

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 14th December 2017

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, I have two Communications which I should make when we get to the point of statements.

PETITIONS

Hon. Speaker: Hon. Members, I have some two petitions; one should have been made earlier in the morning.

BREACH OF PARLIAMENTARY PRIVILEGES

Pursuant to the provisions of Standing Order 225(2) (b), I hereby convey to the House a Petition signed by one Bernard Abuya Momanyi regarding alleged breach of parliamentary privileges and violation of Code of Conduct for Members of Parliament by a Member.

The Petitioner contends that Rule 7 of the Code of Conduct for Members of Parliament provides that a Member of the House shall uphold dignity and integrity of the House by promoting respect for the House and its institutions at all times. Further, that Rule 8 provides that a Member of the House shall treat other Members with respect and strive to have cordial relations with all other Members. In this regard, the Petitioner alleges that on 10th October, 2017, the Member for Embakasi East Constituency engaged the Member for Starehe Constituency in a physical fight within the precincts of Parliament.

The Petitioner states that Article 73(1)(iii) of the Constitution provides for authority assigned to a State Officer is a public trust to be exercised in a manner that brings honour to the nation and dignity of the office and promotes public confidence in the integrity of the office. In addition, Article 75 of the Constitution provides that a State Officer shall behave whether in public, official life, in private life, or in association with other persons, in a manner that avoids demeaning the office of the officer holder.

The Petitioner alleges that the Member for Embakasi East Constituency, in engaging in a fight within the precincts of Parliament with the Member for Starehe Constituency, acted in a manner that demeaned his office contrary to the provisions of Chapter Six of the Constitution. The Petitioner further avers that the Member contravened the provisions of Section 16(e) of the

Parliamentary Powers and Privileges Act, 2017 by conducting himself in a manner likely to reflect adversely on the dignity and integrity of Parliament or its Members.

In this regard, the Petitioner prays that the National Assembly investigates that matter raised in the Petition and recommends the vacation of office by the Member pursuant to Article 103(1)(c) of the Constitution.

This Petition, therefore, stands committed to the Committee on Powers and Privileges for consideration. The Committee is required to examine the issue raised and prayer sought in this Petition and reports its findings in accordance with the provision of Standing Order 227(2).

Before I read the other Petition, let me allow the Members to make their way in.

(Several Members walked into the Chamber)

I just want to draw the attention of Members who want to occupy the seat of the Leader of the Minority Party that you should be careful. When you see him walking in, you vacate in a hurry. His position is provided for in Article 108 of the Constitution. So when you see him walking in, you must vacate. He must not come to plead with you that you are in the wrong place. I am sure now you know so that next time when the leader is not there... The chair is not vacant; the leader is still there.

Members making your way into the Chamber please settle down. I have one more Petition to present.

Yes, Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I do not know whether the Serjeant-at-Arms checks Members properly as they come in. The great lady representing the people of Nairobi has entered with a flask full of tea. I do not know whether you have allowed us to have tea. She is carrying a flask. If it is allowed, I can also come with a gourd of camel milk.

Hon. Speaker: Serjeant-at-Arms, can you check that the Member is carrying a flask? How did it... What is the security doing?

(Loud consultations)

Serjeant-at-Arms, you must at all times be vigilant. The Member may not have known that she is not allowed in the Chamber with those kinds of paraphernalia. Indeed, it is Serjeant-at-Arms staff who are supposed to advise the Member that if you are carrying things that perhaps would help you to stay longer, you can have them kept in a safe place so that from time to time you can walk out and go and sip whatever substance it is.

Hon. Members, we must make progress. Why are you so mobile? I hope that speed could help the Parliament of Kenya win some medals. I am yet to receive the report of the EALA games.

NON-IMPLEMENTATION OF 2013-2017 UNIVERSITIES CBA

Hon. Members, I am in receipt of yet another Petition. This one relates to the implementation of the 2013-2017 Collective Bargaining Agreement (CBA) for universities academic staff.

