not being fair to the Chair. At this point, you are only seeking clarification.

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

**Hon. Speaker:** Yes, Hon. Ghati.

**Hon. (Ms.) Ghati:** Thank you, hon. Speaker. My name is Dennitah Ghati, Member of Parliament for Migori County.

Hon. Speaker, I want to say that security in this country is not a favour but a constitutional right enshrined in Article 238 of the Constitution. Having said that, I also want to seek clarification because I also come from an area, or a community or a constituency that is right now engaged in clan fighting. Kuria Constituency, which is not being discussed in this House is also an area where, as I speak here now, people are not living in their homes. Children are not going to school; we have erected camps where communities are living. These are people who speak the same language and share resources.

Hon. Speaker, I want to seek a clarification from the Leader of Majority Party. What I know is that there are a lot of small arms that are circulating within the various communities that we have. I would like the Uhuru administration to tell the House, especially me what the Government is doing in trying to disarm communities. There are a lot of arms that are circulating within the communities. I want the Leader of Majority Party to explain to this House what the Government has in store in terms of disarming those with small arms in the communities.

Thank you.

**Hon. Cheptumo:** Thank you, hon. Speaker. I wish to seek clarification on two issues touching on Baringo County, particularly Baringo North, where we have serious insecurity problem.

In midApril, the Inspector-General (IG) was able to visit my constituency in Baringo County, and promised to undertake operations there during the month of April, but up to date nothing has been done. I wish to ask the Leader of Majority Party to explain when these will be undertaken.

The Kenya Police Reservists should assist the police in enhancing security in areas where there is insecurity like in Baringo County, Baringo North in particular. In certain areas, when it rains, it is difficult for the police to operate. The Government should avail police reservists. These are local people and they know the area. So, they can help track and follow the animals and assist the police in enhancing security. I would like to seek clarification as to when the



Government will avail police reservists in Baringo North along the border with Baringo East, so that they can assist the police to enhance security in that region.

**Hon. Speaker:** Hon. Cheptumo sought a clarification in the process. I will now allow two more after which I will close the Floor.

**Hon. Wamunyinyi:** Hon. Speaker, Sir, I have previously expressed myself strongly on this issue of insecurity. I would like to seek clarification from the Leader of the Majority Party. We have witnessed persistently the release of suspects. The detention of suspects at police stations is limited to a number of hours and it does not matter which offence has been committed. Accused persons and suspects have also been released by our courts. We have the law in place, but this law appears to be more mindful of the welfare of the accused persons than that of the complainants. I would like the Leader of the Majority Party to tell us what the Government is going to do to reverse this trend, so that the complainants are also seen to have been protected and the accused persons, who are not supposed to be part of the society, remain in custody. Murderers and robbers cannot be let scot-free. What is the Government doing to ensure that these people remain in custody?

**Hon. Speaker:** Please, seek clarification from the Leader of the Majority Party. If I find you debating, I will just switch you off.

**Hon. Gikaria:** Hon. Speaker, Sir, that is exactly what I am going to do. I will seek clarification. Some of us do not have very good ears and I thought that once a statement has been tabled, we are supposed to get copies, so that we can read and respond or seek clarification based on the facts. But since we started, I do not have that. All the same, are we supposed to be given copies of what has been tabled in the House? Secondly, I heard the Leader of the Majority Party saying "contrary to the Press statement". What is the Government doing to stop the Press from giving false information? Once you say "contrary to the Press statement", then it only means that maybe the Government cannot do anything about the Press giving false information. If you remember, in 2007, the Government stopped live coverage of some of the things that were happening. Could the Government take action against the Press for giving what the Leader of the Majority calls "contrary information"? What is the Government doing about it?

**Hon. Speaker:** I Just want to respond to the issue of the Statement. It cannot be distributed upfront just like a judgement. You know, judges do not go spreading judgements even before they have read them. They are first of all read and tabled. Once they have been tabled, they are referred to a room, designated "Table Room". Previously it used to be called "Room 8" popularly. That is the procedure for now. A Statement cannot be circulated before it has been tabled.

**Hon. Oyugi:** On a point of order, hon. Speaker, Sir. I wish to seek your indulgence. Since I was party to the Press conference that was being responded to, would I be in order to request you to allow either me or two of my colleagues who were present with me in that Press conference to, perhaps, speak to this matter, if it pleases you?

**Hon. Speaker:** Not to speak to the matter, but to seek clarification.

**Hon. Oyugi:** Thank you very much, hon. Speaker, Sir, for your indulgence. I propose that I proceed.

**Hon. Speaker:** No, you cannot just propose. You see, you are not going to be clever that way. Since you claim to be rising on a point of order, then you have raised it. So, you sit down so that somebody else who wants to seek clarification can do so.

**Hon. Nuh:** Hon. Speaker, Sir, I rise to seek clarification from the Leader of the Majority Party. First, I sympathize with him because of what happened recently. The community, I share

with him 50 per cent and the faith I share with him 100 per cent. To be associated with pigs is extremely bad. So, he needs to go to Mecca. Secondly, I wish to seek clarification with regard to the reforms that were supposed to be done in the security sector in our country. The new Constitution created a lot of institutions like the National Police Service Commission and the Police Oversight Authority, but it seems like none of them is functioning. It looks like they are colliding with each other, namely the Inspector-General of Police is fighting the National Police Service and vice versa. Security is very important in this country. There has been a lot of insecurity in the last two months. It seems like the Jubilee Government is unable to handle the situation. Up to now, they do not have a substantive Cabinet Secretary in charge of security and this shows how naïve they are when it comes to security matters.

Two, if you have been in this country for some time, you are aware that the occurrence of insecurity incidents in Mandera has been very high. It has been happening every time. What proactive measures is the Government putting in place to solve the problem of insecurity? Instead of flying there in choppers every time people are massacred, why can they not act early enough, so that people are not slaughtered and you do not only go to console with the bereaved families? We need to have proactive measures in place. Parading the leaders from that region on television every time people are massacred there is not enough. We need to seriously deal with insecurity. I am very grateful for what the Deputy President has done, but he cannot handle security matters alone. We need to have a substantive Cabinet Secretary in charge of security. The Deputy President has a lot of engagements, he started shuttle diplomacy and he has engagements all the way to The Hague.

**Hon. Speaker:** Hon. Okoth, please, seek clarifications. Do not explain to us how you called a Press conference. Seek clarification on what has been said.

**Hon. Okoth:** Thank you, hon. Speaker. We would like to say that although the statement presented to us by the Leader of the Majority Party in response to the Press statement says one thing, we have video evidence of the Deputy President in fact saying that on Saturday morning, 11<sup>th</sup> May 2013, the previous night he had ordered the military ---

**Hon. A.B. Duale:** No!

**Hon. Okoth:** Leader of the Majority Party, may I have your attention. I need your clarification. Thank you for the attention. I would like to request for a clarification. Why is he in denial and can we be told, even if it was an emergency that necessitated the Deputy President to deploy the military as he is on record on video and I have the evidence which I can table now, why he did it? I am asking the question and you can clarify right after me. I have the video.

**Hon. A.B. Duale:** Hon. Speaker, Sir, now it is becoming entertainment and I want you to guide the House. In the statement I have issued, which is a record of this House, I have stated that we have not deployed the Kenya Defence Forces (KDF) and I have also tabled the statement the Deputy President read. The hon. Member is taking us back. Article 241(3)(c) of the Constitution gives the National Assembly approval to deploy the KDF. We will do it when we want to deploy the KDF and that is the onset and the basis of the statement I read at 2.30 p.m. when this House convened. So, is the hon. Member in order to still claim that we have deployed the KDF? The gist of the matter was that the Government has not deployed the KDF. When we want to do it, we act within Article 241(3)(c) of the Constitution.

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

**Hon. Speaker:** The Hon. Okoth was on his feet.

**Hon. Okoth:** Hon. Speaker, Sir, this is a serious issue. It touches on our Constitution. It touches on the role of this Parliament here and the deployment of our forces. We must be

consulted. It must report to us and I have video evidence of Saturday the 11<sup>th</sup> May. I am not crazy. The whole nation has seen it. I can present the video now of the Deputy President speaking saying that we deploy the forces the night before. They are on the ground now to disarm the militias – foreign and local. If you want, we can play the video now. We can be asked to table this video tomorrow or the next session. I have the Computer Disk of the same video of the Deputy President with a transcript of it saying the same. My point simply is that I respect the importance of security issues, but I also want to protect the sanctity and importance of this House to be consulted on important matters and not to be trivialized. This is not video. This is not drama. Let us be serious and let us make sure that in the future even when there is an emergency that necessitates an immediate deployment, permission can be sought retroactively and consultation with the House done. That is all I beg and I ask to be respected by the Leader of the Majority Party because he is trivializing the issue and my evidence is just as true as his statement.

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

**Hon. Speaker:** Let me just guide the House on this. If we had the relevant Departmental Committee of the House, this is the perfect kind of case that should have been referred there so that you could go and present the video to the committee, but we cannot now start playing videos here in plenary. So, again, it is a matter that I am sure the House is seized of. You know why we cannot do what we need to do. That matter would have been canvassed best in a committee which then would bring a report to the plenary for debate and not to watch or view videotaping or recording.

**Hon. (Maj.-Gen.) Nkaiserry:** On a point of information, hon. Speaker, Sir.

**Hon. Speaker:** To inform who?

**Hon. (Maj.-Gen) Nkaiserry:** To inform---

**Hon. Speaker:** You cannot inform a Member who is not standing. Hon. Nkaiserry, you are out of order. You cannot inform a Member who is seated. You can only inform a Member who is on his feet speaking. Hon. Nkaiserry, you are doing your eleventh year. I thought by now you know the rules of the House and being a military man, surely you cannot have forgotten military discipline so soon within 10 years.

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

**Hon. Speaker:** Hon. Nkaiserry, who has given you the leave now to be on your feet? Resume your seat. Hon. Chepkong'a.

**Hon. Chepkong'a:** Thank you, hon. Speaker, Sir. It is good that the allegations that were made by Hon. Jakoyo Midiwo, who is a colleague of Maj.-Gen. Nkaiserry, were that we do not know the Standing Orders. It is very clear that it is old Members who do not know the Standing Orders. I would like to rise on a point of order pursuant to Standing Order No.83 read together with Standing Order No.106 and Standing Order No.107(f). Is it in order for the gentleman hon. Member representing Kibra to mislead this House and to give false information to this House that the Deputy President gave orders that the army be deployed along the boundaries of Kenya which is the work of the army? Is it in order for the hon. Member who knows what the Constitution says? Even if I said it, anything that is contrary to the Constitution is void to the extent to which I have said. You do not need to raise that matter here and that is quite low. You do not need even to go to school. You are a member of this Parliament who makes law and I assume that you know the Constitution. Any inconsistency with this Constitution is null and

void, whatever the person has said and I watched the video myself. It was about the boundary of Kenya and Somalia. Could I be in order---

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

**Hon. Chepkong'a:** Hon. Speaker, Sir, save me from Hon. Arati. He knows that his leader has said: "*Kama simba amenyeshewa na mvua atakaa kama panya.*" He is trying to do that in this House.

(Laughter)

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

**Hon. Chepkong'a:** Hon. Speaker, Sir, I am on a point of order. He is wasting time here.

**Hon. Speaker:** Hon. Chepkong'a, you cannot address the House endlessly because you claim to be on a point of order. Hon. Chepkong'a is raising a very serious point and I think hon. Okoth should respond to it.

**Hon. Okoth:** Hon. Speaker, Sir, I beg your permission on Tuesday to present this video on CD with a transcript and have us discuss the same thing. There is nothing I am lying about. There is nothing I am running away from. Without fear of contradiction, this is public record. Let us not fool each other and I speak passionately to this issue because I want to defend the Constitution of our Republic. I want to defend our national institutions that are young and fragile and we want to bring them to have strong records and precedents. You cannot deploy our forces or claim to deploy them. If it is politically embarrassing that you said one thing or it was a slip of the tongue, so be it but we have the record here and we can table this and show it on Tuesday and move on. Right now, we are going in circles because half of the hon. Members do not know what this video says. I do not know what video he is referring to. I have mine ready to present to the House now in digital form.

**Hon. Speaker:** Hon. Okoth, resume your seat and put off the microphone next to you. The issue is not about showing this House a video but more importantly you seemed to agree with Hon. Chepkong'a that there was a slip of the tongue. I do not know whether there was a slip of the tongue and I do not want to know. I have no view of this and I am not supposed to have any but the issue which we are raising and which Hon. Chepkong'a has touched on is the provisions of the Constitution relating to deployment of KDF. If this matter becomes that contentious, the only thing to do, hon. Members, is to form the committees of the House in which you will go and demonstrate; not that somebody claimed to have deployed KDF. That way, the House will be able to address the matter. If they are deployed and even if nobody claims that they have been deployed, this House should sanction that person who deploys KDF without the authority of the National Assembly. I think that is the matter that you need to go and canvass in the committee. But, Leader of Majority, I think you can reply.

**Hon. Okoth:** I had not finished my contribution.

**Hon. Speaker:** That is the end of the matter.

**Hon. Member:** On a point of order, hon. Speaker, Sir. Some of us have not spoken in this House since we came.

**Hon. Speaker:** There is nothing mandatory that you must speak. Hon. Members, it does not matter what temperament you assume. The Chair rules that the Leader of Majority Party replies and that is the end of the matter.

**Hon. A.B. Duale:** Thank you very much, hon. Speaker, Sir. I want to say that in the Statement that I laid on the Table of this House, on the issue of Mandera, I talked about local and

foreign militia. I talked about us engaging the friendly Government of Ethiopia. The KDF are already in Mandera. The KDF have a base in Wajir; the KDF have a base in Garissa and the KDF under the banner of UNISOM are in the whole of southern Somalia. The Deputy President, who is also a Cabinet Secretary in the definition of the “Constitution”, said that KDF will deal with any foreign militia who crosses from Ethiopia or Somalia. By him saying that he has not contravened the Constitution, Parliament is not a place where you walk with an iPad or video. You ought to know that documents in Parliament are admissible by the Chair. There is a procedure. We are here to respect the Constitution. In Mandera County, we have a whole brigade. In Mandera, Garissa and Wajir, the eastern and western command is based there. In the whole of that borderline in the side of Somalia, the KDF are there under the mandate of UNISOM.

Hon. Speaker, Sir, Hon. Wamunyinyi asked me a very difficult question. But as a lawmaker, the law has been set. You cannot hold anybody for more than 24 hours in any cell. You must take him to court. We have an independent Judiciary. There is nothing, unless you change the laws of this land, you cannot dictate to the Judiciary. But in any crime, the procedure is there. So, I really pity that but the law is very, very clear.

The hon. Member for Nakuru East asked for copies. The statements, minutes and the Press statement of the Deputy President have already been tabled in this House. I did that for hon. Members to interrogate them.

Hon. Junet, my very good friend, I do not need to go to Mecca to investigate Omtatah and others. Going to Mecca or Medina has a procedure within the confines of the Islamic Religion. It is not Omtatah who brought a pig that will make me go to Mecca. Mecca is a holy shrine. It has a procedure within my religion. When that comes, I will go there and do my obligations as a member of the Islamic faith.

Hon. George said that this Government is sleeping; and that the Inspector-General and the National Police Service Commission have contradictions in the Act. I concur and the Act will come for review and we will introduce amendments. I want to say this: As a country, we must define the role of the Inspector-General; the command structure. Who is to promote, transfer or order on the daily operations of the Kenya Police Service? Is it the Inspector-General or the Chair of the National Police Service Commission? It is for this House, when the Act is brought, to decide; it is not for the Government. The Government is to implement. It is the work of this House to legislate. I think I have answered that.

Hon. Okoth, if the Deputy President made reference to KDF manning our border to stop foreign militia, I want to tell him that the Deputy President respects the law. We have not broken any law and, whatever videos you bring, we are ready for it. We are ready to defend the Constitution. The Constitution is a document for all Kenyans and for posterity. Even those who are out there will defend the Constitution, even in spirit.

I think Hon. Chepkong’a had a different issue. But Hon. (Ms.) Ghati, yes, I know the clan complexity in Kuria. It is equal to the clan complexity in Mandera, Kajiado, Wajir and Garissa counties. It is us leaders to make sure that our clans and communities live together. The protection of the lives of our people and their property is not a choice. It is in the Constitution. When the President, Cabinet and Members of Parliament swore to defend the Constitution, it is a collective responsibility. But every Government must protect the lives and property of its citizens. It is like devolution; there is no choice.

Finally, Hon. Cheptumo, I can agree with you that the Deputy President led a high level delegation to Baringo North. The Inspector-General conducted high level delegations to Baringo

North. I think governors must be very serious on the issues that are happening in Baringo North. There is complete conflict that has been there for the last six months. I am sure it has more to do with cattle rustling and we must agree that the leadership--- If the leadership, whether it is in Mandera, Garissa, Baringo and other counties including Kisumu, sit together and preach peace and reconciliation, and the Government does its constitutional mandate, this country will be very peaceful. The investors will come and our economy will grow by double-digit. You will make the Jubilee Government live to its promise and rule for the next five years. Thank you.

**Hon. Speaker:** Next Order! Just a minute! Hon. (Mrs.) Shebesh had indicated that she would seek a Ministerial Statement.

## POINT OF ORDER

### ALLEGATIONS OF PROSTITUTION IN UNIVERSITIES

**Hon. (Ms.) Shebesh:** Thank you, hon. Speaker, Sir. Pursuant to Standing Order No.44(2) (c), I wish to request for a statement from the chairperson of the Committee on Education, Research and Technology regarding the alleged issue of increased prostitution in some universities and institutions of higher learning. In his statement, the chairperson of the Committee should:-

- (a) Clarify as to whether those allegations are actually accurate and, if so, what the Government is doing about them.
- (b) Explain the measure taken by the Government to curb the growing number of prostitution cases in some of the universities and other institutions of higher learning in Kenya to protect our young girls from that vice.
- (c) Tell us whether the Government is reverting to the old system where the Joint Admissions Board regular students were assured of accommodation and meals in the universities.
- (d) State whether the Government is undertaking measures to revise the student loans considering the rising cost of living.

