

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 3<sup>rd</sup> July, 2014

The House met at 2.30 p.m.

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

PRAYERS

PAPERS LAID

**Hon. Lessonet:** Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Thursday, 3<sup>rd</sup> July, 2014:-

The Constituencies Development Fund (CDF) allocation for Financial Year 2014/2015 for each of the constituencies

**Hon. Speaker:** Hon. Lessonet, was there anything else you intended to do? For avoidance of doubt, hon. Members want to hear that it is for the year 2014/2015. Hon. Members want to be clear. Do you have sufficient copies for each hon. Member?

**Hon. Lessonet:** Hon. Speaker, with your permission, it is for this new Financial Year, 2014/2015. Just for record, since the start of CDF, this is the first time we are able to table the allocations in the first week of the financial year. So, the allocation to the CDF is Kshs33 billion, which we have distributed to 290 constituencies. We have photocopied the allocation list for every hon. Member; their copies are in Room 8. The only thing I am calling on hon. Members to do is bring their projects in the next two weeks to the CDF Board, so that we can promptly disburse the money for implementation of those projects. We hope that by 15<sup>th</sup> of this month, you will have brought your project proposals to the CDF Board.

**Hon. Speaker:** Very well, hon. Lessonet; of course, it does not happen like that, but given the pivotal role that you play, I have allowed you to explain to hon. Members; it is absolutely important for hon. Members to hear you. We also urge that everybody else emulates that kind of efficiency, so that on 3<sup>rd</sup> of July next time, we will have the allocations on the Table; I think it is commendable. Well done!

Hon. S.S. Ahmed, in your capacity as the Chairperson and leader of the delegation, UNCAC Kenya.

**Hon. S.S. Ahmed:** Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Thursday, 3<sup>rd</sup> July, 2014:-

The Report of the Fifth Session of the Conference of State Parties to the United Nations Convention Against Corruption (UNCAC) and the Global Organization of Parliamentarians Against Corruption (GOPAC) held in the Republic of Panama between 25<sup>th</sup> and 29<sup>th</sup> November, 2013.

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**Hon. Speaker:** I think at some other time you will need time to explain to several hon. Members what UNCAC is; I can see some hon. Members groping in the dark; they do not understand what is UNCAC or GOPAC. There will be need for you to explain that.

**Hon. S.S. Ahmed:** Can I do that now?

**Hon. Speaker:** Not now.

**Hon. S.S. Ahmed:** Thank you.

**Hon. A.B. Duale:** Hon. Speaker, I beg to lay the following Papers on the Table of the House today, Thursday, 3<sup>rd</sup> July, 2014:-

The East African Legislative Assembly (EALA) Report of the Committee on Communication, Trade and Investment on Single Customs Territory known as "SCT".

The EALA Report of the Committee on Agriculture, Tourism and Natural Resources on Second Parliamentarians Workshop on Climate Change.

The EALA Report of the Committee on Accounts on the Internal Audit System of the EAC institutions.

The EALA Report of the Committee on General Purpose on the EAC Annual Report for the period 2011/2012

The Budget for EAC for the year 2014/2015

**Hon. Speaker:** Now that the Chair of the Departmental Committee on Regional Integration is seated right behind the Leader of Majority Party, I want to make the point that these reports are immediately referred to the said Committee and the House has 21 days to consider them, as stipulated under Standing Order No.251(4). So, Hon. (Ms.) Kajuju, take up the matter.

## STATEMENTS

**Hon. Speaker:** The Chairperson, Departmental Committee on Education, Research and Technology, hon. (Ms.) Chege or the Vice-Chairperson, it is time to respond to requests.

**Hon. Members:** They are not here!

**Hon. Speaker:** Hon. (Ms.) Chege and her vice are absent! The Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives, hon. Nooru.

## POLICY ON FISH FARMING IN KENYA

**Hon. Nooru:** Thank you hon. Speaker.

The hon. Member for Lurambi, hon. Raphael Otaalo, asked the Committee on Agriculture Livestock and Cooperative for a Statement. I will give the Statement. I have a long background but I will go directly to the question.

The first one was on the Government guiding policy and strategic operation concerning the fish farming programme and sensitization of the county authority and Members of Parliament, among other leaders. The guiding policy is drawn from Fisheries Act, CAP. 378 of the Laws of Kenya, which provides for the mandate of the State Department for Fisheries as exploration, utilization, management, development and

conservation of fishery resources. The policy is also drawn from Vision 2030 and the Ocean and Fisheries Policy of 2008.

The Strategic plan has been drawn to actualize these policies; currently, these are contained in the Second Mid-Term Plan of 2013-2017; it is in the flagship programmes. The national Government is currently implementing a fish eating campaign in Nyeri, Kajiado, Machakos, Tharaka Nithi, Nandi, Uasin Gishu, Kisumu, Busia, Nyamira and Tana River. This campaign provides a forum to sensitize county authorities and Members of Parliament and other stakeholders on fish farming.

Two, I was asked to provide a list indicating the number of fish ponds for every constituency in the country, and clarify whether the Government will provide fish fingerlets and extension officers to every constituency. The fish farming programme is one of the devolved functions in the State Department of Fisheries. It is no longer a national programme. However, a sum of Kshs. 647 million was allocated in the last financial year to the Ministry.

It was later on released by the Treasury to the county governments through national Transition Authority. These funds were shared to various counties using the formula developed by the Commission on Revenue Allocation as per the new Constitution. The release of these funds was not itemized but was in a lump sum amount that included other development funds for various functions devolved by Ministries. This was to enable counties to prioritize their own development agenda.

The national Government has fish breeding programmes in Sagana Fish Cultural Farming and Training Center, and in Kajiado Trout Hatcheries. This is aimed at ensuring availability of quality fish fingerlets for the fish farmers countrywide. In line with devolved functions, extension officers engaged on a two- year contract were seconded to the counties. However, the contracts end in May this year and its renewal will depend on the individual county governments' requirements and priorities.

Finally, I was asked to respond to the marketing procedure for fish and fish products, so that this noble programme is not ruined by loss due to poor avenues of sale of products locally and abroad.

The analysis of Kenyan fish for heavy metals and pesticide residues is conducted in Kenyan laboratories to ascertain quality. Veterinary residues analysis was also done in Uganda and the result were acceptable. The taskforce to certify aqua farming has already been put in place. The residue monitoring plan for aqua culture products has also been developed for the European Union, and negotiations are ongoing for Kenyan fish to be exported to the European Union, the largest market at the moment.

Based on the analysis, negotiations with the other export marketers are underway for non-European Union destinations. During the last Financial Year, 2013/2014, Kshs.180 million was allocated to the Ministry headquarters to finalize the construction of four fish processing plants in Lurambi in Kakamega County, Tetu in Nyeri County, Rongo in Migori County, and South Imenti in Meru County. These are currently under construction and will act as bulk establishments, where cold storage inspection and certification will be done before release to the domestic and export markets.

To ensure that fish farming in Kenya meets international standards, the State Department for Fisheries is constructing a state of the art laboratory in Belle Vue in Nairobi through a grant from the Spanish Government.

Thank you, hon. Speaker

**Hon. Speaker:** Hon. Otaalo

**Hon. Otaalo:** Thank you hon. Speaker, I think the answer is satisfactory. The only problem I have is that I asked this question in March and I am getting a response now. So, even if there was anything to react to, it is already time barred. Thank you.

**Hon. Speaker:** I agree with you because the last part of it talks about prioritization in the Financial Year 2013/2014, which has passed. I agree with you that it has taken too long. Nevertheless, it addresses some of the issues you raised. Very well; can we get hon. Abongotum responding to the issue listed as Statement No. 105 of 1214 from hon. Huka.

**Hon. Abongotum:** I had responded to this Statement request about a month ago. We were to meet the Cabinet Secretary to clear other details. I have responded to this, hon. Speaker. It is an oversight.

**Hon. Speaker:** Hon. Huka, your name is not showing on the screen.

**Hon. Huka:** Thank you, hon. Speaker. I concur with the Chairman that this one was actually answered, but I was waiting for another one from the same Chairman; it is an issue on security---

**Hon. Speaker:** But this has been sorted out?

**Hon. Huka:** This one has been responded to.

**Hon. Speaker:** Very well.

Hon. Abongotum, once again a Statement was sought by hon. (Ms.) Kajuju.

#### KILLING OF MEDICS IN MERU COUNTY

**Hon. Abongotum:** Hon. Speaker, I will go straight to the Statement and not the narrative.

This Statement was requested by hon. (Ms.) Kajuju, and it is on the death of two doctors in Meru County. I wish to respond as follows: On 20<sup>th</sup> May 2014, Dr. Albert Obiri, a surgeon and Head of Surgery at Meru Level 5 Hospital, was hijacked as he was entering his Kenya Re Estate at Gitoro at about 12.30 a.m. His body was later found dumped beside the road at Naari area with two deep cuts on the head. A report was made to the police, who visited the scene and commenced investigations immediately.

Again on 10<sup>th</sup> June, 2014 at about 7.30 a.m, Dr. Ashford Mbogo, a specialist in Ophthalmology in Meru Level 5 Hospital, was taking his son to school in his motor vehicle registration No. KAR 229T, a Toyota Corolla Station Wagon, when he was confronted by two armed criminals who shot him on the neck, killing him instantly.

The police rushed to the scene and commenced investigations immediately. The investigators are following crucial leads, which may lead to the arrest of the criminals. At this stage of investigation, it is too early to speculate as to whether the attacks were targeting medical personnel or not, though investigations are underway to establish the motive and persons behind the attacks.

Revealing the details may prejudice the investigations at this point in time. However, one of the suspects in the murder of Dr. Obiri, and who had been using the deceased's mobile phone, was shot dead in a shootout with the police on 2<sup>nd</sup> June, 2014 at Makutano in Meru.

Hon. Speaker, the suspect was in the company of other suspects who escaped, but police officers are trailing them. One submachine gun and two rounds of ammunition were recovered from the deceased suspect.

To stem the rising rate of crime in the area, police have started profiling criminals operating in Meru Town and its environs in liaison with the Prisons Department that is helping to track down criminals discharged from prison. Police are also working closely with other agencies like the National Intelligence Service (NIS) and the public through the *Nyumba Kumi* Initiative to enhance collection of intelligence. Random checks through road blocks and patrols have also been enhanced.

Hon. Speaker, that is the Statement from the Cabinet Secretary.

**Hon. (Ms.) Kajuju:** Thank you, hon. Speaker. While I appreciate what the Chairperson has attempted to do to answer the question, he has said that it is too early to speculate as to whether the attacks were targeting medical personnel or not. I would like to seek a clarification from the Chair as to why, if at all any action was taken by the police, after these two incidents, barely 25 days later in the same area a young man of 24 years was killed. The Ministry of Interior and Co-ordination of National Government is only participating in profiling criminals. Are they alleging that the past offenders who leave prisons are the ones who are engaging in these criminal activities? I want to know from the Chair whether they are beefing up security in Meru County. It appears as if these crimes are being committed within the same locality. This is threatening the security of the people of Meru County.

**Hon. Dawood:** Thank you, hon. Speaker. I want to seek a clarification from the Chairman of the Departmental Committee on Administration and National Security. He has said that the person who was gunned down was a suspect. The OCPD is on record saying that it was one J.J. but that J.J. was in a drinking den in Nkubu when he is said to have died two weeks ago in police fire.

These killings are happening in my constituency and in the town. I would like to know whether security is really beefed up. This is because I believe that this is true.

**Hon. Speaker:** Very well. I think hon. Kamama was reading out a response which I have also gone through. It is signed by the Cabinet Secretary for Interior and Co-ordination of national Government. The truth or falsehood, if any, may not be a matter that we can attribute to hon. Kamama.

Yes, hon. Kamama.

**Hon. Abongotum:** Hon. Speaker, it is true that there is a rise in criminal activities, especially in Meru. You will remember that yesterday one Member of Parliament recommended that I should be given a chopper, because of the seriousness of crime in that place.

I will pass this information to the Cabinet Secretary and the Inspector-General of Police that they should actually up their game, because crimes are too many. This is no longer bearable. We will pass this information to the two personalities. I am told that the police said that one J.J. had died but he has since resurfaced somewhere in Nkubu. We will also pass on this information to ensure that this criminal is tracked down and arrested.

**Hon. Speaker:** Yes, that is the best that can be done.

Yes, hon. Sabina Chege for the second time.

MEASURES TO ENSURE FOREIGN UNIVERSITIES  
OPERATE WITHIN UNIVERSITIES ACT

**Hon. (Ms.) S.W. Chege:** Thank you, hon. Speaker. I would like to respond to a Statement which was requested by hon. (Dr.) Victor Kioko Munyaka. My apologies. I went to pick a copy of the Statement so I was not here when you called me to respond.

The Member for Machakos Town Constituency requested a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology concerning operations of a foreign university in the county. I will go straight to the answer.

Currently, there are no foreign universities operating in Kenya. Instead, there are foreign universities collaborating with Kenyan institutions, and there is an annex to that. The existing collaboration was authorized under the repealed University Act following the enactment of the Universities Act, No.42 of 2012. The law has since changed to require that such collaboration should be instituted by the foreign accredited university; this is provided for by Section 28 of the Universities Act, No.42 of 2012.

By Section 70 of the Universities Act, the Cabinet Secretary is required to gazette regulations that operationalize the provision of Section 28. I understand that he has already given communication to Parliament, because the publication was done on 30<sup>th</sup> June, 2014.

Hon. Speaker, this Statement has taken some time. I will not go through some of the details because the publication has been done.

On the second one, the United States International University (USIU) was chartered as a Kenyan university on 10<sup>th</sup> December, 1999. This charter was approved pursuant to the provisions of the then Universities Act, now repealed. Under its charter, USIU appointed a chancellor as one of its organs. That is under Section 9 of the Charter.

Following the enactment of the Universities Act, No.42 of 2012, the charter issued to the institution was deemed to have been issued under the new Act by the provisions of Section 73. However, the Ministry of Education, Science and Technology, in a letter dated 1<sup>st</sup> November, 2013, required all chartered private universities to align their charters with the provisions of the new Act. In response to this letter, USIU is in the process of aligning its charter as directed.

On the fate of degrees awarded by universities without a chancellor, I wish to say that this scenario does not obtain in Kenya. Under Section 21 of the Universities Act, No.42 of 2012, a chartered university like USIU is a body corporate and has authority to employ staff as provided for in its charter. Under Part VIII of the USIU Charter the post of vice-chancellor is provided for. The procedure for appointing the vice-chancellor in the institution is provided for under Section 18(1) of their charter.

According to the provision of Section 13 of the Universities Act, No.42 of 2012, any person wishing to establish a university in Kenya shall apply in writing to the Commission for accreditation or authority licence to operate in Kenya.

**Hon. (Dr.) Munyaka:** Thank you, hon. Speaker. I want to thank the Chair for that response to the Statement request.

However, I want to bring to her attention that although part of the answer talks about USIU having a charter which allows them to have a chancellor, has the Chair and

the Committee done investigations to know whether in reality there exists a chancellor? The information I have is different.

**Hon. (Ms.) S.W. Chege:** Hon. Speaker, we can further investigate that matter, if he has doubts as to whether there is a chancellor. But, as indicated by the Ministry, all universities are meant to have a vice-chancellor. We can go further and ask the Ministry for clarification.

**Hon. Speaker:** I think it is important because the response merely states that Section 18(1) of their charter provides for the method of appointment of a chancellor. It is fair that some further investigations be carried out to establish whether, indeed, a chancellor has been appointed in accordance with that provision.

**Hon. (Ms.) S.W. Chege:** Much obliged, hon. Speaker. We will follow up on the matter.

**Hon. Speaker:** And then you will report back?

**Hon. (Ms.) S.W. Chege:** He can give the Committee time to follow up on the matter.

Hon. Speaker, I would like to seek your indulgence. I am pointing to a document that shows that we have so many pending answers; we have more than eight Statements waiting at Room 8. If there is anything that can be done, we need to clear the pending Statements. This is because most times when Statements are read on the Floor of the House they are already stale, because issues happen to have been raised a long time ago.