The Petitioners contend that in March 2017, the Inter-Public Universities Councils Consultative Forum (IPUCCF) and the Universities Academic Staff Union (UASU) signed the

2013-2017 CBA. The same CBA was registered by the Employment and Labour Relations Court, bringing to an end a period of industrial unrest by the UASU members. The Petitioners aver that to date, the CBA has not been fully implemented leading to staff demotivation and suffering. In addition, the UASU members have further resorted to industrial action which has detrimental effect on the higher education sector.

The Petitioners pray that the National Assembly intervenes and facilitates:

- (i) Appropriation of funds to enable implementation of the 2013-2017 CBA;
- (ii) Appropriation of funds for employers' pension component of the 2010-2013 and 2013-2017 CBAs; and
- (iii) Make any other order or direction as it deems fit in the circumstances of this matter.

Pursuant to the provisions of Standing Order 227 the Petition stands committed to the Departmental Committee on Education and Research for consideration. The committee is required to consider the Petition and report its findings to the Petitioners and the House in accordance with Standing Order 227(2). All the accompanying documentation about those CBAs is attached to the Petition.

I thank you, Members.

Hon. Members, now that you have formed committees, you can see there is quite some stuff that is awaiting various committees to handle.

PAPER LAID

Hon. Speaker: Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Paper on the Table of the House:

List of nominees to two NG-CDF committees from the NG-CDF Board—

1. DAADAB CONSTITUENCY

- (i) Ali Yussuf Rage - Male Youth Representative
- (ii) Sahal Salah Ali - Male Adult Representative
- (iii) Asha Yussuf - Female Youth Representative
- (iv) Sophia Iman Gure - Female Adult representative
- (v) Abdi Abdullahi Khalif - Representative of Persons living with Disability
- (vi) Haron Mohamed Maalim - Nominee of the Constituency Office (Male)
- (vii) Halima Hussein Muhamed - Nominee of the Constituency Office (Female)

2. IJARA CONSTITUENCY

- (i) Hassan Daud Mohamed - Male Youth Representative
- (ii) Shair Abdi Muhumed - Male Adult Representative
- (iii) Dahabo Adan Kusow - Female Youth Representative
- (iv) Salatho Mathobe Abdi - Female Adult representative
- (v) Nasri Bare Dabar - Representative of Persons living with Disability
- (vi) Abdi Ahmed Hassan – Male Nominee of the Constituency Office
- (vii) Halima Hussein Bulle – Female Nominee of the Constituency Office

NOTICE OF MOTION

APPROVAL OF NOMINEES TO VARIOUS CONSTITUENCY COMMITTEES OF NG-CDF

Hon. Speaker: The Leader of the Majority Party, the Floor is yours.

Hon. A.B. Duale: Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraph 5 (9 & 10) of the National Government Constituency Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the following two (2) Constituency Committees of the National Government Constituency Development Fund, laid on the Table of the House on Thursday, 14th December 2017:

1. DAADAB CONSTITUENCY

(i) Ali Yussuf Rage	Male Youth Representative
(ii) Sahal Salah Ali	Male Adult Representative
(iii) Asha Yussuflsse	Female Youth Representative
(iv) Sophia Iman Gure	Female Adult representative
(v) Abdi Abdullahi Khalif	Representative of Persons living with Disability
(vi) Haron Mohamed Maalim	Nominee of the Constituency Office (Male)
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(i) Hassan Daud Mohamed	Male Youth Representative
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(vi) Abdi Ahmed Hassan	Nominee of the Constituency Office (Male)
(vii) Halima Hussein Bulle	Nominee of the Constituency Office

STATEMENT

INTERNATIONAL DAY FOR PERSONS WITH DISABILITIES

Hon. ole Sankok: Hon. Members, pursuant to Standing Order No.43, I rise to make a Statement regarding the International Day for Persons with Disabilities (IPDP) proclaimed in 1992 by the United Nations General Assembly (UNGA) Vote 47(3). The celebration is normally done on every 3rd December. The main objective of this is to promote the rights and well-being of persons with disabilities in all spheres of society and development and to increase awareness of the situation of persons with disabilities in every aspect of political, social, economic and cultural life.