Thank you.

**Hon. Member:** On a point of order, hon. Speaker, Sir. I come from a county that is quite marginalized. For the last three weeks, the voice of that county has not been heard in this House. I had a very pertinent issue I wanted to raise with regard to security---

**Hon. Speaker:** That matter is over! That is why we are on the next Order. You can canvass it when the House next sits. Raise the issue. You may even seek a Ministerial Statement or a statement from the Leader of the Majority Party or the chairperson of the appropriate committee.

**Hon. A.B. Duale:** Hon. Speaker, Sir, we will deliver that Statement on Thursday, next week. That is the one sought by Hon. Shebesh.

**Hon. Speaker:** Even though the Committee is not in place, the Leader of the Majority Party may respond on behalf the relevant Committee.

**Hon. Washiali:** On a point of order, hon. Speaker, Sir. I had an issue with the procedure. I know what we have been discussing is a very sensitive statement that touches on security or insecurity for that matter. How much time can we apportion statements? This is because from 2.30 p.m. up to now, we have dwelt on one statement made by Hon. Duale. I wanted to be guided whether we have timelines so that we have to spend some amount of time allocated for

statements other than wasting the whole afternoon without tackling the real business of this House.

**Hon. Speaker:** Hon. Benjamin Washiali, you have a point but I am sure that if you look at your Standing Orders, Standing Order No.44 merely requires that he rises before 3.00 p.m. but it does not say what happens after 3.00 p.m. You are the people who passed those Standing Orders and you must live with them! Anyway, I decided to use my discretion today because this is a matter that touches on security and it was important that we hear as many Members as possible express themselves. It is not possible to get 349 Members speaking one afternoon. This is the case even if you combine a morning and an afternoon sitting. Because no hon. Member was called to seek a clarification twice, you must appreciate that you are 349 Members. You are more than a secondary school of two streams with 40 students each class. You are that many. A secondary school receiving public funding will have 320 students but you are 349 Members. You must understand that. We are moving on to the next Order and you can use the opportunity to express yourself on matters of security. Therefore, you are not limited.

**Hon. Washiali:** On a point of order, hon. Speaker, Sir. It is not a question---

**Hon. Speaker:** Resume your sit! I want to warn you that if you continue in that manner rising merely because you have not been seen--- There are very many Members in this House who have not spoken this afternoon. It is not possible that each and every one of you must speak in one afternoon. You must understand that. Do not think that you are not getting a chance because you appear a little vertically challenged. There are many hon. Members and parameters that the Chair must use to ensure that every corner of the country as far as possible is heard. Therefore, you will all get a chance to express yourself. I know that the people in your constituency had expected you to speak today but that is their expectation and it is not what is happening in the House. So, please understand that. The Chair will not discriminate. We will give you a chance to speak.

Let us move on to the next Order!

## MOTION

### WRITE-OFF OF PARASTATAL LIABILITIES

THAT, aware that over 90% of the raw materials for the agro-based parastatals such as Nyayo Tea Zones, sugar and cotton factories comes from rural farmers residing in counties; noting that the farmers produce all the inputs but do not receive any benefits from their activities; deeply concerned that county governments are likely to face numerous financial challenges due to limited sources of revenue; this House urges the Government to write off all the liabilities of these parastatals and hand over the management of the same to the county governments to form part of the income generating activities for the respective county governments.

*(Hon. Koyi on 15.5.2013)*

*(Resumption of Debate interrupted on 15.5.2013)*

**Hon. Speaker:** The hon. Member who was on the Floor was Mr. Isaac Mwaura, and he had two minutes left. Is he in the Chamber?

**Hon. Kang'ata:** It was me, hon. Speaker, Sir. The HANSARD can confirm that because I was interrupted.

**Hon. Speaker:** No! You stood on a point of order!

**Hon. Kang'ata:** No! No!

**Hon. Speaker:** You cannot argue with the Chair! This one also claims to be--- What is your professional training? Switch off your microphone and resume your sit. Business in this House is not transacted like in a court of law. This is Parliament where business is very different. I had expected that you should have known this. However, I can give you a chance to contribute to this Motion if you want. After that, your neighbour who appears very agitated will speak.

*(Laughter)*

**Hon. Kang'ata:** Hon. Speaker, Sir, I am Kang'ata from Kiharu. First and foremost, maybe there was a problem in typing the proceedings of yesterday. As a matter of fact, I was the one who was contributing and I think the HANSARD can confirm that.

Personally, I support this Motion by Hon. John Koyi Waluke. First, I feel that under the Fourth Schedule of the Constitution, the first role of the county government is agriculture. Therefore, it is impossible for the county governments to function without transferring agricultural-based parastatals to them.

Again, if you look at this Motion, you will find that it has some problems. First, we need to define what "parastatal" is. When I look at the English dictionary, it does not define "parastatal". If you look at Chapter Two of the Laws of Kenya, it does not also define "parastatal". So, I assume that a "parastatal" is a Government plot. I also assume that a "parastatal" is a public company.

*(Loud consultations)*

**Hon. Rotino:** On a point of order, hon. Speaker, Sir. We cannot follow the contribution of the hon. Member on the Floor because there is loud consultation.

**Hon. Speaker:** I want to remind hon. Members that whereas it is perfectly in order for you to consult while in the Chamber, please do so in low tones so as to allow other hon. Members to participate in the debate.

**Hon. Kang'ata:** Hon. Speaker, Sir, I support this Motion on the basis that I feel that public agro-based companies should be vested on the county governments. I would like to cite three examples.

First, we have tea companies. For instance, in Kiharu Constituency which I represent, we have Githambo Tea Factory which is now being managed by a company which is titled "Githambo Company Ltd." Tea farmers from Kiharu do not get their rightful dues. They are also compelled to sign agreements which are lopsided and which will not benefit them. Therefore, if we pass this Motion, I foresee a situation where the county government will address that issue.

*[Hon. Speaker left the Chair]*

*[Hon. Deputy Speaker took the Chair]*



Secondly, on the issue of agro-based parastatals---

**Hon. Oyoo:** On a point of order, hon. Deputy Speaker. I feel that the hon. Member of Parliament on the Floor is misleading this House. The Motion in question is about parastatals which are run by the Government or are *quasi* government organizations, and we want them transferred to the counties. This is the case and yet the hon. Member is referring us to tea factories which are owned by co-operative societies or individuals.

**Hon. Deputy Speaker:** Hon. Oyoo, are you debating or you have stood on a point of order?

**Hon. Oyoo:** I have risen on a point of order, hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is not in order?

**Hon. Oyoo:** Hon. Deputy Speaker, the matter in question is about parastatals or *quasi* government companies which are supposed to revert to the counties but the Hon. Member is talking about tea factories which are owned by farmers in form of co-operative societies. Are these companies within the ambit of the Government?

**Hon. Deputy Speaker:** Order, Hon. Oyoo! I think you are now debating rather than raising a point of order. Allow the hon. Member to continue.

**Hon. Kang'ata:** Hon. Deputy Speaker, the fact is that we do not have any co-operative that is managing tea in Murang'a County, and for that matter, I suppose in the entire country. What manages tea factories in this country is Kenya Tea Development Agency (KTDA) which is a parastatal. There are also some companies which have been incorporated in some form of arrangement with the KTDA. Therefore, I have not mentioned anything to do with a co-operative.

Secondly, on coffee factories, I am of the view that this Motion should be amended not only to capture Nyayo Tea Zones, sugar and cotton factories--- I suppose that is an example. Therefore, if we pass this Motion, I foresee the coffee factories in Kiharu which have been mismanaged being taken to the county level where we will have transparency. I also foresee a situation where coffee factories in Kahuhia, Mugoiri and Ntheri in Murarandia will be answerable to the people through the county government.

Thirdly, I foresee a situation where you are dealing with the issue of water companies though not agro-based parastatals because they form a key component in the management of agriculture. We are now in the transition mode. This means that we are now moving from the old order to the new order. In the old order, agriculture was being managed by the central Government while in the new order, agriculture, as I have stated, will be managed by the county governments. If this Motion is passed, it will help fast-track that process; we will fast-track devolution.

As a great supporter of devolution, I foresee a situation where agriculture will be left to the farmers through their duly elected leaders at the grassroots level. The present situation is where agriculture is being managed from the top. For instance, I said that the KTDA had exclusive rights on all matters relating to tea. We will now see a different scenario.

I appeal to hon. Members to support this Motion which in my opinion will liberate our farmers. I come from a rural constituency where about 90 per cent of the residents are farmers. We have Murarandia which grows tea while the lower regions of Mugoiri and Kahuhia grow coffee. People in the lower parts practise other forms of agro-business. Therefore, it will be important if we empower county governments by writing off liabilities of these parastatals. This is because these liabilities were incurred by parastatals when they were being managed by the

central Government. Therefore, it is unfair to vest consequences of mismanagement on county governments which did not participate in that mismanagement. That mismanagement, to a certain extent, was abetted by the central Government. Therefore, the central Government having abetted that mismanagement should be the one that should carry the cross of taking over those liabilities.

As I conclude, I request the Government to remember its undertaking of writing-off the coffee debts. Coffee farmers in Kiharu are happy that when President Uhuru was the Minister for Finance he wrote-off some debts owed by coffee farmers in that constituency. I suppose that once this Motion is passed---

**Hon. Deputy Speaker:** Your time is up! I think the hon. Member seated next to you has been given a chance. Please, allow him some time. I hope he will change the consonance of his face and he will look very angry.

**Hon. Naicca:** Thank you, hon. Deputy Speaker. Although I wanted to speak on security, I hope that hon. Members in this House will be given a chance to speak on the Motion they wish to speak on. I come from sugarcane growing area, and as you read this morning, there is rampant insecurity in Mumias. However, we were cut short because it was very difficult for the Speaker to see some of us. I do not know whether we are short.

However, I support this Motion by Hon. John Waluke which borders on parastatals. I come from sugarcane zone, and as you know, those firms are privatized. I hope that this Motion will cover all companies irrespective of whether they are parastatals or not so that all farmers irrespective of whether they are in parastatal zones or not they can benefit. This is especially on fertilizer.

I agree that farmers in Mumias are getting a low deal as far as fertilizers are concerned. That is why production in farms is very poor and as a result farmers do not get any money after harvest. Instead of being paid, they are actually asked to pay by Mumias Sugar Company. It is important that we amend this Motion when it comes to this House as a Bill so that it can cover all farming areas irrespective of whether those companies are small-scale, large-scale, parastatals or private companies.

Hon. Deputy Speaker, with those few remarks, I wish to support this Motion.

**The Member for Kacheliba** (Hon. Lomunokol): Hon. Deputy Speaker, I am from Kacheliba Constituency which, for your information, became part of Kenya in 1971. This being my first speech, I would like to take this opportunity to thank the people of Kacheliba Constituency for electing me. I also take this opportunity to congratulate this august House for their elections.

Allow me to comment on some issues about the Presidential Speech. Kacheliba Constituency is one of the most marginalized constituencies in Kenya and as a result we lag behind in terms of education. The Jubilee Government is committed to providing laptops to children going to class one. My suggestion is that there are other things that ought to be done before the laptops are provided. For example, we have some schools that do not have classrooms at all and pupils sit on stones. I can imagine the burden of holding a laptop while sitting on a stone. So, it would be better if desks are provided before the laptops are given to the children.

Our road is one of the impassable roads in this country. It is my wish and request to this august House that priority is given to the most marginalized places; the places that have been forgotten now that the favoured parts of Kenya have had their share of development. It is my request that we prioritize the tarmacking of the road from Kapenguria to Alale.

On the issue of water, I happen to represent one of the arid and semi arid (ASAL) constituencies where water is a major problem. It is my wish and humble request to the Jubilee Government that dams and boreholes are sunk in this constituency so that the citizens of Kacheliba may access this precious commodity called water. Provision of water will reduce conflicts that we encounter with our neighbours as a result of looking for water and pasture.

On the issue of security, I want to commend the Jubilee Government on the plans they have. It is only my wish that these plans are implemented. My concern is: Is the Government aware that we have good citizens of this country who have offered their lives and free services to protect our good citizens and yet they are never motivated? They are the Kenya Police Reservists (KPR). I want to know what the Government intends to do with these good citizens who have volunteered their lives. My suggestion is that these good citizens are equipped with sophisticated arms and are paid some substantial amount of money to motivate them because these are people who have replaced our police force. I come from one of the most insecure constituencies and this can be confirmed by the remarks that were made by His Excellency the President of Uganda the other time. You will find in the entire constituency that we only have 46 police officers. I want to ask the Jubilee Government to consider providing securities to these places that have been affected most by insecurity.

Hon. Deputy Speaker, I support this Motion because our societies have been indebted deeply and if they are not relieved, chances are that they are likely to collapse. That is why I urge this august House to support this Motion so that we make these societies effective in providing services to our farmers.

Thank you.

**Hon. (Ms.) Muia:** Hon. Deputy Speaker, I rise to support agro-based parastatals. With the devolved governments, these should not be burdened with debts. If you look at the Motion, the issue of farmers producing all the inputs and yet at the end of the day they do not benefit--- For example, in my county we have a cotton factory. What happens is that sometimes farmers deliver their produce in good time but they take so long to be paid until they are unable to deliver in the second round. So, we are not going to talk about this so much because you will remember that the original budget for county governments was reduced. If they were left to clear all these debts, they would not even carry out any development. I am asking the Government to inherit all the debts because all the county governments are young. Some of the counties cannot do anything for the next five years because some of them do not have ways of raising revenue to sustain their counties. So we are asking that the Government waives all the debts so that the counties can start afresh. I will not talk more because once some information is given out by more than three hon. Members, I cannot stand here and start repeating what has been said. All that has been said is for the burdens to be removed from county governments.

With those few remarks, I beg to support.

**Hon. Kemei:** Hon. Speaker, I rise to oppose the Motion.

When the Government begun the reform programmes on public enterprises in the 1980s, we had about 260 parastatals, most of which were riddled with debts. Most the public enterprises then were inefficient because they were being poorly managed. They were drawing from the Exchequer. They had a bloated work force and were technically insolvent. If we were to transfer parastatals to the counties in the way they are at the moment, we will be transferring more problems to the nascent counties that we want to start developing with a view to enabling them to manage their affairs as envisaged in the devolution principle.

Hon. Deputy Speaker, the debt portfolio in the sugar industry, for example, is upward of Kshs60 billion. Chemilil Sugar Company has a debt of about Kshs4 billion; Muhoroni Sugar Company, about Kshs14 billion; and Nzoia Sugar Company, about Kshs14 billion. The rate of indebtedness in these sugar companies is just on the higher side. What we should be talking about is a way of restructuring public enterprises for the purpose of transferring them to the private sector. The Government has no business doing business at this point in time. The Government should be there to provide an enabling environment for the private sector to invest in this country and run business as per the requirements of the 21<sup>st</sup> Century. What we should be talking about are the loans owed to the Agricultural Finance Corporation (AFC) by farmers with a view to writing them off, so that farmers can start practising their businesses with no debts to the AFC.

In summary, the public enterprises are in various parts of the country. They were established with monies which belonged to the people of this country. If we were to do that, we would be transferring the benefits to a few counties at the expense of other counties.

With those remarks, I beg to oppose.

**Hon. Deputy Speaker:** Yes, Hon. Njuguna.

**The Member for Gatanga** (Hon. H.K. Njuguna): Thank you, hon. Deputy Speaker. I had to relocate from that side, so that I could “steal” the Chair’s eye. I am Humphrey Kimani Njuguna, the Member for Gatanga.

I rise in support of this Motion because, in principle, this Motion supports devolution. If you look at Chapter 11 of our Constitution, which is basically the chapter on devolution; particularly Articles 174 and 175, you will see that it talks of the rights of the local communities to manage their own affairs and further their development. Further, the Articles talk about the rights for equitable sharing of local and national resources around the country. In addition to that, the Government is mandated to have reliable resources and revenue, so that the devolved governments can function.

Hon. Deputy Speaker, right from the beginning, we realise that the county governments are having teething problems and one of their major challenges is revenue generation. Devolution being a reality in this country, it is not negotiable because it was part of Kenyan’s sovereign rights. We must, therefore, address the issue of funding of the county governments. This is a big challenge because even though our Constitution guarantees county governments 15 per cent of national revenue, it is not enough. We need to explore ways and means of supporting the county governments. One of the best ways of doing this is making sure that they can generate their own resources. This Motion gives a way forward in terms of seeing light at the end of the tunnel in the sense that it talks about devolving the agro-based industries to the counties. For obvious reasons, the agro-based industries, be they the Nyayo Tea Zones or the cotton industry, among others were in the past used as conduits of self-enrichment. They were mismanaged through macro-management and lack of local community participation in their affairs to the extent that the local communities viewed them as foreign industries.

So, devolving the agro-based industries to the counties is likely to change their management, in the sense that the people will participate in the running of their affairs and this will, in turn, give a sense of ownership of those industries to local communities. Once there is a sense of ownership among local communities, there will be creation of employment in the respective counties. There will be value addition in the sense that when we talk of Nyayo Tea Zones, instead of selling tea in raw form, we can process and sell it at enhanced value. There will be development of local entrepreneurship. There is also likely to be transparency and

accountability, as opposed to the former opaque system of managing these organisations. There is the likelihood of reducing corruption and impunity in those organisations. In a way, therefore, there will be increased productivity and revenue generation. This is likely to drive our economy to the much desired double-digit growth rate.

Hon. Deputy Speaker, looking at all these prospects, I am of the opinion that once the agro-based industries are devolved to be owned by the counties, it is possible that we will stir the necessary economic growth and development in the counties and in a way, therefore, generate a balanced growth in the entire economy.