**Hon. Speaker:** What I can propose is that given what is likely to happen later today, some of those responses could be photocopied and then supplied to the Members who requested them. At some point, we may have to think of some generic way of seeking clarifications from either yourself or the Cabinet Secretary, if we decide on the route of bringing Cabinet Secretaries to the Chamber.

Hon. Adan Nooru.

#### MEASURES TO STOP SPREAD OF MAIZE LETHAL NECROSIS DISEASE

**Hon. Nooru:** Hon. Speaker, on Tuesday afternoon I promised the House to respond to a request for a Statement by hon. Joseph Limo regarding the Maize Lethal Necrosis Disease (MLND). I hereby respond:

Hon. Speaker, the query was: What steps has the Government taken to arrest the disease? Following the outbreak of the MLND in Kenya, the then Ministry of Agriculture constituted a multi-disciplinary technical team comprising of experts from the State Department of Agriculture, Kenya Agricultural Research Institute (KARI), regulatory agencies, seed producers, international research organizations and private sector companies to address the crisis in Kenya.

With regard to the management and eradication of MLND, the technical team identified and prioritized the activities to be undertaken to manage the disease. These were categorized as long-term and short-term. A comprehensive project proposal on MLND management was developed with a total budget of Kshs120 million. In this proposal line strategic objectives were identified and roles and responsibilities were spelt out for the Government agencies. So far, the team has secured an initial funding of Kshs150 million from the World Bank through the KAAPP Programme to support the

following short-term activities: Awareness is to be created among the public and stakeholders on the management of the MLND disease and its insect vector transmitting virus; development and deploying technologies for diagnosis and characterization of MLND to generate information on disease and this is geared towards designing integrated management strategy; and identification of the vector virus causing MLND, its host ranges and pesticide efficiency trials. Through institution-based financial support, the team's other activities include screening that was carried out by KARI and Seed Traders Association of Kenya. So far, over 8,000 maize stations have been screened under natural and artificial disease inoculation in Naivasha, Narok and Bomet. These include breeders' population, pre-commercial hybrid, in-breed lines and 126 local commercial maize hybrids.

Secondly, there was establishment of the MLND regional screening facilities. This was done by KARI through a project funded by the Bill Gates Foundation for Sustainable Agriculture established through the MLND screening facilities at KARI in Kiboko and Naivasha. The Kiboko facility used double high board technology which shortens the breeding of resistance varieties from eight to two years.

With regard to pesticide evaluation and management of the disease vectors, KARI, the Pesticides Control Board and agro-chemicals industries have conducted field trials on the efficiency of various seeds and applied pesticides to control the various disease vectors. Results indicate that there is a significant difference in crop performance when seeds and many crops are treated with appropriate pesticides from early stages. These studies are, however, still in progress.

With regard to the seed treatment against MLND disease, consensus was reached among the seed industry players like KEPHIS for additional seed dressing to safeguard maize plants against MLND vector for up to four weeks after germination.

The recommendation of the management of MLND at the farm level is that when planting maize, use certified seeds with additional pesticide against MLND virus transmitting vector; use of manure, basal and top-dressing fertilizers; plant at the onset of rain and undertake timely weeding and field sensitization; undertake crop rotation by avoiding production of maize in successive seasons; opt for and diversify crop production with alternatives such as Irish potatoes, sweet potatoes, beans and vegetables; practise regular scouting for insect vector and early eradication of MLND symptoms.

Finally, the Member asked what measures the Government has put in place to sensitize and equip farmers with prerequisite skills to fight the disease. Sensitization has already been done. All relevant public institutions have already been notified of the presence of the disease since it was first noted in 2011. Through consultative forums, two Press releases were developed and issued by the Principal Secretary and the Cabinet Secretary to the public. Two major farm field days were conducted in North Rift with a total attendance of 1,800 farmers.

For holistic delivery of the message, several stakeholders from various disciplines, including research, agro inputs, seed industries and extension services, were involved. The county staff also conducted field days to sensitize farmers on MLND symptoms and the available management options. Demonstration of vector control methods was conducted in Trans Nzoia to minimize spread of disease from affected farmers' fields to adjacent commercial fields.



With regard to co-ordination and deployment of MLND, technical materials from a multi-disciplinary technical team; over 60,000 brochures and 20,000 posters were developed for technical staff and stakeholders. There was also preparation of MLND briefs and messages with technical support from the Agricultural Information Resource Centre, which were aired by KBC and *Citizen* television stations. Brief messages on MLND were also aired through Inooro and KASS FM vernacular radio stations. An awareness campaign was conducted in the following sub-counties: Narok, Bomet, Kericho, Nakuru, Baringo, Tharaka-Nithi, Embu, Kirinyaga, West Pokot, Uasin Gishu and Trans Nzoia.

**Hon. Speaker:** Hon. Nooru, I can see you have a few pages to read. I think you can table it now. We cannot have all the time. As you can see, hon. Members are not even following what you are reading through. Just go to the conclusion and then give hon---

**Hon. Nooru:** Hon. Speaker, in conclusion, the crop production and seed subsidizing being devolved functions, the Ministry of Agriculture, Livestock and Fisheries is in discussion with the county governments through the Council of Governors, and has sensitized them on the need to prioritize and continue with the measures to mitigate the spread of MLND.

**Hon. Speaker:** Hon. Limo, I appreciate that you may not have been given a copy of the Statement but do you think you want to seek a clarification?

**Hon. Limo:** Hon. Speaker, first, I should thank the Chair of the Departmental Committee for bringing the Statement, though after a long time. At the same time, I would like to say that even as we wait for the Cabinet Secretaries to come here and respond to Statement requests, Statement requests in future should be taken more seriously. We should be getting the reports in advance.

Secondly, I appreciate what the Chair has said in his response that an awareness campaign has been conducted in several counties. However, I would like to say that the Ministry of Agriculture, Livestock and Fisheries must change the way they do these things. I can testify here that this report must have been in hotels, and not in the field. In my constituency, where the disease has really spread, there has not been any field day to sensitize farmers on the same. So, whereas the Chair has responded very well, the Ministry should do more in ensuring that more resources are put into sensitization of farmers.

Right now, all the measures that have been put in place seem to be very good, but there is nothing going on out there. It is a very serious disease. It will sweep clean all the maize fields in this country if it is not well taken care of. I wish the hon. Members of this House could listen to what I am saying; it is a matter which is very serious.

**Hon. Speaker:** Unfortunately, they are not even supposed to. You are only supposed to seek clarification, and not to tell them anything. So, they are not obliged to listen.

**Hon. Limo:** Hon. Speaker, I want us to put it on record that the Ministry of Agriculture, Livestock and Fisheries, and the county governments, have not taken this problem seriously. Most of the maize farmers are running into losses. I am not sure if they are going to continue growing maize. Right now, most of the farmers, including me, have moved away from growing maize. We are now growing other crops, including wheat. This is going to affect the food security of this country. Whereas the Government

is putting a lot of effort, the Ministry of Agriculture, Livestock and Fisheries, and the county governments, should sit down and address this problem.

Hon. Speaker, I thank the Committee for coming up with the report.

**Hon. Speaker:** Yes, hon. Eric Keter!

**Hon. Erick Keter:** Hon. Speaker, I rise to seek more clarification on this very important issue. First, I must thank the Member who brought up the matter, hon. Limo.

The Committee Chair has elaborated on the steps that the Ministry has taken to address the matter, but where are the seminars being held? Can we get some details on field days and demonstrations that have been done in Bomet, Belgut and in all other places in the South Rift region? The answer he has given is so wide that it is even difficult to follow. The disease we are talking about is not understood. If you go to those areas right now, you will find that nobody knows the cause of it. Farmers have not been sensitized to the matter. I beg the Chairman to go back and handle the matter with the Ministry, so that the problem can be addressed because it is causing havoc.

Thank you, hon. Speaker.

**Hon. Speaker:** Finally, Benjamin Langat!

**Hon. Langat:** Hon. Speaker, I want to thank the Chair.

Having said so, this is a matter affecting national food security. We have a case where farmers have done their best but some funny diseases have come to render those efforts worthless. I would like the Chair to tell the House what his Committee is going to do to ensure that farmers from that region are given relief food? Clearly, there is a disaster in waiting. It has affected a big area. I do not know what the Committee is doing, in liaison with the Ministry, to ensure that the Government prepares to provide relief food supplies to farmers and other residents of the South Rift region.

**Hon. Speaker:** Yes, hon. Adan Nooru!

**Hon. Nooru:** Hon. Speaker, this answer is very elaborate. It is a very technical and scientific one. I promise to give a copy to hon. Limo, so that he can look at it and follow up with the Cabinet Secretary and my Committee.

On the issue of sensitization or seminars, being done in hotels rather than being done at open field days, I will take it up with the Cabinet Secretary, so that the method can be changed with a view to reaching more farmers.

Hon. Speaker, hon. Keter's matter on sensitization and creating awareness, it is the same as the clarification asked for. We are going to do the same.

On the issue raised by hon. Langat regarding the Government's mitigation measures, the Ministry has advised farmers that they can cultivate alternative crops like beans, sorghum, cowpeas and green grams. However, in the Financial Years 2012/2013 and 2013/2014, the Government spent Kshs306 million on mitigation measures. In the Financial Year 2013/2014, the Government provided seed support valued at Kshs18 million to farmers in the Rift Valley region as follows: 39.5 metric tonnes of beans; 6.0 metric tonnes of sorghum; 60.0 metric tonnes of potatoes and 5.0 metric tonnes of cowpeas.

Therefore, we have put mitigation measures in place.

Thank you.

### COMMUNICATION FROM THE CHAIR

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TIMELINES FOR CONSIDERATION  
OF STATUTORY INSTRUMENTS

**Hon. Speaker:** Hon. Members, you will recall that on Wednesday, 26<sup>th</sup> March, 2014, I gave a Communication regarding the procedure for scrutinizing statutory instruments by this House. Whereas the Communication then focused on providing guidance on the procedure for considering statutory instruments, I also underscored the necessity for the House to, in so far as is practically possible, have the statutory instruments considered in good time.

In fulfillment of the requirements of Section 11 of the Statutory Instruments Act, 2013, 14 statutory instruments have since been tabled before the House. As required by Section 12(1) of the said Act, these instruments effectively stood referred to the Committee on Delegated Legislation for consideration. Upon committal, the Committee on Delegated Legislation is supposed to:-

(a) scrutinize the statutory instruments for compliance with the matters specified under Section 13 of the said Act, together with such other requirements as may exist in the Interpretation and General Provisions Act relating to subsidiary legislation;

(b) concur with the regulation making authority in the manner contemplated under Section 16 of the Statutory Instruments Act, 2013; and,

(c) table a report in the House containing only a resolution that the statutory instrument, or part thereof, is to be revoked, as contemplated under Section 15 of the Statutory Instruments Act, 2013.

Although it is not expressly provided for in the Act, good practice in other jurisdictions also require the Committee to consult the relevant departmental committee responsible for the subject matter of the statutory instruments before submitting its report to the House.

Section 18 of the Act requires the Committee in tabling the report before the House to state the overall objective of the statutory instrument, identify the part of the statutory instrument in relation to which the report has been made and indicate the manner in which it offends the criteria set out in Section 10 and the recommendation of the Committee.

Hon. Members, our own Standing Order No.210(4) outlines two procedural steps to be followed by the Committee after consideration of the statutory instrument. Firstly, if the Committee resolves that the statutory instrument be acceded to, this resolution is conveyed to the Clerk of the Assembly, who shall then convey that resolution to the relevant State department or the authority that published the statutory instrument. Secondly, where the Committee resolves that the statutory instrument, or part thereof, should not be acceded to, the Committee is then required to recommend to the House that the Assembly resolves that all, or any part, of the statutory instrument be annulled.

Of the 14 statutory instruments that have been committed to the Committee on Delegated Legislation so far, the House has only considered a report on one instrument namely; The Public Finance Management (Uwezo Fund Regulations 2013). The Committee has since tabled a report on the Constituency Development Fund Regulations 2014, which is awaiting approval by this House. The Clerk of the House has not received any resolution from the Committee that any of the remaining instruments be acceded to

for the purpose of conveying this resolution to the relevant regulation making authority, as contemplated under Standing Order No.210(4); this essentially leaves the following 12 statutory instruments still pending with the committee:-

(1) The Environmental Management and Co-ordination Act (E-Waste Management) Regulations of 2013;

(2) The National Honours Regulations of 2013;

(3) The National Transport and Safety Authority (Operations of Public Service Vehicles) Regulations of 2014;

(4) The National Payment Systems Regulations of 2014.

(5) The Government Financial Management (Hospital Management Service) Regulations 2009;

(6) The Environmental Management and Co-ordination (Waste Tyre Management) Regulations 2014 plus explanatory Memorandum, Certificate of Compliance and Regulatory Impact System;

(7) The Leadership and Integrity Act Regulations of 2014;

(8) The National Land Commission Regulations on Review of Grants and Disposessions of 2014;

(9) The County Land Management Boards Regulations of 2014;

(10) The Child Welfare Society of Kenya Order, 2014.

(11) The National Construction Authority Regulations, 2014.

(12) The National Social Security Fund Act Regulations, 2014.

Hon. Members, statutory instruments formulated by respective regulation making authorities require approval of this House before they have the force of law. Unless this House approves a statutory instrument, it can neither be implemented nor have the force of law. Our Standing Orders have delegated the approval aspect to the Committee on Delegated Legislation, which is required to come back to the House, only in those instances where an annulment of a particular part or the whole of a statutory instrument is desired.

In this respect, the plenary of the House, therefore, considers only proposals of annulment of the whole or part of the statutory instrument. Although, the Statutory Instruments Act of 2013 and Standing Order No.210 do not expressly specify a time limit within which the Committee must consider the statutory instrument, it is worth noting that in contrast with other committees which have a wide range of mandate, this Committee is solely charged with the responsibility of considering delegated legislation.

In my view, the limiting of the mandate of this Committee in considering delegated legislation is guided by the principle and nature of urgency within which such regulations ought to be given the force of law. This House ought not to abdicate the duty conferred on it by the Constitution, by delaying consideration and approval of statutory instruments requiring the force of law. Hon. Members, allow me to draw your attention to Standing Order No.127(4) that obliges chairpersons of committees in respect of matters relating to legislation to table their reports within 20 calendar days of committal of a Bill to committee.

If, I were to invoke the provisions of Standing Order No.1 and impose a similar yard stick, it then follows that the Committee on Delegated Legislation is obliged to

either accede to the statutory instruments by notice to the Clerk or table its report recommending for annulment within a similar period of 20 calendar days.

Hon. Members, in view of the forgoing, I wish to issue the following directions:-

1. That for those statutory instruments for which the Committee has neither tabled a report recommending annulment as required by Sections 15 and 17 of the Act, nor notifying the Clerk of its resolution to accede to the statutory instrument as required by Standing Order No.210(4)(a), I direct that the Committee finalizes and reports back to the House, where it desires an annulment of the whole or part of the statutory instrument or notify the Clerk of its resolution to accede to the statutory instrument on or before 15<sup>th</sup> July, 2014.

2. In the event that the Committee fails to comply with the timelines under paragraph one, the Committee shall be deemed to have acceded to the statutory instruments and the Clerk shall upon the expiry of the specified time indicated above communicate the accession to the relevant regulation-making authority.

3. That for purposes of future practice, I direct that in accordance with Standing Order No.1, whenever the Committee fails to notify the Clerk of its resolution to accede to a statutory instrument or table its annulment report in the House within 20 calendar days after committal of the statutory instrument to it, the Committee shall be deemed to have acceded to the statutory instrument and the Clerk shall, upon the expiry of the specified time, communicate the accession to the relevant regulation-making authority.