Hon. Members, the theme of this year, IPDP with disabilities was “Transformation towards sustainable and resilient society for all”. Kenya has made tremendous strides towards achieving the aim and implementing the United Nations Convention on the Rights of Persons with Disability (UNCRPD) ratified by Kenya in 1982.

We have done this as a country through Article 154 of our Constitution and through a Person with Disability Act of 2003, Session Paper 14 and also we have been able to achieve this because of the goodwill of the Government which has set up policies and funds that assist persons with disabilities. Examples are the establishment of the National Government Affirmative Action Fund (NGAAF) that targets women, youth and persons with disabilities. Persons with Disabilities (PWD) nowadays access duty free vehicles and tax exemption. Maybe, Members are not aware that despite the fact that all of us are Members of Parliament, those with disabilities earn a bit more than everybody else because they do not pay taxes. I am not inviting you to join our club so that your salaries can go up.

Ladies and gentlemen, also persons with disabilities access Government procurement opportunities which are also a Government policy that is targeted towards achievement of the UNCPD.

Hon. Members, despite the above achievement and robust support from the Government, gains have been raped, mutilated, thwarted and suppressed by certain cartels in the Ministry of Labour and Social Security. These cartels have thwarted the full realisation and enjoyment of these rights and privileges by persons with disabilities who consider persons with disabilities as unimportant and a liability to the society.

Hon. Members, this scenario has occasioned the postponement of International Day of Persons (IDP) with Disabilities from 3rd December to 7th December this year by the Cabinet Secretary (CS) for Labour.

Hon. Members, you can imagine an international day that is celebrated worldwide but only postponed in Kenya because PWDs are not considered as an important part of this society. If they were able to postpone the International Disability Day (IDD), then let them also postpone Christmas or 1st January when we are celebrating.

Hon. Members, there have been numerous cartels in the Ministry, for instance the CS and other officials awarding themselves foreign travels purporting to represent persons with disabilities yet they are not disabled yet the (UNCRPD) indicates very well, nothing for us without us.

For sure, they do not go to represent PWDs in these forums. They go there because of the plump allowances and *per diem* that are given there. Further, the cartels in the same Ministry have also resolved to disburse Cash Transfer Funds (CTFs) manually with the sole aim of earning huge allowances under the pretext of monitoring.

Lastly, taking into consideration the mobility challenges of cash transfer target groups of older persons, persons with severe disabilities, orphans and vulnerable children, we demand that CTFs be channelled via Mobile Money Transfer (MMT) to the rightful beneficiaries. We have had cases in which persons with disabilities go to collect their funds and during collection days, you will see as if we have a rally because it is only one point. Some of them travel 200 Kilometres away to go and collect these funds. We would like this Fund to be channelled through MMT.

There was a case in Samburu in which a person who was entitled to Kshs28,000 was only given Kshs10,000 yet he signed for Kshs28,000. When we asked why he did not request for the Kshs28, 000, he said since it was free money he just went.

Thank you very much, Hon. Speaker Sir, for giving me this opportunity.

PROCEDURAL MOTION

EXTENSION OF SITTING TIME

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

THAT, pursuant to the provisions of Standing Order 30(3)(a), this House resolves to extend the sitting time of the House today until conclusion of the business appearing in the Order Paper.

Hon. Speaker, we are conducting an election which is a very complicated matter. I am sure friends from the other side know how complicated it is. This is because at one time they withdrew and it collapsed. So, we might anticipate some withdrawals between now and the voting. So, it is a very complicated matter. People might tie. Those of us who were in the 10th Parliament, when we voted for East African Legislative Assembly (EALA), I remember we voted in the morning and some of us went to attend a function then we were told people tied. So, we came back in the afternoon to vote. So, this extension is just in case this session delays past the hours allocated in the Standing Orders then we can have another extension of that hour until we finish this business.