With those remarks, I beg to support the Motion.

**Hon. Deputy Speaker:** Yes, Prof. Nyikal.

**Hon. (Prof.) Nyikal:** Thank you, hon. Deputy Speaker, for giving me this opportunity to contribute to the Motion. I have been trying the whole afternoon, but we were caught up in an insecurity situation. I rise to support the Motion.

We all agree that we are committed to devolution, and that the counties must be supported, so that they can have the wherewithal to facilitate development in our rural areas. Therefore, the agro-based parastatals will constitute a very important aspect of development in the areas they are based. Personally, I believe that the agro-based industry will be the means of Kenya taking-off. Kenya being an agricultural country, with the main economic activity being agriculture, the real leader of our development will be agro-industry. To that extent, these parastatals will go a long way in facilitating value addition in the agro-industry, leading to employment of our youth. I believe very strongly that our youth are under-employed basically because we have not changed the use of land in many parts of our country.

**Hon. Deputy Speaker:** What is your point of order, Hon. Gumbo?

**Hon. (Eng.) Gumbo:** Hon. Deputy Speaker, first of all, protect me. There is too much loud consultation.

**Hon. Deputy Speaker:** Order! Order, hon. Members! Can you consult softly? You are interrupting the contribution by participants in this debate.

Proceed, Hon. Gumbo.

## POINT OF ORDER

### ADJOURNMENT OF DEBATE UNDER S.O. 96

**Hon. (Eng.) Gumbo:** Hon. Deputy Speaker, I rise, pursuant to Standing Order No.96, to move that the debate on this Motion be now adjourned.

Hon. Deputy Speaker, the reasons for moving the Motion are, firstly, we have crucial matters before us in this House. One of the reasons is to enable us introduce a Supplementary Order Paper and debate the Report of the Procedure and House Rules Committee. Secondly, adjourning debate on this Motion will enable the House to receive the list of the membership of the various committees of the House. As you know, a lot of business of this House has virtually come to a standstill due to the fact that we do not have House committees.

I dare say that all the Members of this House are “majority” Members, with a keen interest, for instance, on the disbursement of the Constituencies Development Fund (CDF) money. We are keen to constitute committees, particularly the one relating to the CDF, so that we can summon the relevant Cabinet Secretary to discuss the release of CDF funds for the development of our constituencies. There are many other national issues that need to be

addressed. There is the issue of insecurity, which cannot be dealt with adequately because we do not have the relevant departmental committees in place.

So, I beg the indulgence of the Chair and that of my colleagues in the House that we adjourn debate on this matter, which still has a few hours remaining, with all due respect to my good neighbour, the Hon. (Prof.) James Nyikal for interrupting him. I appreciate, however, that the memory of this House will allow him at the right time to continue with the remainder of his contribution on the Motion.

Hon. Deputy Speaker, with those remarks, I beg to move and call upon my very good friend, the Murang'a Women County Representative, Hon. Sabina Chege, to second the Motion.

**Hon. (Ms.) S.W. Chege:** Hon. Deputy Speaker, I beg to second this Motion. We know this committee is of importance to this House. It is important for Members to agree with us, so that we can move to the next Motion and have the committees in place.

I beg to second.

**Hon. Wandayi:** Thank you, hon. Deputy Speaker. I rise to support the Motion for Adjournment.

**Hon. Deputy Speaker:** It is for adjournment of debate and not of the House.

**Hon. Wandayi:** Yes, it is for adjournment of debate, so that we can deal with more urgent matters. It is a fact that this House has more pressing matters to undertake in so far as debate on the Budget Estimates is concerned. I support the fact that we need to adjourn on this subject, so that we can have time to address the matter of the Standing Orders. If we do not do this, we will cause a lot of problems in this House in the next couple of weeks

With those few remarks, I support the Motion.

**Hon. Deputy Speaker:** Hon. Members, because of time I want to put the Question.

*(Question, that the Debate be now adjourned,  
put and agreed to)*

*(Debate adjourned)*

Hon. Members, we are now using the Supplementary Order Paper. I hope that all hon. Members have it. Serjeant-at-Arms, ensure that the few hon. Members who do not have the Supplementary Order Paper get it.

## **PROCEDURAL MOTION**

### **EXTENSION OF SITTING TIME**

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to move the following Procedural Motion:-

THAT, pursuant to the provisions of Standing Order No. 33 this House resolves to extend its sitting time today, Thursday, 16<sup>th</sup> May, 2013 until conclusion of business appearing under Order Nos. 9 and 10.

I am doing this in the interest of the House; the Supplementary Order Paper that we are now using contains two very important items, namely the Motion by the Procedure and House Rules Committee, and second the Motion that will give us a chance to, on Thursday, approve the names of hon. Members to various committees. This will put in place important committees like

the ones on national security, legal affairs and budget and others, and also give them a chance to elect their leaders. Thereafter the one on budget will interrogate it and the others will perform the various functions that are waiting for them. I urge the House to support this Procedural Motion for extension of sitting time for the purpose of disposing of Order Nos. 9 and 10. I ask the Leader of the Minority to second this Procedural Motion.

**Hon. Nyenze:** Hon. Deputy Speaker, I second the Procedural Motion.

*(Question proposed)*

**Hon. (Ms.) Fathia:** On a point of order, hon. Deputy Speaker. We are frustrated; personally, I do not have the Supplementary Order Paper. I think this is a House of scarcity; Order Papers are sneaked to individuals!

**Hon. Deputy Speaker:** Serjeant-at-Arms, ensure that hon. Members have copies of the Supplementary Order Paper. We do not want her to call this House a House of scarcity.

*(Question put and agreed to)*

## MOTIONS

### ADOPTION OF REPORT ON AMENDMENTS TO STANDING ORDERS

**Hon. Cheboi:** Hon. Deputy Speaker, I beg to move the following Motion:-

THAT, this House adopts the Second Report of the Procedure and House Rules Committee on amendments to the Standing Orders, laid on the Table of this House today, Thursday, 16<sup>th</sup> May, 2013.

From the outset, I want to say that I will be very brief because I know that hon. Members want to ventilate on this. I want to say that during its second sitting on 16<sup>th</sup> May, 2013, the attention of the Committee was drawn to the need to propose to the House amendments to some parts of the Standing Orders. These are amendments of urgent importance, particularly in relation to the Public Accounts Committee (PAC) and Public Investments Committee (PIC).

I want to say that this is a matter that has been argued in this house. Basically the Committee is proposing changes to the Standing Orders, particularly Standing Order Nos. 205 and 206. But we will start with a proposal to amend Standing Order No. 174, which is generally about how committees are appointed. Here we intend to allow the Minority Party Members to chair both the PAC and PIC. This is a very popular suggestion, particularly with the minority Members. They were giving out some positions on goodwill basis. We want to entrench it in the Standing Orders. This was an issue of the spirit of give and take. The majority side was going to get the majority in those particular committees and the minority would chair the committees. Both sides of the House have been doing something which I believe they will be happy about. The membership of Public Accounts Committee and Public Investments Committee will be such that the majority will have a majority of 14 members against 13 members, a difference of one. On the other hand, the minority will have the position of chair. This is actually the stalemate that was between the two sides which has caused the delay in presentation and tabling of the committees in this House. So, without further ado I want to put before the Members the specific recommendations. We would wish that the House resolves and amends the Standing Orders, First Edition, as follows:-

(i) Standing Order No.174: THAT, Standing Order No. 174(1) be amended by-

Inserting the words “unless otherwise provided by any written law or these Standing Orders” before the words “in nominating”.

(ii) Standing Order 205: THAT, Standing Order No.205 be amended by-

(a) Deleting paragraph 3 and substituting therefore the following:  
“The Public Accounts Committee shall consist of a chairperson who shall be a member elected by the committee from amongst the members of the committee nominated from the minority party or coalition of parties and not more than 26 other members”

(b) Inserting the following new paragraph in sub-section 4:  
“In membership of the Public Accounts Committee, the majority party or coalition of parties shall have a majority of one”

(c) Renumbering the existing sub-section 4 as paragraph sub-section 5.

(d) Deleting the words “chairperson and” appearing in the existing paragraph sub-section 5.

(iii) Standing Order No.206: THAT, Standing Order No.206 be amended by-

(a) Deleting paragraph 3 and substituting therefor the following:  
“The Public Investments Committee shall consist of a chairperson who shall be a member elected by the committee from the members of the committee nominated from the minority party or coalition of parties and not more than 26 members.”

(b) Inserting the following new paragraph in sub-section 4. “In the membership of the Public Investments Committee the majority party or coalition of parties shall have a majority of one”.

(c) Renumbering the existing paragraph 4 and 5 as paragraphs 5 and 6 respectively.

(d) Deleting the words “chairperson and” appearing in the existing paragraph 4.

We also amended the bit on commencement so that under (b) “The House resolves that the amendment takes effect from 16<sup>th</sup> May, 2013.” Under (c) on the addendum “The House orders that an addendum be made to the Standing Orders, First Edition, as amended on 25<sup>th</sup> April, 2013 containing the resolution of this House on the amendment”.

Hon. Deputy Speaker, I have said I will be very brief. This is what resolved the dispute between the two sides of this House and this is what we expect will allow this House and its leadership to place before the House a list of committees and have them duly constituted. Thank you and I will ask my good friend, hon. Kajwang’, to second this Motion.

**Hon. Kajwang’:** Thank you, hon. Deputy Speaker. I rise to second this Motion by my learned friend, Hon. Moses Cheboi, a man we shared the legal school when the Kenya School of Law was really school of law for lawyers. I am a member of the Procedure and House Rules Committee and I come to confirm that these are the proceeding of the House Rules Committee to try and appreciate the very good decision that has been taken by our leadership to be able to reduce the gap that has existed in both sides of the House. This is a practical solution by way of amendment.



*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Members! Consultations are too loud.

**Hon. Kajwang':** Hon. Deputy Speaker, I think it is because of a lot of interest generated by the business which is about to appear after this Motion. This is the only way by which those agreements and those consultations that we have had from both sides of the House can be captured and can legally be entertained in this House. Members will know that the leadership of this House has closed the gap. Majority has said that they will bring 14 members and minority will bring 13 members. To be able to capture that in a legislative process, it is important to entrench it in the Standing Orders so that the majority party has the majority in the two committees but the minority is able to chair the two committees.

*(Loud consultations)*

Hon. Deputy Speaker, Sir, protect me.

**Hon. Deputy Speaker:** Leader of Majority Party and Leader of Minority Party, you are causing chaos in the House. If you must consult, you can use the rooms at the back.

**Hon. Kajwang':** Hon. Deputy Speaker, this is in keeping with the traditional practice of the Commonwealth and particularly in presidential systems in which it is understood that the leader or party in majority will have the majority but the minority will also have its say on important issues before the House. You will remember that this is a practice that we, in our legislation, had before. Previously, when there was the Opposition and Government, Government was the majority in Public Accounts Committee and Public Investments Committee, but the Opposition, as it was then, had the chair of the two watchdog committees. I want to persuade my Members on the other side of the House that we receive this in good faith as first of all entrenching the discussions we have had here within the Standing Orders but also keeping---

*(Loud consultations)*

**Hon. Deputy Speaker:** Order! We are still having too many of you standing up when it is only the person who is contributing who should be up.

**Hon. Kajwang':** Hon. Deputy Speaker, this will help us to bring back what the minority and majority parties have to play within the watchdog committees. We have argued in terms of constitutional theory; statute law and even by way of precedent. Members of the public out there expect that all of us in this House will be watchdog to make sure that the resources of this country are taken care of. We will ensure that public officers do not abuse the offices that they are in and nobody steals public funds. Without Public Accounts Committee and Public Investments Committee properly constituted, we are unable to perform these functions. I want to urge my Members from the minority that this gives us an opportunity to be able to lead these two Houses with responsibility; responsibility to do that which Members of the public expect of us. I want to convince Members from the majority that you may have the numbers but the minority has to have a piece of their say in the discussions before this House. I want to ask all of us to come together and support this Motion unequivocally so that the business of this House may continue.

Hon. Deputy Speaker, we have taken too long to proceed with the Motions of this House and this particular amendment will therefore enable this House to proceed. The divide that was artificial can now be broken down and we start looking at things as Members of the National Assembly and not Members of either majority or minority parties.

Hon. Deputy Speaker, I beg to second.

*(Question proposed)*

**Hon. (Eng.) Gumbo:** On a point of order, hon. Deputy Speaker. I rise on a point of order with utmost respect to the Chair and my colleagues. I do this while aware that this is a House of rules, traditions, customs and records.

Hon. Deputy Speaker, I have just looked at the report which has been placed before us; the second report of the Procedure and House Rules Committee on amendments to the Standing Orders. I seek your guidance whether this report is, indeed, properly before the House. I am saying so because if you look at Standing Orders 190, it states very clearly that:-

“The minutes of the proceedings of a select committee shall be laid on the Table of the House with the report of the committee and may, subject to Standing Order 247 (Custody of Journals and Records) be published.” Standing Order 247 is merely about custody of journals and records.

Hon. Deputy Speaker, I am raising this point because two days ago, we debated a very important matter in this House which was the approval of Cabinet Secretaries. We saw hon. Members who sit in the Appointments Committee making contradictory positions and we were not able to take a stand because the minutes of the meetings of the Appointments Committee were not there. I, therefore, think that because we are a House of rules, records and traditions, it would be wrong for us to proceed in a manner that defies our own rules.

Hon. Deputy Speaker, in fact, Standing Order No. 189 is very clear. When we table a report here, the list of hon. Members who participated in preparing and debating that report should also be indicated. This has not happened in this report and I seek your ruling with utmost respect to the nature of the business before the House, whether indeed, the report we are about to debate is properly before this House.

I beg to seek your direction, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Yes, hon. Member, did you want to make a contribution on the same? Let a few hon. Members ventilate before I make my ruling.

**Hon. Kajwang’:** Hon. Deputy Speaker, I beg to be allowed to speak on this matter as a Member of the Committee. I think my friend, Hon. Gumbo is absolutely right that a report before this House should bear the minutes and should be as detailed as it can be. But I want to dissociate this particular Committee from the other report that we were treated to the other day, seeing that, on page six, for example, you see membership of the Committee carefully set out; the people who participated in the discussions in this Committee. On page seven, it details the issues which were before the Committee to undertake.

On page 8, the Committee, therefore, sets the recommendations up to page 9. Style and content of minutes is an issue for the secretariat. The most important thing is that Members in this Committee are set out, the terms and issues before it are also set out on page 7 and their recommendation is clearly as set out on page 8 and 9. So, whereas I agree with my friend that it is correct that there should be minutes before the House, I think this Committee has gone an extra mile to provide the details and the content that any other committee should and, therefore, I

appeal that my friend be ruled out of order for the time being and wait until we have a very bad precedent to complain.

Thank you, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Any other comment before I make a ruling? The hon. Member for Kabondo-Kaspul Constituency.

**Hon. Onyango:** Hon. Deputy Speaker, I may sympathize with my friend Hon. T.J. Kajwang' over this matter. I would like to support Eng. Gumbo, not for the purposes of the matter being discussed here today, but because of the precedent that we are going to set. Minutes are not about the content of a report. Minutes will help us in this House because we are going to read the HANSARD to get to know the hon. Members' position on certain matters before they come to the House; so that tomorrow we will not have somebody indicating different things and because of lack of minutes, they run away from the same position.

So, I would like to urge that where the Standing Orders explicitly state, and the word there is "shall", then we stick to the provisions of the Standing Orders so that those who are on learning process would not be misled to think that where the Standing Orders are clear on the procedure to be followed, people can run away from that.

Thank you, hon. Deputy Speaker.

**Hon. Ababu:** Thank you, hon. Deputy Speaker. I am on record having taken a very strong position in this House that we are a house of rules and when it comes to the rules of the House, these Standing Orders, indeed, are our Bible, Koran, and indisputable source of rules both on matters of substance and procedure.

Indeed, this matter did come to the fore when we were debating the report of the Appointments Committee. Personally, while contributing to that report, I did raise the question of minutes. We also need to keep faith, both in the letter and spirit of the Standing Orders. With the practice and traditions that have previously informed debate on such matters in this House--- Standing Order No. 189 on the face of it says that the names of the hon. Members present at each sitting of a Select Committee shall be entered in the minutes of that sitting. It is not debatable and it does not just apply to the proceedings of meetings of this Committee or committees of this House. The names of any Member attending any meeting anywhere, has to be entered in the minutes.

But now, I believe the issue here really lies with how we want to interpret Standing Order 190. It states as follows:-

"The minutes of the proceedings of a select committee shall be laid on the Table of the House with the report of the committee and may, subject to Standing Order 247 (Custody of Journals and Records) be published."

Hon. Deputy Speaker, this is where I wish to seek some guidance or a ruling from the Chair. The laying of the report on the Table of the House is an act that ought to be fulfilled when whoever is laying it may be the Chairman of a Committee or as it has been previously the practice, a Minister of Government. When the report is being placed on the Table, it is presumed that a copy of the minutes will accompany it. At the point when this report was laid on the Table of the House was it accompanied by a copy of the minutes?

Hon. Deputy Speaker, why I raise this and seek the clarification of the Chair is that previously and because of pressure of time, we have had occasion where reports are tabled in the House, circulated to the Members without having all the details of that report. We already have a precedent where we debated a report of the Appointments Committee without having had access to the minutes, even though we proceeded on the knowledge and the assurance of the Leader of

the Majority Party that he had indeed, tabled the minutes and the minutes were already a record of the House. So, without belaboring the point, if at the point of tabling this report a copy of the minutes was placed on the Table of the House and received by the Clerk to the National Assembly, and because of pressure of time the same was not availed to the Members, then that would not be reason enough to defeat the intention of the Standing Order No.190. Therefore, with due respect, I would wish to know whether at the point of tabling, a copy of the minutes was tabled to accompany the report, if he could give that guidance.