I thank you, hon. Members.

Yes, Leader of Majority Party.

#### BUSINESS FOR THE WEEK COMMENCING 15<sup>TH</sup> TO 17<sup>TH</sup> JULY, 2014

**Hon. A.B. Duale:** Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(a), on behalf of the House Business Committee, I rise to give you the following statement regarding the business appearing before the House, the week beginning Tuesday, 15<sup>th</sup> July, 2014.

As usual the House Business Committee met on Tuesday this week under your chairmanship at the rise of the House to give priority to business of the House. Hon. Speaker, from the outset, and without anticipating debate, the House is scheduled to proceed on a short recess commencing tomorrow as per our calendar. Therefore, the schedule of business I am going to give today is based on that premise.

Hon. Speaker, on resumption, therefore, the House is scheduled to consider for Second Reading the following Bills:-

- (a) The National Drought Management Bill 2013;
- (b) The Private Security Regulations Bill (National Assembly Bill No.4 of 2014);
- (c) The Scrap Metal Bill (National Assembly Bill No.6 of 2014);
- (d) The Climate Change Bill, 2014;
- (e) The Kenya National Aids Authority Bill, 2014;
- (f) The Water Bill (National Assembly Bill No.8 of 2014);
- (g) The Mining Bill (National Assembly Bill No.9 of 2014);
- (h) The Insolvency Bill (National Assembly Bill No.15 of 2014);
- (i) The Companies Bill, 2014;

(k) The Order of Precedence Bill, 2014;

(l) The Prohibition of Anti-Personnel Mines Bill (National Assembly Bill No. 7 of 2014);

(m) The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 24 of 2014).

Other Bills scheduled for consideration at the Committee Stage during this period include:-

The Alcoholic Drinks Control (Amendment) Bill 2014 and the Law Society of Kenya Bill 2013.

Hon. Speaker, the House Business Committee has lined up heavy and crucial business, particularly in relation to the six legislative proposals with constitutional dateline. My office and the Constitution Implementation Oversight Committee will continue working tirelessly to ensure that the draft Bills are published during the recess and bring them before the House. Another important Bill to be given priority is the Finance Bill, which should be passed by the House by 24<sup>th</sup> September, 2014.

Hon. Speaker, regarding the statutory instruments and regulations, I am glad that you have once again risen to the occasion and offered guidance and timelines within which they should be concluded; we thank you for that.

Finally, the House Business Committee will meet on Tuesday, 15<sup>th</sup> July at the rise of the House to consider business for the rest of the week, if the Adjournment Motion is adopted this afternoon. I now wish to lay the Statement on the Table of the House. Thank you

**Hon. Speaker:** Hon. Chepkong'a, what is your point of order?

**Hon. Chepkong'a:** On a point of order, hon. Speaker. I rise pursuant to Standing Order No. 83 as read together with Standing Order No. 230. As you know, on 3<sup>rd</sup> June, 2014, you did commit to a Committee petition that was forwarded to this House by Mr. Wafula Buke, petitioning the National Assembly to remove IEBC commissioners from office. That petition is pending before the Committee of Justice and Legal Affairs. Further, you did communicate to the House that the report of the Committee should be tabled by or on the 17<sup>th</sup> of July 2014. We have noted, as a Committee with concern that there is a caucus that you approved. I would not have raised this except that you approved a caucus here that includes hon. Members of Parliament.

Standing Order No. 86 is very clear and it is binding on all hon. Members; if it was being raised by someone who is not an hon. Member of this House, I would not have raised it. Hon. Members need to acquaint themselves with the Standing Order; it clearly states that no hon. Member shall make reference to the substance of proceedings of a committee before the committee has submitted its report to the House. There is a purported attempt by a caucus of some hon. Members here to deal with issues of IEBC. I want to help them on what the Constitution states. Article 2(2) it says clearly that no person may claim to exercise State authority except as authorized under the Constitution. Article 3(1) of the Constitution states that every person has an obligation to respect, uphold and defend the Constitution. The Petition was brought to Parliament and referred to the Justice and Legal Affairs Committee, pursuant to the Constitution. There is no other body that can purport to acquire powers that have not been assigned to it by this Constitution.

As you know, the Committees of Parliament have the equivalent power to that of the High Court. Any Member who purports to discuss issues that have been submitted to a particular committee is in contempt of this House. We do not refer to matters that are before Parliament. Any matter that is pending in Parliament and hon. Members refer to it, they are in contempt of Parliament. I am asking you to give direction on this important matter; in my view, there is a breach of Standing Order No. 107 by some hon. Members of this House, and they should be named and thrown out of this House for being grossly disorderly and acting unconstitutionally.

You do not need to be a lawyer to know the law. There is the Latin maxim which is very clear that ignorance of the law is no defence. There is nobody who can plead ignorance here no matter how much pressure they are under from forces outside this House. This law must be complied with and there is no person who can put you under a lot of pressure because the Constitution is very clear; it does not allow you to be unconstitutional in your actions.

I am asking for direction in matters that have been referred to the Justice and Legal Affairs Committee, in particular this Petition by one important Kenyan, Mr. Wafula Buke, who appeared before this Committee today. He was not wasting his time because he is a very serious man; we are dealing with this matter with all the seriousness. I do not understand why people are taking this thing in a very casual manner. We are in a serious House. We are meeting the IEBC on 9<sup>th</sup>; any hon. Member who wishes to interrogate or investigate this matter is free to attend the Justice and Legal Affairs Committee meetings. If you are too many, we will hold that meeting here, because we will be on recess. We are seeking your direction and intervention; this matter must not be discussed outside the rules that we have set. Thank you.

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

**Hon. A.B Duale:** Hon. Speaker, as you give your directions, I do not know why my good friend, the Chair of Justice and Legal Affairs, is so tortured. Parliamentary committees are well documented in these Standing Orders; it is only parliamentary committees that can bring reports to this House for debate. I want to agree with him that there are many caucuses within the House. There is the caucus for hon. Members of Parliament led by hon. Neto; the young Parliamentarians fighting for human rights. There is parliamentary women caucus, parliamentary pastoralists caucus and even a catholic caucus led by my good friend, hon. Wamalwa.

My good friend, hon. Chepkong'a should not worry. If it is about corruption and audit, the able Chair of the Public Accounts Committee (PAC) is here. The more you talk about Kenya and corruption out there--- The route you need to follow leads to Public Accounts Committee (PAC), which is under the leadership of hon. Ababu Namwamba. If you want to deal with devolution, there is a committee led by a very respectable Senator called hon. Kipchumba Murkomen. In issues relating to commissions, including the IEBC, hon. Chepkong'a, the able Chair is there. Do not worry because I am told even right now, one caucus is meeting some very senior citizens. The hon. Speaker has accepted that we form caucuses, I am sure even in the bar there are people who caucus; even smokers have a club and know themselves; pastors know how they caucus; those of us who are sheikhs know how to caucus. So, we should not make the hon. Speaker give a communication on that. The Standing Order tells us which committee of the

House--- In my opinion, if that caucus wants to turn itself into a select committee, the procedure and law is very clear; they need to come to the House, they should bring a Motion to the House Business Committee chaired by the hon. Speaker; if it is approved, we will debate it here, and approve or reject it. Thirdly, under the presidential system of government, there is Article 108 of the Constitution, headed “Party Leaders;”

The (CORD) leadership is well known. The Jubilee leadership is well known. At least yesterday I spoke for Jubilee and that was after a meeting between the Jubilee leadership in the Senate and the National Assembly. CORD has spoken in their own way.

So, Chair, do not get worried. Please, let us have as many caucuses as those formed yesterday; even you and I can form a caucus; hon. Mahamud and the person sitting behind me can form theirs.

Hon. Speaker, this matter is simple, and I hope the Chair will bring the report on the Independent Electoral and Boundaries Commission (IEBC). I want to thank one Wafula Buke. This is because he followed the law. He followed Article 251 of the Constitution; that is the right route. We will give a chance to everybody. Some of us will even appear before the Chair; any Kenyan can appear before the Chair and then the Committee, in its wisdom, will bring a report. If that report is agreed upon by this House then that will be the time when the President will have his chance to appoint a tribunal.

Hon. Uhuru Kenyatta’s time on the matter of IEBC will come the moment this House will decide on the report of the Departmental Committee on Justice and Legal Affairs. If we agree that they should go home, then the President’s time will come. Before that time the President has no mandate in this matter; he cannot contravene the Constitution.

Thank you, hon. Speaker.

**Hon. Speaker:** Well, hon. Members I do not think we really need to discuss this. Hon. Ababu Namwamba, do you want to raise an issue? I encourage Members to form many caucuses, including friendship caucuses between Kenya and Slovenia. They are all caucuses. Really we should not worry.

However, I think the important point that hon. Chepkong’a is alluding to, or is raising, is the one about commenting in detail on matters pending before a committee of this House. We cannot possibly gag other Kenyans out there. They are at liberty to comment on anything under the sun but, of course, with the usual restraint. We know that if you disparage others, they are liberty to also take recourse to the law.

Hon. Ababu Namwamba, what is your point? I know you are also seized of a matter in this direction.

**Hon. Ababu:** Thank you, hon. Speaker. I just wanted you to allow me to add my voice to this matter. While I agree with the Leader of Majority Party that it is a matter which may appear to be pretty straightforward, my colleague, the hon. Chair of the Departmental Committee on Justice and Legal Affairs, has raised what I believe to be a weighty matter that will do well to receive due consideration of the Chair.

Hon. Speaker, caucusing is part of the traditions and customs of this House. We always formed caucuses in the Tenth Parliament. I actually formed a caucus in the Tenth Parliament and brought it to the House. It was debated and approved; it then translated into a select committee. However, any time we put in place a caucus, it is very important



that its mandate and work be clearly spelt out. The work of that caucus must be clearly distinguished from the normal and ordinary operations of the committees of this House.

Hon. Speaker, I say that because Standing Order No.191 of our own rules clearly provides certain privileges and powers to certain committees. Allow me to just put it on record because I believe it is a matter that ought to go into the record of the House. It says:

“Committees shall enjoy and exercise all the powers and privileges bestowed on Parliament by the Constitution and statute, including the power to summon witnesses, receive evidence and to request for and receive papers and documents from the Government and the public.”

Hon. Speaker, these powers and privileges are exclusive to committees of this House and, therefore, if any caucus of whatever nature, whether it be religious or political, attempts to wade into matters that fall squarely within the powers and privileges of a committee, that certainly will be contrary to the Standing Orders of the House.

Hon. Speaker, therefore, if there is a caucus that wishes to become a select committee then the ordinary practice and traditions of this House have always been that a formal Motion is tabled, moved and Members have an opportunity to debate the Motion; the merits and demerits whatever select committee is proposed. Then the House is able to determine the mandate and the exact responsibilities of such a select committee.

Hon. Speaker, it would certainly be wrong and an aberration--- It would compromise the effectiveness of this House and, indeed, the constitutional authority of this House for anybody to form a caucus ostensibly for purposes of consultations and then sneak in affairs, responsibilities or powers that properly fall within the province of a committee of this House.

Hon. Speaker, let me conclude by saying that I certainly support the spirit of bipartisanship. The spirit of bipartisanship is good. If, indeed, those behind the initiative feel that this should be handled at the level of a select committee then I challenge them to bring a Motion to this House. Let us debate that Motion and make a decision on that Motion depending on its merits.

Thank you, hon. Speaker.

**Hon. Speaker:** Hon. Members, let us just go to business because a caucus on peace is not a bad thing.

**Hon. Members:** We are all members.

**Hon. Speaker:** Then just continue caucusing on peace. I mean that is very commendable; what is important is the issue that has been brought up by hon. Ababu and hon. Chepkong’*a*, that matters which are before committees of the House must not be commented on by Members of the House outside the committee, we are likely to get into unnecessary debate. I can see hon. Mule and hon. Ken Okoth are very agitated. Now, the Temporary Leader of the Minority Party has grabbed power. Let us hear him.

**Hon. Okoth:** Thank you, hon. Speaker. What Chairman Chepkong’*a* has raised is very valid, and all our Members who want to promote peace in the country should do so in a way that does not undermine the role of committees and what we have assigned them. I actually have another question which I want to ask you. In terms of the reports by the President to Parliament we got a chance to debate his main presentation. I saw that the Senate had a separate discussion in which they debated his report and touched on our

international and national security obligations. I am wondering if I missed at any point the chance for the National Assembly, which is the true representative of the people, to debate those two other reports that the Head of State presented here.

Thank you.

**Hon. Speaker:** I think you are trying to urge the Leader of Majority Party to ensure that, that report is also prioritised in the order of business. I think that is the point you are making; I think you are right on the caucusing for peace. Now that you have a new hat to yourself, you should also assume the role of being a champion of peace, hon. Okoth.

Next Order.

## MOTIONS

### ADOPTION OF REPORT ON DEVOLUTION OF HEALTH SERVICES

THAT, this House adopts the Report of the Departmental Committee on Health on Devolution of Health Services, laid on the Table of the House on Thursday, 20<sup>th</sup> March, 2014.

*(Hon. (Ms.) Nyamai on 26.6.2014)*

*(Resumption of Debate interrupted on 2.7.2014)*

**Hon. Speaker:** Hon. Members, the business listed as Order No.8 which is Motion for the adoption of the Report of the Departmental Committee on Health is for purposes of putting the Question. I believe most hon. Members are aware of that Report.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT, this House adopts the Report of the Departmental Committee on Health on Devolution of Health Services, laid on the Table of the House on Thursday, 20<sup>th</sup> March, 2014, subject to:-

1. Deletion of all the words appearing after the words “the functions” in recommendation No. 2 on page 9 of the Report and substituting therefore the following –

“The Committee therefore recommends that, in accordance with Article 187 of the Constitution, the National and the County Governments urgently enters into agreements with a view to transferring specific health functions to the National Government, including and not limited to, Level 4 and 5 health facilities”

2. Deletion of recommendation No. 7 on page 10 of the Report, and substituting therefor the following -

“The Committee recommends that, the National Government and the Transition Authority, urgently sets up a Taskforce, to coordinate a phased and structured devolution of health functions as specified under the Fourth Schedule to the Constitution”

ADOPTION OF REPORT ON COUNTY  
GOVERNMENTS (AMENDMENT) BILL

**Hon. Chepkong’a:** On behalf of the Mediation Committee and in particular the Chair, Sen. Wako, I wish to move this report.

The Mediation Committee on the County Governments (Amendment) Bill was constituted by the Speakers of the two Houses of Parliament on 14<sup>th</sup> March, 2014, pursuant to Articles 112 and 113 of the Constitution and the Standing Orders of the Senate and the National Assembly. This was as a result of the defeat of the County Governments (Amendment) Bill, No.2 of 2013 by this House. The Members of this Mediation Committee comprise of the following:-

Sen. Amos Wako  
Hon. Chepkong’a  
Sen. Kiraitu Murungi  
Hon. Katoo ole Metito  
Sen. Stephen Sang  
Hon. (Dr.) Eseli Simiyu

The Mediation Committee derives its mandate from Articles 112 and 113 of the Constitution and Standing Order No.149 of the National Assembly and Standing Order No.154 of the Senate which outline its functions as stated thereon in the Report.

The Committee met a total of four times. We held four sittings to deliberate on the County Governments (Amendment) Bill that was rejected by the National Assembly. We considered this Bill in accordance with the Constitution and also the relevant provisions of the Standing Orders of the National Assembly and the Senate. During our first meeting, we conducted elections in which we elected the Chair and Vice-Chair. The Chairman was Sen. Wako and I was elected the Vice-Chair to represent the National Assembly. As the pioneering Mediation Committee, we recommended to the Members of the Senate and it was agreed that if a matter arises from the Senate and it is rejected by the National Assembly, then the Chair of that Committee would ordinarily fall within the Senate. If a matter has originated from the National Assembly and it is rejected at the Senate, the Chairperson should ordinarily be a Member of Parliament from the National Assembly. This may be good guidance with regard to the Division of Revenue Bill that was rejected by the Senate. In the spirit of this agreement by senior members from the Senate, the Chairperson should originate ordinarily from the National Assembly.

