

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 1st July 2015

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Speaker: Hon. Members, it is clear that we do not have quorum. I direct that that the Quorum Bell be rung.

(The Quorum Bell was rung)

Hon. Speaker: Order! You can stop the bell now.

COMMUNICATION FROM THE CHAIR

NOTICE OF MOTION ON REMOVAL OF CABINET SECRETARY

Order, Members! This Communication regards a Notice of Motion on removal of a Cabinet Secretary.

Hon. Members, Article 152(6) of the Constitution provides that a Member of the National Assembly may, if supported by, at least, a quarter of all Members of the National Assembly propose a Motion requiring the President to dismiss a Cabinet Secretary. Standing Order No.66 of the National Assembly Standing Orders provides for the procedure for the removal of a Cabinet Secretary.

For the avoidance of doubt, Standing Order No.66(1) states as follows:-

“Before giving Notice of Motion under Article 152(6) of the Constitution, the Member shall deliver to the Clerk a copy of the proposed Motion in writing –

- (a) stating the grounds and particulars in terms of Article 152(6) of the Constitution upon which the proposed Motion is made;
- (b) signed by the Member; and
- (c) signed in support by at least one-quarter of all the Members of the Assembly”.

Hon. Members, I wish to report that a Notice of Motion, as contemplated by the Constitution and our Standing Orders, has been received from the Member for Matayos Constituency, Hon. Geoffrey Odanga.

Further, and pursuant to Standing Order No.64(2), I have approved the Motion and the House Business Committee (HBC) has since been notified in order to have the matter prioritized.

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Hon. Members, in my ruling made on 10th June, 2014, I had directed:

“...whenever a Special Motion is filed and having been approved by the Speaker and time for its debate has been allocated, the Member who intends to move the Motion must give Notice of the Motion within three Sitting days, failure to which the Motion shall be deemed to have been withdrawn and shall not be moved again in the same Session except with the leave of the Speaker.”

In this regard, and in consonance with the aforementioned ruling, I call upon the Member to proceed and give the notice within the next three Sitting days.

Hon. Members, Standing Order 64(2)(b) requires that the Assembly shall within seven days of the notice being given, dispose of the matter. It is, therefore, important that we all take cognizance of the timelines outlined in both the Constitution and our Standing Orders and consider and resolve the Motion within the stipulated timelines.

I thank you, hon. Members.

Pursuant thereto, if Hon. Geoffrey Odanga, the Member for Matayos Constituency, is in the Chamber, he will be perfectly in order, at the appropriate time to rise in his place and claim to give notice of that Motion in the course of this morning sitting, being the first sitting, today afternoon being the second day, and tomorrow, Thursday, 2nd July, 2015 from 2.30 p.m. being the third sitting. Thereafter, the Member will be deemed to have forfeited to give Notice of the Motion, if he does not act as directed.

So, the Member is accordingly informed. He can look at the HANSARD record if he is not in the Chamber because every Member is expected to constantly check on the HANSARD to see what has happened in their absence.

It is so ordered.

PAPER LAID

Hon. Gaichuhie: Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House, today, Wednesday, 1st July, 2015.

The Report of the Departmental Committee on Finance, Planning and Trade on the vetting of Mrs. Anne Rwamba Gitau, nominee for appointment as Secretary to the Salaries and Remuneration Commission (SRC).

Thank you, Hon. Speaker.

Hon. Speaker: Alright, next Order.

NOTICE OF MOTION

ADOPTION OF REPORT ON APPOINTMENT OF MRS. RWAMBA GITAU AS SRC SECRETARY

Hon. Gaichuhie: Thank you, Hon. Speaker. I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on the vetting of the nominee for appointment as Secretary to the Salaries and Remuneration Commission laid on the Table of the House on Wednesday, 1st July 2015, and pursuant to Article 132(2)(f) of the

Constitution, approves the appointment of Mrs. Anne Rwamba Gitau as Secretary to the Salaries and Remuneration Commission.

Hon. Waluke: On a point of order, Hon. Speaker

Hon. Speaker: Very well. What is out of order, Hon. Waluke John?

Hon. Waluke: Thank you, Hon. Speaker. There was indication that my Motion will be debated today but it has been overtaken. Could I be informed why this is so?

Hon. Speaker: What are you saying? I do not understand. Look at the Order Paper. Let me just educate you. We are now on Order No.6 on the Order Paper, which is, Notices of Motion. At this point, you can only claim to rise to give notice of Motion or claim that you gave notice of a Motion that has not been--- You gave notice of Motion?

Hon. Waluke: Yes.

Hon. Speaker: When?

Hon. Members, this is why every day I tell you not make me do administrative work from the Chair. Hon. Waluke, you wrote to request that a Motion that you knew had matured should be stepped down because you had some other engagements. That was perfectly in order and your request was acceded to. What you are required to do, thereafter, is to inform the usual administrative process that you are now back and you desire that your Motion be reinstated. It cannot, obviously, be given priority. Having voluntarily requested for it to be stepped down, obviously, other Motions which had already been commenced must proceed. So, it has not been dropped entirely, it was merely stepped down.

If you approach the Clerk's Office, it will be put on the Order Paper. I am not too sure when it will be debated. It may be debated next year or sometime later in the year because other Members' Motions have already taken precedence over yours. These are some of the vagaries of the work of a Member of Parliament. This is because you have too many things that you have to attend to and we cannot blame it on you.

Obviously, when other Members realise that there is a chance to have their Motions debated because another one has requested his to be stepped down, they are happier that they can now get a chance to jump the queue. Your Motion is still alive and what you need to do is to approach the Clerk and it will be reinstated. It has not been dropped.

At this point, if Hon. Geoffrey Odanga is in the Chamber, he can give notice of his Motion. This is the first sitting of the first day. If he is not in the Chamber, he can still give notice today in the afternoon when we get to Order No.6. I hope he will come in the afternoon or some other time. Obviously, he still has his right to give notice today in the afternoon and even tomorrow. So, nothing is lost on his part.

Let us move on to the next Order.

MOTION

ESTABLISHMENT OF ICU/BLOOD TRANSFUSION CENTRES IN CONSTITUENCIES

THAT, aware that the country has been experiencing a series of fatal emergency situations that necessitate the need for urgent medical care and blood transfusions; deeply concerned that currently the country lacks sufficient blood

reserves; noting that health services and blood donations in critical emergency situations are crucial to saving lives; this House urges the Government to consider setting up an Intensive Care Unit (ICU) and a blood transfusion unit in every constituency to provide medical care and blood in emergency situations.

(Hon. Dawood on 24.6 2015)

*(Resumption of Debate interrupted
on 24.6.2015 - Morning Sitting)*

Hon. Speaker: From the records, Hon. Leonard Sang was on the Floor and I can see him. He has a balance of eight minutes.

Yes, Hon. Sang.

Hon. Sang: Thank you, Hon. Speaker for giving me another opportunity today. I was just continuing. I am not seeing the Mover of this Motion but I want to congratulate him for coming up with a very bright idea. This Motion needs some few amendments. Otherwise, it is very nice. It is true that we have a number or series of fatal emergencies everywhere in our country.

As indicated here, we need a number of hospitals to be equipped with ICU equipment. It is true that the Jubilee Government has come up with management equipment services which will equip two hospitals in every county. Unfortunately, the county governments, somehow, were biased in picking the two hospitals. It is my sincere plea that, at least, we equip Level 4 hospitals, including my Level 4 hospital in Kapkatet.

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

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

Most Kenyans have been suffering travelling very long distances, some going far away to India for treatment and this is unfortunate. If we go the route of Hon. Abdul Rahim Dawood, most of our public hospitals will have some of these facilities. Probably, we will save lives of thousands of our patients.

On the issue of blood transfusion, I want to tell my colleague - unfortunately, he is not around - that it is not possible to have the Blood Transfusion Centres in every constituency. It is only fortunate that in the Health Bill, blood transfusion unit is taken care of. I hope as *Mheshimiwa* Dawood graduates this Motion into a Bill, he will take care of this unit.

The only challenge we have, and I know it may not be relevant here, is the issue of the NHIF. We have a number of Kenyans complaining about the rates that the NHIF has just introduced. I know we will discuss this with our Committee. Probably, I will come with a Motion to discuss the rates of NHIF.

I was in my constituency over the weekend and Kenyans are complaining that the rates that have been imposed by the NHIF are too high. I hope that within a very short time, we will come up with that Motion so that we discuss the rates of the NHIF.

Otherwise, I support my colleague, Hon. Dawood, in the establishment of those transfusion centres and ICUs. With those few remarks, I support this Motion.

I thank you.

Hon. Temporary Deputy Speaker (Hon. Cheboi): Very well. I see there is a proposed amendment by Hon. (Dr.) Pukose. But before we go there, I will, first, give the Member for Kathiani, Hon. Mbui, a chance. After that I will give Dr. Pukose a chance to move his amendment.

Hon. Mbui: Thank you, Hon. Temporary Deputy Speaker. I want to begin by thanking the Member for Imenti North, Hon. Abdul Rahim Dawood for bringing this Motion. This is the kind of Motion that if implemented, can help change this country by moving us from where we are to the next phase in terms of healthcare.

When we gained Independence, the country set out to eradicate poverty, ignorance and disease. Of course, poverty meant improving the economy and ignorance meant improving the education sector. On the part of disease, it meant that we come up with clear policies, structures and facilities to improve our health sector.

It is true that 52 years after Independence, we are still grappling with the problem of health and that is why a Motion like this needs support from all of us.

Kenya is a country which has major problems in terms of health. We have many disasters. There are countries with natural disasters but Kenya's disasters are mostly man-made. I want to point out a few with regard to the dangers or injuries and causes of death that we experience all the time.

The first one is crime. We have very high levels of crime in this country. If you are driving in the streets of this country, you can be shot because the level of crime is too high. In our homes, we can be attacked by thugs and robbed of our household goods and injured in the process. Also, our roads are dangerous. When the roads are in good condition, drivers drive fast, cause accidents and people get injured or die. The same happens when the roads are in bad condition.

We have the problem of terrorists attacking us in our homes, places of worship, supermarkets and currently, in our institutions of learning. So, we are saying that Kenya is really a risky country to live in. So, we are required to come up with measures that can help mitigate the risks that we are facing as a country.

(Loud consultations)

That is why this is a timely Motion because it proposes to have blood transfusion centres in every sub-county. It proposes to have---

Hon. Wekesa: On a Point of Order.

Hon. Temporary Deputy Speaker (Hon. Cheboi): Order, the Member for Kathiani! Hon. Wafula, what is it?

Hon. Wekesa: Hon. Temporary Deputy Speaker, I do not intend to interrupt my good colleague. There is a lot of loud consultation, I can hardly hear him.

Hon. Temporary Deputy Speaker (Hon. Cheboi): That is perfectly valid. Hon. Members, let us keep our decibels lower.

Proceed, Hon. Mbui.

Hon. Mbui: Thank you, Hon. Temporary Deputy Speaker. There is need for these proposed blood banks and ICUs to be established in every sub-county. We need to have medical personnel, ambulances and fire brigades because the disasters are all over. We also need to improve our security systems so that if there is any disaster or problem, they can move quickly to sort out this problem.

I want to point out that the national Government has already taken up part of this and has come up with two health centres in every county which will be upgraded. However, our Constitution says that the health sector is devolved to the county governments. Unfortunately two years down the road, after the county governments were formed, we are still having problems of management of health by our counties.

Our county governments are failing this country. I want to give the example of Machakos County where we have dispensaries. In my constituency, we have dispensaries in every sub-location but half of the dispensaries are not equipped. They do not have medical personnel and even medicine. Instead of equipping those dispensaries so that we can have quick response to the problems or our people who have been injured, Machakos County Government purchased some vans, branded them ambulances and put sirens on them. These ambulances have no equipment or medical personnel. So, they are being driven by a driver and a turn boy. Unless we do something drastic about the health sector within our counties, it will take us a long time.

The Senate should be dealing with these issues. It is good that it is with us here but it needs to take up its role which is to oversee the counties and ensure that some of these things that we are passing here can become laws of the county governments.

I said that Kenya has too many man-made disasters. There is one area that I want to propose, on a light touch, that they need to devolve it up to the ward level instead of the sub-county level; this is Nyeri. Despite the fact that we have these iron puns, we still have a major problem in Nyeri. Men are getting drunk everyday and women are attacking them. The situation is exaggerated in that place. So, it is important that even as we establish blood transfusion units and ICUs in our sub-counties, in Nyeri, we do it up to the ward level.

I support this Motion and thank you for the opportunity to contribute.

The Temporary Deputy Speaker (Hon. Cheboi): What is it Hon. Gumbo? What is out of order, Hon. Gumbo?

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, I have no intention whatsoever of interrupting the flow of debate but I am just wondering that this is a very good Motion, but is it in order that we should be transacting our business in vain? I am asking this question because two years ago, we passed a Motion here which was making it obligatory for the Government to provide 20 kilometres of tarmac in each constituency. If that Motion had been implemented, by the end of this year, each constituency should be having an additional 60 kilometres of tarmac.

That Motion, to the best of my knowledge has come and gone. Nothing has been done and I am seeing a possibility where even when we pass this Motion, we will be going through the same route. So, I am just asking myself whether these very good Motions which are intended to improve the lives of the people of Kenya---Would it look fair for justice to be seen to be done on this House when we pass such important Motions that have an impact on the lives of the people of Kenya but we just pass them in vain?

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Indeed, that is perfect but we have the Committee on Implementation of this House and you would expect that--- At this

stage, it is just a Motion. You are a very senior Member of this House and there is nothing much that can be done. However, if it progresses, it becomes more implementable. Other than the fact that we would wait for a Bill, this is something that is going to be a policy if this House pronounces itself in one way or the other. Your frustrations can be felt but we are perfectly in order proceeding with this Motion. There is no problem with it.

So, I will give this opportunity to Hon. Pukose. I want you to move your amendment briefly. I will give the opportunity to contribute to a few Members after the Question is proposed and then we will dispose it of. Make it as clear as possible so that Members can get the gist of your amendment. Looking at it, it is perfectly straightforward.