**Hon. Ichung'wah:** Hon. Deputy Speaker, as much as I agree with my colleagues on the need to stick to procedure, at times, desperate times call for desperate measures. We all know that we have been dilly-dallying. We are the ones who have delayed the formation of committees for obvious reasons. The measure that was taken to change the Standing Orders was, indeed, desperate. To break that impulse there was need to take that drastic action. Therefore, I sympathize with the Mover of the Motion. I know that they have not had enough time and in consideration of the need to proceed expeditiously, it is excusable for there to be that one exception.

**Hon. Gikaria:** Hon. Deputy Speaker, I want to agree with the Member who has just spoken. This House, as we are made to understand, is a House of rules. Much as my colleague has said that desperate times call for desperate measures, it is important for us to follow the procedures, so that we do not have any excuses. I think Engineer was right that this is a House of rules and we need to follow them.

**Hon. Deputy Speaker:** In the interest of moving forward, Eng. Gumbo and those who have made comments on this matter are very right that this is a House of rules and we would want, as much as possible to all stick to the rules. I have been reliably informed that at the time of laying the report, indeed, it was laid with the original copy of the minutes. If you look at the Standing Order No.190, it simply says:-

“The minutes of the proceedings of a select committee shall be laid on the Table of the House with the report of the committee and may, subject to Standing Order 247 (Custody of Journals and Records), be published”.

It was laid and I am ordering the clerks to make that original copy available. Again, like Hon. Ababu said, because of the interest of getting this matter to the Table, I am sure you have seen how long it has taken us this afternoon, it was the decision whether we are going to do the minutes or the actual report. So, I believe that as we proceed, with your indulgence Members, this is a decision that was made, but I would like to rule that we have not contravened the Standing Orders because at the point of laying the report, they were laid but have not been circulated. That is what we are saying because they took precedence of first of all, working on the actual report. With your indulgence, I want to plead that you allow us to continue with the business with that information and that you will get copies of the minutes as soon as they are able to get them to us. Is that in order?

**Hon. A.B. Duale:** Hon. Deputy Speaker, I stand to support this Motion on the Report of the Procedure and House Rules Committee. On the outset, I want to go on record that Eng. Gumbo, my good friend, has raised some fundamental issues that the staff of Parliament must live with. Any report must contain minutes, the HANSARD and any other documents that pertain to that report from any institution. That report must be availed to the Members, minimum one hour before the rise of the House. Somebody somewhere is sleeping on the job in the parliamentary staff. This should be a very clear signal that this House will not entertain a situation where reports come in quarters, halves or with three or five pages missing.

Having said this, this Procedural Motion is very important, not for this Parliament, but for the future. This amending is for the next generations and parliaments. Today, you might be in the majority and tomorrow you will be in the minority. We want to amend this Standing Order, so that it becomes very clear and we shame those Members who brought amendments to the previous Standing Orders in the last Parliament and removed the caveat and just said that the Chairman of the PAC and the PIC will be elected by the Members. This amendment is good for prosperity. It is going to be very clear that the minority now and in the future will have the legitimacy to chair the PAC and the PIC. It will not raise any doubts in the minds of the generations or the leaders to come in the future.

Secondly, it will also make it very clear that the majority in Parliament will have a majority in the PAC and the PIC by one. This amendment is giving the number that the majority will have a majority of one and the chairs will go to the minority. It is good that as we move forward, we create an infrastructure and enact a legislation that will allow Members to deal with issues of national importance. We want to develop more of a bi-partisan approach. We all are here, the 349 of us, to represent the interests of the people who elected us. It is not about which coalition you are in. Under a presidential system of governance, there is no Opposition, but the membership of the Kenya National Assembly has a very specific role within the Constitution and within the Standing Orders. Their role is to oversee, legislate and represent the diverse cultural interests of the constituencies that they represent.

This is a very important evening. We might have issues across the political divide, but let us support this report. Let us amend the Standing Orders for prosperity and for the future. Let us make sure that the law is very clear and it does not leave doubts. In the last three weeks, we were living in doubts, but we want to set the precedent that in the next Parliament, we will know who will chair the PAC and the PIC, which coalition will have the majority and by what number.

Hon. Deputy Speaker, with those remarks, I support this Report of the Procedure and House Rules Committee

**Hon. (Dr.) Simiyu:** Thank you, hon. Deputy Speaker, for giving me a chance to also lend my voice to supporting this Motion. When I first raised this issue in this Parliament, as the Leader of the Majority Party has said, I talked about setting up laws for posterity and for the good of the country. Whenever we set up laws, we should not think about ourselves but we should think of the future of the country.

Hon. Deputy Speaker, while I agree with the Motion as it is, given the current settings in the House, it is okay but I would plead with the Procedure and House Rules Committee that at the end of this Parliament they should also institute another amendment to the same amendment that we are doing today. We have not envisioned a situation where we will have a President who comes from the minority party in the House. I think we need to put that into consideration and ensure that we qualify it further and say that the Chair shall come from the party that the President is not coming from or the coalition the President is not coming from because there will be a situation which can arise that we will have a minority here and yet they have produced the President. So, we will still end up with that clash. So, I urge the Procedure and House Rules Committee to look at that amendment at the end of this House so that we can make sure that we have literally left everything watertight.

I support and thank you.

**Hon. Deputy Speaker:** Hon. Members, there was an amendment of what Hon. Dr. Eseli was giving. I would like to give this chance to the Mover of that amendment to bring it so that

we will just debate it holistically. That is if we pass the amendment within the amendment or without the amendment. Hon. Ogalo.

**Hon. Ogalo:** Thank you, hon. Deputy Speaker, Sir. I beg to move that the Motion be amended as follows:-

- (i) By inserting the following words “subject to” and deleting the word “minority” appearing on the third line of the proposed Standing Order No.205 on page 8.
- (ii) Inserting the words “not forming government” after the word “parties” appearing on the fourth line of the proposed Standing Order No.205 on page 8.
- (iii) Deleting the word “minority” appearing on the fourth line of the proposed Standing Order No.206 on page 9.
- (iv) Inserting the words “not forming government” after the word “parties” appearing on the fourth line of the proposed Standing Order No.206 on page 9.

Hon. Deputy Speaker, this is informed partly by what Hon. Eseli has just talked about because we should not be making laws or creating Standing Orders that change every time the configuration of the Government changes. It is true that the Standing Order as it were, before the amendment, would serve very well in a case where the Government is formed by the minority in this House. As you also are aware that such a situation could exist in the future, it will be in order that we make this amendment now to ensure that each and every time those two watchdog committees are chaired by the party or the coalition of parties not forming the Government.

Hon. Deputy Speaker, I will ask my brother Hon. K'Oyoo to second. Thank you.

**Hon. Oyoo:** Thank you, hon. Deputy Speaker. I rise to support Hon. Ogalo. This House should have dignity. We should not change rules for our convenience. I contemplate a situation like in the last Tenth Parliament where the Party of National Union (PNU) was the Government in power but the Orange Democratic Movement (ODM) had more Members of Parliament than PNU. A situation might arise for it is very difficult in Africa to remove a government in power. Next time the Jubilee Government might be defeated but they will still have more votes but less Members in Parliament. So, we do not want to have a situation where a party, just because they have a majority and because they are not in power, will take these positions. I suggest that sections of these Standing Orders be deleted and amended appropriately so that they reflect the correct position.

Thank you.

*(Question, that the words to be inserted be inserted,  
proposed)*

**Hon. Linturi:** Thank you, hon. Deputy Speaker. I rise to oppose the amendment. I want to draw the attention of the Mover of the amendment to the provision of Article 124 of the Constitution which forms the basis on how house rules or Standing Orders will be formed. The formation of Standing Orders emanates from the Constitution. I also want to ask the Mover of the amendment to look at Article 108 of the Constitution which defines “minority party” or “minority leader”. So, when I look at my interpretation of Article 108, you will find that it is very clear from this particular provision in the Constitution that the leader of the minority party shall be the person who is the leader in the National Assembly of the second largest party or coalition of parties.

Hon. Deputy Speaker, if we allow this kind of an amendment our rules will not be consistent with the definition and the meaning of the “minority” and “majority” as provided for

under Article 108. In any case, hon. Deputy Speaker, what are we trying to do here by providing that the leadership of those parties goes to the parties that do not form the Government? So, in my opinion, as long as the leadership of those parties is not the one that is forming the Government, and because this particular party might not be one singular party but, maybe, a coalition, I believe we will be in order to have the wording or to have Standing Orders that really provide us with a properly proposed procedure. If we make amendments, we will have a rule that will not be in tandem with the interpretation of the meaning of “minority” and “majority” with regard to the Constitution.

With those few remarks, I beg to oppose.

**Hon. Mwaura:** Thank you, hon. Deputy Speaker. I rise to support the amendment and also reiterate the fact that we are legislating for posterity and we cannot be seen to be making Standing Orders that only fit the situation in this House. That is the same allegation that has been put across the Floor of this House. That is what happened with the current Standing Orders. I would like to disagree with Hon. Linturi because Article 108 is not in resonance with the proposed amendment of this Motion. In fact, it actually supports. That is because the idea of having PAC and PIC being headed by the party that does not form the Executive is actually to ensure the checks and balances as has been advanced. So, this Motion has gained courage. I would want to urge the House to accept the amendment of the Motion so that we can pass it in totality.

I beg to support.

**Hon. (Ms.) Shebesh:** Thank you, hon. Deputy Speaker. I rise to oppose the Motion. In an endeavor to accommodate a situation where we find ourselves now as the Eleventh Parliament, the leadership of this House has gone out of its way to accommodate each other. But even as we accommodate each other, we must change these Standing Orders in a way that they reflect the true letter and spirit of the Constitution; and that they will serve the interests of other parliaments beyond the Eleventh Parliament. Therefore, I want to plead with the Mover of this Motion that the language that is used even before we go to the intention of it is not a language that fits into our Constitution in relation to our Standing Orders which, of course, consults the Constitution heavily. This House has a Whip of the Majority Party and a Whip of the Minority Party. Therefore, when we start by changing the terminology “minority” just to suit two committees, it would, therefore, mean that we would also call the Whip “a Whip of the party that does not form the Government.” It becomes superfluous and, for me, it is not tidy. But, fundamentally, it does not follow the spirit and the letter of the Constitution; neither does it deal with posterity. I think as the leadership in this House, we will strive to do what is right as we bring this amendment. So, I am begging the Mover of the Motion to understand that perspective and, please, just withdraw that amendment, so that we can move on.

**Hon. Deputy Speaker:** The Member for Ugenya. That will be the last one. We need to dispose of the amendment, so that we can move on to the substantive Motion.

**Hon. Ochieng:** Thank you very much, hon. Deputy Speaker. The hon. Member is my friend, but I am a lawyer also and I have looked at his proposal. I think I am inclined to oppose it. That is because the Constitution is very clear. You know we have some language that the Constitution uses. For a party that does not form the Government, the Constitution uses the word “minority party”. That is the meaning of the Constitution and I think that if we go further and start using terms that are not--- If you look at the Standing Orders, the word that runs through is the “minority party”. I am inclined in that regard, therefore, to oppose the amendment. Thank you.

**Hon. Deputy Speaker:** All right Members. We need to dispose the amendment, so that you can debate the substantive Motion.

*(Question, that the words to be inserted be inserted,  
put and negatived)*

*(Debate on the original Motion resumed)*

Therefore, we will continue with the Motion without the amendment. Hon. Sakaja.

**Hon. Sakaja:** Thank you very much, hon. Deputy Speaker. I would like to reluctantly support the Report. The reason I want to reluctantly support is because we realize that we are in a new dispensation that is, indeed, presidential. It is clear, and I am sure we have quite a number of constitutional lawyers in this House. In a presidential system, the work of oversight and watchdog is of the entire Parliament. It is Parliament in its entirety that is supposed to play that role. The danger that we have in passing these amendments, in as much as I understand that we are in an intervening period; we are in transitional mode and we still have hangovers of a Westminster system, is that we give the implications and assumptions to all other committees that are not oversight committees. Each and every committee in this House has an oversight role to play. There is no Government in this House. There is no Opposition in this House. This is the first House of Parliament in the new constitutional dispensation. What happens is that we set a precedent. That is because you will have the other committee members considering themselves as an extension of the Government or others considering themselves not to be playing an oversight role. The constitutional lawyers in this House will also tell you that there is no presidential system anywhere in the world with an equivalent of a PIC or PAC. That is because each and every committee plays that role. It would have been my prayer – and I hope eventually we will do away with those two committees and ensure that each and every committee receives a copy of the Auditor-General's report in the line of their departments and prosecute it. That is when this Parliament will actually live to play its full role.

However, in as much as I have said that, I realize that it is a transitional period.

**Hon. Ganya:** On a point of order, hon. Deputy Speaker. Is the hon. Member in order to state that they will provide us with copies of Auditor-General's reports, when it is the practice in this Parliament, since the beginning, that every Member of this House is actually provided with a copy of those reports as soon as they are produced? Is he in order?

**Hon. Sakaja:** Hon. Deputy Speaker, I think the hon. Member has not understood what I am saying. What I am saying in layman's terms is that each and every committee in this House is an equivalent of PIC and PAC. That is because we are in a presidential system.

**Hon. Lati:** On a point of order, hon. Deputy Speaker. I would want to know really whether the hon. Member is in order not to listen to himself on what he is telling the hon. House, and what he is saying about PIC and PAC.

*(Hon. A.B. Duale interjected)*

Hon. Deputy Speaker, protect me from Hon. Duale who happens to be---

**Hon. Deputy Speaker:** What is your point of order? Remember we are short of time!

**Hon. Lati:** Hon. Deputy Speaker, I would like to know whether the hon. Member is in order not to listen to himself address---



**Hon. Deputy Speaker:** Why do you think he is not listening to what he is saying?

**Hon. Lati:** Hon. Deputy Speaker, when he is telling us that we do away with PIC and PAC, indeed, I would like to know whether he is in order to say that.

**Hon. Deputy Speaker:** That is not a point of order. You may continue hon. Sakaja.

**Hon. Sakaja:** Hon. Deputy Speaker, I am speaking on a fundamental issue. In fact, I think I would have the same opinion whatever side of the House I would have been. That is because even what I am saying is more for the benefit of your part of the coalition than this side. We have to set precedents in this House. We also have to avoid the danger of creating a mongrel system for this country that overwhelmingly passed a Constitution that gives us a pure presidential system. I think that is something that we can do later on. But let us think about it. Let us think objectively. Later on I will be urging the Procedure and House Rules Committee to study other jurisdictions that have a pure presidential system and how they have organized their parliaments, especially the committees. In the USA they have a separation between the Budget Committee and the Appropriations Committee. If you do not do that you face the danger of having all the other Committees and even Members from outside of the coalition considering themselves as an extension of the Government, which we are not.

With those remarks, I beg to support.

**Hon. (Ms.) Kajuju:** Thank you, Hon. Deputy Speaker. I support this amendment. I believe that we are giving in to this amendment---

**An hon. Member:** Which amendment?

**The Deputy Speaker:** The Motion!

**Hon. (Ms.) Kajuju:** I mean the Motion. It is in the spirit of give and take. Article 10 of the Constitution talks about transparency and accountability. The Jubilee Government by accepting to have the Chair of PIC and PAC from the minority party really lives to its manifesto to show that the Government is there to work and it is open. It is ready for checks and it is going to perform.

This is a good Motion. We, therefore, expect the minority party to play its role. Every Member in this House is here for oversight purposes. The PAC must not have the minority for oversight to happen. All of us here have the mandate to oversee each and every act performed by the Government.

**Hon. Kaluma:** Hon. Deputy Speaker, I beg to stand under Standing Order No.31 and I want to move that this House do now adjourn. I am doing this with a very heavy heart. The matter we are dealing with today is one regarding the constitution of the Committees of the House. I wish to inform the House that I am one of the hon. Members who actually gave notice to the Speaker two days ago that we adjourn in order to discuss this matter.

There have been a lot of discussions in the House about this Motion. The situation we have particularly concerning the Motion that ought to immediately precede what we are dealing with, that is, the Motion on Order No.10 is a very serious issue. I was going to plead with the majority side that we have a very fundamental issue here and we have caucused a lot. We want to pass this very quickly because it automatically leads to the Motion in Order No.10. I needed to alert the Speaker to that fact.

I believe Hon. Deputy Speaker has noted what is happening. We have a situation whereby some Members of the House have been assigned to five Committees while others are just in one. I was going to beg---

**The Deputy Speaker:** Order, Hon. Kaluma! First of all, you have used the wrong Standing Order because you do not want to adjourn the House. You probably want to adjourn

debate. In my opinion, that is not the direction we are going. If you look at that same Standing Order No.31(2) it states that if the Speaker is of the opinion that the Motion of adjournment of the House is frivolous or vexatious or an abuse of the proceedings of the House, the Speaker may forthwith put the question thereof or decline to propose it.

I am declining to propose it and rule you out of order. Let us continue.

**Hon. Ababu:** Hon. Deputy Speaker, I rise to support the Motion. The proposal in the Motion is that we amend our Standing Orders so that we allow what I consider to be an arrangement that would be to honour and respect Article 10(2)(c) of the Constitution that places among our national values and principles of governance good governance, integrity, transparency and accountability.

In supporting this Motion let me, first of all, say that, personally, I am happy for having been part of the process to bring some kind of consensus on this matter. I believe that the House has very serious business and it has to be prosecuted. We have to move forward because the clock is winding down and we cannot go on fighting forever. Therefore, I want to thank everybody who has been part of this process of building consensus around this; both on our side as the minority coalition and the majority coalition. We really have acted magnanimously and in the best interest of this House and the country.