The statement of issues was worked out and developed from the statements and discussions that went on in the National Assembly during the debate of this Bill at the Second Reading. The statement of issues was identified and framed as contained in the HANSARD of 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> of March, 2014.

Hon. Speaker, we would like to sincerely thank you and the Clerk for facilitating these meetings and we received quite substantial support from you. Within a limited time,

we concluded and the agreed issues are annexed. Herewith is the agreed version of the County Governments (Amendment) Bill, 2014. To put this Bill into perspective, the County Governments Act of 2012 in section 9 obligates the governor and I wish to read it for purposes of clarity, “The county government shall facilitate the establishment of structures for citizens’ participation including---” I will ignore the rest and only go to that which is relevant to this particular debate and it is (f). It says: “The county government shall create avenues for the participation of people’s representatives including but not limited to members of the National Assembly and the Senate.” As you know, the governors – I do not know about other counties but for mine, he has completely ignored all elected Members of Parliament and the Senate. He has ignored this particular section. He has never called any meeting in which we have participated. We are regarded as bystanders when it comes to matters that touch on our counties in which our constituencies are based. This law is very clear. You do not require any legal interpretation in this one. I am a lawyer but in this one you do not require a lawyer. This is a layman’s drafting and it clearly states that the governor shall provide avenues for the participation of the people’s representatives including but not limited to Members of the National Assembly and the Senate. It speaks for itself; that Members of the National Assembly came first before the Senate. That is the order of business and it should continue in that manner.

So pursuant to the ignorance or county governments’ deliberate attempt to sideline the elected Members of Parliament and the Senate--- One Member of the Senate decided to come up with a Bill to fill this gap that existed. He, therefore, came up with an amendment Bill, 2013 to the County Governments Act of 2012. When we sat, we found that some of those clauses that were contained in the amendment Bill of 2013 were not totally relevant to the elected Members of Parliament. We thought those were issues that should be dealt with at the county level. So, after lengthy discussions, we deleted a number of those clauses that we thought were not relevant and retained only those that we thought are important and will help in actualizing this particular sub-section of the law. Therefore, what is proposed as a compromise between the Senate and the National Assembly is as follows:-

That clause 91 be amended by introducing 91(a) which establishes a county board to be known as County Development Board consisting of the following persons:-

The Member of the Senate for the county elected under Article 98(1)(a) of the Constitution who shall be the chairperson of the board and convener of the board’s meeting. It is not that we wanted to elevate the position of Senate at the county level, but as you know the Constitution states that the Senate is charged with the responsibility of protecting county governments.

Secondly, we also realize that Senators do not have much work like the National Assembly, and we thought that this would be something that would be important to them so that we also find relevance in terms of development in this country. Therefore, we agreed that Senators be accorded the opportunity to chair and convene meetings of all elected Members of Parliament.

Members of the National Assembly, under Article 97(1)(a) of the Constitution represent constituencies located within counties. We were concerned about having a board that is lean and effective. So, we agreed that enlarging it and bringing in too many

people would not be helpful at all. So, it was suggested and agreed that Members of the National Assembly who are elected under Article 91(a) of the Constitution and County Members of the National Assembly who are elected under Article 97(1)(b) of the Constitution be members. The governor as the Chief Executive Officer of the county government shall be the vice chairperson. The rejected Bill had indicated that the governor shall be the secretary of that particular board. We thought that we were not being mindful of the stature of the governor. We thought that the governor ought to be the vice chairperson so that in the absence of the Senator, he will be the convener and the chair of the meeting. In the absence of the governor, the deputy governor of the county shall be the vice chairperson.

The other member is the deputy governor of the county. As you know, there have been so many issues such as deputy governors have been sidelined, they do not have any work and they have become irrelevant in their own counties. We thought of not giving them power, but just allowing them to participate in some of these forums.

The Leader of Majority Party and Leader of Minority Party in the County Assembly will also be members. The other members are the chairperson of the County Assembly Committee responsible for finance and planning; the chairperson of the County Assembly Committee responsible for budget and the chairperson of the County Public Service Board who shall be an *ex-officio* member. The person who has been nominated or appointed as the County Secretary within the county government shall be the secretary to this board, but he shall be only an *ex-officio* member. He has no powers but his work is merely to take minutes. Then whoever has been appointed as the County Commissioner of the county also sits as a member but in his capacity as a commissioner of that county. The head of a department of the national Government or the county government or any other person may be invited to sit in the board.

I know many questions will be asked because I have not mentioned nominated Members of National Assembly and nominated Members of Senate. During the discussion, it was agreed unanimously that nominated Senators and nominated Members of National Assembly are nominated to represent special interests across the country. If you represent the youth and you are from Uasin Gishu County, the youth are not in Uasin Gishu County only, they are found across the country. So, we thought localizing a nominated Senator and a nominated Member of National Assembly while they represent special interests which are national will not be right. We thought that they should not be included. It was for that reason; it was not malicious.

The County Development Board of each county shall provide for a forum as indicated clearly in the law. It is in accordance with the Constitution and more specifically Article (6)(2) which states that national Government and the county government shall coordinate and collaborate on matters of development within the county. This particular amendment is founded under Article 10 and more specifically Article 174 of the Constitution. This board is expected to give input not to recommend anything.

As elected Members of National Assembly and Senators we are in various forums ourselves and we meet various stakeholders within the constituency and many issues are raised, particularly issues of water, dams and health. You know these are matters that have been devolved, and we have no other forum in which we can

communicate to the county government. If we forward those things in an informal manner we are told to forward them to the national Government. The law clearly states that the county government, under the leadership of the governor, shall create avenues where Members of the National Assembly and the Senate shall meet to deliberate on issues of development. We thought that it is important for us to give our input in the presence of the Leader of Majority Party, Leader of Minority Party, the Chair of Budget Committee and the Chair of Finance and Planning Committee who are Members of this board. We expect that they will take note of those things. They have concerns also as elected members.

The other thing that they are supposed to consider is to give input on county annual budgets before they are tabled in the county assembly. As you may be aware, there are many forums that are being held across the country and in particular in the counties where issues of the integrated plan of the county government is discussed. Some of these issues are brought before laymen who may not be aware of those issues. We were elected to assist facilitate development within the county and the constituencies. So, it is important for us to participate in that process before anything is tabled in the county assembly. We need to give our input as elected members.

Finally, some of the issues that we think may arise are issues of insecurity and corruption. As you know, a lot of money has been devolved to the counties; Kshs226billion to be precise. Record monies have been given to the County of Turkana, the County of Mandera and so on, each getting Kshs8 billion. I am told they had never seen anything above Kshs10 million in their accounts. But now they are boasting of accounts of Kshs1.5 billion. It is important that as Members of Parliament we play an oversight role. We need to look at some of the things that may affect development in our constituencies and counties.

What we agreed is that the others are purely procedural issues. We stated that the quorum of any meeting shall be composed of a third of all the members of the board. We have also stated that the meetings of the County Development Board shall be held in the headquarters of the county once every quarter. These are not going to be regular meetings. So, there are no meetings that are going to be called unless there are issues that will arise. We have also provided that in the absence of the chair, the vice-chair will chair and in the absence of both, a person will be elected from amongst the members of the County Development Board.

Hon. Speaker, the County Development Board shall be constituted within 60 days after the date of general election. However, we have also provided a rider in sub-clause 7 that despite sub-section 6, a County Development Board may be established upon the coming into operation of 60 days thereafter so that, that takes care of the period when we are not having elections like is the case now.

We have introduced Clause 91(b) which purely deals with the operational expenditure for this board; that they shall be paid out of the annual estimates of revenue and expenditure of the respective county government. Again, we are very frugal people. As you know, we are paid only Kshs5,000 sitting allowance just to sit the whole day. We will ensure that, that frugality continues or is cascaded down to the county level. We do not want to see people who are being paid Kshs80,000 sitting allowance like our good friends in the Judicial Service Commission (JSC). That will not be allowed.

We have introduced Clause 91(c) which deals with offences. If you obstruct the operation of this board, you will have committed an offence and upon conviction, of course by a court of law, you are fined an amount not exceeding Kshs1 million or imprisonment for a term not exceeding one year or both.

Hon. Speaker, as you can see, this is extremely a very lean amendment. We removed all the others that the Members of this National Assembly were completely unhappy with.

I beg to move this Report together with the attached agreed upon County Governments (Amendment) (No.2) Bill, 2013. I would like to ask my very good friend, Dr. Eseli Simiyu to second.

Thank you, hon. Speaker.

**Hon. Speaker:** Hon. Members, you may appreciate that Dr. Eseli was also a member of the Mediation Committee. So, it is fair that we hear from them.

**Hon. (Dr.) Simiyu:** Thank you, hon. Speaker. I thank the Vice-Chair of the Mediation Committee for giving me this chance to second the Motion. I also thank the House for approving my name, that Committee being the first ever Mediation Committee of the Eleventh Parliament which is composed of the two Houses. It was really a humbling experience to rub shoulders with eminent politicians such as Kiraitu Murungi.

It was an interesting experience in the sense that as we debated the original Bill in this Parliament and rejected it, Members had voiced a lot of issues on the Bill. However, when we got to mediation, we took the spirit of the term “mediation”, which is trying to find a solution when there is a problem. In this case, there was an impasse and so we had to find a middle ground and see whether we could move forward. The hon. Chair, while moving the Motion has said most of the things. So, I will look at the other overriding issues that influenced our decisions.

It became very clear that while the law had provided for the governors to convene such meetings most of them, if not all, had avoided that completely. In the process, it showed that there was disconnect between what was happening and what was supposed to happen or what was expected to happen. The Senators felt that being tasked with the responsibility of taking care of the counties, it was very difficult for them to do so when they did not know what was going on in the counties. Most of the governors had left them out despite the law stating that they should be included. This will give all elected leaders a chance to participate in what is going on in the county.

In this National Assembly, we were mostly worried because we did not know whether it meant that we were usurping the roles of the governors by forming this board. However, from the amendments that we moved, this board now becomes more like an advisory board rather than an implementing board. It is more of an advisory board so that both sides can be advised as to what needs to be done and what is going on as the Mover had explained. When these issues came to light, it showed that there was no ill motive in this Bill. If we passed the amendments that we had agreed on then the motive would be a genuine one meant to move the country forward

Hon. Speaker, if you look at the budgets of the county governments, you will find that there are still some gray areas. It was felt that perhaps this is happening because most people at the county level have not internalized the Constitution which talks about public participation. Public participation in this case can be done by the elected leaders who are

the Senators and Members of the National Assembly. So, we felt that this will be a very good avenue for us to see the fruits of devolution.

It is disheartening that you would go to some counties and find people asking questions about devolved functions. They ask either the Senator or the Member of the National Assembly those questions and they have absolutely no answers. So, you start looking like a fool who does not know what is going on. So, this forum will accord the Members a chance to participate in what is going on. It will be a very good forum for the Members of the National Assembly because one will know which areas to expend his or her CDF on and which areas not to expend his or her CDF on. Although they are devolved functions and so on but we know even when all functions were national, the CDF was a major subsidy to the national functions. There is no reason why we cannot work in complementarity with the national Government and the county governments to ensure that our people get the best services possible through the two funds that are now clearly devolved to the grassroots.

Hon. Speaker, with those few remarks, I beg to second the Report.

Thank you.

*(Question proposed)*

**Hon. Speaker:** Hon. Members, I wish to draw your attention to the specific provisions of Article 113 of the Constitution as we debate. This becomes clear even to Members of Parliament in the other House. As you know, everybody is a Member of Parliament. I have never found distinction between Members of Parliament in the National Assembly and in the Senate; we are all Members of Parliament. Indeed, even the Speakers ascribe to being Members of Parliament. Specifically, Article 113 of the Constitution provides as follows--- I am doing this deliberately so that we know the steps we are going to take depending on which way you resolve this Motion. Article 113(1) states:

“If a Bill is referred to a mediation committee under Article 112, the Speakers of both Houses shall appoint a mediation committee consisting of equal numbers of Members of each House to attempt develop a version of the Bill that both Houses will pass.

(2) If the mediation committee agrees on a version of the Bill, each House shall vote to approve or reject that version of the Bill”.

Hon. Lessonet, I wish you paid a little attention because ole Sakuda will tell you about land in Kajiado County very soon.

“If both Houses approve the version of the Bill proposed by the mediation committee, the Speaker of the National Assembly shall refer the Bill to the President within seven days for assent.

If the mediation committee fails to agree on a version of the Bill within thirty days, or if a version proposed by the committee is rejected by either House, the Bill is defeated.”

Hon. Members, as we debate this particular Motion, it is important that we pay attention to this because it is a product of a committee that has been selected from both



Houses and we are now getting the Report from our own membership to that Committee with their recommendation.

I will follow the way you have put your requests. You may have put your requests for some other purposes, but I am just following what is here.

**Hon. (Dr.) Pukose:** Thank you, hon. Speaker for allowing me to contribute on this Motion. First and foremost, I want to thank our colleagues, hon. Chepkong'a, hon. Dr. Eseli Simiyu, hon. ole Metito, Senator Wako and others for work well done. They sat down and agreed. As you have read Article 113 of the Constitution it is right, had they not agreed we would have lost this Bill. It is important that they have submitted this Report. I remember we debated this issue so much last time. This is a very important forum for us because, as put by hon. Dr. Eseli, it gives Members an opportunity to be part and parcel of the various developments in their counties and constituencies. Today we are in a position to look at how much each constituency has been allocated in terms of the CDF. This will then give us an opportunity to budget and look at the areas where we can supplement both the national Government and the county government. That way, our people will realize development in the constituencies.

Hon. Speaker, without belabouring the point, I support the Report by the Mediation Committee.

**Hon. Mulu:** Hon. Speaker, let me also take this opportunity to thank the pioneer Mediation Committee. It is good that this Committee was able to agree. I have read this Report and I realize that some of the issues we had raised as National Assembly, we were told have been taken care of, although that does not seem to appear in the Report. When we discussed this Report there was the issue of ward committees and constituency committees. I am happy that those have been done away with. Had that not been taken care of then I would have objected to this Report. But now that that has been taken care of, I support the Report.

**Hon. Speaker:** Hon. Mulu, without interrupting you, what did you say? I did not quite understand you. How did you establish that it has been taken care of?

**Hon. Mulu:** Hon. Speaker, what the Chairman is confirming to me is that the constituency committees and the ward committees are no longer part of this arrangement. That being the case, I am happy to say that I support the Report. When you look at the CDF Act, 2013 and specifically Clause 36(1) there is a clear provision of what we call the County Projects Committee. It is expected to serve the same purpose as this Committee where people are expected to sit and share information. As a result of sharing information, we will avoid duplication of efforts so that we do not have projects which the county government is planning for and the CDF is also planning for. This brings about conflict in terms of implementation. Once those two levels have been done away with, I think this is the kind of board I have been looking forward to. This is a board in which we will sit as elected Members of Parliament together with the governor and his team. We will then make inquiry, for example, in a particular county we will ask what their key priorities in terms of projects and programmes are. Out of those key projects and programmes we will be able to identify which projects or programmes need to be undertaken by the county government and at the same time agree on which projects and programmes should be undertaken by the CDF. With that agreement, I can promise that

almost all counties will get value for their money and our people will benefit out of these interventions.