Proceed Hon. Pukose.

Hon. (Dr.) Pukose: Thank you, Hon. Temporary Deputy Speaker.

I beg to move that the Motion be amended by deleting the word ‘constituency’ appearing immediately after the word ‘every’ on the seventh line and inserting therefor the word ‘county’.

My reason is that we want to make it as realistic as possible. In the Republic of Kenya, we have six national blood transfusion services. I do not want Members to confuse blood transfusion services with a blood bank. “A blood bank” is where you have a refrigerator in which blood is kept at a temperature of 4 degrees. Every facility can have a blood bank as long as it has transfusion facilities and a laboratory technician who is able to do blood grouping and cross-mixing. That is what a blood bank is. When we talk about “a National Blood Transfusion Centre”, we are talking of a facility which is not even in Kenyatta National Hospital (KNH). It is at the National Laboratory behind the KNH. We are talking about a blood bank which is next to Moi Teaching and Referral Hospital (MTRH) and others in Nakuru, Kisumu and Embu. They are not all over the country. They are only limited to certain regions.

Initially, when this country was divided into provinces we were putting them at the provincial levels. Now that we have gone the county way, it becomes logistically very difficult for somebody who is in Lodwar to come and collect blood from Nakuru. That has been very difficult. That is why in Rift Valley, we had one in Nakuru and another one at the MTRH.

It is unrealistic when we say that we want to establish blood transfusion services at the constituency level. We can only contemplate establishing them at the county level so that within every county, you can have the National Blood Transfusion Service. For example, if you talk about blood transfusion services in a country like Japan, you will realise that they have the prefectures which are provinces. They only have eight facilities of that nature. So, for us as Members of Parliament to say that we want to put it in every constituency, we are not realistic. Let us make it as realistic as possible by proposing that we have it at the county level.

The second issue relates the ICUs which we have at the KNH and the MTRH. In the current proposed equipping of facilities, they are being put at the former provincial hospitals plus four high volume hospitals that is Kisii Level 5 Hospital, Machakos Level 5 Hospital and others.

We are not realistic if we propose now that we want to have ICUs at the constituency level. Even with the current equipping of the medical facilities to have an ICU at the county level could still be a tall order. This is because you should think in terms of personnel. You need physicians, an anaesthetist and nurses who can manage the ICU. These professionals are not available at the constituency level. Even at the county level, it is a tall order. So, I propose that we have it---

The Temporary Deputy Speaker (Hon. Cheboi): Order Hon. Pukose. What is it Hon. Chanzu? I can see that you have pressed an intervention. Are you intending to contribute or you are just making sure that the Speaker knows that you are in the House?

Hon. Chanzu: No, I wanted to contribute.

The Temporary Deputy Speaker (Hon. Cheboi): Then you know where to press when you want to contribute. I can see you are on the list. Hon. (Dr.) Pukose, you have removed your card. Proceed, and finalise.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Speaker, for the first time, issues of blood transfusion are captured in the current Health Bill. I do not see a problem in implementing this Motion by Hon. Dawood. It will be realistic for us to propose, but we will ask the Committee on Implementation together with us in the Committee on Health, to follow it up and see that it is implemented.

With those few remarks, I want to ask the Member for Sigowet/Soin, Hon. Kemei, to second.

The Temporary Deputy Speaker (Hon. Cheboi): Before Hon. Justice Kemei seconds, let me recognise the presence of Kinyogori High School from Limuru Constituency in Kiambu County at the Public Gallery. I also notice that the Member for this area, Eng. Kiragu, was here very early today. I am sure it was specifically to also receive the students from his constituency.

I also notice that the Member for Imenti North is here. That is good because I am sure he will need to participate in this amendment to his Motion. I must congratulate you, being one of the few day scholar Members of Parliament who go to their constituency every single day other than the Members from Nairobi. It is good that you arrived here early.

So, let us have the Member for Sigowet/Soin seconding briefly.

Hon. Kemei: Thank you, Hon. Temporary Deputy Speaker. I have said before in this House that we are a body of professionals. When we get the inputs of professionals like Dr. Pukose, Prof. Nyikal and Dr. Murgor, we are obliged to follow their line of thinking. The Motion is quite noble, but the proposed amendment by Dr. Pukose makes it more noble in terms of practical implementation of the provisions of the Motion.

I second.

*(Question of the first part of the amendment, that
the word to be left out be left out, proposed)*

The Temporary Deputy Speaker (Hon. Cheboi): I will give a chance to two Members from each side and I will only allow them to speak for five minutes or less because we are constrained with time. I will start with the Member for Machakos, Hon. Susan Musyoka. Do you want to speak to the amendment or the main Motion?

Hon. (Ms.) Musyoka: Hon. Temporary Deputy Speaker, I want to speak to the amendment.

The Temporary Deputy Speaker (Hon. Cheboi): Then proceed.

Hon. (Ms.) Musyoka: Thank you, Hon. Temporary Deputy Speaker. First of all, I want to thank Hon. Abdul Rahim Dawood - a day scholar like me - for bringing this very important Motion. I support the amendment.

This is a very important Motion. It is important for us to have blood transfusion centres at the county level. Although we have devolved healthcare, we have to do the implementation progressively. Healthcare is not cheap. If we put blood transfusion centres in every constituency or sub-county, it will be very expensive to implement and we may not have enough personnel to run the centres. So, having them at the county level is more realistic. I support that.

I also support the proposal that we should have ICU centres in every county. The national Government should provide equipment to the counties and this is part of the *Pesa Mashinani* initiative to take money to the grassroot level. Having the ICU and blood transfusion centres in the counties will go a long way in improving healthcare of our people. Right now, we only have regional centres that give this service. We have lost some patients because of logistical problems in terms of trying to get blood from the national transfusion centre. It is very important for us to implement the provisions of this Motion as soon as possible. We should not continue losing lives for lack of blood.

Once we have these centres, the counties will revamp these services and take the issue with the seriousness that it deserves, so that the transfusion centres are operational and can serve our patients better.

The Temporary Deputy Speaker (Hon. Cheboi): I do not want you to delve into the main Motion. Let us restrict ourselves to the amendment.

Hon. (Ms.) Musyoka: I support the amendment, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have the Member for Narok South, Hon. Ole Lemein.

Hon. ole Lemein: Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to thank Hon. Dawood. This is, indeed, a good Motion. I rise to support the amendment by Hon. (Dr.) Pukose. I agree with him that ICU centres are critical surgical units in this country. It is, indeed, a tall order to establish ICUs and blood transfusion centres in every constituency.

Resources are going to be constrained. Of immense importance is the personnel. If you look at the current scenario in the counties, you will find that it is a nightmare to get ordinary medical services leave alone establishing ICU and blood transfusion centres in every constituency. I, therefore, support the amendment as proposed by Dr. Pukose.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have the Member for Seme, a seasoned medic. Hon. Nyikal, I am sure you know that Seme is your constituency.

Hon. (Prof.) Nyikal: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support the amendment. I will seek your indulgence to say just a little more on the Motion because I will be leaving after that.

It is important that we have these units as proposed at the county level. The biggest challenge that we have, if we talk of ICU centres, is the kind of personnel that you need to run an ICU centre. It will be practically impossible, at this point in time, to have that kind of personnel in every constituency.

Similarly, if you are talking of blood transfusion centres, this is where you take blood from the donors, process it, screen it and distribute it to other facilities to put it in blood banks and then use it. Again, it is not possible to do that at the constituency level. Therefore, the amendment to have the centres at the county level is extremely important. It is a good amendment.

The main Motion is an indication of what is happening in our country. After Independence, there were good health services in this country, but they started deteriorating from the 1970's up to about 2002. There was good input in terms of structure and funding and health services improved. Since then, it has suffered two shocks.

In 2007, we split the Ministry which had not recovered well in terms of structures and management. That was expected. It had just started to improve and then with the devolution that has come, again, the Ministry has suffered another shock in terms of management and structure.

All these Motions that we are getting bit by bit are an indication that we need to take a bigger picture at the health sector. Sometimes we have thought that health should not have been devolved. We have not looked at the complexity of health.

Basically, what has happened is that we have not looked at the complexity of the health sector, and more so its various sub-sectors that need to be devolved in a well planned manner. With the Inter-governmental Relations Act and the secretariat that they are putting in place, we must go back and---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Nyikal, I know you have said that you might be interested in leaving but you are still bound by the Standing Order that restricts you to relevance. Your contribution has to be relevant to the amendment. You will not speak anything outside the amendment even though you have the knowledge.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, even looking at the amendment, the fact that we are saying that we move this to the counties instead of the constituencies, there is still a huge management problem that will need human resource and infrastructure to be put in place.

Therefore, I support this amendment but I also support the other Motion.

The Temporary Deputy Speaker (Hon. Cheboi): We will now have Hon. (Eng.) Kiragu, the Member for Limuru. I have made my own decision on this one. I must indicate that I actually jumped the queue for reasons which the Speaker has control over.

Proceed, Hon. Kiragu.

Hon. J.K. Chege: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to comment on the amendment and acknowledge the students of Kinyogori Secondary School who are with us today.

When we talk about facilities like ICU and blood transfusion units, we are talking about saving lives. For me and the people who live along the highways, the facilities required to save lives are not adequate. They cannot be located on the basis of counties or constituencies. We need to look into a way of strategically locating these facilities so that we can reach many people. I personally support the earlier Motion. So, I would like to oppose this one because, as you know, the Government has already invested in two hospitals in each county and they are elevating them to a status where they will have ICU and blood transfusion units. Saying that we should locate these facilities within the counties would be denying the constituencies' involvement in this matter.

In Limuru, we have Tigoni Hospital, which caters for all the accidents that happen along the highway. From Tigoni, the next facilities are found in Naivasha and Nakuru. It is important if we located these facilities strategically rather than following the boundaries of the counties. For that reason, I would want to later on propose an amendment so that we strategically look at this--

The Temporary Deputy Speaker (Hon. Cheboi): Order Hon. Kiragu! The Hon. Member for Suba, what is your point of order?

Hon. Ng'ongo: Hon. Temporary Deputy Speaker, it is unfortunate that I am raising this matter at this point. My point of order is not really on what Hon. Kiragu has said. My concern is on the Motion that is before us. Our Standing Orders do not allow us to debate or bring a Motion that is clearly unconstitutional.

The Temporary Deputy Speaker (Hon. Cheboi): What did you say?

Hon. Ng'ongo: Our Standing Orders do not allow us to debate a Motion that is unconstitutional. Article 187 is clear on the powers and functions of each level of Government. If you are asking or urging the national Government to set up these facilities in counties or even constituencies, you require concurrence of the county governments. I would support this Motion if it was framed in such a way that would be urging that the national Government consults with the county governments to set up these facilities. It is high time that this House respected the functions that have been devolved to counties and allowed the county assemblies to legislate. If you have weak county assemblies, talk to your constituents to elect strong members of county assemblies to pass legislations that would set up ICUs and blood transfusion units rather than making the national Government legislate on a function that is clearly outside its province. We are debating---

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Mbadi! Obviously, this is not unconstitutional at all. First, the National Assembly has a right to legislate on some things and everything.

Hon. Ng'ongo: But Hon. Temporary Deputy Speaker---

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Mbadi! I am not in the mood of exchanging with you.

Secondly, I know that there are some facilities that are being set up by the national Government in the counties. As long as it does not in any way impede the work of the county governments, it is okay. Therefore, this Motion is not unconstitutional.

By the way, Hon. Members, matters which have constitutional issues can be taken to the correct institutions. I do not think there is anything unconstitutional about it. Of course, I get your concerns. You probably want the involvement of the counties, which is fine. Nothing stops the counties from doing what they want to.

Proceed and wind up, Hon. Kiragu.

Hon. J.K. Chege: Thank you, Hon. Temporary Deputy Speaker. I truly take note of what my colleague, Hon. Mbadi, has said.

In conclusion, these facilities are important to every Kenyan. I would not like to restrict them to the county level. I would like them spread out to make them accessible to as many Kenyans as possible.

With those remarks, I oppose the amendment.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, I can see that there is a lot of interest in this Motion. It is right that I put the Question at this point in time, so that you can proceed and discuss the other one.

*(Question of the first part of the amendment,
that the word to be left out be left out, put and agreed to)*

Hon. Members: Division! Division!

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, let us be clear because there are two members who are walking around. I am not sure of their position on the Division issue. The difference is very thin. So, we need to confirm whether the Members who are upstanding for a Division are 28 or 30.

We have the numbers and, therefore, we will proceed and do what is necessary. You cannot sit Members. We are proceeding to a Division.

I, therefore, order the Division Bell to be rung.

(The Division Bell was rung)

The Temporary Deputy Speaker (Hon. Cheboi): Order Members. The ten minutes are over. I order that the Bars be drawn. Order, Hon. (Dr.) Pukose. Order, Hon. Fatuma. Hon. Midiwo, please resume your seat. I do not know what the Member for Igembe North is doing.

The procedure for electronic voting is as it has always been. All Members will log out. Can the 40 Members who have logged in, log out? Log out quickly. Hon. Zainab Chidzuga, Hon. Gatobu, Hon. Yusuf Chanzu and Hon. Limo, log out. Members are asked to log out. No points of order are allowed. We have nine Members who are still logged in. All Members should log out. The Hon. Member for Kesses, can you log out please? Hon. Nassir, Hon and Kathuri Murungi, log out. All points of order are out of order!

Members have 60 seconds to log in. There are requests already. You are supposed to log out and I can see Members logging in. Hon. Kibunguchy, Hon. Mwangi, Hon. Aisha Katana of Kilifi and Hon. Wamalwa, please log out. You are logging in to vote, not to make requests. That is now perfect. That is what we are doing. What is it, Hon. Pukose?

Hon. (Dr.) Pukose: We are voting “Yes”.

Hon. Members: No!