Hon. Speaker, the only problem here is, if you lose in this election today, you can only go to the East African Court (EAC) of Justice which is based in Arusha. You cannot go to a magistrate around here. Yesterday, I saw the Political Parties Tribunal telling you to stop a parliamentary process. That tribunal should not overlook the powers of this House. A parliamentary process once completed, anybody can go and challenge it in a court of law. However, when Parliament is in the process, you cannot stop it. So, for any of the candidates or their parties or even those who are out, if you are dissatisfied with today's voting, you should go and look for the great Governor of Kisumu, Prof. Anyang' Nyon'go.

In the Ninth Parliament, Professor Anyang' Nyong'o took a case to the High Court and he won. So, he is the one who can give you advice on how to challenge the House. I think we are all set. The House is full, and I thank Members. We are under obligation to carry on with the exercise. The men and women who will represent us in the East African Legislative Assembly (EALA) will be representing Kenya; they will not be representing other interests. Today we may doubt them because they have been sent here by political parties but the moment they are elected, they will be Members of Parliament representing the great nation of Kenya. We do not want to be caught up with time. We want this House to sit until we finish with the last business. We have the Adjournment Motion after the elections. So, please, do not go away. We also need to dispose of the Motion, so that we can proceed on recess until the beginning of the new Session in the New Year.

Since my colleague, Hon. Mbadi is back – it is good he left because upon his departure, this place became very hot. There were many questions that Hon. Junet and I were asked that we could not answer. We had to suspend the questions until another day. Hon. Mbadi is back, and we respect leadership. I want him to second the Motion for extension of the sitting time of the House until conclusion of business.

Hon. Speaker: Hon. John Mbadi.

Hon. Ng'ongo: Thank you, Hon. Speaker. I thank the Leader of the Majority Party for moving this Motion. I acknowledge and officially announce that I am back.

Hon. Speaker, why do I support this Motion? I just want to repeat what Hon. Duale said; that we need to finish and conclude the exercise of electing our representation at the EALA. Kenya has delayed the entire region in terms of constituting the EALA. Allow me to just say one thing, just as Hon. Duale said. Yesterday, I was also surprised that the Political Parties Dispute Tribunal (PPDT) was attempting to injunct Parliament from debating and approving our nominees to EALA. I am shocked because the decision was made by the Chairman of the tribunal, who is a very competent lawyer, in my view, in terms of qualification.

(Loud consultations)

Hon. Speaker, the consultation is too loud.

Hon. Speaker: Hon. Members, there is a Motion that is being seconded, and you will be required to vote on it by acclamation. Will you be acclaiming to something you never heard?

Hon. Ng'ongo: Hon. Speaker, Members need to be reminded that the campaigns for EALA stopped yesterday. I have noted a number of candidates for disqualification. The Members of this House should not campaign for candidates seeking election to EALA. We are supposed to vote. They need to know that even this election is guided by rules.

Hon. Speaker, I was saying that I was shocked and surprised that Kyalo Mbobu, who is a renowned lawyer in this country, issued an order to Parliament to stop this process. There are two reasons that have surprised me.

First, the Political Parties Dispute Tribunal has no jurisdiction on this matter. It is a simple matter. This matter is already before Parliament, and not with political parties. If the Political Parties Dispute Tribunal wanted to get involved, they should have done that before. More importantly, the same Petitioners went to the High Court but they did not succeed in getting an injunction. The case has been pushed to 29th January, 2018. They then ran to the tribunal to get an injunction. How can you have the same case proceeding in two different courts? This tribunal should have known this because it is a matter that is in the public domain. Furthermore, I have information that members of the Political Parties Dispute Tribunal are in Mombasa, as we speak. It is only the Chairman who was in Machakos. He called to come to Nairobi and sign this order. This is something about which we need to speak with the members of the tribunal. Let them not misuse their powers.

The Chief Justice had expressed his concern with this tribunal, especially when it handled cases of political parties during the primaries. There were lots of illegalities that happened in the tribunal.