Hon. Members, Committees of the House, before the coming into force of this Constitution, were not constitutional organs. But now, the Constitution has made the Committees of this House constitutional entities. Look at Articles 124 and 125 of the Constitution, they have raised the profile of Committees. Therefore, when we are handling anything to do with Committees, we need to handle it with a lot of seriousness. Indeed, Article 125 even hands Committees powers equivalent to that of a High Court when a Committee is sitting to prosecute any matter. This is, therefore, a critical matter that we are handling.

There is no opposition in this House. That is something that we really need to appreciate. Ours is not a parliamentary system like the British system for instance where you have a clear side of Government which is on the right hand side of the Speaker and an opposition that sits on the left hand side of the Chair. What we have here is a majority side and a minority side. One thing I want to stress for the benefit of both sides of this House is that oversight is our collective responsibility. It is not necessarily the responsibility of the minority side alone. Oversight is not the responsibility of the Public Accounts Committee and the Public Investments Committee alone. It is among our three cardinal responsibilities. We came here to legislate. We shall be legislating very robustly. We came here to represent the people of this country through our respective constituencies. We also came here to oversee the Executive.

It is, therefore, important that we have been struggling to make this notion sink, that really we share the responsibility to oversee. I believe that in whichever Committee that I will serve, at the end of the day, I will expect both the majority Members and the minority Members to collectively play the role of oversight on the Executive. Only then will we be fulfilling that cardinal constitutional mandate to oversee the Executive.

Hon. Deputy Speaker, allow me to conclude by raising a matter which I believe ought to go on record. There has been this tendency by the media and even by the Senate itself to attempt to regiment the two Houses of Parliament. I say this because even as we debate the issue of Committees, our sister House, the Senate is also grappling with this question of Committees. I have noted that the Senate has even proposed to create two Committees that will almost be a mirror of the two Committees that we are debating now. The Senate is proposing to constitute Committees called "County Accounts Committee" and "County Investments Committee." I am

saying that because there is this debate that is almost gaining momentum that these two Houses of Parliament have to be calibrated so that we know which House is upper and which one is lower, and which House is senior and which House is junior.

Hon. Deputy Speaker, for the record, our Constitution is very clear. There is no senior House and there is no junior House. There is also no upper House and there is no lower House. Article 93 is very clear. It says:-

“(1) There is established a Parliament of Kenya, which shall consist of the National Assembly and the Senate.

(2) The National Assembly and the Senate shall perform their respective functions in accordance with this Constitution.”

There is nowhere in that establishing Article of the Constitution did the makers of this Constitution contemplate that there shall be an upper House or a lower House, or that there shall be a senior House or a junior House. There is one Parliament constituted by two compartments namely, the Senate and the National Assembly.

Indeed, if you wanted to extend this debate to seniority or “juniority”, if there is any English word like that, then my humble view is that seniority or junior status is not assigned by the number of people you represent, or by the geographical area you represent. This is determined strictly by the constitutional mandate you exercise. If you look at the constitutional mandate granted to the two Houses by this Constitution, you will find that either by design or by default, in legislative or oversight terms, this will be the senior House. That is in term of responsibilities.

If you look at Article 95 which talks about the role of the National Assembly and Article 96 that talks about the role of the Senate, then 90 per cent of the legislative responsibilities of Parliament are conducted in the National Assembly. So, based on the responsibility to legislate alone, then we ought to take this House as the senior House. However, even if you look at the legislative responsibilities---

**Hon. Mirenga:** On a point of order, Hon. Deputy Speaker. While I agree and love the things that my colleague has said, I would like to know whether what the Hon. Member is discussing is relevant to the debate on the Floor of this House.

**Hon. Deputy Speaker:** Hon. Ababu, can you show the hon. Member the relevance?

**Hon. Ababu:** Hon. Deputy Speaker, with due respect, I am absolutely, unequivocally, undoubtedly and certainly relevant. If the hon. Member for Kisumu Central will care to refer to the stream of my debate, I have made it very clear that I was merely comparing how we are proceeding in the composition and in dealing with this Committee with how the Senate is proceeding and, therefore, merely comparing the responsibilities of the two Houses of Parliament. I believe that I am relevant, to cut the long story short.

Hon. Deputy Speaker, for the record, let it be clear that the National Assembly is the only House of the two Houses of Parliament that the Constitution has granted the power to veto legislation originating from the Senate. That is very clear in Article 111.

Hon. Members, I am saying these things because we need to end this debate which seems to be gaining momentum. The debate on who is senior or junior; or who is upper or lower is gaining momentum. The Constitution is even clear that the Speaker of the National Assembly is the Chair of the Parliamentary Service Commission (PSC). That was not by accident.

Article 107 of our Constitution talks about Joint Sittings of Parliament. When the National Assembly sits jointly with the Senate, the presiding Speaker is the Speaker of the National Assembly. So, without belabouring the point, let us proceed with this matter of

committees, aware that this House holds a very special position in the Constitution and in the management of the affairs of this country. As we proceed to constitute these committees, I really look forward to a scenario where we shall forget those differences and proceed to run the affairs of this House in the best interest of Kenya.

Hon. Deputy Speaker, I support.

**Hon. Ichung'wah:** Thank you, hon. Deputy Speaker. I rise to support this Motion. My name is Kimani Ichung'wah, the Member for Kikuyu. This Motion has been preventing the House from conducting its business for the last few weeks. It is important to also congratulate the Minority as Hon. Ababu has done for the magnanimity to accept reality as it is today. This is because the current Standing Orders are very clear on the chairs of both PAC and PIC. This also applies to the composition as to who will hold the Majority in those two committees. However, in the spirit of moving forward and accommodating each other, I think it is only right that we support this Motion and allow the Minority to chair those two committees. It is also imperative to note what Hon. (Dr.) Eseli has said that as much as we are moving the amendments to allow the Minority to chair both PIC and PAC, we have not reached a situation where the President or those in the Government will be the Minority in the House and, therefore, that amendment may not have a lot of meaning for now.

However, for the sake of moving forward, let us support this Motion so that the Jubilee Government can fully implement the Manifesto, the promises and pledges that it made to Kenyans. We are very eager to do that.

I thank the Minority Leader who has just entered the Chamber. He has now fully taken charge of the affairs of his coalition in this House. I congratulate him for that.

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

**Hon. Ichung'wah:** But I have finished my contribution, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Order, hon. Members! Some things are said with a light touch. Let us move on.

**Hon. Kimaru:** Thank you, hon. Deputy Speaker, for "catching your eye." I would like to applaud the Procedure and House Rules Committee for making that very important decision and for bringing that Motion to the House, and, more so, the Majority for their magnanimity. They would have stood their ground but they thought it fit for the benefit of this House to cede ground and allow the Minority to chair those committees. I would also like to applaud the Minority for being gracious in accepting that position. As much as the Majority will always have its way in this House as it is likely to happen in PIC and PAC, I believe that this House shall be led by conscience. This was evident the other day when Clause No.7 of the Division of Revenue Bill was brought for debate, and we were all in agreement regardless of where we came from. I believe in the conduct of the business of this House we shall always be conscientious and make decisions in the best interest of this House.

With those few remarks, hon. Deputy Speaker, I beg to support.

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

**Hon. Deputy Speaker:** Order, hon. Members! We have ventilated on this for long enough and I will therefore ask the Mover to reply.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I want to thank all my colleagues for supporting this report and---

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Hon. Duale! You are not the Mover!

*(Laughter)*

**Hon. Cheboi:** Hon. Deputy Speaker, I will be extremely brief reading the mood of the House. I want to notice that of late Hon. Ababu has become like a 60 year old grey haired man giving very good words of wisdom. Most importantly, I want to thank everybody who contributed. I also want to thank the Leader of the Majority Party for not “tyrannizing” the Minority and the Minority for not being unnecessarily difficult in this matter. I want to also say that it is very important that we think of tidying up these Standing Orders. There are quite a number of things which still need to be looked into and I think in good time that should happen.

I beg to thank everybody and say that they should also explore avenues of amending the Standing Orders when they find those kinds of grey areas. So, I thank you and urge hon. Members to support this very important Motion to give us a way of resolving these issues that have been outstanding and enable the committees to start working.

With those few remarks, I beg to move.

*(Question put and agreed to)*

#### APPOINTMENT OF MEMBERS TO COMMITTEES

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to move the following Motion:-

THAT, pursuant to the provisions of Standing Order 175, this House approves the appointment of the following Members to the respective Committees:-

#### ADMINISTRATION & NATIONAL SECURITY

1. The Hon. Alois Lentiomaga, MP
2. The Hon. Joseph Kahangara, MP
3. The Hon. George Theuri, MP
4. The Hon. Alice Wahome, MP
5. The Hon. David Gikaria, MP
6. The hon. Mohamed Shidiye, MP
7. The Hon. (Ms.) Jane Machira, MP
8. The Hon. (Ms.) Wanjiku Muhia, MP
9. The Hon. Abass Mohamed, MP
10. The Hon. Zakayo K. Cheruiyot, MP
11. The Hon. James Bett, MP
12. The Hon. Patrick ole Ntutu, MP
13. The Hon. Shaaban Ali Isaack, MP
14. The Hon. (Ms.) Grace Kiptui, MP
15. The Hon. Samuel Moroto, MP
16. The Hon. Benard Shinali, MP

17. The Hon. Humphrey Njuguna, MP
18. The Hon. Francis Kilonzo, MP
19. The Hon. Rashid J. Bedzimba, MP
20. The Hon. Ibrahim Abdi Saney, MP
21. The Hon. Joseph O. Ndiege, MP
22. The Hon. (Major Rtd.) John K. Waluke, MP
23. The Hon. Akuja Protus Ewisit, MP
24. The Hon. Ahmed Abdikadir Ore, MP
25. The Hon. (Ms.) Regina Nthambi Muia, MP
26. The Hon. Joseph Lekuton, MP
27. The Hon. Timothy Wetangula, MP
28. The Hon. Dalmas Otieno, MP
29. The Hon. Ababu Namwamba, MP

### **AGRICULTURE, LIVESTOCK AND CO-OPERATIVES**

1. The Hon. Kareke Mbiuki, MP
2. The Hon. Kabando wa Kabando, MP
3. The Hon. Raphael Letimalo, MP
4. The Hon. (Ms.) Mary Wambui, MP
5. The Hon. Francis Waititu, MP
6. The Hon. Peter Gitau, MP
7. The Hon. (Ms.) Maison Leshoomo, MP
8. The Hon. Anthony Kimani, MP
9. The Hon. Alfred Keter, MP
10. The Hon. Adan Mohamed Nooru, MP
11. The Hon. Justice Kemei, MP
12. The Hon. Philip Rotino, MP
13. The Hon. Korei ole Lemein, MP
14. The Hon. Silas Tiren, MP
15. The Hon. Benjamin Washiali, MP
16. The Hon. Ayub Savula, MP
17. The Hon. Victor Munyaka, MP
18. The Hon. John Serut, MP
19. The Hon. (Ms.) Millie Odhiambo, MP
20. The Hon. Fredrick Outa, MP
21. The Hon. Maanzo, Daniel Kitonga, MP
22. The Hon. Opiyo Wandayi, MP
23. The Hon. Patrick Wangamati, MP
24. The Hon. Ferdinand Wanyonyi, MP
25. The Hon. Ababu Namwamba, MP
26. The Hon. (Ms.) Florence Mwikali Mutua, MP
27. The Hon. Joash Olum, MP
28. The Hon. Timothy Moseti E. Bosire, MP
29. The Hon. Zuleikha Hassan Juma, MP

## **EDUCATION, RESEARCH AND TECHNOLOGY**

1. The Hon. Joseph Manje, MP
2. The Hon. (Ms.) Rose Rwamba Mitaru, MP
3. The Hon. Anthony Kimaru, MP
4. The Hon. Joseph Nyamu, MP
5. The Hon. Jacob Macharia, MP
6. The Hon. Mary Seneta, MP
7. The Hon. Joseph M'uthari, MP
8. The Hon. Sabina Chege, MP
9. The Hon. Dr. Susan Chebet, MP
10. The Hon. Eric Keter, MP
11. The Hon. Harrison Kombe, MP
12. The Hon. Cecilia Ng'etich, MP
13. The Hon. Mohamed Huka, MP
14. The Hon. Julius Melly, MP
15. The Hon. (Prof.) Hellen Sambili, MP
16. The Hon. Moses Injendi, MP
17. The Hon. Yusuf Chanzu, MP
18. The Hon. Charles Muriuki, MP
19. The Hon. Kenneth Okoth, MP
20. The Hon. Dr. Wilber Khasilwa Ottichilo, MP
21. The Hon. Geoffrey Makokha Odanga, MP
22. The Hon. Christine Ombaka, MP
23. The Hon. Simba Arati, MP
24. The Hon. Opiyo Jared Odhiambo, MP
25. The Hon. Michael Kiso Manthi, MP
26. The Hon. Halima Ware Duri, MP
27. The Hon. Kedogo Dorcas Luvalitsa, MP
28. The Hon. Ibren Nasra Ibrahim, MP
29. The Hon. Makenga Richard Katemi, MP

## **ENERGY, COMMUNICATION AND INFORMATION**

1. The Hon. Jamleck Kamau, MP
2. The Hon. Kanini Kega, MP
3. The Hon. James Lomenen, MP
4. The Hon. Mithika Linturi, MP
5. The Hon. Mike Wanjohi, MP
6. The Hon. Esther Gathogo, MP
7. The Hon. Ndungu Gethenji, MP
8. The Hon. Mary Njoki Mbugua, MP
9. The Hon. Aramat Lemanken, MP
10. The Hon. Jackson Kiptanui, MP
11. The Hon. William Kisang, MP
12. The Hon. Banticha Abdullahi, MP

13. The Hon. Arthur Papa Odera, MP
14. The Hon. Fathia Mahbub, MP
15. The Hon. Onesmus Njuki, MP
16. The Hon. Zebedeo Opore, MP
17. The Hon. Vincent Musau, MP
18. The Hon. Roba Duba, MP
19. The Hon. Dan Kazungu, MP
20. The Hon. Eng. James Rege, MP
21. The Hon. Eng. Nicolas Gumbo, MP
22. The Hon. Racheal Ameso Amolo, MP
23. The Hon. Chris M. N. Bichage, MP
24. The Hon. Nicholas Ngikor, MP
25. The Hon. Joe Mutambu, MP
26. The Hon. Elmi Mohammed, MP
27. The Hon. Aburi Mpuri, MP
28. The Hon. Junet Sheikh Nuh, MP
29. The Hon. Mati Munuve, MP

## **ENVIRONMENT AND NATURAL RESOURCES**

1. The Hon. Alice Ng'ang'a, MP
2. The Hon. Amina Abdalla, MP
3. The Hon. Samuel Ndiritu, MP
4. The Hon. John Ndirangu, MP
5. The Hon. Ejidius Njogu Barua, MP
6. The Hon. Jude Njomo, MP
7. The Hon. Moitalel Ole Kenta, MP
8. The Hon. Kathuri Murungi, MP
9. The Hon. Sunjeev Birdi, MP
10. The Hon. Jackson K. Rop, MP
11. The Hon. Abdi Noor Ali, MP
12. The Hon. Joyce Emanikor, MP
13. The Hon. Abdulaziz Farah, MP
14. The Hon. Ronald Tonui, MP
15. The Hon. Alexander Kosgey, MP
16. The Hon. Reginalda Wanyonyi, MP
17. The Hon. Gideon Mwiti, MP
18. The Hon. Hassan Dukicha, MP
19. The Hon. Zainabu Chidzunga, MP
20. The Hon. Dr. Wilber Khasilwa Ottichilo, MP
21. The Hon. George Oner Ogalo, MP
22. The Hon. Chachu Ganya, MP
23. The Hon. Charles Geni Mongare, MP
24. The Hon. Khatib Abdallah Mwashetani, MP
25. The Hon. Major Muluvi Mutua Marcus, MP
26. The Hon. Mohamed, Diriye Abdullahi, MP



27. The Hon. Opiyo Wandayi, MP
28. The Hon. Shukra Hussein Gure, MP
29. The Hon. Aisha Jumwa Karisa, MP

#### **FINANCE, PLANNING AND TRADE**

1. The Hon. Dennis Waweru, MP
2. The Hon. Kimani Ichung'wah, MP
3. The Hon. Tirus Ngahu, MP
4. The Hon. Johnson Sakaja, MP
5. The Hon. Jimmy Angwenyi, MP
6. The Hon. Priscilla Nyokabi, MP
7. The Hon. Nelson Gaichuhie, MP
8. The Hon. Mary Emaase, MP
9. The Hon. Benjamin Langat, MP
10. The Hon. Joseph Limo, MP
11. The Hon. Lati Lelelit, MP
12. The Hon. Kirwa Bitok, MP
13. The Hon. Sammy Mwaita, MP
14. The Hon. Daniel Nanok, MP
15. The Hon. Eng. Shadrack Manga, MP
16. The Hon. Abdul Rahim Dawood, MP
17. The Hon. John Sakwa, MP
18. The Hon. Alfred Sambu, MP
19. The Hon. Jones Molwa, MP
20. The Hon. Anyanga, Andrew Toboso, MP
21. The Hon. Timoty M. E. Bosire, MP
22. The Hon. Shakeel Shabbir Ahmed, MP
23. The Hon. Joash Olum, MP
24. The Hon. Oburu Oginga, MP
25. The Hon. Patrick King'ola Makau, MP
26. The Hon. Abdullswamad Sheriff, MP
27. The Hon. Sumra Irshadali, MP
28. The Hon. Ogendo Rose Auma, MP
29. The Hon. Iringo Cyprian Kubai, MP

#### **COMMITTEE ON HEALTH**

1. The Hon. Paul Koinange, MP
2. The Hon. Stephen Wachira, MP
3. The Hon. John Nyaga Muchiri, MP
4. The Hon. Kamande Mwangi, MP
5. The Hon. David Kariithi, MP
6. The Hon. Dr. Naomi Shabaan, MP
7. The Hon. Zipporah Jesang, MP
8. The Hon. Robert Pukose, MP