The Temporary Deputy Speaker (Hon. Cheboi): You cannot be voting when I have not even asked you to vote. Hon. Kathuri Murungi, you are only logging in your card so that I can give the next order which is to vote. I have not given you that order.

Hon. Linturi and Hon. Kathuri Murungi, again, just log out. Put your cards in and let them remain there without making requests. We will wait briefly for the gadgets to work.

(Loud consultations)

The Member for Kesses, please, I have not asked you to vote, so if you press “No”, you will actually be requesting for an intervention. The Hon. Member for Kesses, log out.

Hon. Members, I will shortly be explaining what you are voting for, and then we will proceed.

Member for Igembe South, I can see that you are very eager to vote. It is not yet time to vote. If you vote now, you will be either making a request or an intervention. You can see that

we are working on the voting system to make it ready for use. So, be patient. In the meantime, Member for Uasin Gishu, please, remove your card and log-in without pressing anything. Hon. Mithika Linturi today is extremely anxious to vote. Please, log-in and wait.

Hon. Members, in the meantime, let me read out the Question that you will be voting for. It is the amendment by Hon. (Dr.) Pukose seeking to delete the word “constituency” appearing immediately after the word “every” on the seventh line and inserting in place thereof the word “county”.

If you vote “Yes”, you will be supporting Hon. (Dr.) Pukose’s amendment, whose effect will be taking the Intensive Care Units (ICUs) and the blood transfusion units to the county level. If you vote “No”, you will be asking that the facilities remain at the constituency level. I hope that you have understood that Question.

Hon. Members, you have 60 seconds to vote, starting now.

(Question put and House divided)

(Hon. Members voted)

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, the 60 seconds are over. The results of the vote are as follows: Ayes, 28; Noes, 56; Abstentions, 1.

(Question negatived by 56 votes to 28)

AYES: Hon. Lelelit Lati, Hon. Benjamin Washiali, Hon. (Eng.) Nicolas Gumbo, Hon. Makali Mulu, Hon. Onesmus Njuki, Hon. Jakoyo Midiwo, Hon. Ali Wario, Hon. Hassan Dukicha, Hon. Joseph Limo, Hon. Hassan Osman, Hon. (Dr.) Robert Pukose, Hon. Charles Mongare Geni; Hon. (Ms.) Rose Mumo, Hon. Justice Kemei, Hon. Ben Momanyi, Hon. Samuel Gichigi, Hon. (Dr.) Enoch Kibunguchy, Hon. Samuel Arama, Hon. Korei ole Lemein, Hon. Cornelly Serem; Hon. (Ms.) Sunjeev Kaur Birdi, Hon. (Ms.) Susan Musyoka; Hon. Timothy Bosire, Hon. James Gesami, Hon. Wesley Korir, Hon. Yusuf Chanzu; Hon. (Ms.) Fatuma Ibrahim and Hon. (Ms.) Zipporah Kering.

NOES: Hon. Athman Ali, Hon. Kamoti Mwamkale, Hon. Abdul Dawood, Hon. Aghosthino Neto, Hon. Alfred Sambu, Hon. Benard Shinali, Hon. Boniface Gatobu; Hon. (Ms.) Cecilia Ngetich, Hon. Christopher Nakuleu, Hon. Cyprian Iringo, Hon. David Gikaria, Hon. David Ochieng’, Hon. David Wafula, Hon. Elijah Moindi, Hon. Elijah Busienei, Hon. (Eng.) Stephen Ngare; Hon. (Ms.) Eusilah Ngeny, Hon. Ferdinard Wanyonyi, Hon. Francis Nderitu, Hon. George Omondi, Hon. Ferdinard Waititu, Hon. Harrison Kombe, Hon. Idd Mustafa, Hon. Jacob Macharia, Hon. James Mukwe, Hon. James Ekomwa, Hon. James Kimaru, Hon. Jimmy Angwenyi, Hon. John Kihagi, Hon. John Ndirangu, Hon. John Nyaga, Hon. Joseph Kahangara, Hon. Joseph Kiuna, Hon. Joseph M’eruaki, Hon. Joseph Manje, Hon. Kabando wa Kabando, Hon. Kathuri Murungi, Hon. Marcus Muluvi; Hon. (Ms.) Mary Seneta, Hon. Mithika Linturi, Hon. Moses Injendi, Hon. Gunga Mwinga, Hon. Njogu Barua, Hon. Patrick ole Ntutu, Hon. Peter Shehe, Hon. Philip Rotino, Hon. Richard Makenga, Hon. Robert Mbui; Hon. (Ms.) Rose Mitaru, Hon. (Ms.) Rose Nyamunga; Hon. Sammy Mwaita, Hon. Samuel Ndiritu, Hon. Stephen Mule, Hon. Stephen Manoti, Hon. Tiras Ngahu and Hon. (Ms.) Zainab Chidzuga.

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ABSENTION: Hon. (Dr.) Eseli Simiyu.

Hon. Members, it is, therefore, clear that the Noes have it.

(Applause)

(Debate on the original Motion resumed)

The Temporary Deputy Speaker (Hon. Cheboi): Member for Tongaren!

Hon. (Dr.) Simiyu: Thank you, Hon. Temporary Deputy Speaker. Although the voting was a secret ballot, I want to confess that I am the one who abstained from vote, the reason being that I felt the Question was on an ill-advised amendment that was trying to amend an ill-advised Motion. Two wrongs do not make a right. This Motion is ill-advised, ill-researched and populist. It will not improve health care at all even if somebody tries to implement it. It is not implementable anywhere in the world, and not just within our devolved system of government.

Issues like blood transfusion services are matters that are looked at according to the population the centre is supposed to serve – an aspect unrelated to the counties. A blood transfusion centre is supposed to be placed in a given location with a view to serving a given population. Therefore, the suggestion that blood transfusion centres in the country be located in every county is ill-advised. The whole idea is populist.

Likewise, placement of ICUs should not be based on counties but should target specific populations for service. What size of population is an ICU going to serve? Placement of such units should not be determined by county or constituency boundaries. An ICU is not just a room; it must have appropriate equipment and personnel to man the equipment. An ICU must be manned by nurses, whose duty is to take care of patients. You will need an anaesthetist and an intensivist – highly trained personnel who are at a prime even in the developed world. I do not see how we can handle that in Kenya, if we go by constituencies.

Hon. Temporary Deputy Speaker, we need to improve our health services but that can be done by looking at things professionally. We should be looking at these issues in terms of population coverage. Demanding such services on the basis of constituencies will not help us at all. The level of health care that is looked at in this Motion is what has been devolved to the counties. Therefore, this matter should be debated by the Senate at the best, or not debated at all.

With those remarks, I beg to oppose.

The Temporary Deputy Speaker (Hon. Cheboi): Let us hear the Member for Chuka/Igambang'ombe.

Hon. Njuki: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to support this Motion even though I am disappointed that it has not been amended.

It is important to be realistic. Even though we want the said facilities in the constituencies, it may not be realistic that we can establish 290 blood transfusion units and 290 ICUs in the country, especially given that we are currently struggling to provide health services at both the county government and national Government levels. The national Government is currently providing basic equipment to Level 5 hospitals countrywide. I hope that if this Motion goes through, it will be implemented.

Hon. Temporary Deputy Speaker, health care services have deteriorated over the last few years in some constituencies and counties. I am very sad to inform this House that when we

voted for the Constitution, we put all our eggs in one basket because we took a very important sector in this nation and put it in the hands of very inexperienced people who, at the moment, are running the services down. To give an example of how pathetic the situation is, for three consecutive weeks, the medics of Tharaka Nithi County have downed their tools and the health services in the whole county were grounded. If you visited a hospital like Chuka, which has an in-patient capacity of 150 beds, it had no single patient in the wards. Only two departments were opened at that time: the cash office and the mortuary. If you inquired from the persons manning those offices, they told you that they could not close the cash collection point because the mortuary was open. They continued collecting money that came in as mortuary services fee.

In that particular period, we had more funerals in Tharaka-Nithi County than weddings or anything else. At the same time we put a lot of strain on Embu Hospital and Meru Hospital. I am trying to imagine this situation: If we had partly devolved health where the national Government was left with one key hospital in every county, then we would be having at least one referral hospital which would be under a different management, so that even when the county governments mismanage the health services, we would at least have one facility where patients can go to. We still have to seriously think or rethink our strategy, and whether we really want the health service to stay where it is, devolve it partly or totally or bring it back to the national Government. This is because it is risky as it is at the moment.

Hon. Temporary Deputy Speaker, I am happy that Hon. Pukose really gave us the insight into what a Blood Transfusion Centre (BTC) means. We just thought it was a place where people go to get blood transfused every day; I see it even in dispensaries. Realistically, it is a place where blood is matched, screened and sent to other units to be stored at the right temperatures. This kind of thing is needed in areas where we have poor infrastructure which mostly results in very fatal road accidents as we have at the Nithi Bridge in Tharaka-Nithi County. We normally suffer a lot when we have to look for blood and sometimes even go to the media to appeal for donation of blood, because we do not have ready blood banks that can actually help patients.

I support the Motion and say that it is vital that even as we bring the leased equipment, if we should have intensive care units (ICUs) in every county and constituency as the Motion says at the moment, then we will better the lives of our people, and reduce the risk of this sector which is so critical in our lives.

As I finish, the issue of---

The Temporary Deputy Speaker (Hon. Cheboi): Kindly summarise so that we can share time with other Members.

Hon. Njuki: Hon. Temporary Deputy Speaker, there is the issue of doctors and other medics being employed on the basis of ethnicity in counties that we come from that has been featuring a lot in newspapers; we need to bring a serious law to this House that can compel county governments not to discriminate against medics employed in the counties. We do not need you to speak the language of the people for you to treat them. When you go to a hospital, you do not enquire as to where doctors come from before they treat you. *Wananchi* do not want services from any part of this country. It does not matter where a doctor comes from. You should get treatment from anywhere.

With those few remarks, I support this Motion. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the hon. Member for Bura Constituency. Hon. Members, it will be fine if you are very brief, so that many Members can speak because we have about 20 or 25 minutes to go.

Hon. Wario: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity.

From the outset, may I declare my support for this Motion? Secondly, may I again take this opportunity to commend Hon. Abdul for coming up with this Motion. Though I said that I support this Motion, it is one thing to pass a Motion and it is another to see that the law or Motion you have passed in this House is implemented. I have some reservations. Why am I saying this? There is infrastructure, manpower and resources required in having ICUs. As a nation, are we able to have ICUs in 290 constituencies today? My understanding of an ICU is a centre of specialists. It has a number of qualified doctors who handle chronic diseases.

We need to grow from somewhere. We cannot wake up from zero one morning and just imagine of having 290 ICUs in place. We need to appreciate the diversity of this nation. For some of us, we are at the dispensary level. For some, very basic health facilities like laboratories and maternities are missing in our hospitals. Before even talking of ICUs and BTCs, we need to have these facilities in place then we will take the next step of having the ICUs and BTCs in place.

As a nation, I think we have taken one very wrong step, the step of devolving the health function to county governments. There is no county in this country which has the capacity to address the disasters of the magnitude of Ebola. In health, there has to be research which should go hand in hand with provision of medical services. By devolving health services, it is as if we are killing this sector.

With those few remarks, I beg to support this Motion.

The Temporary Deputy Speaker (Hon. Cheboi): As I give the next hon. Member a chance, who is going to be Hon. Rose Mumo of Makueni, may I recognise the presence, in the Speaker's Gallery, of Lukenya Boys High School from Mavoko Constituency in Machakos County.

Okay, proceed.

Hon. (Ms.) Mumo: Nashukuru, Mhe. Naibu Spika wa Muda---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Member, I do not know whether yours is Machakos. Yours is Makueni County, so it is the neighbouring one. Proceed.

Hon. (Ms.) Mumo: Asante, Mhe. Naibu Spika wa Muda. Nashukuru kwa kunipa nafasi hii. Ningependa kuchangia jambo hili la kupata benki ya damu, ama kupata hiyo *transfusion service* – Kiswahili kinanipungukia kidogo – ni jambo muhimu na la maana sana katika kaunti zetu. Kile ningesema ni kwamba, kuanzisha chumba cha wagonjwa mahututi ni jambo muhimu sana. Hata hivyo, tuangalie kama tuna sifa, ujuzi na mambo ambayo yanatuwezesha kuanzisha vyumba hivi. Kuanzisha jambo hili katika kila eneo la uwakilishi Bungeni ni vigumu. Ni vigumu kwa sababu gani? Ni vigumu kwa sababu hakuna mahali ambapo tumeanzia. Ni lazima tuanzie mahali maanake hata tukiangalia hospitali nyingi hapa Nairobi ni chache sana zilizo na vyumba vya kuangalia watu mahututi. Jambo lenyewe ni jema kwa sababu akina mama wengi wanapoteza maisha yao wakati wanapojifungua. Unakuta kwamba hakuna damu ya kuwapa kwa maana wanavuja damu nyingi; kama tungekuwa na damu ama njia ya kuwapa akina mama hawa damu, tungeokoa maisha ya wengi wao.

Jambo lingine ni kwamba katika eneo la uwakilishi Bungeni au Kaunti ya Makueni ambayo mimi ninatoka, sehemu kubwa inapitiwa na barabara ya Mombasa ambapo kunatokea ajali nyingi sana, na maisha mengi hupotezwa. Hii ni kwa sababu watu wanapopata ajali pale, wengi hupoteza damu na inakuwa ni vigumu kupata nyingine ili wasaidike kimaisha. Kama tungeweza kuwa na huduma hizi katika kaunti zetu, wengi wa watu hawa ambao hupoteza maisha yao wangeokolewa kwa kupata damu kwa haraka.

Lingine, ninapomalizia, ni kwamba utekelezaji wa jambo hili ungekuwa ni wa haraka iwapo tungelianzisha katika kaunti kuliko kusema tuazishe katika kila eneo Bunge. Tunaweza kuzungumza hapa tu lakini iwe vigumu na ichukue miaka mingi wakati maisha ya wengi yakipotea. Ningeomba tufikirie kuanzisha katika kaunti ndipo tuangalie jinsi uwezo wetu utapatikana kuanzisha katika kila eneo Bunge baadaye. Tuangalie jambo linaloweza kutekelezwa na lisiloweza kutekelezwa.