Hon. Speaker, we need to ask the Chief Justice to either reign in on this tribunal, which is spoiling the otherwise good name of the Judiciary or, as a House, we reform the tribunal so that it can transact its business properly. I was shocked but I also want to agree with Leader of the Majority Party that, that was an exercise in futility. This House cannot be injuncted by the tribunal. Otherwise, I wanted to second the Motion. Let us extend the sitting time and finish this matter so that we can have our representation at the EALA.

Thank you, Hon. Speaker. I second.

Hon. Speaker: Order, Members. I thought Hon. Mbadi said that, in accordance with the rules, the campaigns for the EALA positions ended yesterday. So, even those Members that may be desirous of supporting certain candidates should not be seen or be deemed to have been campaigning.

(Hon. Nyamita walked around)

This Member here, you have difficulties sitting? How can you be roaming like that on the gangways? You move from here to there and stand looking at nothing. You are not in your constituency. You cannot stand and start just looking around like that in the Chamber. That is not fair. This other one, you have problems sitting. We better get over the matter of EALA.

Before I propose the Question, Leader of the Majority Party and Leader of the Minority Party have made references to some matters. This House is not party to any dispute before the Political Parties **Dispute Tribunal and therefore is unaware. Many of you will recall the wisdom of Hon. Speaker Lendo in January 1642.** If anything has happened out there, I have no eyes to see, no ears to hear and therefore it must be out there. The Parliament of Kenya is not a party to any dispute. The disputes which are resolved by the Political Parties Dispute Tribunal are clearly defined within the Political Parties Act. They do not include a dispute about an election being supervised by the Parliament of Kenya. As far as I am concerned, both the Hon. Speaker of Senate and I, who are the Joint Returning Officers in this exercise, are not party to any dispute. Therefore, we must treat that as a mere rumour that is doing the rounds out there. The Political Parties Dispute Tribunal has no authority over the institution of Parliament.

Let me propose the Question.

(Question proposed)

(Question put and agreed to)

Hon. Members, now allow me to make some two Communications.

COMMUNICATION FROM THE CHAIR

ELECTION OF CHAIRPERSONS/VICE-CHAIRPERSONS OF COMMITTEES

Hon. Members, you will recall that today's sitting marks the conclusion of what has been an introductory Session – the First Session of the National Assembly in the 12th Parliament. I commend the House for their diligence and commitment to the business of the House in the plenary throughout the Session. The Session saw members get sworn-in and an induction programme conducted, which was meant to familiarise members with, among other things, how business is conducted and the procedural aspects of the House.

Hon. Members, as you are aware, the House approved, during today's morning sitting, the membership to various Committees. As the Session winds up and the House proceeds on recess, as I mentioned earlier during the morning sitting, let me reiterate that the Committees have up to a maximum of seven days from today within which to elect chairpersons and vice-chairpersons as is provided for in the Standing Orders. Members will be informed from the Office of the Clerk on the place, date and time for the first meetings of the various committees, whose business shall be the election of the chairpersons and vice-chairpersons. As is the tradition of Parliament, committees' activities will thereafter stand suspended until Monday 15th January 2018, being the third week of January 2018. This is to allow you to spend valuable time with your families – those that have – during the holiday season and also attend to your constituents.

In addition, this will avail the officers and staff of Parliament an opportunity to take their annual leave and also begin preparations for the next Session. Ordinarily, committee activities will normally resume during the last week of January but recognising that committees need to undertake induction programmes; this necessitates the earlier commencement of business of Committees.

Hon. Members, even as we break, I direct the Committee on Delegated Legislation to consider and conclude all statutory instruments before it expeditiously. This is in line with the provisions of the Statute Law Act, which gives the Parliamentary Committee 28 days to consider all statutory instruments before it. Otherwise, they stand approved in the form they were published and submitted to the House. The Committee should then inform the House on the actions taken upon resumption from recess.

Hon. Members, in view of the foregoing, I now direct that the various Committees conduct the elections of chairpersons and vice-chairpersons latest by Thursday, 21st December 2017. Thereafter, no committee sittings shall be convened as earlier stated up to 15th January 2018 unless special consideration is granted by my office.

Finally, I wish you safe and restful festive season and a prosperous new year 2018.