Hon. Speaker, the initial fear of Members of Parliament taking the responsibilities of Government should not even have been there! I was elected by the good people of Kitui Central. The same people elected the governor, Senator, and the County Women Representative. One person voted for six different individuals. One would say, "I am voting for you so that you address my priorities in terms of needs." It is important that the six leaders who were elected, irrespective of where they sit--- The truth of the matter is that Kenyans do not care where you sit. What Kenyans want is that at the end of the day they are able to access water and good health services. They want to drive on good roads and take their children to school. The elderly want to access their stipend which is given by the Government. If we think that way ourselves then this Report becomes very important. That is why I am saying that the Mediation Committee has done a good job for this country. We will now be able to sit. There is a law forcing the governor to sit with Members of Parliament. This is the challenge we have been having whereby the governor refuses to sit with a Member of Parliament to plan issues. Governors tell us to think about activities to be undertaken at the national level. It is as if you were not elected by the locals. With this law, I believe enforcement will be ensured and within the first 60 days, we will have the board in place and Members of Parliament both in Senate and National Assembly, the governor and others will sit and plan together.

It is also important to note that there are other levels where development is being discussed. For instance, we have the NGOs which are doing a lot of work in the counties. As the Chairman said, there are also technical officers who can help this board in terms of technical work. As we form the proposed board, we will have a free hand to make sure that those people participate. Even if it is through cooption, we can bring them on board, so that we can benefit from their expertise and experience.

Hon. Speaker, given the composition of the proposed board, and the fact that we have done away with the constituency level and the ward level, which would have raised a lot of issues to do with costs of the board, I support the Report.

**Hon. Speaker:** Yes, hon. John Waiganjo!

**Hon. Waiganjo:** Thank you, hon. Speaker, for giving me an opportunity to support this very important Report.

Hon. Speaker, we were a little sad when this amendment Bill was lost on 6<sup>th</sup> March, 2014, when it came to this House. A cursory look at the appendix attached to this Report shows that most of the matters on which hon. Members raised concerns have been addressed. I would like to congratulate the Mediation Committee for their very good job.

We have exceedingly seen the governors alienating even the Senators, notwithstanding the fact that the Senators are mandated by the Constitution to oversee the counties. This Bill seeks to give Senators the powers they need in order to exercise their mandate in the counties by even making them conveners of board meetings. The salient features of this amendment Bill is, obviously, the establishment of the County Development Board, which is lacking in the mother Act.

Hon. Speaker, of course, the functions of the County Development Board, and most importantly the *modus operandi* of the boards, is well spelt out in this Bill. The last

part talks about the penalties. Without provision for penalties, a governor may decide not to even convene the board. Of course, making the governor the vice-chairperson of the board is good. The governor is the Chief Executive Officer. To expect him to sit as the chair of the board would have been a challenge. At the same time, to make him a secretary would seem to alienate him.

I am a little sad about this Bill though. The mother Bill that we rejected had attempted to say that the County Woman Representatives would be the vice-chair. This Bill is silent on the vice-chair. It does not say who will elect the vice-chair. That bit has been left hanging. I would have wanted to see a situation where it has a clause to say that in their first meeting, there would be an election of the vice-chair. Nevertheless, the inclusion of the Member of Parliament in this Bill is very important.

Hon. Speaker, we have been running our sub-counties without the benefit of information from the county government. We have been running our respective constituencies without a word from the County Ward Representatives on what they are doing with the money allocated to them by the county governments. The governors have completed locked out Members of Parliament in the management of the county affairs.

So, this is a Bill we cannot afford to lose. We need to pass it, so that we can share information and be able to play oversight at that level. Previously, a Member of Parliament would ask questions on what was going on in their constituencies on matters related to the county and he would be told to go to the national Government. Just as my colleague said, we are representatives of the people. We represent people, and not counties.

Hon. Speaker, the people of Ol Jorok, for instance, would ask me questions related to development of roads in that constituency but when I ask for an audit of how much money has been spent on which roads in the constituency, I may not get the information. Sitting in the proposed board will enable me to get the information first hand. In any event, freedom of information is a human rights issue. Information is power as well.

So, this is a Bill which will also bring equality between sub-counties of a particular county. Constituencies within a county will get equal allocation of resources and development. Some governors would want to skew the allocation of resources and channel more resources towards the constituencies they come from or where they got solid support. The proposed board will serve as a consultative forum. Therefore, we will be able to know how much money has been allocated to which constituency.

Hon. Speaker, I also note that the Bill includes the County Secretary as the secretary of the board. Given the need to properly involve the governor and his team in this forum, the Bill has taken to mind the need for the governor to own the board. The governors must know that the boards are not coming to alienate their positions. They must also know that the boards are not coming to contradict the constitutional provision on separation of powers.

We are not in any way coming to dictate to the Executive at the county level, or even contradict the county assemblies. We are only interested in fulfilling the constitutional mandate. That is provided under Article 6(2) and it clearly states that this is a law that is being made to comply with the Constitution. The governments at the national and county levels are distinct and inter-dependent, and shall conduct their mutual

relationships on the basis of consultation and cooperation. So, this Bill seeks to enhance implementation of the Constitution. It seeks to involve all the elected leaders in every part of this country to work for the welfare of the people who elected them.

Hon. Speaker, the outstanding issue is the quorum. The quorum for constitution of the board has been put at a third, instead of a half, for obvious reasons. The boards would be crippled if county government teams choose not to attend its sittings because they probably do not want to disclose what they are doing within the counties. They would simply deprive the boards of quorum. With the quorum set at one third of the membership, board meetings will take place easily.

I would like to conclude my contribution by saying that the principal Act had not provided for penalties. So, this Bill will make us all sit and discuss matters of our counties. I urge the membership of this House to realise that this is the best next thing that has happened after the sliced bread.

Hon. Speaker, with those remarks, I beg to support.

**Hon. Speaker:** Yes, hon. M'eruaki!

**Hon. M'uthari:** Thank you, hon. Speaker. I rise to support this particular Report by the Mediation Committee. I thank the Members of the Committee for their good contribution and listening to the suggestions given to them by hon. Members.

In my opinion, this is a very good Bill because it will create harmony, in terms of development. We are aware that the leadership in many counties has no space for elected Members of the National Assembly. So, by having the space stipulated in this Bill, we will at least have a forum for elected Members of the National Assembly to contribute towards what is happening within their counties. In the process, they will still be within the mandate of representing the people at the constituency level.

At the national level, there is the question of equalisation. At times even at the county level, it may happen that the issues of marginalised areas may not be properly represented. So, the space being provided by this particular Bill will make it possible for hon. Members to make their contribution and have their voices heard. More important is the fact that the establishment of the board proposed in this Bill will provide an opportunity for the county leadership to share broader knowledge and have an understanding of what is being planned and what is being implemented within the county.

This will reduce duplication of efforts. At times there are duplication of efforts at the county level, where national level projects are supported through the Constituencies Development Fund and the county governments. So, awareness of what has been planned will create an opportunity for voters to have value for their money. Even if there are disconnects or disagreements, or where leaders may have different shades of opinion, the space being created by this Bill will create an opportunity for the wider county leadership, including Members of the National Assembly, the Senators, the governors and County Women Representatives to listen to each other with a view to addressing the concerns of the people they represent.

Given the fact that some of the elements that would have created duplication of efforts are being removed, this Bill will do this country some good. It will also give the Senators the space and the opportunity to have broader knowledge of the counties they represent at Parliament. Even at that level, if they are not given space, it becomes a

problem for them. I support this particular Bill so that it can create harmony within our counties and share understanding and information as far as development is concerned.

Thank you, hon. Speaker.

**Hon. Speaker:** Hon. (Eng.) Gumbo.

**Hon. (Eng.) Gumbo:** Thank you, hon. Speaker. I want to thank you for giving me the opportunity to support this Motion. From the outset, I support it merely because some of the issues that we strongly spoke about, when the original amendment of the Bill was brought here have been taken into account.

Each one of us in this House comes from a constituency and county. We have had very unique problems in our counties and some are actually problems that seem to pop up almost in every county in this country. A lot of us even at individual levels have made attempts to try to set in motion ways of coordinating issues that affect our counties. But it has been very difficult and some of the impediments include the attitude of some of the people whom we have elected in the counties. I dare say here that in some cases, it has appeared as though some of the people we elected as governors in our counties actually suffer a crisis of confidence.

This is a major impediment to matters that relate to the progress in general of the counties, development being one of them. The fact that we are able to unanimously come forth with an amended version of this proposed Bill, clearly is a good step in eliminating what has been appearing as petty dog fights between the two houses of Parliament. This country needs the two houses to lend synergy and effort to each others' contributions where possible so that our country may move forward.

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

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

In that respect we have done well because the original version of the amended Bill really had issues as I had said earlier. Of course, now we have a forum where we can coordinate development projects in the counties. This is a good step in the right direction because we all know that in our respective counties, there are projects which emanate directly from the national Government and those which are strictly initiated at the county, constituency and ward levels. Sometimes, trying to coordinate the projects has become a problem and sometimes ridiculous crashes do occur.

Recently, we were considering some roads at the constituency level and it occurred to us that the same roads which we were thinking about had also been considered at the county level. But what was glaring is that while at the constituency we had provided some amount of money to construct the road, the provision that had been made at the county level was almost ten times. So you begin to wonder why such a glaring disparity.

If we can have a forum like this, these are some of the impediments that we are going to eliminate. Having said that, I am happy with the current amendment where we are now putting the governor as vice-chairperson of this coordination committee. It is very important because some of the things that have been happening in our country

sometimes appear plainly ridiculous. I do not know - maybe my county is no exception - whether some counties in this country ended up with the wrong people as governors, because some of the things they do plainly appear laughable.

The other day, I saw a governor with an Aide-de-Camp, somebody who was looking more like a scarecrow. Sometimes I wonder, what does one gain by doing things like those? This is a good point, to strike a balance in the manner we have. Seriously, as a county and even as we forge ahead - hoping that we will approve the amended version of the Bill as per the mediation team - we have to be candid with each other. We really either must look at the role of the Senate as currently constituted or ask ourselves fundamental questions. At a point in the life of a country, you must ask hard questions and sometimes, I have asked myself, what would happen in Kenya today if the Senate was not there?

If we agree that we need the Senate, then really we have to relook at the role of the Senate. Some of us tend to agree that in its current form maybe the most glaring contribution that the Senate adds to the people of Kenya is to increase the wage Bill. I do not think that is the sought of role that we want to live with. We have to decide as a country as we move forward if we need this House. A lot of people think we do not, but if we really do need it then candidly we have to have a reassessment of its role. I am not in anyway trying to have a condescending view of our brothers and sisters in the other House. I am only saying the Constitution is currently framed in a way that makes it look like the country can do without the Senate.

So, we either decide that we need that House and give it powers that will make it truly relevant. The truth if said there are some posts in the Senate which are clearly unconstitutional, if you read the Constitution. We have posts like the Leader of Majority Party and the Leader of Minority Party. Where do you find this in the Constitution? These are things that we have to audit, look at and talk about because refusing to talk about them is refusing to acknowledge that there is a problem with our constitutional framework. We have a problem that we have put upon ourselves.

Hon. Speaker, as I move to close, I have seen a proposed amendment to Clause 91(c)---

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Member! Hon. Njagagua, what is it?

**Hon. Njagagua:** On a point of order, hon. Temporary Deputy Speaker. Is the Member in order to actually say that some offices in the Senate are unconstitutional, especially that of the Leader of Majority Party in the Senate? We know in the parliamentary system in the Commonwealth, there are positions that are given to certain members. How are we going to move Motions in the Senate without a Leader of Majority Party? Do you want hon. Duale to go to the Senate to be reading Government business there? Is the Member in order---

**The Temporary Deputy Speaker** (Hon. Cheboi): Well, just proceed. I think you have made your point. He is entitled to his own opinion.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, I am not a lawyer but I have not seen anywhere in the Constitution where it says that you can inferentially create offices.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Lelelit, what is it?

**Hon. Lati:** Hon. Temporary Deputy Speaker, Article 108 of the Constitution of Kenya only recognises one Leader of Majority Party. It is the same way it recognises the President and the Deputy President. So, I think the Member is right. You can call the leader of the Senate anything else. You can call him a team leader, prefect of the Senate or anything but you cannot call him Leader of Majority Party. It is not in the Constitution of Kenya. Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Lelelit! You see, you have actually decided to give information to the Member which he has not solicited for and you did not ask for his permission.

Proceed, hon. Gumbo. I am giving you only a minute because you had a minute left.

**Hon. (Eng.) Gumbo:** Thank you, hon. Temporary Deputy Speaker. I respect hon. Njagagua. He is a good lawyer but I do not believe that anywhere in the world you can create offices inferentially. The offices are not provided for and I stand by my word.

Hon. Temporary Deputy Speaker, as I conclude, I think the proposed amendment under new Clause 91(c) is unnecessarily too stiff. The nature of envisaged obstructions and hindrances are not clearly spelt out and I would think that as we move, the Constitution is not clear whether or not a mediated version can be amended. However, if it can then I would think that these proposed penalties are too stiff and we should look at a way of amending it to bring it to conformity with reality.

Hon. Temporary Deputy Speaker, with those remarks I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Let us have the Member for Turkana South.

**Hon. Ekomwa:** Thank you, hon. Temporary Deputy Speaker. I rise to support the Report of the Mediation Committee. The nation is comprised of counties. We all belong to counties. We are seated here as Members of Parliament but at the end of the day we have to go back to our counties. The way we organise ourselves in the counties also determines our integrity in the National Assembly.

Hon. Temporary Deputy Speaker, I want to support the recommendations made by the Mediation Committee. I recommend that it should be permanent and be addressing pertinent issues that concern both the Senate and the National Assembly. I also recommend that instead of running for the national dialogue we should also use this Mediation Committee to handle issues that are pertinent to this nation. We should actually tell this Committee to handle issues that are supposed to be handled in the national dialogue.

Hon. Temporary Deputy Speaker, I support this Report because it was not necessary to have the old committee and the constituency committee. We were only supposed to have a county oversight board. Kenyans are very keen. The Kenyans we have nowadays are not the Kenyans we had in 2007. Kenyans are now very wise and for us to convince our voters, the first thing they want to see from the leadership is unity. Are leaders united and are they working together? Are leaders actually addressing their issues together? So, this oversight is an emblem in a county that affirms that leaders are working together; they can sit down and they can address issues that are very important in the county. It is not actually logical for us to take back money to the county and we do not oversee how these funds are used.

Hon. Temporary Deputy Speaker, I think it was just last week when the Cabinet Secretary, National Treasury, read the Budget. I want to tell hon. Members of Parliament who are here that this is my first time to be a Member of Parliament but I have an experience that every time we have these funds, they remain at the national level. As a Member of Parliament, I am not very keen to know how the national funds are actually used in the Ministry but I am very keen to know how money is being used in the county. So, it is even better to take 90 per cent of the national Budget to the county rather than just leaving it at the national level and I do not know how it is actually used.

This oversight board is very necessary in the county because there are so many problems in the county. A county like Turkana has innumerable problems. So, if leaders cannot sit down and prioritise their needs and make sure these funds that have been allocated to Turkana County go to the right needs, we will actually be misusing these funds.

Hon. Temporary Deputy Speaker, secondly, it is better to be led by one lion than by 100 rats. This is what I mean: In a society like Kenya we need strong leaders. These are leaders who can be very authoritative.

*(Loud consultations)*

I think you are being distracted by the consultations. I will repeat this statement. It is better to be led by one lion than by 100 rats. This is what I mean: In a corrupt society, you need a strong legislator. That is someone with authority and someone who can give direction. If we cannot have strong leadership, leaders who can stand firm and say “Let these funds go to water, health services and to address hunger”, then we will never see the impact of devolution since funds will be misused.