Nashukuru na naunga sana mkono jambo hilo la kupata na kupeana damu katika kaunti na pia kuanzisha vyumba vya wagonjwa mahututi. Asante.

The Temporary Deputy Speaker (Hon. Cheboi): Hiyo ni sawa. Hebu basi tumsikize Mbunge wa Lamu Mashariki.

Hon. S.A. Ali: Ahsante, Mhe. Naibu Spika wa Muda, kwa kunipa fursa hii ya kuchangia Hoja hii. Vilevile ningependa kumpongeza Mheshimiwa ambaye amelea Hoja hii baada ya kuzingatia pakubwa suala la afya katika nchi yetu.

Kwa kweli hii ni Hoja ambayo inaonekana ni kama imeletwa Bungeni kama Hoja nyingine za kawaida, lakini ukweli ni kwamba suala la afya katika nchi hii limeachwa nyuma sana na limekuwa katika hali ya kutothaminiwa. Mjadala uliopo ni baina ya kauli mbili: Je, huduma hii ipatikane katika kaunti au katika maeneo Bunge? Kwa kweli ni jambo la kusikitisha. Hivi sasa huduma hii haiwezi kupatikana katika baadhi ya kaunti hata ingawa tuna miaka 52 ya Uhuru. Hilo ni jambo la kusikitisha.

Kuna umuhimu mkubwa nchi hii kuzingatia suala hili kwa sababu kifo kimewekwa na Mwenyezi Mungu. Sababu kubwa ya watu kufariki ni kutokuwa na huduma bora katika sehemu nyingi katika nchi hii. Tukizungumzia huduma hizi kuwepo katika kaunti, hata zikiwepo katika kaunti, mgonjwa anapotolewa mahali anapotoka kukimbilia mahali huduma hii inapatikana, kuweza kufikia huduma hii, kulingana na hali ya barabara zetu wengi wanakufa katika magari ya kubebea wagonjwa kwa sababu ya misongamano ya magari katika barabara zetu.

Suala hili lahitaji kuzingatiwa pakubwa. Kuna umuhimu mkubwa kila mwananchi katika nchi yetu ya Kenya kuhakikisha ya kwamba amepata huduma ya kawaida. Watu wengi sana hawawezi kujimudu kwa sababu ya matatizo ambayo tuko nayo. Ni muhimu kuhakikisha kwamba kila mwananchi anayeishi katika Kenya hii amehudumiwa. Wakenya wengi wanasafiri nchi za nje kwa sababu suala hili la afya huonekana ni kama halina thamani ama halitiliwi juhudi katika nchi yetu. Siyo kwamba hatuna watu wa kuhudumia wagonjwa. Mipangilio katika Serikali yetu ya kuliendesha jambo hili ndiyo inaleta pingamizi kubwa katika kulifanikisha jambo hili.

Uwajibikaji ni jambo muhimu sana. Leo hii tunazungumza kuhusu kuweka huduma hizi katika maeneo yetu ya Bunge, lakini ikiwa hakutakuwa na uwajibikaji, itakuwa ni kama vile Waswahili husema, kumpigia mbuzi debe. Kuna dharura kubwa ya kuwajibikia masuala haya.

Wakenya wanaumia. Ni lazima iwapo tumekubaliana kupitisha mambo kama haya, ufuutilizaji na uwajibikaji ni lazima upatikane kwa sababu tunaweza kuyapitisha mambo haya lakini yakabaki vilevile kwamba hayana maana yoyote kama inavyosemwa na wenzangu. Inaonekana ni kama ndoto tunajaribu kupanga hivi sasa. Lakini ninaamini pakubwa hakuna jambo ambalo haliwezekani. Utapata kwamba, kwa mfano, hapa tulipo wakati mmoja palikuwa ni kiwanja tu. Waliofikiria kujenga Jumba hili walikuwa na mpango wakalijenga. Hivi sasa tukisema tutatoa huduma hizi sharti tuhakikishe kwamba kila mmoja amewajibika katika kulitekeleza jambo hili. Hivi sasa tumepeana majukumu ya afya kwa serikali za kaunti. Ingawa hivyo kuna malalamishi mengi. Ni kwa nini? Tatizo liko wapi? Limesababishwa na nini? Tatizo kubwa ni kutowajibika. Je, hakuna pesa za kuendesha shughuli hii? Katika kaunti yangu ya Lamu, hakuna huduma hizi. Tujiulize kosa liko wapi. Matatizo yako wapi? Ikiwa ni pesa, Serikali kuu inapeana pesa kwa Kaunti ya Lamu. Je, ni viongozi walioko pale hawajawajibika kuliangalia suala hili? Anayeumia ni nani? Mwananchi wa kawaida anaenda sehemu nyinginezo kutafuta hizi huduma. Tukisema kwamba tutaweka katika kituo kimoja katika kaunti---

The Temporary Deputy Speaker (Hon. Cheboi): Haya utamalizia sasa Mbunge wa Lamu East.

Hon. S.A. Ali: Ninaunga mkono Hoja hii. Lakini kubwa ambalo nataka tuangazie kama viongozi ni kuwajibika, kutekelza na kujua kwamba wananchi wa Kenya wanaumia popote walipo kwa ajili ya masuala ya afya.

Asante.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Member for Kacheliba, Hon. Mark Lomunokol.

Hon. Lomunokol: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I stand to support this Motion for so many reasons. One, a lot of times services that have been taken closer to constituencies have proved to serve citizens of this country better.

I represent Kacheliba Constituency in West Pokot County. West Pokot happens to be the largest consumer of blood in the blood bank in our referral hospital in Eldoret. Of all the beneficiaries of the blood bank, majority come from my constituency. It is for this reason that I deem it fit that we take these services closer to the people. At least every constituency must have a good hospital that can serve its people well. Some of our constituencies are backward in terms of health facilities. Since Independence---

The Temporary Deputy Speaker (Hon. Cheboi): You do not have too much time, Hon. Lomunokol, because we are about to have the Mover respond.

Hon. Lomunokol: Thank you. I will endeavour to shorten my contribution. Since Independence, some places have gained more than others. It is for this reason that at this time we need to distribute our resources equitably to every region. That is why I support the Mover of this Motion so that every region is served well.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): I will give one minute only to Hon. Chanzu because it is time for the Mover to reply. The Mover can donate time to any other Member he so wishes. He will have 10 minutes.

Hon. Chanzu.

Hon. Chanzu: Thank you, Hon. Temporary Deputy Speaker. This is an important Motion because when we talk about devolution we are talking about taking services and resources closer to the people. It is only this way that we will be implementing what the Constitution desires that Kenyans must be served from close quarters. The only problem we have is the cost. If you go to constituency level then the cost is going to be prohibitive and it might not be possible to implement. That is something to be considered now that the Mover is urging the Government to do this. When it comes to implementation, I hope this will be taken into account.

The counties, particularly counties like Vihiga have let Kenyans down on devolution. If you go to big hospitals like Vihiga District Hospital, there are no medicines, doctors or X-Ray machines. If you were to be treated there, you have to look for a surgeon from outside, which is very costly.

The Temporary Deputy Speaker (Hon. Cheboi): Wind up. Your minute is over. You will speak to the next one, Hon. Yusuf.

Hon. Chanzu: The money that we take to the counties, like Kshs4.5 billion in the Vihiga case, must be put to proper use so that these services are given to the people who deserve them and who are the taxpayers.

Thank you very much. I support.

The Temporary Deputy Speaker (Hon. Cheboi): So, let us have the Mover to respond. I want to know if you are donating any minute or not. If you are not then you have 10 minutes.

Hon Dawood: Before I reply and I want to donate some time to the following Members: Hon. Dukicha, MP for Galole---

The Temporary Deputy Speaker (Hon. Cheboi): Just state the name; I know them.

Hon. Dawood: Hon. Aisha, Hon. Halima, Hon. Shakeel, Hon. Makenga, Hon. Kangongo and Hon. ole Ntuntu.

The Temporary Deputy Speaker (Hon. Cheboi): And you will have no more minutes yourself. So, let us start with Hon. Dukicha. All the Members who have been mentioned put your cards on the intervention slot. Hon. Dukicha start. You have one minute.

Hon. Dukicha: Asante mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii. Kwanza kabisa nachukua fursa hii kumpongeza mhe. Dawood kwa kuleta Hoja muhimu kama hii katika Bunge. Nasimama kupinga haya maono.

(Laughter)

The Temporary Deputy Speaker (Hon. Cheboi): What did you say? How can you oppose when time has been donated to you? Anyway, proceed. It is your right. It is really up to the---

Hon. Dukicha: I will oppose. I have a reason why I am opposing.

Mhe. Naibu Spika wa Muda, swala la damu, nyumba za mahututi na kutoa damu kupeleka kwa eneo la uwakilishi Bungeni--- Hii miaka yote tunajua shida za hospitali. Tukipewa hivo vitu vyote katika maeneo ya wakilishi Bungeni, itachukua miaka 20. Kwa mfano mahali natoka---

(Loud consultations)

The Temporary Deputy Speaker (Hon. Cheboi): Order! Give the Member of Parliament time. Hon. Dukicha, proceed. You are perfectly right but your time is over. That is the only problem.

Hon. Dukicha: Ukichukua mfano wa hospitali ya Hola, imeoza, haina mochari, mahali pa kulala wala chochote. Leo unawaambia eti wachukue hii wapeleke eneo la uwakilishi Bungeni.

The Temporary Deputy Speaker (Hon. Cheboi): Haya dakika yako imekwisha Mhe. Dukicha, tafadhali. So, we will give a chance to Hon. Aisha, but I cannot see her card. Yes, Hon. Aisha, proceed please.

Hon. (Ms.) Katana: Asante sana Mhe. Dawood, ama Mhe. Naibu Spika wa Muda ndiye amenipa nafasi.

Nataka nichukue nafasi hii kwanza nimpongeze sana Mhe. Dawood pia kwa kunipatia dakika yake moja ili nipaze sauti yangu kuhusu Hoja hii. Nimesimama kuiunga mkono. Nataka kwanza nipongeze pia lile jopo la wataalam ambalo lilikuja na mabadiliko ijapokuwa yameangushwa; niliomba sana wenzangu tuyazingatie kwa sababu maswala ambayo yamezungumzwa ni ya ukweli ili kuhakikisha swala hili limepata uhakika wa kufanyika, na ni lazima tulizungumze kwa upana.

Kupata ICU katika kila eneo la uwakilishi Bungeni una ugumu kama vile wenzangu waliotangulia kusema. Pia kuna umuhimu sana watu kuzingatia huduma hii. Kwa mfano, wakati huu katika shughuli ya uchukuzi tuna wale vijana wetu wanaoendesha *boda boda* na ajali zimekua nyingi sana katika sehemu zetu.

The Temporary Deputy Speaker (Hon. Cheboi): Dakika zako zimeisha, Mhe. Aisha. Dakika yako moja imeisha. In fact, I have added you a few seconds. Now we will go to Hon. Halima. Did you also donate time to Hon. Kimaru? Yes; let us have Hon. Kimaru in the meantime. Strictly, one minute.

Hon. Bett: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I support the Motion because we say that a healthy nation is a wealthy nation. So, if we set up ICUs and blood transfusion centres in every constituency, it will mean we will have a relatively healthy nation, and members of the public will be able to do their work in a big way. We will save a lot of money that we use to take our patients to other countries like India; we will save a lot of FOREX and our per capita income will increase.

I support the establishment of the same.

The Temporary Deputy Speaker (Hon. Cheboi): Very well, let us have the Member for Tana River. I cannot see your card. You are having a problem! You have it now.

Hon. (Ms.) Duri: Thank you, Hon. Temporary Deputy Speaker. I thank Hon. Dawood for bringing this important Motion. It is very important to have good health facilities and good roads in our constituencies for care of critical issues, when it is necessary. We need good roads, so that we can get to hospitals in cases of emergencies. Now that counties are trying to improve

the hospitals, it is good to have facilities like blood transfusion centres and ICUs in constituencies. Constituencies should have blood transfusion centres and ICUs for emergency purposes. For example, in case of accidents, people are taken to hospitals where there are no facilities like ICUs and blood transfusion service. It is good for our counties and all constituencies to have these facilities.

The Temporary Deputy Speaker (Hon. Cheboi): Your time is over. Let us have Hon. Shakeel Shabir; a minute.

Hon. S.S. Ahmed: Thank you, Hon. Temporary Deputy Speaker and Hon. Dawood. I support this with some reservations. I have had over 35 years of experience in hospital management. There must be a differentiation between blood transfusion and blood banks. A blood bank requires tremendous amount of facilities and technical information. Blood transfusion can be carried out at the constituency level even within certain health centres as long as the person doing it has the qualification and the ability to do so. The problem is in the matching of blood.

I confirm that if we change that words to make it “blood transfusion” and not “blood banking”, then it is possible, otherwise we are going to have internal problems with a blood transfusion system.

Thank you very much.

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

Hon. Bowen: Thank you, Hon. Temporary Deputy Speaker. I also want to thank Hon. Dawood. This is a very well thought out Motion. Emergencies and unpredictable situations happen everywhere and to everyone. This is a very important Motion given that there are some remote parts of this country where we do not have any health facilities around. If this Motion is going to be approved and the Government implements it, it is going to help so many Kenyans who live in remote parts of the country.

Accidents occur and we have diseases like anemia which do not discriminate areas or regions. They occur everywhere. So, if we have blood transfusion centres and ICUs, it is going to help our people, especially in remote areas.

I beg to support.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Lastly, let us have Member for Narok West.