(Applause)

Hon. Members, my next Communication will be delivered after you have concluded the business appearing as Order No.9, which I would urge Members to do expeditiously because as you have already said, you have a long day today.

Next Order!

MOTION

APPROVAL OF NOMINEES TO VARIOUS CONSTITUENCY COMMITTEES OF NG-CDF

Hon. Speaker: Let us have the Whip of the Majority Party, Hon. Washiali.

Hon. Washiali: Thank you, Hon. Speaker. On behalf of the Leader of the Majority Party, I beg to move the following Motion:

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraph 5 (9 & 10) of the National Government Constituency Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the following two (2) Constituency Committees of the National Government Constituency Development Fund, laid on the Table of the House on Thursday, 14th December 2017:

1. DAADAB CONSTITUENCY

- | | | | |
|------|-----------------------|---|----------------------------------|
| i. | Ali Yussuf Rage Male | - | Youth representative; |
| ii. | Sahal Salah Ali | - | Male adult representative; |
| iii. | Asha Yussuflsse | - | Female youth representative; |
| iv. | Sophia Iman Gure | - | Female adult representative; |
| v. | Abdi Abdullahi Khalif | - | Representative of persons living |

- with disabilities;
- vi. Haron Mohamed Maalim - Nominee of the Constituency Office
(Male); and,
- vii. Halima Hussein Muhamed - Nominee of the Constituency Office
(Female);

2. IJARA CONSTITUENCY

- i. Hassan Daud Mohamed - Male youth representative;
- ii. Shair Abdi Muhumed - Male adult representative;
- iii. Dahabo Adan Kusow - Female youth representative;
- iv. Salatho Mathobe Abdi - Female adult representative;
- v. Nasri Bare Dabar - Representative of persons living
with disabilities;
- vi. Abdi Ahmed Hassan - Nominee of the Constituency Office
(Male); and,
- vii. Halima Hussein Bulle - Nominee of the Constituency Office
(Female).

Hon. Speaker, while moving similar Motions in previous sessions, members raised the issue of gazettelement. I inform the House that the names of the constituencies that had their lists approved by this House came out in the Kenya Gazette of Friday last week and this gives us an opportunity to now go back and assist the constituency committees to start delivering the services they have been nominated for.

Hon. Speaker, with your permission, I would want to request, now that you are the Chair of the Parliamentary Service Commission (PSC) once it is properly constituted, on behalf of members; that the Kenya Gazette, which has a lot of what we do here, be supplied to the offices of Members of Parliament so that Members of Parliament can follow what has been published to familiarize themselves with what is happening in Government circles. This is just a request. I am sure that if the Kenya Gazette would have been supplied even earlier, members would have known earlier whether their constituencies have been gazetted or not.

With those few words, I move and request Hon. Cecily Mbarire to second.

Hon. Speaker: Hon. Mbarire.

Hon. (Ms.) Mbarire: Thank you, Hon. Speaker. I rise to second this Motion and say that these are the remaining constituencies whose NG-CDF Committees had not yet been approved. They are ready for gazettelement. In view of the Adjournment Motion and the recess that is ahead of us, it is only important that we pass this Motion so that the members can be able to begin work in their various constituencies, because I know that the hearts and minds of members are in the next Motion. We are all looking forward to doing these elections today. Let me end there.

I second.

*(An Hon. Member walked into the Chamber
while the Speaker was on his feet)*

I think there is need for further induction for a full week.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: The Member is still roaming about. Hon. Sankok, you have also become very nomadic. Hon. Members, it is the desire of the House that I put the Question.

(Question put and agreed to)

Hon. Members, those who are airborne or mobile on their two legs, please, take your seats because I need to make this communication because it affects the next business.

(Loud consultations)

Hon. Sankok, if you could now take a seat, it is absolutely important. You can sit there. Any part of this Chamber is still part of the House. You do not have to specifically sit at your usual position. The Members for Dagoretti South and Sirisia, please, take your seats.