9. The Hon. James Murgor, MP
10. The Hon. Christopher Nakuleu, MP
11. The Hon. Leonard Sang, MP
12. The Hon. James Gakuya, MP
13. The Hon. Dr. Rachel Nyamai, MP
14. The Hon. Michael Onyura, MP
15. The Hon. Hassan Aden Osman, MP
16. The Hon. Mwinga Gunga, MP
17. The Hon. Alfred Agoi, MP
18. The Hon. Patrick Musimba, MP
19. The Hon. Enoch Wamalwa Kibunguchy, MP
20. The Hon. Dr. J. W. Nyikal, MP
21. The Hon. Dr. James O. Gesami, MP
22. The Hon. Joseph O. Magwanga, MP
23. The Hon. Dahir Duale Mohamed, MP
24. The Hon. Dr. David Eseli, MP
25. The Hon. Dr. Susan Musyoka, MP
26. The Hon. Fred Outa, MP
27. The Hon. Mwahima Masoud, MP
28. The Hon. Otaalo Raphael Milkau, MP
29. The Hon. Stephen Mutinda Mule, MP

#### **JUSTICE AND LEGAL AFFAIRS**

1. The Hon. Njoroge Baiya, MP
2. The Hon. Peter Weru Kinyua, MP
3. The Hon. Muriithi Waiganjo, MP
4. The Hon. Ndirangu Waihenya, MP
5. The Hon. Florence Kajuju, MP
6. The Hon. Kang'ata Irungu, MP
7. The Hon. Benson Mutura, MP
8. The Hon. John Njoroge Chege, MP
9. The Hon. William Cheptumo, MP
10. The Hon. Samuel Chepkong'a, MP
11. The Hon. Mohamed Abdi Haji, MP
12. The Hon. Kangongo Bowen, MP
13. The Hon. Sammy Koech, MP
14. The Hon. Moses Cheboi, MP
15. The Hon. Paul Bii, MP
16. The Hon. Charles Gimose, MP
17. The Hon. Johana Ng'eno, MP
18. The Hon. Boniface Otsiula, MP
19. The Hon. David Ouma Ochieng, MP
20. The Hon. Neto Agostinho, MP
21. The Hon. Dr. Christine Ombaka, MP
22. The Hon. Kaluma Peter, MP

23. The Hon. Fatuma Ibrahim Ali, MP
24. The Hon. Ben Momanyi Orari, MP
25. The Hon. Munuve Mati John, MP
26. The Hon. Ken Okoth, MP
27. The Hon. T. J. Kajwang', MP
28. The Hon. (Bishop) Mutua Mutemi, MP
29. The Hon. Olago Aluoch, MP

## **LABOUR AND SOCIAL WELFARE**

1. The Hon. Tiyah Galgalo, MP
2. The Hon. Janet Teiya, MP
3. The Hon. Rachel Shebesh, MP
4. The Hon. George Muchai, MP
5. The Hon. Peris Tobiko, MP
6. The Hon. John Ndirangu Kariuki, MP
7. The Hon. Winnie Karimi Njuguna, MP
8. The Hon. Eusilah Jepkosgey, MP
9. The Hon. Samuel Gichigi, MP
10. The Hon. Elijah Langat, MP
11. The Hon. Cornelly Serem, MP
12. The Hon. Abdi Noor Ali, MP
13. The Hon. David Wanyama, MP
14. The Hon. Regina Nyeris, MP
15. The Hon. Wesley Korir, MP
16. The Hon. David Were, MP
17. The Hon. Kinoti Gatobu, MP
18. The Hon. Elijah Muindi Musomi, MP
19. The Hon. James Onyango K'Oyoo, MP
20. The Hon. Eng. John Owuor Kabado, MP
21. The Hon. Nyasuna Gladys Wanga, MP
22. The Hon. Omondi John Ogutu, MP
23. The Hon. Aisha Jumwa Karisa, MP
24. The Hon. Patrick Wangamati, MP
25. The Hon. Rose Museu Mumo, MP
26. The Hon. Silvanice Onyango Osele, MP
27. The Hon. Mustata Idd, MP
28. The Hon. Suleiman Murunga Kasuti, MP
29. The Hon. Elmi Mohammed, MP

## **LANDS**

1. The Hon. Onesmas Ngunjiri, MP
2. The Hon. Mutava Musyimi, MP
3. The Hon. Moses ole Sakuda, MP
4. The Hon. John Kihagi, MP

5. The Hon. Francis W. Nderitu, MP
6. The Hon. Francis Njenga, MP
7. The Hon. A. Shariff, MP
8. The Hon. Alex Mwiru, MP
9. The Hon. Eusilah Jepkosgei, MP
10. The Hon. Benard Bett, MP
11. The Hon. Raymond Moi, MP
12. The Hon. Oscar Sudi, MP
13. The Hon. Hellen Chepkwony, MP
14. The Hon. Sarah Korere, MP
15. The Hon. Julius Ndegwa, MP
16. The Hon. Benson Mbai, MP
17. The Hon. Janet Nangabo, MP
18. The Hon. Esther Murugi, MP
19. The Hon. Gideon M. Mung'aro, MP
20. The Hon. Hezron Awiti Bollo, MP
21. The Hon. Suleiman Dori Ramadhani, MP
22. The Hon. George Oner Ogalo, MP
23. The Hon. Lekidime Lempurkel Mathew, MP
24. The Hon. Aduma Owour, MP
25. The Hon. Shakila Abdallah, MP
26. The Hon. Paul Otuoma, MP
27. The Hon. Thomas Mwadeghu, MP
28. The Hon. Magwanga Joseph Oyugi, MP
29. The Hon. Changorok Regina Nyeris, MP

## **TRANSPORT, PUBLIC WORKS AND HOUSING**

1. The Hon. Stephen Ngare, MP
2. The Hon. Ali Wario, MP
3. The Hon. Maina Kamanda, MP
4. The Hon. David Kiaraho, MP
5. The Hon. Cecily Mbarire, MP
6. The Hon. Clement Wambugu, MP
7. The Hon. Eng. John Kiragu, MP
8. The Hon. Gideon Konchella, MP
9. The Hon. Barchilei Kipruto, MP
10. The Hon. Mark Lomunokol, MP
11. The Hon. Grace Kipchoim, MP
12. The Hon. Amb. M. Maalim, MP
13. The Hon. Mathias Robi, MP
14. The Hon. Joseph Lomwa, MP
15. The Hon. Peter Shehe, MP
16. The Hon. Stephen Manoti, MP
17. The Hon. Emmanuel Wangwe, MP
18. The Hon. K.K. Stephen Kinyanjui, MP

19. The Hon. Suleiman Dori, MP
20. The Hon. Edick Omondi Anyanga, MP
21. The Hon. Simon Nyaundi Ogari, MP
22. The Hon. Johnson Many Naicca, MP
23. The Hon. Mishi Juma, MP
24. The Hon. Aduma Owuor, MP
25. The Hon. Chachu Ganya, MP
26. The Hon. Omar Mwinyi, MP
27. The Hon. Abbas Ahmed Ibrahim, MP
28. The Hon. Omulele Christopher, MP
29. The Hon. Mukwe James Lusweti, MP

## **DEFENCE AND FOREIGN RELATIONS**

1. The Hon. Ndungu Gethenji, MP
2. The Hon. Elias Bare Shill, MP
3. The Hon. David Pkosing, MP
4. The Hon. Katoo ole Metitio, MP
5. The Hon. Beatrice Nyaga, MP
6. The Hon. Gonzi Rai, MP
7. The Hon. John Lodepe Nakara, MP
8. The Hon. Roselinda Soipan, MP
9. The Hon. Joel Onyancha, MP
10. The Hon. Annah Nyokabi Gathecha, MP
11. The Hon. David Wafula, MP
12. The Hon. Joseph Gitari, MP
13. The Hon. Joseph Kiuna, MP
14. The Hon. Yusuf Hassan, MP
15. The Hon. Elisha Busienei, MP
16. The Hon. Ali Dido Rasso, MP
17. The Hon. Asman Kamama, MP
18. The Hon. Ibrahim Sane, MP
19. The Hon. Richard Onyonka, MP
20. The Hon. Jakoyo Midiwo, MP
21. The Hon. Lekuton Joseph, MP
22. The Hon. Joyce Wanjalay Lay, MP
23. The Hon. Maj-Gen. Joseph Nkaissery, MP
24. The Hon. Adan Keynan, MP
25. The Hon. Wamunyinyi Athanas Wafula, MP
26. The Hon. Dennitah Ghati, MP
27. The Hon. Ken Obura, MP
28. The Hon. Christantus Wamalwa, MP
29. The Hon. Nyiva Mwendwa, MP

## **OTHER SELECT COMMITTEES**

## **PUBLIC INVESTMENTS COMMITTEE**

1. The Hon. Sammy Mwaita, MP
2. The Hon. Cornelly Serem, MP
3. The Hon. Bare Shill, MP
4. The Hon. Korei ole Lemein, MP
5. The Hon. Adan M. Noor, MP
6. The Hon. Mithika Linturi, MP
7. The Hon. Kimani Ichungwah, MP
8. The Hon. Beatrice Nyaga, MP
9. The Hon. John M. Nyaga, MP
10. The Hon. Njogu Barua, MP
11. The Hon. Irungu Kang'ata, MP
12. The Hon. Onesmus Njuki, MP
13. The Hon. Shadrack Manga, MP
14. The Hon. Johana Ngeno, MP
15. The Hon. Mwadeghu Thomas, MP
16. The Hon. Abdullswamad Sheriff, MP
17. The Hon. Paul Otuoma, MP
18. The Hon. John Alouch Olago, MP
19. The Hon. Francis Nyenze Mwanzia, MP
20. The Hon. Dr. Oburu Odinga, MP
21. The Hon. Major( Rtd.) John Waluke, MP
22. The Hon. Ogutu John Omondi, MP
23. The Hon. Mary Kerra Sally, MP
24. The Hon. Wafula Athanas Wamunyinyi, MP
25. The Hon. Bernard Munyoki Kitungi, MP
26. The Hon. Chris Wamalwa, MP
27. The Hon. Adan Keynan, MP

## **PUBLIC ACCOUNTS COMMITTEE**

1. Hon. Joseph Manje, MP
2. Hon. Jude Njomo, MP
3. Hon. Joel Onyancha, MP
4. Hon. Cecily Mbarire, MP
5. Hon. Kareke Mbiuki, MP
6. Hon. Gonzi Rai, MP
7. Hon. Julius Melly, MP
8. Hon. Jackson K. Rop, MP
9. Hon. James Bett, MP
10. Hon. Fathia Mahbub, MP
11. Hon. Mathias Robi, MP
12. Hon. Stephen Manoti, MP
13. Hon. John Sakwa, MP
14. Hon. Arthur Odera, MP

15. Hon. Edick Omondi Anyanga, MP
16. Hon. Samuel Arama, MP
17. Hon. Junet Sheikh Nuh, MP
18. Hon. Ababu Namwamba, MP
19. Hon. John Mbadi , MP
20. Hon. Kyengo Katatha Maweu, MP
21. Hon. Silvance Onyango Osele, MP
22. Hon. Chachu Ganya, MP
23. Hon. Manson Nyamweya, MP
24. Hon. Ken Obura, MP
25. Hon. Alice Nyanchoka Chae, MP
26. Hon. Mwadime Andrew, MP
27. Hon. Abbas Ahmed Ibrahim, MP

**COMMITTEE ON CONSTITUENCY DEVELOPMENT FUND (Section 28 of the CDF Act)**

1. The Hon. Maina Kamanda, MP
2. The Hon. Raphael Letimalo, MP
3. The Hon. Esther Gathogo, MP
4. The Hon. Moses Lessonet, MP
5. The Hon. Joseph Nakara, MP
6. The Hon. Mohamed Haji, MP
7. The Hon. Yusuf Chanzu, MP
8. The Hon. Eng. Nicholas Gumbo, MP
9. The Hon. Ogolla Gideon Ochanda, MP
10. The Hon. Kyengo Katatha Maweu, MP
11. The Hon. Kamoti Mwamkale, MP

**COMMITTEE ON IMPLEMENTATION**

1. The Hon. Esther Murugi, MP
2. The Hon. Peter Kamande Mwangi, MP
3. The Hon. Joseph M'uthari, MP
4. The Hon. James Mwangi Gakuya, MP
5. The Hon. Winnie Karimi Njuguna, MP
6. The Hon. Jacob Waweru Macharia, MP
7. The Hon. Tiras Ngahu, MP
8. The Hon. David Gikaria, MP
9. The Hon. Samuel Moroto, MP
10. The Hon. Julius Kariuki Ndegwa, MP
11. The Hon. Ali Shariff Athman, MP
12. The Hon. Victor Munyaka, MP
14. The Hon. Benard Bett, MP
15. The Hon. Alexander Kosgey, MP
16. The Hon. Philip Rotino, MP

17. The Hon. Ibrahim Sane, MP
18. The Hon. Asman Kamama, MP
19. The Hon. Roselinda Soipan, MP
20. The Hon. Isaack Shaaban Ali, MP
21. The Hon. Joyce Lay Wanjala, MP
22. The Hon. Dalmas Otieno, MP
23. The Hon. Gideon Ochanda, MP
24. The Hon. (Bishop) Mutua Robert, MP
25. The Hon. Bernard Munywoki Kitungi, MP
26. The Hon. Ghati Dennitah, MP
27. The Hon. Mary Sally Kerra, MP
28. The Hon. Kyengo Katatha Maweu, MP
29. The Hon. Simba Arati, MP
30. The Hon. Ferdinard Wanyonyi, MP

#### **PENSIONS COMMITTEE (Section 19 of the Parliamentary Pensions Act)**

1. The Hon. William Cheptumo, MP
2. The Hon. Njoroge Baiya, MP
3. The Hon. Andrew Mwandime, MP

#### **COMMITTEE ON REGIONAL INTERGRATION**

1. The Hon. Florence Kajuju, MP
2. The Hon. Alois Lentoimaga, MP
3. The Hon. Anthony Kimaru, MP
4. The Hon. David Karithi, MP
5. The Hon. Wanjiku Muhia, MP
6. The Hon. Murungi Kathuri, MP
7. The Hon. Sarah Korere, MP
8. The Hon. Ali Wario, MP
9. The Hon. Cecilia Ng'etich, MP
10. The Hon. Joseph Kahangara, MP
11. The Hon. Mark Lomunokol, M.P.
12. The Hon. Mary Senata, MP
13. The Hon. Christopher Nakuleu, MP
14. The Hon. Gideon Konchella, MP
15. The Hon. Dido Ali Rasso, MP
16. The Hon. Ann Nyokabi, MP
17. The Hon. Emmanuel Wangwe, MP
18. The Hon. Peter Shehe, MP
19. The Hon. Alex Mwiru, MP
20. The Hon. David Ouma Ochieng, MP
21. The Hon. Dan Kazungu, MP
22. The Hon. Cyprian Kubai Iringo, MP
23. The Hon. Fatuma Ibrahim Ali, MP



24. The Hon. Bady Twalib Bady, MP
25. The Hon. Robert Mbui, MP
26. The Hon. Rachael A. Amolo, MP
27. The Hon. Florence Mwikali Mutua, MP
28. The Hon. Ogendo Rose Auma, MP
29. The Hon. Charles Mutisya Nyamai, MP

## **BUDGET AND APPROPRIATIONS COMMITTEE**

1. Hon. Mutava Musyimi, MP
2. Hon. James Gakuyu, MP
3. Hon. KK Stephen Kinyanjui, MP
4. Hon. Stephen Ngare, MP
5. Hon. Jamleck Kamau, MP
6. Hon. George Wanjohi, MP
7. Hon. Priscilla Nyokabi, MP
8. Hon. Nelson Gaichuhie, MP
9. Hon. Clement Wambugu, MP
10. Hon. George Muchai, MP
11. Hon. Francis Njenga, MP
12. Hon. Dennis Kariuki, MP
13. Hon. Moses ole Sakuda, MP
14. Hon. Mohamed Shidiye, MP
15. Hon. Tiyah Galgalo, MP
16. Hon. Patrick ole Ntutu, MP
17. Hon. Jackson Kiptanui, MP
18. Hon. Moses Lessonet, MP
19. Hon. Benjamin Langat, MP
20. Hon. Joseph Limo, MP
21. Hon. Lati Lelelit, MP
22. Hon. Bitok S. Kirwa, MP
23. Hon. Mary Emaase, MP
24. Hon. Daniel Nanok, MP
25. Hon. Banticha Jaldesa, MP
26. Hon. Abdulaziz Farah, MP
27. Hon. Alfred Sambu, MP
28. Hon. Charles Muriuki, MP
29. Hon. Zebedeo Opore, MP
30. Hon. Samuel Gichigi, MP
31. Hon. Alfred Agoi, MP
32. Hon. Reginalda Wanyonyi, MP
33. Hon. Alice Ng'ang'a, MP
34. The Hon. Lekuton Joseph, MP
35. The Hon. Omar Mwinyi, MP
36. The Hon. John Mbadi, MP

37. The Hon. Mohamed Hassan Mwanyoha, MP
38. The Hon. Chrisantus Wamalwa Wakhungu, MP
39. The Hon. Suleiman Murunga Kasuti, MP
40. The Hon. Omondi George Washington Mallan, MP
41. The Hon. Irshad Sumra, MP
42. The Hon. Abdikadir Omar Aden, MP
43. The Hon. Jared O. Opiyo, MP
44. The Hon. Manson Nyamweya, MP
45. The Hon. Onyonka Richard, MP
46. The Hon. Silverse Lisamula Anami, MP
47. The Hon. Dr. J. W. Nyikal, MP
48. The Hon. Benjamin Andola Andayi, MP
49. The Hon. Charles Nyamai, MP
50. The Hon. Shukran Hussein Gure, MP
51. The Hon. Makali Mulu Benson, MP