Hon. ole Ntutu: Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I want to congratulate my good friend, Hon. Dawood, for bringing this Motion that is very noble. Many Members are saying that this is not doable, that we cannot have ICUs and blood transfusion centres in every constituency. I want to tell you that it is doable. It is corruption in our country that is preventing us from having these services. We should deal with corruption in the national Government, and also in the county governments. We are having a lot of wastage in various Government departments. If we minimise this wastage, we will be able to give this very important service to our people. I am happy that we have defeated the amendment that was brought by one of our Members here.

Thank you for the opportunity.

The Temporary Deputy Speaker (Hon. Cheboi): We have a balance of 45 seconds for the Mover.

Hon. Dawood: Thank you, Hon. Temporary Deputy Speaker. I ask for an extra minute.

The Temporary Deputy Speaker (Hon. Cheboi): You cannot ask for what you had and donated.

Hon. Dawood: Hon. Temporary Deputy Speaker, I have brought this Motion in honour of the girls of Standard Seven and Eight of Loreto Convent, who had an accident in my neighbouring constituency and some girls lost their limbs and three of them lost lives. When we went to collect the body of one of the girls, who was a Muslim from the mortuary, the mother had to choose a limb of her daughter from the six or eight hands that were there. We had to see which one would match the girl. If we had an ICU or a blood transfusion centre in the area, we would have saved some of the girls. I was there the whole night and I had to order for blood from Nyeri and Embu. The situation is so pathetic that you cannot save a loved one in time of need. This is very necessary. I know this is a county function, but why can the national Government not turn hospitals into referral hospitals and then we take care of them?

The cost of establishing an ICU centre is about Ksh25 million and Kshs30 million for a blood transfusion unit. That includes laboratories and other facilities which come with it. Some of us do not believe in blood transfusion like the followers of the Jehovah Witnesses. The Holy book of Acts 15:28-29 states that we should abstain from blood, but there are substitutes which are being developed, for instance, in South Africa. We hope that in future, we will get them. The future is very far. I thank all the Members who have supported this Motion.

Dr. Pukose tried to amend the Motion. I appreciate what he said, but this country needs ICUs and blood transfusion centres in every constituency. Some constituencies are even bigger than counties in this country. It is a basic constitutional right for the people to be served. We need to take care of our people, so that we can have a healthy nation. Our people should be served well and properly.

With those few remarks, I move.

Can I donate one minute to Hon. Tongi?

The Temporary Deputy Speaker (Hon. Cheboi): You are totally out of order!

Hon. Dawood: I request because Hon. Makenga as well had requested.

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Dawood! You cannot donate any more. I have actually added you one minute-and-a-half and you still feel that you should donate. We have finalised that particular one.

Unfortunately, we are not going to put the Question because of the obvious reasons. So, we will slot it for the next sitting.

We will go to the next Order. I can see Hon. Wamalwa seated there. Proceed and move your Bill.

BILL

Second Reading

THE POLITICAL PARTIES (AMENDMENT) BILL

Hon. Wakhungu: Hon. Speaker, I beg to move that the Political Parties (Amendment) Bill be now read a Second Time.

*(The Temporary Deputy Speaker
(Hon. Cheboi) left the Chair)*

*(The Temporary Deputy Speaker
(Hon. Kajwang') took the Chair)*

The Political Parties Act is critical as far as the management of political parties is concerned. I will go straight to the Memorandum of Objects, the intention and the gist of this amendment. You will agree with me that political parties are the institutions that people use as far as democracy is concerned. When you look at Section 23 of the Act, it establishes the Political Parties Fund. This Fund is supposed to be used for political parties in terms of running their programmes. Unfortunately, you realise that the threshold that was given was very high and many political parties, which are national in nature, did not qualify to get this funding. Therefore, their programmes are impeded by lack of funds.

In terms of compliance, every political party must have a minimum of 24 offices across the country. That means that you must have an office in every county or a minimum of 24 offices. All this requires funding. This Fund should help political parties in terms of establishing offices. Before a political party is given a certificate of compliance by the Registrar of Political Parties, the money element that is involved is very high. This has impeded the activities of some political parties and some have even “died” on the way.

This amendment is intended to reduce the limitation, so that more political parties can benefit from the Political Parties Fund. The intention of the Political Parties Fund was to remove dictatorship. In the early days of KANU, if a person was a financier of a particular political party, when it came to party nominations, the financiers got direct nominations. You realise that the financiers dictate as to who should be nominated for which positions or elective seats. This negates democracy.

Article 38 of the Constitution states that every citizen has a right to join or form a political party and has a right to free and fair elections. So, this funding came in to eliminate people who were funding political parties, so that they do not have that say. Instead, *wananchi* should have a say when it comes to nominations.

Looking at the Political Parties Fund, as per last year, you realise that about two or three parties qualified. If you look at today’s newspapers, a research that was done by the Institute of Education and Democracy shows that the compliance of the parties that got the funding in terms of offices is not 100 per cent. It is about 60 per cent and others 50 per cent. The Auditor-General must move in to audit these political parties, so that public funds that they are given are used for the purpose that is intended.

In Clause 2, the Bill seeks to amend Section 25(2)(b) of the Act to reduce the threshold from 5 to 2 per cent, being the minimum number of votes that a political party needs to secure to qualify for funding. Clause 2 of the Bill further seeks to include the requirement that any party that qualifies for funding must have, at least, five elected leaders. When we move to the Committee of the whole House, many Members will want to move amendments. Once we go to the Committee of the whole House, we are going to bring in the amendments, so that political parties can also be given the support that is required for purposes of democracy in this country.

This Bill does not concern county governments. It does not involve or occasion additional expenditure. The Act stipulates 0.3 per cent of the total national revenue goes to the political parties. So, it does not require any extra expenditure. It is just the Fund that has already been given whose size we want to increase, so that many other political parties can benefit from this funding. It is going to enhance democracy, so that rigging does not arise.

In this hon. House, you will agree with me, we have many Members who were rigged out in various political parties and had to jump to other political parties and found their way here. So, rigging and unfair nominations have been the order of the day in some political parties. If we are going to reduce the threshold, this is going to expand the net. I said that some people who lose in nominations go to other parties and win in elections. That means that there must have been something wrong as far as the nominations of a party were concerned.

The Temporary Deputy Speaker (Hon. Kajwang'): I am just concerned that you think Members of the National Assembly jump. I thought they are so honourable as not to be jumping.

Hon. Wakhungu: Those are semantics I can change them, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): Proceed.

Hon. Wakhungu: The gist of this amendment is to bring that bigger freedom of choice as stipulated in the Constitution, so that parties can also benefit from public funding. As we move on, we call upon the Auditor-General to go further and audit some of the political parties because as you saw in the research that was published today, the compliance of those political parties that qualified is not even 100 per cent. I request this House to support this amendment so that we can amend the Political Parties Act and enable more political parties to benefit from funding.

I call upon hon. Hassan to second.

I thank you.

The Temporary Deputy Speaker (Hon. Kajwang'): Can I see you on intervention? Press your intervention button then I will recognise you. Have you done so?

Hon. Osman: Thank you, Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): I understand that you are a party leader.

Hon. Osman: I am a chairman of a party but I am planning to be a party leader soon.

The Temporary Deputy Speaker (Hon. Kajwang'): You may proceed. You must have a lot of expertise in matters political parties.

Hon. Osman: Yes, hon. Temporary Deputy Speaker. My party is the United Democratic Party (UDF).

The Temporary Deputy Speaker (Hon. Kajwang'): You do not disclose your party to anybody. You are free to proceed.

Hon. Osman: Thank you, Temporary Deputy Speaker. I rise to second the Bill by hon. Chrisantus Wamalwa.

We have about 59 political parties in this country. At the moment, only about three are funded. The Bill wants political parties which are unfunded to be funded. This is because about 77 Members of the National Assembly come from unfunded parties.

Secondly, the unfunded parties really have a lot of problems. You have already been told that an audit done by a Non-Governmental Organisation (NGO) discovered that even those

parties that are funded do not have the required number of offices. For example, the office of a party - I do not want to mention in Mombasa - has already been turned into a residential place. Another one in western Kenya has its offices in a church while another one in central Kenya has an office in a spares shop. This means that the money that the funded parties get is not enough even for them. What about those who are not funded? They are really struggling.

As my colleague has said, for democracy to flourish in this country and for us to run away from the issue of a single party and dictatorship, we really need to support those parties to be funded. Again, we never know about tomorrow. Even if we come from parties that are funded, we might end up not getting nomination in the parties that are funded. So, my colleagues, you might find yourself looking for a party that will give you a nomination certificate. You also want to come to a party that has good governance, is democratic and abides by the law and gender rules. It is stipulated that every political party must not have more than two-thirds of its members of the same gender.

Finally, getting 2 per cent of the votes cast for a party to be funded, as the Bill says in the amendment, is not a tall order for most of the unfunded parties. It will also help unfunded parties to grow democratically.

With those few remarks, I urge my colleagues to support this amendment, so that we do not have a fiasco in the 2017 General Election. We yearn to have free, fair and transparent elections in 2017.

Thank you very much. I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Members, I have several requests coming to the console. However, I suppose that many of you could have put your requests on different Bills. So, you can just refresh my screen by removing your cards if you are not speaking to this Bill, so that I know exactly who wants to speak to it. Definitely, some of us may have done a lot of research and library work on this, and so we will get quality work if we pick those who have thought through this Bill. It is good for us to do that, so that we can have a quality debate.

In spite of my intervention, nobody seems to be relenting. I take that this is the order of how you want to speak. If that is the case, I will start with the Member for Kitui East.

Hon. Muluvi: Thank you, hon. Temporary Deputy Speaker for the opportunity. I rise to support this amendment with reasons.

One, just as has been alluded to by hon. Wamalwa, many people who support political parties enjoy excessive privileges because of their---

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Kitui East, the Floor is yours but the amendment here concerns one section of the law. If all of us can be fair to others, without compulsion, you can take as few minutes as possible. This is because you are only speaking to an amendment to one section of law. So, you should not say everything because somebody else will say something also.

Please proceed.

Hon. Muluvi: Thank you, hon. Temporary Deputy Speaker. It was for good intentions that this Fund was established under Section 23. Basically, it was meant for political parties to

roll out their programmes without external interference by interested parties who come to--- For now, we have over 56 parties which are not funded. It is very difficult for them to roll out their programmes throughout the Republic, when they do not enjoy any funding from the Government, or from well-wishers.

I support the position that we reduce the percentage from 5 to 2 per cent to allow more parties to come in to enjoy the Fund. If that is the position, I appreciate what the Mover was saying.

With those few remarks, I support the amendment.

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you very much. That is the way to go. Take as short time as possible, so that others can also have a chance.

Let us have the member for Vihiga.

Hon. Chanzu: Thank you, hon. Temporary Deputy Speaker. This is an important Bill because we are talking about democratisation and getting away from corruption.

The way the Bill states here, those with big political parties and the threshold that is set, there is a tendency for there to be undue influence in getting people to be nominated in these parties.

Hon. Anami: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Shinyalu, I would know if something was out of order. Can you just hold on. Just a minute Member for Vihiga.

I will know when something is out of order; can you just hold your horse, if you do not mind? I am just giving you directions that if something is really out of order, I will be the first to know.

Member for Vihiga, just hold on, I will give you the microphone. Member for Shinyalu.

Hon. Anami: Hon. Temporary Deputy Speaker, you notice the interest that all of us have in this amendment. I want to propose, if it is okay, that we reduce the time for contribution, so that most of us can make contributions to this very important amendment.

The Temporary Deputy Speaker (Hon. Kajwang'): I appreciate that, but you know the Standing Orders. We are going back to where we have come from; in the middle of a Motion or a Bill, we rise to limit the time. Let us go to where the Standing Orders wants us to be. If you think that we should shorten or increase time, bring that Procedural Motion before debate starts. That is how it should be. It is for a very good reason, because the owner of the Bill does not want to feel that his Bill has been unduly prosecuted. That is why we discuss the question of the Procedural Motion first before we go into debate. I appreciate your comments, but they are coming late when we have started debating the Bill.

Hon. Anami: Hon. Temporary Deputy Speaker---

The Temporary Deputy Speaker (Hon. Kajwang'): You know you do not have a second chance. The best thing we can do is just to be responsive as that Member has just began; let us take the shortest time possible. Five minutes, without compulsion or a direction, to that extent.

Hon. Chanzu: Hon. Temporary Deputy Speaker, I was saying, to avoid manipulation, corruption and to be fair to everybody, it is important that the threshold, in terms of funding, contribution and votes that the parties command in elections is reduced from 5 to 2 per cent.

The other aspect which is dealing with the number of Members is also important. For example, you find a party like my UDF has 12 elected leaders, including Members of Parliament,

Senators and governors, but it is not getting funding. The party becomes very desperate. All money does not come from an individual's pocket. The money that we are talking about is money that is paid by Kenyans who are all taxpayers. So, it is fair that there must be equity and fairness in all this. I do not know why Hon. Wamalwa thought of only reducing the percentage to two. You can start a party; the parties must grow from somewhere. We cannot have parties that imagine that they are growing from up. We want parties to emerge and grow, even if somebody can start a party on his own, and not from the idea of community influence, using tribalism and other things. We want parties to grow on their own and people to love their parties based on the philosophies of those parties.

So, it is a very important move and I think there is a lot that we need to do in political parties. When you look at nominations, where we are nominating people in advance without knowing what is going to happen, changes need to be brought at a later stage.

Thank you so much, Hon. Temporary Deputy Speaker. I support.

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you. Member for Kisumu East.

Hon. S.S. Ahmed: Thank you very much, Hon. Temporary Deputy Speaker. I support the Motion but I think there has to be certain points that need to be looked at. Every party must have a philosophy. Every party must have its own mandate and an infrastructure. Otherwise, if you allow the Motion to stand for anybody who wants to start a party and then request funding, it is going to open a floodgate. As it is already, some of the parties that have been given a lot of money - I will even mention ODM as my party - I have no idea how they spend that money. I wonder whether the other parties can satisfy their Members.

The other issue is that parties raise money from Members of Parliament and other people. That again is not accounted for. As it is, I see the Political Parties Act that needs to be strengthened, and we need to be very particular on how a party is formed and what infrastructure is required.