So, hon. Temporary Deputy Speaker, I support this Report 100 per cent. The only thing I oppose is the idea that the Senator will be the chair. I can also be the chair. It does not mean that if you are the Senator or governor it is automatic to be the chairman. No. In fact, it should be mandatory that the Member of Parliament in the National Assembly should be the chair because he or she represents people nationally. We should leave it open. We should meet as Members and choose a person of integrity who can lead. My wife can also be the chair of my family if she deserves. So, I think that is where we are differing. It should be open.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Member for Turkana South, you see we are discussing a Report that is before us and it is stating specific facts. So, the facts that you are stating are probably wishful thinking because we have facts here which we are discussing. This is a Report and I do not see a way in which we are going to amend it now. So, when you say that you are supporting it, you are supporting it aware of the facts. Probably you are saying that would be the situation you would wish but the Report is stating a different fact. Proceed.

**Hon. Ekomwa:** Hon. Temporary Deputy Speaker, although I support I have a privilege or a right to refuse what is not necessary so that the other Members who will contribute can also oppose on that aspect or we can still amend it. So, I support.

**Hon. Gichigi:** Hon. Temporary Deputy Speaker, I rise to support this particular Report. When the original Bill was handed over to this House by the Senate, I was one of



the Members who opposed it. The issues that had led me to oppose it have been mostly addressed by the Mediation Committee and so I wish to commend them for doing a good job.

To me, this is a clear indication that our Constitution is working. This is the first time this Constitution has been tested and luckily for us it has worked. I thank the Mediation Committee. Further, I am happy that finally the Senators are getting something to do in recognition of the fact that they were elected by a huge electorate. I am happy that they can get a forum to participate in matters of development in the counties and in this country.

I am also happy that this Bill is going to create cohesion of the leadership in the counties. We will also be given a chance to execute our oversight role as Members of the National Assembly and Senators over usage of funds that are given to the counties. The Constitution is very clear. One of the roles that Members of Parliament, including Members of the National Assembly, are expected to play is oversight over national revenue and its expenditure. Literally, all the money that the counties are currently using is their share of the national revenue which this House has decided on. It is our work also to go and see that, that money is being properly utilized. I am hoping that the governors do not feel undermined by the creation of these boards. The truth of the matter is that they are the ones, under the proposed amendments, who are going to come up with budgetary proposals. They will also come up with work plans for the counties; that is not the work of this board. Ours is to ensure that the proper thing is being done. I am also happy that what the national Government is doing in the counties and what the counties are doing in terms of development projects is now going to be harmonized so that we do not have duplication or omissions in certain areas.

Hon Temporary Deputy Speaker, one of the main reasons why I was opposing the original Bill was because of the creation of unnecessary entities, especially the sub-county boards and the ward development boards. Even as Parliament, we have been lamenting about the escalation of recurrent expenditure in many institutions that are being created in this country. I was looking at the Bills tracker and the Bills that are pending before this House; I noted that 12 of them are attempting to create new State agencies, each one of them with a board, a CEO, members and some civil servants. My concern is that we need to be very careful. I am, therefore, happy that this particular agreed version is removing those unnecessary bodies and leaving one board that is supposed to oversee and harmonize development projects in the county.

The other question that I will be asking once this board is constituted is: What is happening with the intended revenue that is supposed to be raised by the counties? Where I come from, Nyandarua, the story is that they are not even raising half of the revenue that our very inefficient local authority was raising. Their focus is so much on the national revenue that they have forgotten that there is money to be collected in the counties. I am aware that this is happening in all the counties. So, it is important that those issues be raised.

As I wind up, I am going to say that this is a law that is going to help the implementation of devolution and I am hoping that we will not get problems implementing the new Constitution. We have been creating institutions that permit resolution of our disputes. This is one of them. We have had problems because Members

of Parliament are complaining that they have no forum to discuss issues with governors. We do not have a chance to dialogue with the governors. This board will give us a chance to dialogue with them. I am hoping that every person in this country is going to take advantage of the constitutional and statutory organs and institutions that the law has created to dialogue; not go to the streets and dialogue with microphones. Let us take advantage of these institutions including this one.

With those few remarks, I support.

**Hon. Korir:** On a point of order, hon. Temporary Deputy Speaker. Considering the interest of hon. Members in this Bill, I would like to suggest that we reduce the time of contributing to about three minutes so that we all share.

**The Temporary Deputy Speaker** (Hon. Cheboi): Fortunately, hon. Members will make that decision themselves. The only thing I will do from the Chair here is to inform hon. Members that we have 50 minutes to debate this particular Bill, otherwise at 6.00 p.m. we shall be moving to the next Order. So, it is up to hon. Members to make a decision. I think hon. Korir has made a request which I am going to put to hon. Members to make a decision.

*(Question for the reduction of  
debating time, put and agreed to)*

**Hon. Korir:** Hon. Temporary Speaker, since I have the microphone, let me just continue.

**The Temporary Deputy Speaker** (Hon. Cheboi): No, you will have to queue like everybody else. Let me give hon. Omulele three minutes.

*(Laughter)*

**Hon. Omulele:** Thank you hon. Temporary Deputy Speaker for giving me an opportunity to speak to this very important Motion. From the outset, I would like to say that I support this Report. We have witnessed in this country - and I think all my brothers and sisters in this House are witness to this - the fact that governors are running the counties without any consultations with Members of Parliament, both the Senate and the National Assembly. As has been said, this is contrary to the express provisions of Article 6 of our Constitution that requires that matters that affect the counties must be done in consultations with those levels of leaders. I am happy to stand here today and say that I support this Report from the Committee on Mediation. I have looked at this Report and I have noted with a lot of satisfaction that it meets the requirement that we should have public participation in matters of development in the counties. This really is in line with our Constitution. I am also happy because the forum for discussion of matters concerning the counties will provide a platform where the plans that Members of Parliament make in their constituencies are also brought in line with those that affect the whole county. So, this really is the way to go and I would like to say that this is a Bill that we cannot afford to lose. It is very important for our country in going forward towards developing this country in a cohesive way. The only concern that I would have would be the question of what would happen in case the county assemblies have a

different opinion from the advice that those platforms would have given. I think we need to think about that as we go along. Thank you, hon. Speaker, I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Let us have Member for Gatanga.

**Hon. H.K. Njuguna:** Thank you, hon. Temporary Deputy Speaker. I rise in support of this Mediation Committee Report and the Bill. I would like to say, right from the outset that today, if this Bill was in place, I would not have wasted my time to go to my governor. It is very unfair to appear before your governor and appear like a stranger, when you are talking on issues about development. Therefore, I see this Bill as a proper medium to propel development in the county. We must accept as much as we support devolution, it has had its own challenges. This Bill is a way of auditing some of those challenges. One of the biggest challenges of devolution has been the way development has been implemented in our counties. As elected leaders, there should be consultations and agreement on the development agenda and that has been lacking. Therefore, this Bill is very timely and I wish to thank the Mediation Committee for a job well done. That is because this is a proper forum where all the elected leaders, Members of Parliament, Senators, governors and all those that have been suggested in the board are going to put their minds together, consult and create harmony in the development agenda of the county. They should avoid duplicity of development in the counties and constituencies. Without fear or favour, this is a very good Bill because it is going to bring all the elected leaders together and provide the necessary forum so that there is no more antagonism where Members of Parliament are seen to be interfering with the county agenda and we would be able to play our oversight role in the board. Towards that end, I support this Report and the Bill.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have the Member for Kipkelion East.

**Hon. Limo:** Thank you, hon. Temporary Deputy Speaker, I rise to support this Mediation Committee Report. Initially, I had supported it with amendments and already, we had prepared some amendments if at all it could have gone to the Third Reading. But now that it has come back with the amendments where the wards and sub-county boards are now removed, it is now a good forum especially for discussion on development issues and any other issues which affect our people in the county. One of the key challenges of devolution is the failure to implement it in the right manner. That is why we have several challenges including even on health. Due to the rush which, unfortunately, our governors acted in a way portraying themselves as though they were prodigal sons; that they wanted to take everything at a go, now we have a lot of challenges in the health sector. We lacked the opportunity to discuss those pertinent issues with the governors and the leadership of the counties, including the representatives from the county assemblies. Now that this Report has come, it is actually upon us as Members of Parliament to support it, so that we have a serious opportunity to harmonize our development agenda. We will implement several projects that are funded by the national Government and the Constituencies Development Fund. We will really harmonize and ensure that the people of Kenya and the people of our counties get value out of the projects that have been initiated. For the last one year, we have been getting into a lot of trouble trying to find out what the county governments will be implementing. In most cases, we only got away

with duplication by sheer luck; that is, if we had good relations with the county executives and, probably, the governors and MCAs. Otherwise, it has been very difficult. We get most of the information informally. Therefore, this Report is very timely. We support the amendments which have been done in the Bill and brought here by the Mediation Committee. You realize that the Constituencies Development Fund is an intervention measure which supplements what the national Government and county governments are doing and, therefore, it is important that we really get information, sit together, and work together in the spirit of the Constitution.

**The Temporary Deputy Speaker** (Hon. Cheboi): Your time is over. I am having a problem with my left side, but I will take the liberty of giving the person who is third on the list, that is hon. Wanyonyi of Kwanza. Unfortunately, he is not there and so, I will look for another person on my left. I do not know why there is no interest on the other side. So, I will give hon. Ichung'wah.

**Hon. Ichung'wah:** Thank you, hon. Temporary Deputy Speaker---

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Members! I am following the list here and the unfortunate bit is that I am trying to balance. But the interest on this other side is a bit--- I am looking for the names from here.

Proceed, hon. Ichung'wah.

**Hon. Ichung'wah:** Thank you, hon. Temporary Deputy Speaker. We appreciate your balancing act, although you may be aware that many of our friends from the left side of the Speaker are busy preparing for whatever they want to prepare for, in the coming week. Straight to the Bill, let me say, like many of my colleagues that, indeed, from the outset, even when this Bill first came, I did support it with amendments that were especially touching on---

**Hon. Cheptumo:** Hon. Temporary Deputy Speaker---

**The Temporary Deputy Speaker:** Order! I am trying not to interfere with Members because the time is too short. Hon. Cheptumo, I will give you a chance to contribute rather than interfere with the hon. Member.

Proceed, hon. Ichung'wah.

**Hon. Ichung'wah:** Thank you, hon. Temporary Deputy Speaker for your intervention.

From the outset, I support this Bill. The agreed version after mediation is even better because some of the considerations and reservations that we had on the ward and sub-county development boards have been removed.

When I supported this Bill initially, I said that the board was simply providing a forum at the county level for consultations and co-ordination between the national and county governments. I must be quick to note that what has been lacking in many of our counties is simple consultations. That is because many of our governors probably feel that they must run the county governments as small fiefdoms that they own.

It will be to the benefit of the people we represent if that board is established. It will create a forum where we can consult and co-ordinate development work. That is particularly so when the board will be chaired by a senator. That is very instructive because Members of Parliament both at the Senate and the National Assembly level are the people who are more in touch with the common *mwananchi* at the constituency and county levels. That is more than even the chief executives who are the governors.

Hon. Temporary Deputy Speaker, Members of National Assembly, Senators and County Women Representatives do not have an opportunity to know the development projects that the county governments are implementing on the ground.

I have seen instances in Kiambu County - which is my county - where a road is done at the constituency or at the sub-county level by the Constituency Roads Committee. The road which measures about five kilometres is probably allocated about Kshs3 million and yet, the money can only cover four or three-and-half kilometres. What many of those crooked governors do is to come and do the one-and-a-half kilometre that was left by the CDF and put up a sign board that the project was implemented by the county government. With a forum like this, people will co-ordinate and know what projects will be taken care of at the county level, by the CDF and Government funds. This will be an opportunity for our people to know who are working and who are not.

Hon. Temporary Deputy Speaker, because of time I support this Bill in its current version. I truly say that this is the best thing that will happen in the era of devolution. Those counties - like my county, that were about to lose out on the benefits of devolution have now an opportunity to reclaim that glory of devolution. Those counties will enjoy the true fruits of devolution.

Thank you, hon. Temporary Deputy Speaker.

**Hon. (Prof.) Nyikal):** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to contribute. I support this Motion. I would like to say two things. There is urgent need for harmonization in planning, implementation and even monitoring projects at the county level. I know what is proposed is advisory. However, it will make a big contribution in harmonizing and co-ordinating that. Right now, there is a lot of duplication.

Hon. Temporary Deputy Speaker, there is even the issue of the budget. I have said here many times that there is need to harmonize the budget process at the county level with the budget process at the national level, so that when we come to the division of revenue, we have facts on both sides. Therefore, we can make a clear decision so that we do not get into a situation that we have got ourselves into now.

Again, we need to have political harmonization. That is because there is unnecessary competition at the county level, while we are all serving one people.

Finally, there is the County Projects Committee in Section 36(1) of the CDF Act. If you look at them, you will find that there is a lot of similarity in the membership and functions. We need to look at this and see whether there will not be either competition or duplication or a way that the two can run harmoniously. Those two aspects are very important.

Hon. Temporary Deputy Speaker, I beg to support.

**Hon. Cheptumo:** Thank you, hon. Temporary Deputy Speaker for giving me a chance to contribute to this very important Motion.

We are implementing our new Constitution. The new Constitution introduced a new system of governance in our country so that today we have the county governments and the national Government. Indeed, this is a new structure. We have challenges currently arising from the new system of governance. One of them is the issue of leadership. We have Members of the National Assembly being leaders who represent the people, while the Senators represent the interest of the counties.

Members of the National Assembly are not participating in the very critical role of ensuring that resources at the county level are evenly distributed. Therefore, the board that is being created under this Motion is critical because it will bring together leaders of our counties.

For example, if you look at the composition of the board, you will find that it is inclusive. That is because right from the Senator all the way to other leaders in the county, they will all participate in the decision-making process.

Hon. Temporary Deputy Speaker, the challenge we have today is the fear of the unknown. The governors fear that if Members of Parliament participate in this forum, they will face a challenge. So, it is fear that when we come together, they are likely to be over-shadowed by either the Senators or the Members of the National Assembly. We need to look at this in terms of the welfare of our people.

We were elected to represent the people and it is critical that we become part and parcel of the process. For example, a senator is a very important leader in our country. That is because currently, in an area like Baringo where I come from, there are issues that touch on security, boundaries and so on. That is where---

**The Temporary Deputy Speaker** (Hon. Cheboi): Your time is over! Let us have hon. Njagagua.

**Hon. Njagagua:** Thank you, hon. Temporary Deputy Speaker for giving me this chance to add my voice on the County Development Board. From the outset, let me say that I support this Report by the Mediation Committee.

I congratulate Members of the Mediation Committee - this being the inaugural oversight Committee to have sat to resolve the disputes between the Senate and the National Assembly. We know that last year, some money was budgeted and sent to the governors. But as we sit here in this Parliament of about 349 Members, I do not think 10 or more Members know what that money did for their counties.

This year, we have allocated about Kshs226 billion to the counties. We must now sit in those County Development Boards, one, to oversee the usage of that money and, of course, as a people's representatives, to see how that money is best used for the people.

Hon. Temporary Deputy Speaker, many hon. Members have said, without exception, that all the governors have excluded them from knowing what is going on in the counties. It is as if Members of Parliament do not come from those counties. Like I have said before, we are Members of Parliament and our role is oversight, representation and legislation. Above all, we are the peoples' representative and the more reason why we should sit in the County Development Board to make sure that the money that is allocated to the counties is well used to benefit the common *mwananchi*. When we sit in those boards, again, we shall compare notes so that we do not have overlaps or duplication of development projects. That is because the governor will come up with his own issues and I will also come up with my own development agenda and then we will work harmoniously.

**Hon. Mwadime:** Thank you, hon. Temporary Deputy Speaker. From the outset, I would like commend the Mediation Committee for coming up with these recommendations. In forming these boards, actually, they will foster harmonization in all aspects of the counties, sub-counties and wards' affairs. This will also enhance teamwork and break communication barriers amongst the county leaders. The boards will

synchronize what the left hand is doing with the right hand that is, what the county governments are doing and the national Government. This will provide a forum where leaders can identify exactly what legislation is needed at national level and county level for the benefit of the entire country.