#### **COMMITTEE ON DELEGATED LEGISLATION**

1. The Hon. John Waiganjo, MP
2. The Hon. Yusuf Hassan, MP
3. The Hon. Joseph Gitari, MP
4. The Hon. Jacob Macharia, MP
5. The Hon. Paul Koinange, MP
6. The Hon. George Theuri, MP
7. The Hon. Kabando wa Kabando, MP
8. The Hon. Silas Tiren, MP
9. The Hon. Elisha Busienei, MP
10. The Hon. Alfred Keter, MP
11. The Hon. William Cheptumo, MP
12. The Hon. Sammy Mwaita, MP
13. The Hon. Mohamed Aden Huka, MP
14. The Hon. Daniel Nanok, MP
15. The Hon. Benard Shinali, MP
16. The Hon. Shadrack Manga, MP
17. The Hon. Charles Gimose, MP
18. The Hon. Vincent Musau, MP
19. The Hon. Richard Onyonka, MP
20. The hon. Nicholas Nixon, MP
21. The Hon. Michael Kisoi Manthi, MP
22. The Hon. Rachael Ameso, MP
23. The Hon. Arati Simba, MP
24. The Hon. Saney Abdi Ibrahim, MP
25. The Hon. Zainabu Chidzuga, MP
26. The Hon. Daniel Maanzo, MP
27. The Hon. Dr. David Eseli, MP
28. The Hon. Abdikadir Ahmed, MP

**JOINT COMMITTEE ON NATIONAL COHESION AND  
EQUAL OPPORTUNITY**

1. The Hon. Johnson Sakaja, MP
2. The Hon. Peris Tobiko, MP
3. The Hon. Kimani Ngunjiri, MP
4. The Hon. Roba Duba, MP
5. The Hon. Francis Mwangangi, MP
6. The Hon. Moses Injendi, MP
7. The Hon. Joseph Samal, MP
8. The Hon. Mohamed Elmi, MP
9. The Hon. Maj-Gen. Joseph Nkaissery, MP
10. The Hon. Mwaura M. Isaac, MP
11. The Hon. Mohamed, Diriye Abdullahi, MP

**CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE**

1. The Hon. Alice Wahome, MP
2. The Hon. Njoroge Baiya, MP
3. The Hon. Moitalel ole Kenta, MP
4. The Hon. Benson Mutura Kangara, MP
5. The Hon. Rose Rwamba Mitaru, MP
6. The Hon. David Gakaria, MP
7. The Hon. Mary Wambui, MP
8. The Hon. John Bunyasi, MP
9. The Hon. Stephen Manoti, MP
10. The Hon. Hellen Sambili, MP
11. The Hon. Boniface Otsiula, MP
12. The Hon. Humphrey Njuguna, MP
13. The Hon. Samuel Chepkong'a, MP
14. The Hon. Zakayo Cheruiyot, MP
15. The Hon. John Lodepe, MP
16. The Hon. Grace Jemutai, MP
17. The Hon. Abdul Rahim Dawood, MP
18. The Hon. Sunjeev Birdi, MP
19. The Hon. Joyce Akai Emanikor, MP
20. The Hon. Dr. David Eseli, MP
21. The Hon. John Mati Munuve, MP
22. The Hon. Manson Nyamweya, MP
23. The Hon. Duale Mohammed, MP
24. The Hon. Stephen Mutinda Mule, MP
25. The Hon. Omulele Christopher, MP
26. The Hon. Jones Mlolwa, MP
27. The Hon. Omar Mwinyi, MP
28. The Hon. Arama Samuel, MP

## **CATERING AND HEALTH CLUB COMMITTEE**

1. The Hon. Naomi Shaban, MP
2. The Hon. Mary Njoki Mbugua, MP
3. The Hon. Francis Waititu, MP
4. The Hon. Jane Machira, MP
5. The Hon. John Njoroge Chege, MP
6. The Hon. Maison Leshoomo, MP
7. The Hon. Benjamin Washiali, MP
8. The Hon. Daniel Wanyama, MP
9. The Hon. Boniface Gatobu Kinoti, MP
10. The Hon. Janet Nangabo Wanyama, MP
11. The Hon. Mwinga Gunga, MP
12. The Hon. Hellen Chepkwony, MP
13. The Hon. Elijah Lagat, MP
14. The Hon. Patrick ole Ntutu, MP
15. The Hon. Gideon Mwiti, MP
16. The Hon. Hassan Dukicha, MP
17. The Hon. Suleiman Murunga Kasuti, MP
18. The Hon. Jakoyo Midiwo, MP
19. The Hon. Ibrahim Nasra Ibrahim, MP
20. The Hon. Dr. Gesami James, MP
21. Hon. Rose Museu Mumo, MP
22. Hon. Mwashima Masoud, MP

## **JOINT COMMITTEE ON PARLIAMENTARY BROADCASTING AND LIBRARY**

1. The Hon. Sabina Chege, MP
2. The Hon. Isaac Waihenya, MP
3. The Hon. Samuel Mathenge, MP
4. The Hon. Ayub Savula, MP
5. The Hon. Vincent Musau Musyoka, MP
6. The Hon. Justice Kemei, MP
7. The Hon. David Pkosing, MP
8. The Hon. Alice Nyanchoka Chae, MP
9. The Hon. Eng. Nicholas Gumbo, MP
10. The Hon. Mustafa Salim Idd, MP

Today is a great day for the country and for Parliament. For the first time the two coalitions have offered the necessary leadership; that they have agreed and provided the necessary infrastructure in terms of the relevant Committees of Parliament to function.

Hon. Deputy Speaker, on the outset, I want to confirm that both the Majority and Minority Whips and the leadership of the House can confirm that every hon. Member of this House will be in one Departmental Committee and either one Select or Standing Committee or house-keeping Committee. Where we have small adjustments, I want to assure hon. Members

that still the Committee on Selection can sit even on Monday and do the adjustments and bring back a similar Motion on Tuesday and Wednesday to rectify the amendments. So there is no cause for alarm. That provision is there.

Secondly, we know that we have the Budget Estimates that have been tabled in this House and which are supposed to be subjected to various Departmental Committees for hon. Members to scrutinize and interrogate the new Cabinet Secretaries in their respective dockets. We have a nominee as the Communication was made from the Chair yesterday, in the name of one Kimemia. That has a 14 days' timeline. Parliament will do the public advertisements. We need the Committee from next week to interrogate and listen to public views. We have the vacant position of the Deputy Chief Justice. The Speaker has referred the name of Justice Rawal to the Committee on Justice and Legal Affairs. We have the Budget and the CDF. As hon. Members, the CDF is very crucial and we need to go back home and make sure we give the necessary development through CDF to the people who brought us to this House. There is also the element of delegated legislation which I do not want to go very much into, but everybody knows why we need it.

Today, at least, for the first time, the leadership will go home. I want to say that when Hon. Ababu speaks, some of us listen because we have a history. We were with him in the last Parliament and the new hon. Members should learn to listen to the wisdom of Hon. Ababu. He is a great man. That is because he is one of the people – I need to say it – who helped us among many other hon. Members in this House from both sides of the coalitions to unlock the deadlock. He said: “Let us put our party and coalition differences aside.” I want to say it here that under Article 95(3), Parliament has a responsibility to play oversight. How do you play oversight? You offer oversight through the respective Departmental Committees in which you are members. The men and women who were sworn in yesterday will come before you. The Director of the National Intelligence Service (NIS), it is for you to invite him and interrogate him. As he said, the Committees of the House have the same powers of the High Court. You have the powers to summon each and every public officer in this country.

With those many remarks, I want to ask hon. Linturi to second.

**Hon. Linturi:** Hon. Deputy Speaker, thank you. Let me also reiterate that the Committees should have been formed like yesterday. There is nobody that does not know the enormous task that is ahead of this Parliament. Parliament, being the way it is, has to exercise its oversight role. That role is the responsibility of this Parliament. I would like to say that time has come when we must all wake up to the enormous task ahead of us and rise to the occasion so that whatever is required to be done can be done by the Committees that we are adopting this afternoon for purposes of serving the people of this great nation of Kenya.

Hon. Deputy Speaker, as I conclude, I would like to thank CORD Members, and particularly Hon. Nyenze. I am very happy that, at the end of the day, I never heard anyone say that there is no leadership on your side. Today you have demonstrated that you are people who are ready to work. We have decided to keep aside our personal interests or differences for purposes of moving this country forward.

With those remarks, I beg to second the Motion.

*(Question proposed)*

**Hon. Deputy Speaker:** Yes, Leader of the Minority Party.

**Hon. Nyenze:** Thank you very much, hon. Deputy Speaker. Today is a big day because we have been having a dreadlock which was very difficult to unlock. When I was entering the Chamber, a friend of mine, Hon. Paul Bii, the Member of Parliament for Chepalungu told me a story of why our mothers are accused of siding with their children later in life. It was a very interesting short story. He told me that if any of us here falls sick, and one is lucky to still have his mother alive, despite the fact that one may be married and a Member of Parliament, if she is told that her son is down with malaria, she will get into the bedroom and feel his temperature, console him, try to give him some *uji* and even plan on how to take him to hospital. The hon. Member went on to tell me that when a child lacks school fees, a mother would walk 20 kilometres to school to tell her son or daughter: “Wait. We are still struggling to get your fees.”

However, the hon. Member told me that when your father comes to your house and is told that you are sick, he will ask whether you went to hospital. If he is told “no”, the story ends there. So, my colleague was trying to explain why mothers are very special people. Through this narrative, I am trying to say that, we, in the CORD Coalition, want to support you in the Jubilee Coalition so that you can achieve the objectives that you have laid before us. But we want to ask for something small. It is good to be concerned about your colleagues. It is good to show friendship. If there was respect from the beginning, we would have sorted out these problems much earlier. We just want one thing because we are in one country. We cannot run away from Kenya. We are all tied to one destiny. We want respect for our leaders from hon. Members.

Last week, an hon. Member stood up here and said that he received a telephone call from an old man in London, and we felt very agitated. Those are the kinds of statements that you should avoid in order for us to engage with you positively in future. So, do not call our leaders, both Raila and Kalonzo, “an old man from London.” If you do not use such derogatory language, we will move forward. We also respect the President and the Deputy President. Hon. Members from the CORD Coalition will never call your leaders names. So, please, hon. Members on the Jubilee side, try to respect our leaders, so that we can move forward.

Another thing I would like to add is that, as you respect our leaders who accepted defeat under very difficult circumstances following the last general election, let them be paid their entitlements, including their retirement benefits, so that they can also enjoy themselves like other retirees. Let them be paid whatever they are entitled to. They should not be subjected to ridicule. In order for us to engage with you positively, show some kind of respect to our leaders.

Hon. Deputy Speaker, our rule of engagement, as CORD, is that we need to be consulting on issues. We have held this country to ransom for far too long but today, we are moving forward. On the list we are debating, there are complaints from both sides of the political divide. Some hon. Members appear three times while others appear only once. Standing Order No.173 provides that no Member of Parliament should belong to more than two Departmental Committees but this rule has been violated across the political divide. Therefore, I suggest that we pass the Motion and bring amendments next week to correct these anomalies, so that hon. Members can support the leadership of this House. Let us be seen to be fair in our dealings. We, on the CORD side, will correct this anomaly because we had agreed that every Member of Parliament should belong to a Departmental Committee and a Select Committee. However, between then and the time when the list went for typing, it was changed. We do not know what happened. We do not want to accuse the leadership of the Jubilee Coalition for trying to short-change us because that may not be true. However, let us try to move forward. Tonight, I will sleep a happy man. We had made hon. Members suffer a lot just because of misunderstanding.

One day, the Jubilee Coalition will be in the Opposition and the CORD Alliance will be the ruling party. It is important that whenever we discuss issues here, we stick to the agreed position. I am a son of a pastor although I never became a pastor myself. There is a man we read about in the Bible, who dug a hole for someone else to fall into. He was trying to hang someone but he got hanged instead. So, Jubilee Members of Parliament, as you remind us about tyranny of numbers, know that one day CORD will be sitting on that side of the House and tell you about the tyranny of numbers.

Hon. Deputy Speaker, before I sit down, I want to say that we have also realised a trend. Since we are now talking as friends, we have to bring some things to the fore. We have realised that when some hon. Members of the Jubilee Coalition want to ask questions, they cross the Floor to our side. After they ask the questions, they cross back to their side. Therefore, I want to request our Jubilee colleagues to, kindly, give us our space. We may be few but we are organised.

With those few remarks, I support.

**Hon. Deputy Speaker:** I have given the chance to Hon. Mbiuki. Please, look for the microphone that is working.

**Hon. Mbiuki:** Thank you, hon. Deputy Speaker, for giving me this opportunity to contribute to this Motion. On the outset, I would like to congratulate the Selection Committee for trying their best to place every Member in, at least, one Committee, and also for their commitment to deal with cases where Members may not have been placed in committees.

I would like to thank our colleagues in CORD for ceding ground and accepting to chair PAC and PIC, where they have a minority. I would also like to take this opportunity to urge the leadership of the Jubilee Coalition to allow members of various committees to elect their leaders without being cajoled or blackmailed. Initially, when we were choosing the various leaders of our Coalition, we built a lot of consensus; we would like to be left on our own to pick the leadership of various committees. We saw a message circulating to the effect that committees should be headed by particular parties. We have a lot of respect for every member who has been placed in a particular committee, for they have capacity and will offer the right leadership. Mine is to generally urge hon. Members to look at various Members, and be able to pick from them whoever they deem fit to lead a particular committee without succumbing to attempts to micro-manage leadership of various committees.

With those few remarks, I beg to support.

**Hon. (Bishop) R. Mutua:** Thank you, hon. Deputy Speaker. First of all, I would like to thank the Almighty God for giving us an opportunity to come together and agree. I want to thank the Leaders of the Majority and Minority parties and the two Whips for accepting that there is always a better way of doing things. I want to urge this House that, as much as we are pushed by history to become suspicious of each other, it is about time we began to engage as equal partners. That is because all of us are required to provide oversight.

Two things are important at this stage. One, is that people who have been placed in various committees should realize that it is not the committee which is important. Rather, it is the contribution they will make in the committees. We must be passionate about adding value to the business of the committee. For purposes of posterity, make sure that whatever you are doing in a committee, give your best. I want to urge hon. Members not to go to committees and engage in side-shows, just so as to show your colleague that you are better off.

Let us think about what is best for this country. First and foremost, we are the first Parliament to be given an opportunity to sit together and push the agenda of this nation forward.

Achievement of Vision 2030, national cohesion and integration rests squarely on our shoulders because of the kind of laws that we will pass.

Hon. Deputy Speaker, in the morning, we were discussing about security and many other issues. Let me say that some of the things we are discussing will only come to pass when we sincerely and purposely decide to behave as members of one nation. We should not engage in blame games. When we tell you that you are wrong, you should say that you are sorry about it. Whether I am in the Majority or Minority, a right remains a right and a wrong remains a wrong. I would like to see sense in this House. That sense will come when we engage each other for the purpose of making this nation greater than it is.

I support the Motion and God bless you.

**Hon. Wario:** On a point of order, hon. Deputy Speaker. I rise on a point of order under Standing Order No. 95(1) to move that the Mover be now called upon to reply.

**Hon. Deputy Speaker:** Let us allow a chance to four Members and then we can--- Hon. Nyikal seems to be itching to say something. Give him one minute.

**Hon. (Prof.) Nyikal:** Thank you, hon. Deputy Speaker. I think for the first time, we are going to start work. We are going to work as a team. When we go to the committees, I hope we will be guided by the good of this country. I have not been in Parliament for long, but for the short time I have been here, I have seen what is called “tyranny of numbers”. I think that is something we should forget when we get to the committees, and even when we elect the leadership of the committees.

**Hon. Gethenji:** On a point of order, hon. Deputy Speaker. Is the hon. Member, and the entire CORD fraternity, in order to keep on referring to “tyranny of numbers” when the Constitution of Kenya refers to this country as a democratic Republic? The mode of electing leaders is through universal suffrage and by voting. The hon. Members should understand that the winning side is that which has the majority; they should not keep on referring to tyranny of numbers because they find themselves on the wrong side of democracy.

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, hon. Deputy Speaker. Is the hon. Member in order to refer to us as the “entire CORD fraternity?” To the best of my recollection, all of us have not contributed at the same time, or as the entire CORD fraternity. It was not a chorus. I hope you will give me a chance, because I have been waiting. Can I, please, have a chance to contribute?

**Hon. Deputy Speaker:** Allow Prof. Nyikal to finish first.

**Hon. (Prof.) Nyikal:** Thank you hon. Deputy Speaker. Hon. Members, give me a hearing. When we get to the committees, what will guide us will be the good of the country. We will actually subscribe to merit and things that will move the country forward. We expect that decisions will be made within the committees. I say this because just a few minutes ago, we turned down an amendment, which I think we will go to one day. I did not see any logic for what we did; I only saw that side. I think we should cut that out and get this country to move forward. As somebody said, the laws you make today are like the guillotine machine. The doctor who designed the guillotine machine was himself guillotined. We will see this when we go into committees; whether we will be guided by the good of this country. This side supports the Majority so that we can move this country forward. Numbers are not an issue; it is the good of Kenyans. If a catastrophe strikes, will some people be excluded? I want to say that across the divide of parties, let us be guided by the good of Kenyans. With that I support.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Deputy Speaker, Sir, I stayed here purposely up to this time to contribute. I want to say that I support the Motion. I would want to indicate that if



CORD had listened to me, we would already have passed this a long time. I had agreed with Jubilee Coalition on that point. Let us just be cognizant of the fact that Jubilee has the numbers, we do not. Let us live with it and move. We were told that we need to move on because Kenya is greater than all of us.