With those few remarks, I beg to support.

Hon. Kaluma: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Homa Bay Town, you are the next one in the list, but what is out of order?

Hon. Kaluma: *(Inaudible)*

The Temporary Deputy Speaker (Hon. Kajwang'): No, I cannot hear you. This morning you seem to have--- You do not have your card.

Hon. Kaluma: On a point of order, Hon. Temporary Deputy Speaker. Matters of democracy are very close to my heart. Before I contribute, my point of order was an issue of concern. The entire country knows that the ODM is, indeed, the biggest party in the House and a beneficiary of this Fund. Could the hon. Member, who is a Member of this great party, be right to say he does not know how the funds committed to the party are used? Is he blaming that on the party or his indolence in failing to go to the ODM headquarters to know what is happening? This is the only party that is properly run. If he does not know, he should check.

The Temporary Deputy Speaker (Hon. Kajwang'): Just a minute. Let us take one after the other. What is out of order? I am struggling to find what is out of order.

Hon. Kaluma: Hon. Temporary Deputy Speaker, he is casting aspersions in relation to accountability by the greatest party on the land because of his own indolence.

(Hon. S. S. Ahmed stood up in his place)

The Temporary Deputy Speaker (Hon. Kajwang’): Let me help you. You do not have to rise. Member for Homa Bay Town is asking whether the Member for Kisumu East is in order to cast aspersions on that political party which has been mentioned. As far as I am able to recall, that Member did not cast any aspersions. He just said that he does not know how that money is spent. I suppose that political parties are audited and so on. So, I find nothing as casting aspersions on a political party if somebody does not know how money is spent. I find nothing to be out of order. Will you please drop that and go to the discussion that we have here.

Hon. Kaluma: I thank you, Hon. Temporary Deputy Speaker.

Kenya is a multi-party democracy and the people of Kenya have made that deliberate choice. There is a good reason as to why we decided that parties be funded using taxpayer’s money; they must meet particular criteria and parameters. We had a situation in this country where parties were being formed and run using a briefcase; you only heard of them during election time. Then we said we would be committing the funds of this country only to supporting political parties which contribute to the democratization of this country. That is why thresholds were set in the manner that they were set. In as much as I always find difficulties opposing Dr. Chris Wamalwa, a very scholarly Member of Parliament, I am constrained to support this particular Bill.

My view is that we must agree that parties must build; they must be of some meaningful contribution and must have some membership, both in Parliament and of other people who vote leaders into positions in the party to be funded. That is why I was saying that if we have a situation in which we have a party that is below the limits, we should not cure that by opening the floodgate and allowing all parties to come in. Instead, let us allow formation of coalitions.

Hon. Temporary Deputy Speaker, we observed the elections in South Africa the other day as Members of the Departmental Committee on Justice and Legal Affairs Committee. I can confirm to the House that the parties that would participate meaningfully in that electoral process were known even before we went there. I, thereafter, observed the electoral process in Turkey in the recent presidential election. It was a race between two clear political parties with ideologies which, of course, the citizens of that country know. Of course the AK Party won the presidential election. You saw what happened in terms of parliamentary elections. The other coalition of the smaller parties came together and they won the majority in Parliament. There is coalition formation going on.

In the United Kingdom, from where we borrow so much, they have two major political parties which compete, the Labour Party and the Conservative. We cannot have a situation where our political philosophy, as a country, is running over 100 political parties and seek to sustain them using taxpayers’ money. I would request that we oppose this Bill, and if we do not succeed to defeat it, we come up with some very radical amendments, so that we do not have these small parties. The provision that we needed to have is a situation where if you are in the CORD Coalition for instance, and ODM is getting funding, there are some things you must lose because you have agreed to be in a coalition with other parties. Instead of saying that all political parties which have one or two Members of Parliament get money, the party receiving political party funding in the coalition should share that money with those other political parties. That is an

amendment that will be tenable in terms of nurturing our democracy as opposed to saying that every small party formed out there by Kaluma and Kaluma manages to come to this House should be given public funding. That is my thinking.

Because of shortness of time, I see the anxiety of fellow Members in the House. You remember that in our National Assembly, we have only one party leader, Hon. Hassan Osman. He is anxious. I do not want to go so much deep into it. I wanted to request that we think soberly about this thing, and how we can nurture our Republic as a true multi-party democratic state. My view is that you do not do so by having so many parties but by having three parties with one just counter-checking the two; in cases where coalitions are formed you move forward.

I thank you. I will be proposing amendments.

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you. Yes, Member for Shinyalu!

Hon. Anami: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. Funding of political parties is very important. It is good that it should be open to all parties that serve the citizens of this country. Our Constitution alludes to equity in distribution of resources. I wish to support this amendment because it will give an opportunity to all citizens of this country to develop their political ambitions and policies.

Freedom of expression and democracy in this country of diversity can best be expressed through political parties. As we continue to stabilise in this political arrangement, it is good that we support, especially small political parties much as we also help the big parties. We have one challenge and I am happy that one of the earliest speakers alluded to this. The issue of credibility is important. As we adopt these amendments, we underline the importance of credibility and even help political parties to build their own credibility as they serve citizens of this country.

The issue of elected members running political parties is challenging. This is because it puts a burden on elected Members. If we do not provide funding for political parties, then we are creating a crisis where elected Members are discriminated against by way of being charged with the responsibility of funding their parties, especially where we do not have party leaders in the House, or in any elective positions. I know we have elected members of political parties, whether they are Members of County Assemblies (MCAs) or Members of the National Assembly, who are coerced by their party leaders to make provision for the running of parties. We need to get away from this and the best way to do that is by funding all parties. We need to have a threshold for this. If we agree that such parties should be represented at the county assemblies, the National Assembly, or the Senate that will be the threshold. It is very important for us to be consistent with the provisions of the Constitution on funding of all institutions that serve the citizenry.

With those few remarks, I support this amendment.

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you very much.

Member for Kitui Central, as you are rising, I want to recognise young people who are with us watching the proceedings from the Speaker's Gallery and the Public Gallery. These are girls from Ogandi Mixed Secondary School, Homa Bay Town Constituency, and students from Uhuru Secondary School, Kamukunji Constituency.

(Applause)

You may proceed.

Hon. Mulu: Thank you, Hon. Temporary Deputy Speaker for giving me the chance to support this amendment. This amendment is very important in terms of our democracy as a country. It is going to help us grow the democratic space in this country. It has been said that we have many political parties in this country. After the last general election, only three parties managed to get national funding despite the fact that we are in a coalition. You are aware that under the CORD Coalition, we have key coalition partners like Wiper Democratic Movement and FORD (K). If you look at those parties, you will be surprised that they never managed to achieve the threshold for funding. I want to give an example of my party, the Wiper. It has five senators, four governors, 122 MCAs, 20 MPs and six women representatives. We missed the threshold by only about 0.05 per cent. As we are talking, were it not for the goodwill of the other coalition partners, more so ODM, which is the main party, today Wiper would be having no funds at all to conduct party matters.

It is important that this amendment goes through, so that those parties which have some substantial representation in this House, the Senate or in the county assemblies, get funding. I want to support this because it is going to be very important for this country. Even as I support this, I will also be proposing amendments as a matter of the way forward. The way forward for this country is going to be coalition governments. We need to come up with a provision in law to take care of coalitions. We need laws to guide coalitions. As you are aware, in our coalition, we have a memorandum of understanding. I would wish to see a situation where whatever happens within the coalition is in law. I see a situation where we will have presidential and deputy presidential candidates running on one ticket.

So, it becomes very difficult to isolate how many votes were given to the President and how many came through the fact that the Deputy President also campaigned. With this arrangement, I think that it is important.

Hon. Kombe: On a point of order.

The Temporary Deputy Speaker (Hon.Kajwang'): Member for Magarini, you do not have to make a voice call for me to know that you are on a point of order. I can see it from where I am that you are on a point of order.

Hon. Mulu: With those machines, let him go to the intervention section.

The Temporary Deputy Speaker (Hon.Kajwang'): Give me a minute, Member for Kitui Central. It is the business of the Speaker to recognise you on a point of order. So, you do not have to shout from your seat. Member for Kitui Central, please, proceed.

Hon. Mulu: Thank you, Hon. Temporary Deputy Speaker. We need to bear in mind that this House is digital. We have the intervention function in this board which you can just press and wait to be given a chance to raise a point of order.

The Temporary Deputy Speaker (Hon.Kajwang'): Proceed and get to the substance of--

Hon. Mulu: Thank you, Hon. Temporary Deputy Speaker. As I conclude, I want to say that we need to make some amendments to the coalition so that even as we move forward, because future Governments are going to be formed on coalition basis, members of a particular coalition will have a clear formula of how to share the resources within the coalition. Otherwise, it will become very frustrating when you are a member of a coalition and then some of the parties in the coalition are getting money and others are not. I hope that you will also be

proposing additional amendments to make sure that the coalition partners are properly catered for through this law.

Thank you, Hon. Temporary Deputy Speaker. With those comments, I support.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Magarini, what is the intervention?

Hon. Kombe: Thank you, Hon. Temporary Deputy Speaker. I just want to know whether women representatives are not Members of Parliament. The speaker who has just ended his speech said that his party has 20 Members of Parliament and four women representatives. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang'): All right. Thank you. That will be taken in its stride. Member for Kisumu, as you contribute, you can enlighten the House on the issue that the Member has just raised.

Hon. (Ms.) Nyamunga: Thank you so much, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to the Bill. Women representatives are Members of the National Assembly.

In contributing to the Bill, it is very important that we build on our democracy. We should not be making laws for personal issues. At this time in our democracy, we need to be strengthening it. We should not be seen to be encouraging more small parties so that, if something happens to me and I do not get a nomination from my party, then I should jump onto another train and continue with the journey. That should not be the underlying factor when it comes to making rules and regulations for our country. So, I believe that we should have fewer parties and make sure that we strengthen them. In future, most of the people who will ascend to power will do so through coalition governments. The only thing that we should do is to make a provision for the coalitions. What happens once a coalition is in power? I believe right now that Orange Democratic Movement (ODM) is supporting the Wiper Party and all the coalition partners. That is what should be entrenched through a small amendment. But we should not open floodgates for more parties to come on board. That is my contribution to the Bill. I do not support the proposal that it should be reduced from 5 per cent to 2 per cent to allow many more parties to come on board. I do not support that,

Hon. Temporary Deputy Speaker. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you. Member for Marakwet East. Let me help Members here. Many of you are coming to the Clerk-at-the-Table to find out what number you are on the list. That is not helpful because there are many issues that we have to balance here. If I were to take the list as it is, Members from my left will be speaking the whole day because they are here on the list. However, I also need to hear Members on my right. So, I know some of you must have walked to the Clerk-at-the-Table to find out which number they are, but the Speaker has the discretion to recognise Members. Member for Marakwet East.

Hon. Bowen: Thank you, Hon. Temporary Deputy Speaker. I stand to support this Bill. I want to congratulate my friend for bringing this Bill. Political parties are formed to strengthen democracies in democratic countries. They should not be used as just briefcase items which are made for sale during elections. We have seen those ones in Kenya.

During the Third Reading of this Bill, we will propose amendments to strengthen political parties in this country. We will align them to Article 10 of the Constitution, which talks about national values and principles of governance. We have so many cases still pending in court

even today because of so many election petitions emanating from nominations from political parties. One very important amendment that I will bring into this Bill is the question of asking Kenyans who want to join political parties or contest elective positions to be members of those parties for more than three months or even two months.

The Constitution provides freedom of association, including joining any political party at any time. We have Members in this House - including Hon. Olago Aluoch who was able--- If he was living at the mercy of his former party, he would not be in Parliament today. There was a lot of rigging and corruption during the nominations. This Bill will bring sanity in political parties, especially during nominations. My friend, Hon. Aluoch, is in Parliament because he was able to move to another political party. He is in Parliament today.

The Temporary Deputy Speaker (Hon. Kajwang'): Why do you not allow the venerable Member for Kisumu to speak for himself?

Hon. Bowen: What I am trying to say, Hon. Temporary Deputy Speaker is that, currently, the Political Parties Act allows members to be in those parties for more than three months. I should be able to switch from a party this morning and if I feel that I am not wanted, I will change to another party in the afternoon. If I feel that I am not wanted there again, I should be allowed to go to another party in the evening.

When it comes to funding, we should not just form political parties. That is because there is the Political Parties Fund. We must have political parties which have got political ideologies for Kenyans. We should have political parties which reflect the face of Kenya. The parties we have in Kenya today reflect their tribes and regions. When we talk about The National Alliance (TNA) Party, what comes into your mind is Central Kenya. When you talk about United Republican Party (URP), what comes to your mind is Rift Valley. When you talk about ODM, what comes to your mind is Nyanza. We want to see political parties which reflect the face of Kenya so that we can build democracy in this nation. There are so many petition cases after the elections. We have so many people running to the courts and others are stopped from being sworn into their offices. Election of some other people is also nullified because there are no proper political parties. So, as we move forward with this Bill, we want to bring sanity into the political parties, including their nomination criteria. Even those who are submitted for nominations like members of county assemblies (MCAs) or members of parliament, there must be some order. The corruption we see in political parties---

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Marakwet East, we were going very well. We had accepted that you speak for a short time so that others can have time to contribute.

Hon. Bowen: I am winding up, Hon. Temporary Deputy Speaker. We talk about corruption in the Government and other places but, let me tell you where there is real corruption and rigging! It is in the political parties. If you are able to give the boss or those who are conducting election more money, you get a ticket. To eradicate that corruption, we need to strengthen our political parties so that we can have a strong House.

In future, there is need to amend the Constitution so that those who are seeking higher positions like the presidency, can also seek to be members of parliament or governors. In this House, we are missing serious leaders like Hon. Raila Odinga and Hon. Martha Karua who electrify this Parliament. So, nobody should be locked out because he or she vied for the position

of the presidency. When you contest for the presidency, you should be given a chance to contest and become a member of parliament, governor or senator.