Hon. Members, this communication has become necessary because if you recall yesterday, when replying, the Member for Makueni - a Member of the Committee chaired by Hon. Katoo ole Metito - raised an issue about civic education. As you all know, civic education is provided for in Article 88 of the Constitution and is the responsibility of the Independent Electoral and Boundaries Commission (IEBC). But for purposes of the exercise that we are about to undertake, it is important that I make this communication so that it is absolutely clear to all of us.

Before I begin reading, let me allow the Members now coming in to quickly do so and take their seats.

(Laughter)

That seems to be a confirmation that Hon. David ole Sankok is unlikely to follow the proceedings properly if he does not sit there.

(Hon. Kajwang' and Hon. Kaluma consulted loudly)

Member for Ruaraka and Member for Homa Bay Town, surely.

(Laughter)

Hon. Members, what is the problem? This will be important because of the exercise.

COMMUNICATION FROM THE CHAIR

PROCEDURE FOR CONDUCTING ELECTION OF MEMBERS TO EALA

This Communication relates to the procedure for conducting the election of Members of the East African Legislative Assembly (EALA) on the Election Day. Today, being the 14th day of December 2017, a day designated by the Houses of Parliament for conducting the election of Members to the EALA, I wish to make a brief Communication to guide the House on the steps to

follow, being designated as one of the returning officers in accordance with Rules 2 and 17 of the EALA Elections (Election of Members of the Assembly) Rules, 2017.

From the outset, let me remind the House that in accordance with the said rules, the presiding officer in the case of the election in this House is the Clerk of the National Assembly. In furtherance to Rule 17 (1) of the rules, the Speaker of the Senate and I have designated the Senate and the National Assembly Chambers as the respective polling stations for purposes of the election by the Members of the Senate and this House. In accordance with Rule 17(2) of the rules, voting is by secret ballot. In this regard, members of the Press are also notified that in keeping with paragraph 3 (c) of the broadcast rules, close-up shots that may show the manner in which a Member has voted are prohibited.

At the beginning, I will order that the Bell be rung as if on a Division. This will signify the commencement of the voting process and also allow the presiding officer to prepare the voting station in the Chamber ready for voting. At the expiry of 10 minutes, the doors and the Bars shall remain open unlike in ordinary Division periods where the Bar would be drawn and the doors closed. Thereupon, the Clerk shall open the roll of voters - being the usual Division list - display the ballot boxes and each Member who is willing to vote shall approach the polling table and be issued with a ballot paper. Thereupon, the Clerk shall also cross out the Member's name from the Division list.

Each Member, on receiving a ballot paper which has been duly stamped - and it is important that you ensure that the ballot paper you receive is duly stamped - shall proceed to one of the polling booths and secretly record his or her votes by putting a mark in the space provided on the ballot paper against the names of your preferred candidates as clustered. After marking the ballot paper and whilst still in the booth, a Member must fold his or her ballot paper and proceed to deposit it in the ballot box. After bowing to the Chair, the Member shall resume his or her seat.

It is important for me to emphasise the following important four aspects of this election. Hon. Members at the door, if you do not wish to listen, you can as well walk out. You have no business making it impossible for others to listen. If you do not desire to listen, just open the door and walk out.

I will repeat. The following are four important aspects of this election:

- (1) The ballot paper is divided into two clusters. There is the Jubilee Party's cluster which has 14 candidates and the National Super Alliance (NASA) coalition cluster which has 11 candidates;
- (2) Each Member has a total of nine votes. To exhaust all your nine votes, a Member should choose not more than five candidates from the Jubilee Party's cluster, who should include at least two candidates of either gender, and should also choose not more than four candidates from the NASA coalition's candidates, who should also include at least one candidate of either gender. I stress that you should not exceed nine candidates in total. Do not choose the nine from one cluster;
- (3) Do not make any other mark on the ballot paper. In accordance with the provision of Rule 17 (4), should a voter mark more than nine places in a ballot paper, it will be regarded as spoilt; and
- (4) Pursuant to Rule 17 (6), a Member who accidentally spoils a ballot paper while voting is in progress shall, on surrendering the spoilt ballot paper to the Clerks-at-the-Table, be issued with a replacement by the presiding officer.