Although the formation of those boards will absorb some county funds, in weighing both the merits and demerits, the merits outweigh the demerits. Forming those boards will extend the oversight role of Members of Parliament nationally. At the moment, it has not been put openly in the Constitution; it is not clear. Therefore, those boards will bring unity among the leaders and, hence, development.

Hon. Temporary Deputy Speaker, with those few remarks, I support.

**Hon. Oyoo:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to speak to these important amendments. I would like to support the amendments given by the Committee that we gave the mandate to do mediation. I believe Kenyans had very high expectations out of devolution. I want to support the Government for trying as much as it could to devolve most of the functions and give substantial amounts of money meant to cushion the poor *mwananchi* in the grassroots. However, unfortunately, the dreams of many Kenyans have been shattered by the governors who have not interpreted correctly the intentions of *wananchi* who have been craving for devolved systems. There are serious conflicts on the ground. That is because in devolution, we expected governors who knew their roles and Senators would take full charge. After all, they were seasoned politicians. Unfortunately, we put in place many politicians who were semi-retired or who were about to retire or who were old and senile and so far, they have let the governors to run the show as they wish. The governors, either because of fear or because of coming into contact with their marauding MCAs who are still councillor material--- The intention was to make Members of the County Assemblies our colleagues.

Today, we have serious problems on the ground and *wananchi* have not been given proper initiation to know what devolution stands for. They still look up to Members of Parliament as being their solution. We have a lot of money voted for projects which are non-existent. A lot of that is duplication of what Members of Parliament are doing. We cannot account for the monies given to the counties. Their priority is to buy guzzlers, making endless trips and having lots of retreats which the *mwananchi* down there on the ground does not need. I think this move we have taken will help. The MPs must be called to these boards and they should be able to oversee them so that we ensure that *wananchi* have value for their money. This is a very good step and it must be implemented.

I support.

**Hon. Bowen:** Hon. Temporary Deputy Speaker, I want to support this Report. The new Constitution was meant to provide seamless leadership between county governments and the national Government. The implementation of this Report is very important because we have so far seen a lot of confusion when it comes to leadership at the county level, where Members of Parliament do not know exactly what is happening. The Constitution is very clear under Article 6 which talks about co-ordination and consultation between the national Government and the county governments. That has not been adhered to.

If you read Section 91 of the County Government Act, it says that the Governor shall provide a conducive environment in order to streamline development. We have seen duplication of development at the county level. In a constituency, the Member of Parliament allocates resources to one project and at the same time, it is allocated resources again by the county government, instead of those resources being channeled elsewhere. If we pass this legislation, it will sort out the problem of duplication of resources and provide seamless development.

With regard to the issue of flying the flag, if you read Section 4 of the County Government Act, it talks about the county flags and emblems. I think the governor is a symbol of the county government. Section 4(4) states that the county government symbol should not resemble in any way the national symbol. For the governors to go to court to demand that they fly the flag, it is completely in contravention of their own Act.

I support this Report.

**Hon. Kiaraho:** Thank you, hon. Temporary Deputy Speaker. On the outset, I must commend the Committee for coming up with this credible Report. In my view, this will set up a proper forum to propel the development agenda in our individual constituencies and by large, the counties.

Looking at the whole scenario, it is outrageous that we, as Members of Parliament, are amongst the victims. I am from Nyandarua County and I am one of the victims. We have actually come to a situation where we find that most of the development issues are being articulated and looked into details by the so called executives. As far as I am concerned, as Members of Parliament who were elected by the electorate, we are the people who are answerable to the people. I think our position gives us a very good chance to sit in the boards in our respective counties and make our contribution. Down at the grassroots, *wananchi* are looking upon us to provide leadership. That is the truth of the matter.

The fears that existed before were that Members of Parliament want to usurp the powers of the County Assemblies. That is not the case because, as far as I am concerned, this could be purely an advisory kind of a forum whereby we complement each other in terms of ideas. If you listened to most of the Members of Parliament who have spoken on this particular issue, almost everyone has an issue with how the governors take up issues in their individual counties. Once the boards are constituted, we will head in the right direction.

Hon. Temporary Deputy Speaker, whenever one says anything about devolution, you hear many people say that we want to kill devolution. That is not the case. The matters before us are weighty. Any leader who is development oriented will support this Bill.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Yes, hon. Chachu Ganya!

**Hon. Ganya:** Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to support this Report.

As I support this Report, I would like to commend the Members of this House who mediated with the Senators and came up with a good compromise.



I also want to appreciate our Senators. This Bill originated from the Senate. It was wise of them. I feel that they did a good job. I want to commend them for the initiative. They rarely get commendation on the Floor of this House.

Hon. Temporary Deputy Speaker, Members of Parliament are leaders of their counties. Most of the time, they are the most high ranking leaders of the county and yet, legally, we have no business in the counties. We campaigned with the governors and put them in office. But when it comes to actual business, as Members of Parliament, we have no mandate in the counties and yet, we are the link between the National Government and the county governments. It is, therefore, critical that we play our leadership roles in the counties.

Once enacted, the Bill will enable us to provide strategic directions in terms of development priorities in our counties. It will create a forum for leaders of the county to meet in a very formal way. By coming up with development priorities for the counties, we will be able to influence the budgets of the counties, so that the development priorities can be funded. Since we will be sitting with the Members of the County Assemblies and other leaders at the county-level, we will be in a position to build their capacities, so that they can provide effective oversight to the county governments. So, bringing the leadership of the entire county together at least twice in a year will be very critical.

Hon. Temporary Deputy Speaker, I hope that the governors will not go to court and oppose this Bill because it will add value. It will enable us to have an opportunity to strategically shape the development priorities of the entire nation by working in all our 47 counties, as leaders. The disharmony that exists between the governors and Members of Parliament is occasioned by lack of consultation---

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have hon. Cecily Mbarire.

**Hon. (Ms.) Mbarire:** Thank you, hon. Temporary Deputy Speaker, for giving the opportunity. I rise to support the Report and the amendments therein for the reason that it provides us with a forum where all of us, as the leadership at the county-level, can engage on development matters.

For the last one-and-a-half years, we have had nothing that has been happening in the counties. There has been a lot of push and pull, especially between the various leaders at the county level. Part of the reason for that is the issue of people feeling that they are not being involved in the development of the counties. I am of the view that, the fact that one is made a governor or deputy governor; another one a Member of Parliament and another one a Senator does not mean that the governors have the mandate of running the counties on their own.

Hon. Temporary Deputy Speaker, that particular board will essentially provide a forum where we can share various ideas regarding the projects that we want to undertake at the county level. We can also get to know what the left hand and the right hand are doing. Members of Parliament will have an opportunity to share with the rest of the county leadership what projects they intend to undertake at the constituency level. At the same time, we can be able to input into the development agenda of the county as a whole. That way, we will create some level of trust and unity within the counties. We can also be able to share on issues we think are critical and important to us, as leaders.

I really hope that the proposed boards will come in very soon, so that we can start sitting together. I am happy that we are no longer left at the whims of individuals to decide whether to convene or not to convene meetings of the entire leaderships of the counties. The Bill is very clear on how often we will meet, and who will constitute the committees. This will no longer be left for individuals to determine whether we can meet or not. I hope that as we sit, we can also start to think of how the leadership also contributes to the overall development agenda of the counties, as well as the strategic plans of the counties, so that everyone at the county level is clear on the vision of their counties.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have the Member for Moyale.

**Hon. Duba:** Thank you very much, hon. Speaker. I rise to support the Report and the Bill.

For some of our counties, specifically where there has been mistrust between communities as a result of the new order that came into force, this Bill comes in very handy. The divide was such that we went into paralysis. A county like Marsabit has not been able to work.

Hon. Temporary Deputy Speaker, it is very important to note that, in my view, the Tenth Parliament did not provide sufficient mechanism for a smooth interplay between the counties and the national Government. Those who had the privilege of enacting this law did not clearly take into account the need to synchronise the functions of the county government with those of the national Government. That has been the main problem. We now have the opportunity to correct that anomaly.

In my view, the amendment will provide a major forum for synchronising our operations. My only concern is that if the resolutions of the proposed board are, for example, not acted upon or a governor becomes truant and fails to act, there is no penalty for non-compliance with the resolutions of the board. That bit needs to be looked at later. That is not a reason for me to propose that we do not adopt this Report, but it is important to note that one necessity in law is that for non-compliance, there has to be an action. No action has been provided in this proposed law, but we can take solace in the fact that the Bill says that anybody who hinders the process will be guilty of an offence.

So, for now, we will take comfort in that provision. But we need to take responsibility. As we enact laws, this House must take responsibility for the thoroughness of any law we enact. Without doing so, we will get into the kind of problems that we are in. Nobody cared at that time how it appeared. How would the governors be controlled? Last time, we had a problem with them they were saying that they are not answerable to anybody under the sun. That is because there are no legal structures put in place. Right now, that is the void which has brought us this problem. It is very important that we take note of this as we continue to deliberate and enact laws for this country.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have the Member for Samburu West.

**Hon. Lati:** Thank you, hon. Speaker. Let me start by saying this: If I was a senator today representing one of the 47 counties, I would be very uncomfortable. I say this because, if you are to have a forum and immediately, you arrogate yourself the role

of a chairman, it says something serious about you. It is a position of serious weakness. It says either you cannot be elected by those members in your county or you do not respect democracy. Why would you want to start a forum and immediately get yourself to be the chairman? In my opinion, the chairmanship should have been left for the Members in that board to elect.

I want to tell this to the Senators of the 47 counties today: Think through this thing overnight and about what you are putting yourselves into. That is because it is wrong as a leader to start a forum and give yourself the role of a chairman immediately, without respecting democracy or caring whether the members want you to be the chairman or not. I support this thing in principle, hoping it stays as a forum. That is because we have a Constitution in this country that must be respected. The Constitution of Kenya provides for two levels of government. The county assembly of every country also has a legislative role, just like we have here, to go through all the Bills. So, those forums will only serve the purpose of collecting views of different members and bringing us together as county leaders, so that it forms a basic proposal to go to the assemblies. That is because the assemblies, at the end of the day, will have the final say on the development issues affecting their counties.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have the hon. Member for Kathiani.

**Hon. Mbui:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to support this Report by the Mediation Committee. I want to say that it is helping to put sanity in our counties and make devolution work. Some of our governors have been actually operating like sheriffs and it is important that we try and align them so that devolution can succeed. I want to give four reasons why I feel that it is important to have this board---

**The Temporary Deputy Speaker** (Hon. Cheboi): Order! Order! Hon. Bett, what is it?

**Hon. B.K. Bett:** On a point of order, hon. Temporary Deputy Speaker. I beg that the Mover be called upon to reply.

**The Temporary Deputy Speaker** (Hon. Cheboi): That makes sense, because we are constrained of time. I, therefore, call upon the Mover to respond.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**Hon. Chepkong'a:** I wish to take this opportunity to sincerely thank all the Members who have contributed and those who have not. This has been a very lively discussion and we hope that this will sought out the mess that we have at the counties.

I beg to move, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Now, I see that we have sufficient numbers. Order! Order, Members! You can resume your seats quickly.

*(Question put and agreed to)*

Next Order, please!

### MOTION FOR ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN  
THE NEXT NORMAL SITTING DAY

**The Temporary Deputy Speaker** (Hon. Cheboi): The Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I beg to move--- If you could allow hon. Lelelit, Member for Samburu East.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Lelelit! I do not want you to address a public gathering inside the Chamber.

**Hon. A.B. Duale:** Hon. Lelelit, you have a chance to address *Saba Saba* on Monday, if at all it will be there.

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

THAT, pursuant to the provisions of Standing Order No.28, this House until Tuesday, July 15, 2014, in accordance with the Calendar of the Assembly (Regular Sessions.

The Second Session second part resumed on 3<sup>rd</sup> June 2014 after the long recess and we got down to serious legislative business. As is the practice, the House has considered various Bills which are at different stages before the House goes on recess.

Four Bills have been passed and assented to by the President into law, and they include:-

(a) The National Flags, Emblems and Names (Amendment) Bill, 2014 by hon. Aden Keynan. I want to thank him for bringing sanity to the use of flag and any other paraphernalia accorded to State officers.

(b) The National Police Service (Amendment) Bill of 2014.

(c) The Appropriation Bill, 2014/2015

(d) The Supplementary Appropriation Bill, 2014, which was passed and assented to.

Two Bills have been passed and forwarded to the Senate namely; the Fertilizers and Animal Foodstuffs (Amendment) Bill and the Division of Revenue Bill 2014.

Eight Bills have been considered for the Second Reading and they include:-

(a) The Kenya Qualifications Framework Bill, 2013.

(b) The Retirement Benefits (Deputy President and Designated State Officers) Bill.

(c) The Persons with Disabilities (Amendment) Bill.

(d) The Victim Protection Bill.

(e) The National Drought Management Authority Bill and;

(f) The Order of Precedence Bill.

Ten Bills have gone through the First Reading and are now awaiting Second Reading pending deliberations at various Committee stages. I wish to thank Members across the political divide for speedily understanding the need to commence their own pieces of legislation. In this regard, before we proceed on recess and even after we come

back, this House has a number of Private Members' Bills to consider. Most of those Bills emanate from Members' own initiative and this will, therefore, gradually reduce the number of ordinary Motions coming from our Members.

On resumption from recess, the House is scheduled to consider heavy, crucial and important business, particularly those relating to the six legislative proposals with Constitutional deadlines of 27<sup>th</sup> August, 2014. Another very important Bill is the Finance Bill, which should be passed by 24<sup>th</sup> September, 2014.

Hon. Temporary Deputy Speaker, the Division of Revenue Bill, which is very important to the county governments, is also with the Mediation Committee and we hope to deal with it before 30<sup>th</sup> of July as per the deadline. I hope this break will give Members time to meet with their constituents, constitute and sit with their Constituencies Development Fund (CDF) committee members and look at the figures allocated to them.

I want to thank the Budget and Appropriations Committee and the National Treasury for giving Kshs2 billion to our very gracious 47 women Members of Parliament and increasing by Kshs10 billion our CDF kitty. I hope now our ladies will not walk again out of the Chamber protesting. They will never say again: "Mutava must go." I want to confirm that Mutava has now become the Chair of the Peace and Tranquility Committee both in Parliament and outside Parliament.

Hon. Temporary Deputy Speaker, I know that this House on Wednesday 11<sup>th</sup> June 2014 adopted the Report of the Procedure and House Rules Committee on the review of Standing Order No.44 on Statement and Actualisation of Provisions of Article 153 of the Constitution. This occasions a number of changes including Cabinet Secretaries (CSs) appearing before the House to present reports and answer questions. The first batch of those requests for reply from the CSs will commence on 16<sup>th</sup> July 2014 after our short recess.

Hon. Temporary Deputy Speaker, finally, I want to appreciate and thank the Majority Whip, the Leader of the Minority Party, the Minority Whip, the Chairs of various Committees and above all, all our Members of Parliament and the staff under the able leadership of the Speaker and his Commission and the Clerk for making Parliament achieve the intended mandate as per Article 95 of the Constitution.

Hon. Speaker, finally, we have ten days. It is the holy month of Ramadhan. It is a month of peace and for those who respect Islam and the holy month of Ramadhan, we are giving them an olive hand of peace. We are telling them that let us respect the month of Ramadhan. Let us respect our Muslim brothers and sisters so that we maintain peace and tranquility in our country. We need to move forward. We need dialogue to be done within the confines of the Constitution. *Saba Saba*. We remember the Inter-Parties Parliamentary Group (IPPG), Ufangamano, I am sure Reverend Timothy Njoya is watching me wherever he is, Koigi wa Wamwere, the Right former Prime Minister, my good friend and lawyer James Orengo and all those who fought for *Saba Saba*. The fruits of that *Saba Saba* is the Constitution of Kenya 2010. That is what we fought for. That ended up with the *Saba Saba*. Monday should be a day of reflection. It should be a day when we should go to visit Kenneth Matiba in South Coast or in his home. It is a day we should go and thank those who shed blood. It should be a day to remember those who fought so that we can get this gracious and important document called the Constitution of Kenya 2010. It is a day of reflection and peace.