I support.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you. Let us have the Member for Wajir.

Hon. (Ms.) F.I. Ali: Thank you, Hon. Temporary Deputy Speaker. I strongly support this amendment. We are all aware that Kenya is a growing democracy. We are not comparable to mature democracies like the United States of America (USA) and the United Kingdom (UK). Political parties funding is very crucial for us. It is very vital for the survival of democracy. The current arrangements of political party funding---

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Wajir, just give me a minute. Member for Mavoko, what is out of order?

Hon. King’ola: On a point of order, Hon. Temporary Deputy Speaker. You are one of the panelists of the Speakers Panel, which I respect a lot. As much as I understand that you the fairest of us, when we go by your ruling - as much as I respect it - we should apply the rule of first come, first served. I have sat here for the last 30 minutes.

The Temporary Deputy Speaker (Hon. Kajwang’): Are you talking about the order of recognition of Members?

Hon. King’ola: Yes, Hon. Temporary Deputy Speaker. I know you ruled that you balance speeches.

The Temporary Deputy Speaker (Hon. Kajwang’): Will you be kind enough to leave it to the discretion of the Speaker?

Hon. King’ola: Come again.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you very much. Member for Wajir, you may proceed.

Hon. (Ms.) F.I. Ali: Hon. Temporary Deputy Speaker, the current arrangement of funding just two political parties, which are the heavyweights, will definitely kill growing and promising political parties. This amendment is useful because it will help us to create space for small and promising political parties to secure State funding.

Some of the three major political parties were formed a few months to the elections, but because of personal investment and individual contributions which are not monitored, they have become very huge political parties, thus locking out small parties which have been growing for a number of years. In Kenya, political parties are controlled by individuals who are endowed with resources. They fund everything. They have become the lifeline for political parties. This Bill will create space for small parties to grow and compete with big parties. If the small political parties are denied public funding, the big political parties will control democracy in Kenya. That is dangerous for this country. This House has an obligation to allow political parties to grow.

Currently, political parties in Netherlands are funded based on the establishment of research units and the number of youth and women organizations registered within. They focus more on increasing the participation of women, youth and minorities and not the number of members who are elected to political parties. This will ensure that the largely excluded groups are brought into the political parties.

This Bill can be expanded to include such amendments so that political parties are compelled to be funded on such criteria. Corruption is high in the current political parties

because they are influenced by individuals and certain cartels. They are not accountable and transparent to the taxpayers. If they are funded by the taxpayers, they will be more accountable and transparent compared to the current situation.

I support the amendment that small parties should be funded by the taxpayers through State or public funding. We should allow our democracy to grow with the small parties and not to be controlled and manipulated by the major parties, which are two or three.

The Temporary Deputy Speaker (Hon. Kajwang’): All right. Thank you very much. Member for Kisumu West, you have been mentioned a lot and you are also a ranking Member. Let us hear you.

Hon. Aluoch: Thank you, Hon. Temporary Deputy Speaker. Indeed, Hon. Kangongo referred to me as a living example of the dictatorship that can happen in political parties. I could say a lot about that if I had time, but I support this amendment. I support the amendment not because it is reducing the threshold, but because I believe it does not reduce the threshold. Instead, it intends to give effect to the Bill of Rights so that freedom of association and political parties funding can become as effective as possible.

I want to refer very quickly to Article 20(5)(b) of the Constitution which says that:-

“(b) in allocating resources, the State shall give priority to ensuring the widest possible enjoyment of the right or fundamental freedom having regard to prevailing circumstances, including the vulnerability of particular groups or individuals”

The right to associate cannot be taken away by political parties. I heard Hon. Kaluma say that this Bill tends to create small parties. With respect, I believe that Hon. Kaluma did not look at the particulars of this Bill because it has safeguards on what parties can qualify for funding. It is not just any party. So, it is not right to say that this is going to create very many small parties. Rather, it is going to create seriousness in parties. The fundamental part that we need to understand, as legislators, is that this Bill will remove dictatorship and personalizing of parties. Parties will be placed in the hands of as many people as possible. Politicians are not going to be at the mercy of those who “own” parties. If that happens, then even the issue of “jumping” or party hopping will be reduced in effect because many parties will be having access to political funds.

The arrangement is what Hon. Nyamunga has referred to a little earlier on. In her view, we should take charge of some of those issues; that this Bill is trying to cure where coalitions come together and share political party’s funds. That will not work out. That is because in every coalition, there will be a dominant partner. The moment you have a dominant partner in the coalition, the smaller partners are going to be at the mercy of the bigger partner. It will not work. Maybe, at the Committee Stage, we may have to refine the Bill.

But as it is, I support it.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you very much. Let us have the Member for Kwanza.

Hon. F.K. Wanyonyi: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. At the outset, I want to say that I am one of the victims of the bigger parties. Funding is very important. The amendment is just saying that the threshold is high. We are talking about reducing the threshold to 2 per cent. We are not saying that there will be formation of other small parties. We are saying that the threshold of 5 per cent is very high. For example, I

belong to one of the second oldest party in this country; namely, FORD (K). The party was funded. However, as somebody mentioned, those who have money influence and dictate who goes through during nominations. If the funding is done by the Central Government, we will not even know who owns what. That is State funding.

The parties will be audited by the Auditor-General because it is State funding. It is not just money being given out and there is no follow-up. This will help people to avoid getting back at the beneficiary of the party. For example, in my own party, members of the party are now forced to contribute to the secretariat and pay for the offices country-wide. FORD(K) is spread throughout the country. Members who have benefitted in those areas, for our own statistics, include five Senators, 12 Members of Parliament (MPs), 85 Members of the County Assembly (MCAs) and two governors. Only recently, they have been forced to run the secretariat of the party. With funding from the State, we will do away with the issue of an individual influencing whoever gets nominated.

Thirdly, it promotes democracy. You will go to a party because you feel that you admire or agree with the ideals of that particular party. However, if you leave it as it is, you will find yourself going to a place because of dictatorship, influence or somebody has bought you because he has money and he is the owner of the party. You will then be forced to stay in that party.

Lastly, today, as I had mentioned, it is a bit embarrassing because Members of Parliament of small parties like FORD (K), Wiper Democratic Movement (WDM), Kenya African Democratic Development Union (KADDU), United Democratic Front (UDF) and Kenya African National Union (KANU) are forced to fund the secretariat of their parties. It is good for us to have the threshold reduced to 2 per cent.

I support the amendment.

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you. Member for Likuyani. Members, this is a political Bill and I need to come out clearly. I can see Members on my right wondering why they are not speaking. If I go through this request list, I can see the Members for Lungalunga, Magarini, Kaloleni, Bondo, Rongo and Butula who are all on my left. What can I do about it? This is how you Members have made the requests. You came late. That is why you need to understand that other than what I have here as a request list, there are other things that a Speaker will want to see so as to recognize Members. This idea of coming to talk to the Speaker or raising hands and gesticulating from your seat in a manner likely to suggest that you want to be heard is not enough.

Member for Likuyani, please, proceed.

Hon. (Dr.) Kibunguchy: Thank you, Hon. Temporary Deputy Speaker.

At the outset, I support this amendment from my kid brother Chris. It is an amendment that fits very neatly with the Constitution. The tenets that run in every vein of our Constitution include, among others, equity, equality, fairness, diversity and democracy - especially expanding democracy, and freedom of choice and association. We all know the old saying that he who pays the piper calls the tune. I do not want to belabour the point of what many Members have talked about in terms of parties and unfairness during nominations. It has come to the point where in certain parties, for Members to qualify to be nominated especially in their strongholds, they have to part with something to the owners.

I have no problem with the 2 per cent and the other requirements that the Mover of this amendment has come up with. I would like *Mheshimiwa* Chris Wamalwa to know that the

biggest question that we have to answer is that of coalitions. I do not want to talk about post-election coalitions because those ones normally come in because of convenience. I am talking about pre-election coalitions where parties have deliberately come together and decided to support one person as a presidential candidate. When it comes down to that particular Political Parties Fund, we need to come up with very clear amendments of how the partners in that coalition are going to benefit from it, especially when it gets to that level of the dominant partner as we have talked about in the case of Orange Democratic Movement (ODM), WDM and FORD (K). Rather than leave it to the mercies and goodwill of the party leader of the dominant party, we need to put it in law so that they are compelled--- That is because there are some people who may not have goodwill after the elections and we do not know what is going to happen.

Otherwise, I agree with everything else. I agree with all the Members who have spoken because that Fund will actually come from the Exchequer and it needs to spread and benefit as many parties as possible in the spirit of fairness and democracy.

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you very much. Member for Dadaab, just a minute; I will recognize you. Before I recognize you, can we have the Member for Turkana?

Hon. (Ms.) Emanikor: Thank you, Hon. Temporary Deputy Speaker. I rise to oppose this amendment, not because I do not want to support the smaller parties, but because of many other reasons, which means that we will need many other amendments to qualify our support.

This will encourage formation and proliferation of many parties and political promiscuity as has been alleged by a person who spoke earlier than me. People will jump from one party to another even three times in a day. While we recognize the existence and need for sustainability of political parties, there is also need for those parties to maintain the expected status that befits the funding. There is need for them to maintain continuity with or without elections. As it is now, many of the smaller parties are only formed during elections and closed after elections. We need to avoid regionalization and ethnicity in parties, internal squabbles that are related to personal benefits and resource sharing in the parties. Each party needs to be based on some policy and ideological platform. This is lacking in the Kenyan case. It should not be based on the whims of individuals who are deemed to own those parties in partnership with their tribesmen as personal property. There should be a threshold of forming those parties and qualifying for funding.

As it is now, I oppose until we bring on board amendments that will qualify. Parties can be classified into three, namely, big, small and smaller. There are parties that are formed for purposes of securing funding for individuals that are running those parties.

I oppose the amendment.

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you. Member for Lungalunga.

Hon. Mwashetani: Ahsante sana Mhe. Naibu Spika wa Muda, kwa kunipa fursa ya kuuchangia Mswada huu, ambao unahusu ugavi wa pesa kwa vyama vya kisiasa. Ningependa pia kuchukua fursa hii kumshukuru Mhe. Chris Wamalwa kwa kuuleta Mswada huu Bungeni kwa sababu, kama Naibu Mkuu wa Chama cha FORD (K), natambua jinsi mambo yalivyokoseka katika sheria ya vyama. Vyama vya kisiasa katika nchi yetu ya Kenya viliundwa kudumisha demokrasia. Tunataka kiwango ambacho yatakikana chama kifikie ili kipate sehemu ya pesa kishukishwe. Hii ni kwa sababu kama FORD(K), hatukuweza kufikia kiwango hicho na tuna

Wabunge 11, magavana wawili na wawakilishi 85 katika mabunge ya kaunti. Kama si maelewano na Chama Kikuu cha Orange Democratic Movement (ODM), sisi tungekuwa katika hali mbaya kwa sababu ni muhimu uwakilishi ufike mashinani. Na kufikisha uwakilishi mashinani, ni lazima kuwe na pesa za kuwalipa maafisa na wale ambao wanasambaza jina la chama.

Mhe. Naibu Spika wa Muda, naunga mkono Mswada huu ili pesa hizi ziwafaidi Wakenya wote. Vile vile, hizi ni pesa za umma ambazo zinafaa kufika kwa wananchi wote nchini Kenya. Pesa hizi za umma zina haki kutambulika na kujulikana jinsi zinatumiwa. Ikiwa zitakwenda katika vyama, tunaweza kubuni sheria mwafaka na vile vile kuandikisha vyama vipya.

Nitapinga yale maneno ambayo yamezungumziwa - kwamba iwapo tutayapitisha marekebisho hayo, basi vyama vingi zaidi vitaandikishwa. Kuna tetesi kwamba vyama vitakavyosajiliwa vitakuwa vingi kushinda vile vilivyoko hivi sasa. Sioni kama tetesi hiyo ni sawa kwa sababu tayari sheria ya kuandikisha vyama iko, na imeweka mikakati ili kuchuja vile chama ambavyo vitakuwa na mwelekeo wa kisawasawa.

Kwa hayo machache, naunga mkono Mswada huu.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Wajir East!

Hon. Mohammed Abass: Thank you, Hon. Temporary Deputy Speaker. I stand to oppose the amendments.

Hon. Temporary Deputy Speaker, democracy does not mean having many parties but rather, conviction and patriotism among the citizenry. Our Constitution provides that if candidates seeking certain party tickets feel aggrieved, they can be independent candidates. Therefore, having many parties will not help. If a party cannot raise five candidates, then there is no need for having many parties. Bigger democracies like India, the United States of America (US) and the United Kingdom (UK) have very few parties. Having many parties will cause disharmony and ethnicity, and it will not help this country. This country has enough pending bills. It is experiencing budgetary deficits. Having household names on lists of political parties will not support this country’s economy.

Therefore, we need to introduce amendments that will enhance democracy within big political parties like CORD and Jubilee, so that members can have a level playing ground within them. Having 60 parties will not help this country.

With those few remarks, I beg to oppose the Bill.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Malava!

Hon. Injendi: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion, being a victim of large parties. I am in a party where I am the only Member of Parliament. I have no senator or governor or a member of county assembly but, because of the existence of this particular party, I am here representing my people.

I intend to introduce an amendment during the Third Reading Stage to ensure that all the political parties that have representation in the House are funded. Someone like me should have funding for my party because currently, I am funding all the activities of my political party. You can imagine doing that from your own salary. I strongly support this amendment and congratulate my brother, the Member for Kiminini, for bringing it to the House.

Hon. Temporary Deputy Speaker, some people have said that the passage of this amendment will encourage proliferation of briefcase parties. The existence of many political parties encourages growth of democracy. If the small parties were not in existence, some of us

would not have been in his House. Persons who do not deserve to lead this country would have come to this House because of the names of big parties. Major political parties have persons who run them as godfathers, who in turn decide who should come to Parliament.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Muhoroni!