*(Applause)*

Hon. Deputy Speaker, I want to indicate that I am cognizant of the reality. My neighbour from Migori is also cognizant of that reality. The reason why I would want us to form these committees and form them very quickly is because we are having a lot of problems in this country. There is a bridge near my home in Lambwe Valley that needs to be repaired. I need CDF funds because I cannot reach my new home which I built two or three years ago. Again, I am very concerned. I want to deal with very fishy business in this House. So, I want to have an opportunity to deal with the very fishy business. I come from a fishing community. This is the period when the lake is closed and many people are suffering. Unless the committees are formed, we are going to have problems. The Mbita people have asked me to come and deal with the issue of fishing.

In finishing, I want to say that there are Members who are complaining that they have been put in only one committee. I am in one committee and I am not complaining. I am in the Committee on Agriculture, Livestock and Co-operatives. That is where fishing is. I was brought here by the people of Mbita to deal with fishing and I will deal with fishing in this House. If anybody is complaining, he or she should not complain. They should come here and serve their people.

With those few remarks, I support.

**The Member for Turkana Central** (Hon. Nakara): Thank you, hon. Deputy Speaker, Sir. I would like to make my maiden speech. I am so happy because the hon. Deputy Speaker is chairing the session. Since I came here, I have been standing but I have not been able to catch the Speaker's eye. Today, I will take all my time. Turkana Central is one of the six constituencies in Turkana County. It is a cosmopolitan constituency. We have all the tribes there. We have a population of over 100,000 people. We have tourist attraction sites. We have plenty of land and we welcome investors in that area. We are almost getting oil in Turkana. You can become my sister or brother-in-law.

I have one plea to make hon. Deputy Speaker, let us give the Members who are here for the first time an opportunity to speak. That way, we can learn to contribute and share our ideas. Thank you.

**Hon. Kipyegon:** Hon. Deputy Speaker, I rise to support this Motion. I would like to thank the leaders in this House for the arguments they have advanced. We have been having a standoff in this House. I remember the last Bill we had here; we passed it in the plenary. We were quite raw when we were discussing it. I believe the committees which have been formed will be effective in ---

**Hon. Aden:** Hon. Deputy Speaker, I rise to support the Motion before the Floor because of the promises of both leaders to do the necessary amendments to ensure that members are in their respective departmental committees. I think what the House has done today is commendable. It is commendable because, for the first time, we have moved beyond party lines and decided to put the interest of the country first. This is very encouraging to see and we must be prepared, when the time comes, for everything that is of national importance, we must put

party differences aside and unite. That is what we have done today. I challenge my colleagues on the other side of the House to do the same. I assure you that you might have the majority in the Public Accounts Committee---

**Hon. (Eng.) Gumbo:** Hon. Deputy Speaker, mine is to thank the leadership of CORD for untangling the deadlock and particularly our Minority Leader, Hon. Nyenze. Secondly, is to ask our colleagues to put quality into the leadership of committees. Finally, our friends on the other side might not understand why we were so agreeable to moving forward. But I want to tell them that in four years' time, we will be in Government and we are just trying to show you how to behave when you will be in the Minority. Thank you. I beg to support.

**Hon. Kabando wa Kabando:** I just want to make one point and that is about the importance of the committees and how the public perception of the work of Parliament needs to be improved. We have talked about this before, about the need to really communicate what this Parliament does. Unknown to the public and many stakeholders in the legislative agenda of Parliament, almost 95 per cent, if not more of the work of Parliamentarians comprises of committee work. Many people just assume that the many times they see people on the Floor of the House contributing is what comprises our contribution to the House.

Hon. Deputy Speaker, that is therefore my plea, understanding very well that this House is under very good hands.

**Hon. ole Lemein:** Hon. Deputy Speaker, my names are ole Lemein Korei from Narok South Constituency. I rise to support the Motion.

I wish to congratulate the Leader of Majority Party and Leader of Minority Party as well because I believe this country is big enough for Jubilee and CORD. I want to say that I support the Motion.

Thank you.

**Hon. (Ms.) Changorok:** Thank you very much hon. Deputy Speaker. I am so grateful today because I have caught your eyes.

I am Hon. Regina Changorok Nyeris from West Pokot County. I want to say that I really support this Motion because I am one of the persons who have been waiting for this committee. I wanted to be assisted by the people in charge of road construction.

Hon. Deputy Speaker, I come from Chesogon. I am not able to go home because of the poor state of roads. So, I really support this Motion.

Thank you so much.

**Hon. Deputy Speaker:** Let us have Hon. Gathecha who was already standing.

**Hon. (Ms.) Gathecha:** Thank you hon. Deputy Speaker. I also rise to congratulate the leadership of the House. For those of us in House Business Committee, it has been really a lot of trying moments waiting for these committees and we have been here many times until 10.00 p.m. So, I really thank the leadership of this House for bringing the committees into form.

As we go into committees, I urge our colleagues and brothers to accept women also to lead some of the committees. We will do our best to compete with everybody, but kindly brothers, allow your sisters also to chair some of the Committees.

Hon. Deputy Speaker, I also urge that, as we move and cross the political kingdom and the committees move to look for the economic kingdom for this country, let us pass the laws that will open up the economy. The youth are waiting for the 30 per cent quota. So, laws that we will push for will really go into the economic work.

Hon. Deputy Speaker, I noted from the Appointments Committee that we did not—

**Hon. Deputy Speaker:** Your time is up. I will give Hon. Kaluma who thinks that he is too black for me to see and Hon. Chepkong'a and lastly, Mwadeghu.

**Hon. Kaluma:** Thank you hon. Deputy Speaker for giving me this opportunity to contribute. I believe on equality and I believe we are all brothers. The only challenge, and I want to put it to the Speakers' Panel and the Clerk's Office is that enormous work of this country will be done through the committees. We have seen reports which come to this House without minutes. Can you embrace the initiative of making digital devices available so that we can be able to do every business digitally? That way, we do not miss minutes once the committees are through with their work?

**Hon. (Ms.) Muhia:** Thank you hon. Deputy Speaker. I would like to congratulate the Leader of Majority and Minority parties, due to the way they have distributed ladies in the committees. I have been put me in the Committee on Security. I want to say that since I come from Nyandarua County where we host most Internally Displaced People (IDPs), I will add value to the Committee on Security.

I wish to support.

**Hon. Chepkong'a:** Thank you, hon. Deputy Speaker for your patience. I just want to thank the Selection Committee. I also want to thank the Leader of Majority Party and the Leader of overwhelmed Minority for the compromise.

Hon. Deputy Speaker, it was as a result of their compromise--- In telecommunications, we say that if the network is available 99.9 per cent, then it is compliant. I think the network in respect of what of our Leader of Majority and Leader of Minority have done; there is a proper network and we must congratulate them because they were compliant with international standards.

I want to congratulate the good hon. lady from Mbita---

*(Loud consultations)*

**Hon. Deputy Speaker:** Your time is up. Let me give Hon. Mwadeghu over there.

**Hon. Mwadeghu:** Ahsante sana Naibu Spika kwa kunipa nafasi hii jioni ya leo ili niunge mkono Hoja hii ambayo tumeing'ang'ania, tumeililia na tumeitafuta kwa muda. Na huu utata ambao umeonekana humu Bungeni ni kwa sababu ya Kamati hizi mbili. Tunashukuru umetatuliwa.

Naibu Spika, ombi langu ni kwamba, watu wawe na hekima wakati watakapotekeleza nyadhifa zao mbali mbali ili tuhakikishe kwamba tunawajibika na watu wa Kenya wamepata kile wanahitaji. Naomba wale Wabunge ambao wameteuliwa katika kamati mbali mbali, wahakikishe kwamba wamehitimu na kufanya ile kazi ambayo wamekuja kufanya katika Bunge hili.

Kwa haya machache, nawatakia kila la heri Wabunge. Naunga mkono Hoja hii.

**Hon. Deputy Speaker:** I think I should now put the Question. Sorry, there is this hon. Member I had given a chance.

**Hon. Member:** Mimi nimesahaulika.

**Hon. Anami:** Hon. Deputy Speaker, I have the microphone and thank you very much for giving me the opportunity to contribute to this Motion.

The work through committees gives us an opportunity to leverage on the talent that the hon. Members have. Indeed, these hon. Members have different talents and skills which we should use in the committees. I think that is the best time for us to put politics aside and focus on the work that we are supposed to do for Kenyans.

Hon. Deputy Speaker, we made an amendment recently so that we can give everyone an opportunity to be, at least, in two committees. I think it is very important for the Leader of Minority Party to be---

**Hon. Deputy Speaker:** Order! Please, let us hear from the last hon. Member and then we will call upon the Mover to reply. There is another Motion after this, hon. Members. I know we had said nine and ten. We better finish that small matter, so that you can have an opportunity to speak in that one. It is similar.

**Hon. Ngunjiri:** Mhe. Naibu Spika, nakushukuru sana kwa kunipatia nafasi hii. Imekuwa kazi ngumu sana. Niliomba kura kwa wiki tatu na nikapata kura 50,000. Lakini kupata nafasi ya kuongea hapa, inaonekana inaweza kuwa ngumu sana. Lakini nashukuru kwa sababu tuko wengi.

Yangu ni machache sana. Naunga mkono uongozi wa wachache. Inafaa tushirikiane kwa mambo yote. Nimepata ujumbe mfupi kupitia kwa simu kutoka kwa wananchi wakiniambia nimsalimie mhe. Ababu Namwamba. Kwa hivyo, uhusiano wetu hapa utaweza kujenga hata mashinani tukionekana kuwa tunashirikiana. Nimepata ujumbe mfupi mara kumi na nitamsalimia mhe. Ababu mara kumi. Tumemuona mhe. Ababu akiwa karibu sana na Mwenyekiti wa CORD na wananchi wanaona uongozi wa CORD ukiendelea vizuri na wanamhesimu kiongozi wa CORD.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I want to thank my colleagues for reaching out to each other and showing that they are a picture of bi-partisan politics for the interest of our country. I beg to move.

**Hon. Deputy Speaker:** Hon. Members, I know we had said nine and ten, but as you can see clearly, it is all in our interest to have our PSC in place. I think we can spend a few minutes on Order 11, with your concurrence. Do I get concurrence from the Members?

**Hon. Members:** Yes!

*(Question put and agreed to)*

#### APPOINTMENT OF MEMBERS TO PSC

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to move the following Motion:-

THAT, pursuant to Article 127(2) of the Constitution, the National Assembly appoints the following Members of the National Assembly and Senators to the Parliamentary Service Commission:-

(a) *under sub-section (c)(i)*-

- (i) The Hon. Jimmy Angwenyi, MP
- (ii) The Hon. Regina Changorok Nyeris, MP
- (iii) The Hon. Senator Beth Mugo, MP
- (iv) The Hon. Senator Sammy Leshore, MP

(b) *under section (c)(ii)*

- (v) The Hon. Adan Keynan, MP
- (vi) The Hon. Gladys Wanga, MP
- (vii) The Hon. Senator David Musila, MGH, MP

Hon. Deputy Speaker, these are important Members who will help the Chairman of the Parliamentary Service Commission, who is none other than the Speaker, in making sure that they comply with Article 127(2) in terms of power and functions of Parliament as an independent

institution and as one of the arms of the Government after the Judiciary and the Executive. Those Members from across the political divide and from both Houses will from now, until the end of this Parliament, make sure that they are bound by the Constitution in making sure that Parliament functions as an institution and takes care of the welfare of Members.

I want to say here that in the Tenth Parliament - and I am sure Hon. Keynan will agree with me because he is a living Member - I was in a group together with Hon. Mbadi and Hon. C. Kilonzo and we felt that the Parliamentary Service Commissioners were not serving the interest of Members. We had a substantive Motion and we convinced the 222 Members. When you impeach or you have issues with the Commission, it also touches on the Chairman, who is the Speaker. Later, that is how we won the war by bringing in Hon. Keynan midstream to be a Member and Vice-Chairman of the Commission. From that day, Hon. Keynan became the darling of the Members of the last Parliament. When we have given these Members such prestigious positions to serve in the Commission, they are doing it on behalf of the entire membership. It is not that we have appointed you so that you can go round the world, use the Commission's money and sit in big offices. You must be accountable to your membership and exhibit transparency and accountability in how you run the Commission.

I beg to move and ask the Leader of the Minority to second.

**Hon. Nyenze:** Hon. Deputy Speaker, I second the Motion. This is a good list.

I second.

*(Question proposed)*

**Hon. Mohamed Diriye:** Thank you, hon. Deputy Speaker, for this opportunity. I rise to support this Motion. This institution needs to have charismatic leaders who will champion its course more than any other time in the history of this Parliament, where we are under siege. For the purpose of continuity and institutional memory, the inclusion of Hon. Angwenyi and Hon. Keynan is a very good thought by the people who have proposed them. I support the Motion.

**Hon. Deputy Speaker:** We will go back to one minute, so that we can have as many.

**Hon. Member:** Thank you, hon. Deputy Speaker. I want to support this Motion. We have been waiting for these committees to be formed. Now that the Leader of the Majority and the Leader of the Minority have agreed, it is important for us to go ahead and support the Motion. If you look at the Members who have been proposed, they are very competent people. Therefore, I support the Motion.

**Hon. Farah:** Hon. Deputy Speaker, I rise to support the Motion. I want to ask my colleagues and the Senators on this list to rise to the occasion and the issue at hand. A few minutes ago, we heard a Member of Parliament saying that the *matatu* time is over. So, you can see the need for the Members to work hard and serve Members of this House well.

**Hon. Deputy Speaker:** Hon. Chepkong'a on a point of order.

**Hon. Chepkong'a:** Thank you, hon. Deputy Speaker. I rise on a point of order under Standing Order No.83 read together with Standing Order No.95. As you can notice, there are very many hon. Members who are walking out. Very soon we will not get a quorum. Would I be in order to request you to call upon the Mover to reply?

**Hon. Deputy Speaker:** Okay. Allow the Member who was on the Floor the last time to finish.

**Hon. M'uthari:** Thank you, hon. Speaker. I rise to support the Motion. The hon. Members given here are people of repute. We ask them when they settle down to look at the

interests of hon. Members. I think this is the time - as a House and since we have already formed the committees - to work together. Let us stop this idea of grandstanding. Sometimes, there is a bit of arrogance when some hon. Members are talking and this hardens the position of other hon. Members. So, when we speak, let us do so with respect and look at the big picture of the Republic of Kenya. That is because we come here to offer a service. This standoff has also cost us all this time. We have been here all this time and we could not transact---

**Hon. Deputy Speaker:** I will give Hon. Keynan the next chance.

**Hon. Member:** No. We are giving you a job and we must tell you what you need to do.

*(Laughter)*

**Hon. Keynan:** Thank you, hon. Deputy Speaker. I will take two minutes. First of all, I want to thank hon. Members – those who served in the last Parliament and those who have been elected by the people of Kenya again to serve in the Eleventh Parliament. However, I want to bring to the attention of the hon. Members just two things. This Commission, unlike other commissions, is a political commission that ought to be a trade union in every aspect. I want to appeal - and I do not want to repeat what actually happened in the last Parliament – that the Commission cannot work without your support. If you look at the provisions of Article 127 as read together with Articles 94 and Article 124 that clearly define the role of the Member of Parliament and the role of the Commission, you will realise that this Commission represents the interests of the Members of Parliament and members of staff, and you are the engine. You are the drivers. I want to assure, on behalf of the would-be Commissioners subject to your nomination, that we will lift your expectations. We will work very hard. I know there are very serious contentious issues right now. I have never believed that somebody can dare call a human being a pig. It is an issue that we must address and we must do so from the Floor of this House. That is because none of us can ever qualify to be called a pig. I felt so bad this morning when somebody sought the new definition of “Member of Parliament”.

**Hon. Members:** A pig.

**Hon. Keynan:** Really, yes, we can be called anything else and these issues must be addressed by the Commission. Therefore, I want to say that, on behalf of the Chairman who is in place now, we will live up to your expectations.

Thank you so much.

**Hon. Deputy Speaker:** I think Hon. Linturi seems to say he has something on terms of reference.

**Hon. Linturi:** Thank you very much, hon. Deputy Speaker. On my own behalf, why I thought it is very necessary is because we are giving these Commissioners a job to serve the Members of Parliament. It is very necessary so that we tell them what our terms of reference are. One of the things that I want to see them do from next week when they assume office--- I am a frequent consumer of the gym services but when you go to our gym, you will find that there is only one shower that is operating. For the last two or three months since we came here, there is no sauna. The gym is terrible. We want them to fix those problems.

Hon. Deputy Speaker, the other thing they need to know is that Members of Parliament must also have people to push for their rights. Do not be intimidated by anybody or office. Do your duties as provided for by the law.

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

**Hon. Deputy Speaker:** No. I think we have agreed that I put the Question. Hon. Anyanga, do you have something different?

**Hon. Anyanga:** I have nothing to say.

**Hon. Deputy Speaker:** Hon. Members, let us agree. Let us allow the Mover to move.

**Hon. A.B. Duale:** Hon. Deputy Speaker, Sir, I beg to move.

*(Question put and agreed to)*

## **COMMUNICATION FROM THE CHAIR**

### **ELECTION OF CHAIRPERSONS OF COMMITTEES**

**Hon. Deputy Speaker:** Hon. Members, before we adjourn, I have Communication to make. The Speaker announces that members of the following committees meet tomorrow, Friday 17<sup>th</sup> May, 2013 at 10.00 a.m. to elect their Chairmen or Chairladies and commence business. The Clerk is directed to make appropriate arrangements for the sittings to take place. These are the committees:-

- (i) Administration and National Security Committee
- (ii) Justice and Legal Affairs Committee
- (iii) Budget and Appropriation Committee
- (iv) Committee on Delegated Legislation
- (v) Committee on Constituency Development Fund

## **ADJOURNMENT**

**Hon. Deputy Speaker:** Order, hon. Members! It is now time to adjourn the business of the House. The House stands adjourned until Tuesday, 21<sup>st</sup> May, 2013 at 2.30 p.m.

The House rose at 8.20 p.m.