It is a day that happened during the holy month of Ramadhan and for us the Muslims, please, we shall be fasting on that day and we do not want our fast to be spoilt. The best dialogue is done under the Islamic banner in the holy month of Ramadhan. So, I am sending my plea as the Leader of Majority Party and as a leader from the Muslim community to the rest of the country, to hon. Raila Odinga, hon. Uhuru Kenyatta, the Coalition for Reforms and Democracy (CORD) and Jubilee that let us do our dialogue within the framework of the Constitution. We can go round and make noise but, at the end of the day, the route and the roadmap is defined by the Constitution.

With those many remarks, I will ask my deputy, the hon. Naomi Shaban, to second this Adjournment Motion that will only be for ten days.

**Hon. (Dr.) Shaban:** Ahsante sana, Mheshimiwa Naibu Spika wa Muda, kwa kunipa nafasi hii ya kumuunga mkono kiongozi wetu wa waliowengi hapa Bungeni. Wakati umefika wa sisi kuelekea kwenye likizo kwa muda huu wa siku kumi ambazo tunahitaji kurudi kwa wale ambao walitupatia jukumu hili la kuja hapa ili tuweze kuwazungumzia na kuwapatia masaa yetu haswa kwa maswala yale ambayo tumekuwa tukiwatumikia. Tangu pale mwanzo, kuna umuhimu wa sisi kuenda kukaa na wananchi.

Naibu Spika wa Muda na hata sasa hivi, tunafahamu ya kwamba pesa za hazina ya maendeleo kule mashinani na haswa kwenye maeneo Bunge, zimetoka. Orodha yenyewe imetoka leo na wakati ni sasa wa sisi kuweza kukaa na kamati zetu na pia kuenda kuwahamasisha wananchi.

Naibu Spika wa Muda, tuna majukumu kadhaa. Hapo awali nilikuwa Waziri wa Mipango Maalum kwenye Ofisi ya Rais na niliona mateso yale Wakenya walipitia. Wakati huu, ningepomba ndugu zangu wote tukirudi mashinani kule maeneo Bunge tuweze kuwazungumzia wananchi kuhusu umuhimu wa amani na umuhimu wa umoja wa Kenya.

Naibu Spika wa Muda, nikiendelea kuunga mkono---

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Shaban. I see hon. Kiptui, Member for Baringo County. What is it?

**Hon. (Ms.) Kiptui:** Thank you, hon. Temporary Deputy Speaker. I want to request that to enable many Members to talk, we reduce the time.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well, to reduce the time to how many minutes? What is your proposal?

**Hon. (Ms.) Kiptui:** Three minutes.

**The Temporary Deputy Speaker** (Hon. Cheboi): I will propose that Question at the right time.

Proceed, hon. Shaban.

**Hon. (Dr.) Shaban:** Ahsante sana, Naibu Spika wa Muda. Nikiendelea kuunga mkono, ningependekeza ya kwamba wiki hii inayokuja ni wiki ambayo tunatajikana kukumbuka kule tulipotoka na kule tunakoelekea, haswa kwenye maswala ya kikatiba na shughuli zile ambazo tumepatiwa kwenye Bunge hili la kifahari, Bunge la Kumi na Moja, ili tuweze kuenda kuhamasisha wananchi wote katika hali ya upendo.

Ndugu zangu, sio rahisi pale tulipotoka. Tuliponea tundu la sindano. Hatuwezi kuwa tutajirudisha pale tulipotoka mwaka wa 2008. Ilikuwa ni muda mgumu sana kwa nchi hii na kuna umuhimu wa sisi kuzungumzia amani.

Ahsante sana, Naibu Spika wa Muda, kwa kunipa fursa hii ya kuunga mkono.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Before we move to debate, I want to dispense with the issue raised by hon. Kiptui, which is that Members contribute for three minutes.

*(Question, that debating time be reduced to three minutes, put and agreed to)*

**The Temporary Deputy Speaker** (Hon. Cheboi): We will start with hon. Lessonet.

**Hon. Lessonet:** Thank you, hon. Temporary Deputy Speaker, for giving me the chance. From the outset, I stand to agree that this House is due for this little rest, having worked very hard in the month of June. I chair the National Assembly Select Committee on Constituencies Development Fund (CDF) and today, we have tabled the allocations of the CDF to the 290 constituencies. This year, there was a very generous amount. It was an amount that was arrived at through concerted efforts of this House and, of course, the support of the National Treasury. Today is the 3<sup>rd</sup> of July, less than a week since we passed the Appropriation Bill. I want to commend the Ministry of Devolution and Planning for having taken just three days to compute and allocate funds to every constituency, as it was tabled today.

Hon. Temporary Deputy Speaker, I just want to call upon my colleagues, Members of Parliament, to use this time of recess to agree with the people they represent on the projects to be funded by that Fund. Our expectation is that by the time we come back from recess on 15<sup>th</sup> July, we should each have finalized our projects. So, by the end of this month, latest mid August, you should have received the monies so that your constituents can continue being proud about this very good Fund called CDF.

For the 159 constituencies which had not received the balance of their monies for the last financial year, I have confirmed that the National Treasury has remitted Kshs.4.2 billion today towards what was still pending last year. By the time you reach home, those monies will already be there. That is to say there is a lot of work to be done by Members of Parliament once they get back to their constituencies. So---

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

**Hon. Members:** He is not here!

**The Temporary Deputy Speaker** (Hon. Cheboi): He is absent unfortunately and, therefore, we will give hon. Manoti.

**Hon. Manoti:** Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to, at least, say something. First, I want to congratulate the Chairperson of the CDF for doing a very good job especially in increasing the money which is going to our constituencies.

The CDF money has done a lot of work. It has done what the national Government could not have done. What I will request the county governments is to make sure most of the facilities which have been constructed using the CDF money start operating, like dispensaries. In my constituency, I have seven dispensaries which are yet

to be opened because there are no nurses to open them. Since we have given the national Government money, we would like to see tarmacked roads in every county and not only in restricted areas, which is not the wish of all Kenyans. Members of Parliament are still going to sit in the boards of the county governments. This will be very important because most of the governors control their counties single-handedly. The Members of County Assembly (MCAs) have taken the governors as if they have no say at all. The governors keep on giving MCAs' money so as not to say anything against them.

As we go on recess, each Member of this House should go and greet their people when they go there. *Saba Saba* cannot help this country in any way. As we speak, we know tourists are not coming because of our scaring messages here and there.

People have lost their jobs especially in the Coast region where most of the hotels have been closed.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Let us have Member for Awendo.

**Hon. Opiyo:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. First of all, I want to thank the Chairman of the Parliamentary Select Committee on Constituencies Development Fund, as well as the Committee itself. They have been very passionate about this fund despite the fact that some people from some quarters imagine that CDF is not a legal instrument for development. But I want to thank them a great deal. I also want to thank the Budget and Appropriation Committee for understanding.

The Temporary Deputy Speaker, if the money that goes to the counties is divided equally among the constituencies, it would be something in between Kshs500 million to Kshs800 million per constituency, or even Kshs1 billion. But, really, when you go down there, there is nothing to show for it. So, the CDF is a fund that must remain and I think now that we have been given ceilings, that particular recess will help us meet our constituents so that they give their development priorities so that the CDF Board can start disbursing the money.

I think today was a very great day and this Session has been very great. That is because going forward, Members of Parliament are going to participate effectively in the development of counties. By the mere fact that we work and legislate at the National Assembly, some people think that we do not belong to counties and we have no say, whatsoever, on the development programmes within the counties. We are people's representatives, and we must have a say in whatever goes on down there. Really, I think we have made a milestone by endorsing the Report that was done by the Mediation Committee on the county governments.

As we approach Monday, I want to urge all Kenyans to approach Monday with a lot of soberness, and we must all preach peace. Even as some Kenyans will be going out there to gather and express their opinions, let us do so bearing in mind that we have a nation to protect; a nation to carry forward. Therefore, as we go out there to demonstrate, we should do so with a lot of peace.

Thank you very much, hon. Temporary Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Let us have the Member for Laikipia East.



**Hon. Kimaru:** Ahsante sana, Bw. Naibu Spika wa Muda. Ningependa kuchangia Hoja hii ya kuwapa Wabunge likizo ya muda, ili tuweze kwenda mashinani na tuweze kuwa na wenzetu kule. La muhimu zaidi ni kuhusu fedha za CDF ambazo, kwa hakika, mahali pake sio kwenye benki, bali zinafaa zitolewe. Tayari tumeshapata zile fedha. Ziweze kutolewa na kuwafikia wananchi.

Miradi yote kule ambayo imepewa pesa, ni wakati wa kwenda kutoa zile hundi za pesa, ili miradi yote ambayo iko kule iweze kuendelea barabara. Vile vile, ningependa kusema kwamba wakati huu ambao tunaenda likizoni, tumepitisha Ripoti ya kuwa na halmashauri za kusimamia maendeleo katika kaunti. Hili ni jambo nzuri sana na litawezesha kuweko na uwajibikaji ili maendeleo yafike kule mashinani na kuzuia ufujaji wa pesa. Wakati ambao hatukuwa na halmashauri, tuliweza kupata kwamba fedha hazikutumika kwa njia mwafaka. Fedha nyingi zilitumika vibaya. KERRA ilikuwa inafanya barabara moja na ile barabara pia, kaunti nayo ilikuwa inazingatia kuijenga. Kukiwa na jambo kama hilo, ni kuonyesha kwamba kuna fedha fulani ambazo hazikutumika vizuri. Tukiwa na mikakati kama hiyo, kwa hakika, tutaweza kupata maendeleo ya hali ya juu. Mwaka uliopita wa fedha za Serikali, kulikuwa na fedha ambazo zilitengwa za kuwaajiri wauguzi na wafanyi kazi wa afya. Sijaona jambo kama hilo likifanyika kule kwetu. Nadhani katika nchi yote, hakuna mahali wauguzi walijiriwa. Tunashangaa hela ambazo zilitengwa zilienda wapi.

Inafaa tuwe na amani tunapoelekea likizoni kwa sababu amani ni muhimu sana. Hata ndugu zetu wakitaka kwenda katika Uwanja wa Uhuru Park wapewe nafasi. Lakini nao wakifika pale, wahubiri amani kwa sababu mambo yakuchezea shari amani ya nchi yetu ni jambo ambalo halitaruhusiwa na halifai kuruhusiwa. Lakini kama---

**The Temporary Deputy Speaker (Hon. Cheboi):** Let us have the hon. Member for Kiharu.

**Hon. Kang'ata:** Thank you, hon. Temporary Deputy Speaker. May I take this opportunity to appeal to Kenyans to maintain peace, particularly in this period when we are going home. It is said that CORD will organize a rally called "*Saba Saba*" on Monday. May I remind the nation that, indeed, *Saba Saba* was an idea that was conceived in my constituency by my predecessor, hon. Kenneth Matiba and when he was conceiving that idea, the whole notion was about peaceful mass action, peace and specific demands.

I take pride that in the 1990 *Saba Saba*, the vehicle that ferried Mr. Shikuku and Mr. Orendo was a vehicle from my village called Koimbi. The vehicle was owned by a person called "Mr. Gachoka". Taking that into account, I would appeal to Kenyans not to resort to violence when they are trying to resolve their issues.

I have looked at the Kenyan political history and it has a lot of blood. Many people from my community have really suffered as a result of that. If you look at those people who tend to suffer, you will find that it is the poor person or the poor farmer out there, for instance, in the Rift Valley or in Central. But the cause happens to be a politician in Nairobi. It is very unfair that quarrels of some few politicians in Nairobi cause the poor people to suffer.

To that extent, I pray that no recurrence of violence is going to affect poor people. I have read stories that some people have started to migrate from Naivasha and Nakuru, which is very bad. That is a poor person who is doing his work in a flower farm, for

instance, in Naivasha, while no action is being taken against the actual politician who is giving out hate speeches in Nairobi. It is very unfair for poor people of Kenya to carry the burden of some few rich politicians in Nairobi.

Taking that into account, I have taken the trouble to look for politicians who are going to give hate speech. I have sent my investigators using my own resources to trace any politician who is going to give hate speech.

*(Laughter)*

If the Director of Public Prosecution (DPP) will not take action, I will institute private prosecution and go after each and every leader who will make hate speech in this country. Infact, I have a suit against Raila Odinga for the hate speech he made in Kibera.

Thank you.

**Hon. Kisang:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to support the Motion for Adjournment. That is because we need the 10 days break so that we can meet with our constituents and agree on the projects for 2014/2015 Financial Year. That is because the Chairperson of the CDF Committee has tabled the figures for the 2014/2015 Financial Year this afternoon. By the time we come back, we will be ready to present and start work.

Secondly, I have a suggestion for the *Saba Saba* rally that will be held on Monday. The reasons our colleagues are out there, especially those who stood for Presidential elections and lost--- I believe that before 2017, we need to amend the Constitution so that those who are vying for the presidency may also vie for seats in the Senate or the National Assembly and when they win the presidency, they resign. That way, those who lose will be in the House and will contribute towards building our nation. The reason we have *Saba Saba* is that most of the leaders are outside there and there is nothing they are doing. They are not busy and so, they have to create an opportunity to talk to fellow Kenyans. That is one of the things that we need to look at before 2017.

I also want to thank the Chairman of the Mediation Committee for the creation of County Development Boards. Those boards will ensure that Senators and Members of the National Assembly are part of the county development committees so that we do not duplicate projects. Currently, for example, if there is a road in a constituency that has been allocated money, you will find a governor allocating money for the same road. By sitting in the same committees, we will be doing away with double allocation of funds for the same project.

I support.

**Hon. Onyura:** Hon. Temporary Deputy Speaker, I stand to support this Motion that this House is adjourned for the next ten days. The House has done quite a lot of work as has been enumerated by the Leader of Majority Party. We have handled many Bills and Motions in this House. A lot of work has also been done out there, not necessarily in the glare of camera. A lot of work has been done in the Committees. This short recess will assist us go and interact with our constituents particularly now that we have been given the CDF allocations. We need to go and sit with them and confirm what our priorities are. We will need to dialogue with our constituents and other interested parties. I think dialogue should be encouraged at all levels, be it family, constituency or national.

It is a good thing because it contributes towards understanding of each other. It contributes towards peace. I do not think it is something to fear or run away from. It is something that ought to be encouraged.

I would like to thank the CDF Committee for what it has done. It has ensured that funds arrive this early. We know the figures. We are able to work knowing what figures we are working with. We would like to encourage that the monies should be coming in good time. Up to now, we have not received the full allocation for the just ended financial year. It is the same thing with *Uwezo* Fund. Everybody is waiting for that money.

I support the Adjournment Motion.

**Hon. (Ms.) Kanyua:** Thank you, hon. Temporary Deputy Speaker. I would like to add my voice on the matter of *Saba Saba* on the coming Monday. I think the women of this country are very concerned that the country is going in the way of violence and that the country is risking itself. We are, therefore, urging the leaders who will go to those rallies, even as we go on recess, that we exercise a lot of caution. We need to be responsible in the remarks that we give. We should put Kenya first in everything that we do because this country is greater than all of us. I hope that our CORD colleagues will really exercise a lot of caution and there will be no violence on Monday; and that there will be no attempt at swearing in or a march to State House. All we need to see is an exercise of constitutional rights and freedom of expression.

I want to thank the House for the work that we have done, especially passing the national Budget. We are looking forward to the implementation of that Budget.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, the time being 6.30 p.m. it is now time for the House to adjourn until Tuesday, 15<sup>th</sup> July, 2014, at 2.30 p.m.

The House rose at 6.30 p.m.