Hon. (Prof.) Nyikal: Thank you, Hon. Temporary Deputy Speaker. At the outset, I want to support this Bill because we will go a long way in improving the democratic space in this country. Many parties in this country were formed at the last minute because of political necessities. They provided avenues for some hon. Members who could have been locked out for one reason or the other. The only thing that such parties do is to bring their Members to Parliament and close shop because they cannot operate for lack of proper funding. I believe that if the threshold can be lowered, the proposal by my good friend, Hon. (Dr.) Wamalwa, will be valuable. I want to thank him for introducing this Bill.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Kajwang’): Very well. Member for Emurua Dikirr.

Hon. Kipyegon: Thank you, Hon. Temporary Deputy Speaker. I wish to support this amendment---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, I am trying to give an opportunity to Members who are in what you are calling “small parties” so that they can also have a say against those who are in big parties.

Hon. Kipyegon: Hon. Temporary Deputy Speaker, I thank you for recognizing the fact that I am from a small political party. I am, indeed, one of the Members belonging to small parties, which have few Members of Parliament. In my party, we are only two. We have so many MCAs but we do not have a governor or a senator. This amendment will go a long in helping our parties. The big parties are trying to intimidate the small parties. If we allow the big parties to be the only ones to be funded, we will kill democracy in this country. Why are people equating democracy with two or three parties? The reason as to why we have many parties in Kenya, unlike in South Africa or UK, is that political parties in Kenya have not nurtured democracy. The level of democracy in Kenyan political parties is so low that nomination is like appointing somebody to run in a particular party. If there were no small parties in Kenya, many of us would not be here today. We were rigged out by the big political parties at the party nomination stage. I was once a Member of ODM, KADU and UDM. I had feared joining the Jubilee Coalition, particularly URP. Why? It is because there was no democracy in those parties. So, if we were to require people to run on parties in order for democracy to flourish in this country, we must bring democracy within the major parties. When you talk about having two or three parties, you must ensure that there is democracy within those parties.

Therefore, I support the amendment with an intention to bring an amendment during the Committee Stage, so that not just political parties with five Members of Parliament qualify for funding, but all parties with, at least, one elected Member in the National Assembly or the Senate.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): All right. Thank you. Hon. Member for Bondo Constituency. Let me go back to the request list.

Hon. Ogolla: Thank you, Hon. Temporary Deputy Speaker. There are a number of things that I really want to point out regardless of the issue of money. There is something that is growing in this country where we are talking about issues of money going or money getting to the other side without properly defining what those monies are for. We need to be very clear in terms of why we are giving political parties money because I think this is not very clear. Many are thinking that it is money for purposes of setting up their secretariat or for the party to do their little things here and there which, in my view, are not necessarily some of the things that political parties are supposed to be doing. In my view, there is a very distinct role that political parties are supposed to be playing. Rather than the whole issue of campaigns and trying to get to power, there are many more other things that political parties are supposed to be doing in-between elections.

One of them is, for example, the issue of political education, political socialisation and giving space or providing a forum where alternative views and choices can be looked at. All those need to be looked at for purposes of building democracy in the country. What I have been seeing is that many of us think that political parties are only for purposes of campaigns and running their secretariats for the secretariats' sake. So, in my view, some of those things need to be clear when you are talking about funding political parties. Where should the fund go to or what is it that political parties are supposed to be doing in-between elections? It is not money for elections.

The other thing we are supposed to be looking at is the whole issue why thresholds were set up. There is a purpose why thresholds are in place. This practice of setting thresholds is world over. I want to bring in an example where, in Zaire, people thought there were many political parties one time. They were 70plus and yet, out of the 70plus, over 30 of those political parties were of some small clique of people who were already in power. So, we could be talking about supporting many other political parties outside there thinking that "they are small", not knowing that some of those small political parties are actually parties of the bigger parties. So, when you are looking for money to give small parties, you will be giving the same big party money in a different way. So, we really need to be very careful about this.

Right now, we have over 50 political parties. Many of those political parties are formations around campaign times in the understanding or knowledge that people or candidates are going to be in problems in one party and then they will move to the next and when they move to the next, there are some monies that they pay. It is around that time that we seriously commercialise the whole issue of political parties. This is not right, in my view. We do not need to come up with a legislation that is going to give space for that kind of behaviour or practice. It is not right and if we are talking about funding of political parties, those political parties that we are funding or we are suggesting or proposing to fund must have some history. They must have a history in the sense that they are not parties which are just formed around when we are doing elections, go quiet after that then wake up again in five years when we are doing elections. Those are things that we must be very careful about.

The other thing that---

The Temporary Deputy Speaker (Hon. Kajwang'): Is that the correct time? Do you think you have prosecuted it enough?

Hon. Ogolla: I am still going on.

The Temporary Deputy Speaker (Hon. Kajwang’): We have agreed that you are taking the shortest time possible so that other Members can also speak.

Hon. Ogolla: Fine! The other thing that I want to bring out is the whole issue of – and I think this was brought out - deliberate joining together of political parties before elections. I think that is a genuine process and that process needs to be looked at when we are talking about this thing of funding.

The other parties that come together after election, if they do not meet the threshold, then they do not need to be supported. If we do not properly prosecute, in terms of what they are going to be doing in-between elections, something must be looked at.

Hon. Temporary Deputy Speaker, I support this to the extent that we really want to do a number of amendments including deliberately indicating what political parties must do and that no coalitions that are formed before elections are potential partners and clear parties that need to be looked at for purposes of funding.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you very much. Hon. Member for Magarini Constituency.

Hon. Kombe: Ahsante sana, Mhe. Naibu Spika wa Muda, kwa kunipa nafasi hii. Naunga mkono Mswada huu kwa sababu hata vyama vidogo vinachangia katika uchumi wa nchi hii. Ukiwa na watoto na uanze kuwabagua na kusema: “Huyu anatambaa, hastahili kupata huduma kutoka kwangu; nitahudumia yule ambaye tayari yuko mbio kujitafutia”, hapo husaidii. Itakuwa ni busara kwetu ikiwa wakati wa marekebisho ya mwisho tuseme kwamba chama chochote kitakachokuwa na mwakilishi Bungeni kifadhiliwe kwa sababu kimeweza kuweka kiongozi Bungeni kupitia kwa wanachama na wananchi ambao pia wanachangia hela za kuendeleza hivi vyama na hata nchi.

Tukisema hivi vyama vidogo havistahili kupata huu mgao, tunajaribu kuvunja demokrasia. Tunataka uwazi na nafasi kubwa ya demokrasia ionekane katika nchi hii kwa kuvipa nafasi vyama vidogo vidogo fedha. Nakumbuka mwaka wa 2002 nilikuwa Mbunge wa pekee wa Chama cha Shirikisho. Ni hali ngumu kwa mtu mmoja kufadhili chama mpaka kifikie wakati wa uchaguzi mwingine. Ni shida kukifadhili chama. Hivyo basi, ni vyema kwamba chama chochote kilicho na Mbunge kifadhiliwe.

Kwa hayo machache, Mhe. Naibu Spika wa Muda, naunga mkono Mswada huu.

Hon. (Prof.) Sambili: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. At the outset, I support this Bill. It is important to give democracy room in all areas of this country. The big parties do not practise democracy. I talk from experience. In the last Parliament, I was rigged out in Orange Democratic Movement (ODM) Party and I went to United Democratic Movement (UDM). I was the only member of UDM in that Parliament. In this Parliament, it was very difficult but Kenya African National Union (KANU) that I represent in this Parliament--- We are about five or six Members here. We have a governor, two senators and several dozens of Members of County Assemblies (MCAs). Since we did not manage to put our voices together as small parties at the beginning of this Parliament so that we could be listened to, I want to thank Hon. (Dr.) Wamalwa for bringing this Bill. It is important to fund all parties that bring Members here, even if it is one or two Members. As has been said, big parties, the so-called two horses, do not practise democracy. They mistreat minority people. The money

used to fund political parties is public money. Let people get their parties supported and then we will have true democracy in this country.

I thank you for giving me this opportunity. I strongly support this Bill. It is the way to go. Thank you and God bless.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Kilome.

Hon. (Ms.) Muia: Thank you, Hon. Temporary Deputy Speaker.

Hon. Nyamweya: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Mugirango, I know that something could be out of order but just allow those Members to speak because the time left is so short and I want them to make the best out of the minutes that are left.

Proceed, Member for Kilome.

Hon. (Ms.) Muia: Thank you, Hon. Temporary Deputy Speaker. I have just listened to my colleagues as they made their speeches and gave examples of some political parties in South Africa and in the Democratic Republic of Congo. Let them know that our political parties in Kenya, as the hon. Member has just said, do not have democracy. I do not want to repeat what has been said. You have seen during nominations that people who do very well on the ground are denied certificates because, maybe, they are not close to the political leader or you are not in a certain cartel. You are denied nomination. Once you go out there and get another political party, you make it to Parliament.

I am sorry to say that if you look at the strong political parties in this House like Jubilee, they are formations of small political parties. If you remove those small political parties, CORD would be the biggest political party because we stood as a coalition. If you deny those political parties money, it means people are going to be intimidated during that time and manipulated. We do not get any favours as women because the field is dominated by men. When they look at you, they think that a woman cannot make it and you are denied a certificate.

I support this and I will go with it until the time democracy will be exercised in political parties and by our political leaders. If you are poor and you have no money to give, you will not get nomination. We have seen so many people here who have been denied certificates and they go out there. Even The Independent Party (TIP) has two Members of Parliament who are supposed to be receiving funding.

I support it. Even if I think of forming my political party in 2017, let me be funded if I am able to come to Parliament. Even independent candidates should be funded because where they contest, people pay taxes. You are supposed to be funded as long as you are a Member of Parliament, whichever seat you are running for.

I support the amendment and encourage all other Members to support this because come 2017, you will remember this amendment. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Budalangi, I understand that you are the Secretary-General of this mammoth party; whatever it is they are calling it. There seems to be a lot of barrage on those big parties. So, you need to defend yourself but do so and also allow the Member for Dadaab. So, see how we can spend this time wisely so that the Member for Dadaab can have something to say before we break.

Hon. Ababu: Thank you, Hon. Temporary Deputy Speaker. Of course, proudly, I am the Secretary-General of the largest party in the country. Let me say that this really should not be about the size of the political party or the processes in existing political parties. Yes, it must be

admitted that there are challenges. Democracy is a challenge and democratizing political parties is also a challenge. It has to be admitted, of course, that the so-called big parties, as any family, have a larger share of challenges by the sheer size of them.

I look around and, of course, I can see very many persons associated with our party, for instance, who would, otherwise, have been Members of this House through ODM. My very good friend and several other Members here are actually children of the House of Orange, notwithstanding the colour they wore to come to this House.

Hon. Temporary Deputy Speaker, there are challenges in political parties. Let us look at this from the perspective that we have liberalised our politics and our democracy. We have opened up the political space. We want every single Kenyan desiring of seeking any political office to find a reliable platform upon which they can pursue their ambition. Therefore, it is important that we put in place a financing model that goes hand in hand with that liberalised environment. At the same time, we must also acknowledge that politics and democracy are about competition and that competition is not determined by the leadership. It is determined by the people themselves. So, even as we apportion resources to political parties, we cannot do so in a vacuum. There must be a formula that takes cognisance of the realities of democracy. I support the amendment to the arrangement that would allow a process that takes cognisance of reality coalitions. At the time when we enacted the Political Parties Act and at the time when we debated the establishment of the Political Parties Fund, the reality of coalitions had really not dawned on us as political leaders. We had really not tested the framework, the functioning and the mechanics of coalitions. But now we know and it appears like coalitions will be a feature of our politics for a long while.

Therefore, I would support adjustment to the Political Parties Fund through the Political Parties Act that takes due cognisance of how you share resources within that framework of a coalition. Those of us in the CORD Coalition and the three main constituent parties of the CORD Coalition, namely, ODM, Wiper and FORD (K) have worked very well together. We have put in place a gentleman's agreement allowing us to share the portion allocated to ODM. We have shared that as three constituent parties. I agree that it is important for us to legislate that process, so that it is not dependent on the goodwill of a party or the leadership of a party - it is enacted in law. At the end of the day, small or big, let us know that we come into the political arena, not to be funded but to seek, capture and exercise political power. For us in ODM, that is our mission. Our mission is that funding or no funding - and funding is important - our singular agenda is to seek, capture and exercise political power responsibly in the best interest of the people. Let me send a serious warning to all our rivals that as far as 2017 is concerned, our singular determination is to capture and exercise power as ODM.

I support this amendment.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Dadaab, I have kept you waiting and by virtue of Standing Order No.1, you will have four minutes. The House will be extended for four minutes to allow you to have five minutes to prosecute what you are saying.

Proceed.

Hon. M.D. Duale: Thank you, Hon. Temporary Deputy Speaker. First of all, I want to thank you for giving me an opportunity to contribute on this amendment. I also want to express my thanks to Hon. Wamalwa for coming up with this amendment.

The amendment is seeking to lower the limit, so that more political parties can access funds from the Treasury. This is the correct thing to do because during electioneering, the bigger parties collect more money and many people cannot pay that kind of money. So, people end up going to smaller political parties. This causes marginalisation of smaller parties. I support this amendment because in every election, we have proliferation of parties. The parties that are getting funds today might be the ones that will get it tomorrow. The political parties that are getting funding should not see this amendment as being against them. Tomorrow, they might become the smaller parties that will need that affirmative action.

Lowering this threshold and allowing smaller parties to access funding is going to contribute towards further democratisation. The greatest thing that happened in Kenya was to have funding for political parties.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Lungalunga, the best thing to do is to take that seat. Finish your contribution, Member for Dadaab.

Hon. M.D. Duale: Hon. Temporary Deputy Speaker, I want to assure even the big political parties that this amendment is good for us. It is not in favour of anybody. Tomorrow, they could be the smaller parties that will require this affirmative action.

With those few remarks, I support this amendment.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, the Order that was on the Floor of the House will come next Wednesday.

ADJOURNMENT

Hon. Members, the time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.