Hon. Members, at the end of the voting exercise, that is after all Members present and desiring to vote have done so, the presiding officer shall open the ballot boxes and commence the counting and tallying process in the presence of two counting agents. In this regard and as required under Rule 18, the counting agents are the Chief Whips of the Majority and Minority parties. During the tallying and counting process, the House will remain suspended but any Member present in the House will be required to be seated. After the votes have been counted and the result of the election ascertained, I, as the returning officer, will announce the results of the voting exercise in the case of the National Assembly. The presiding officer will report this as required under Rule 19 (a). Thereafter, I will also announce the results of the voting from the Senate. I will also announce the consolidated results to the House after adding up the results. I will cause a message to be transmitted to the Senate in respect of the results of the election conducted in the National Assembly.

Hon. Members, at the end, the persons to be declared elected in respect of the Jubilee Party cluster shall be five with the highest number of votes, who must include at least two candidates of either gender. The persons to be declared elected in respect to the National Super Alliance (NASA) coalition cluster shall be the four candidates with the highest number of votes who must include at least one candidate of either gender.

Hon. Members, should there be any tie between two or more candidates amongst those with highest votes in any of the two clusters, the process will be repeated in both Houses between the candidates.

I hope that I have explained the process clearly. Members are also reminded that during the exercise, the rules of procedure including the Standing Orders pertaining to orderly conduct remain in force and applicable by the Speaker.

Before I conclude, I also wish to report to the House that on 8th December 2017, the offices of the presiding officers, that is the two Clerks, received a letter from one, Ms. Angela Mweni Munyasia, a candidate under the National Super Alliance (NASA) cluster indicating her withdrawal from the election process. However, under Rule 11 (1) (2) the deadline for withdrawal of candidacy was on Friday, 1st December 2017 at 4.00 p.m. This may be reminiscent of recent events.

(Laughter)

In this regard, Hon. Members, the presiding officers did not accept her withdrawal, consequent to which her name appears in the ballot paper notwithstanding her intended withdrawal. The same applies to one, Ms. Doris Ndonga Aburi, who withdrew yesterday past the deadline as well. Ms. Doris Ndonga Aburi was in the Jubilee cluster. Therefore, I order the presiding officer to ring the Division Bell for 10 minutes and prepare the Chamber for voting.

I thank you.

Hon. Members, do not bring things that do not apply to the House. Let the Clerk-at-Table read the Order.

ELECTION OF MEMBERS TO THE EAST
AFRICAN LEGISLATIVE ASSEMBLY

Hon. Speaker: Hon. A.B. Duale

Hon. A.B. Duale: Hon. Speaker, your Communication is very clear and to the point. However, I just need clarification on one point. What happens if in either of the cluster, the gender number on either side is not achieved? It is very fundamental. We need to solve that matter. You need to give guidance on that.

Secondly, I think you also need to tell us that after the end of the exercise, these materials must be secured in case of any Petition.

Thirdly, you did not address the issue of how the voters will be identified. What happens if there is any voter who needs to be assisted in the polling station?

Hon. Speaker: Hon. Members, obviously, we are only limited to the fact that we remain faithful to what the law and rules made there require. From the Jubilee cluster, at least two of those elected must be from either gender. From the candidates that have the highest votes in the NASA cluster, at least one must be from either gender.

Obviously the point raised by the Leader of the Majority Party is a complex one because it is like the requirement in Article 27(6) and (8) of the Constitution read together with Article 81 (b) of the Constitution that require that at least not more than two thirds of either gender is represented in all elective or appointive offices. We have no way of forcing the electorate. I believe this particular electorate is capable of complying with this, so that at least we do not have Petitions. If those results do not come out that way, it will mean that they may only be challenged in the East African Court of Justice.

The voters will be identified, as I have said in my Communication, from the division list. A Member will be identified and after being given the ballot papers, his or her name will be crossed. That is all.

The Order Paper has been read out. I hope those of you who are listening have heard that the Clerk-at-Table read out Order No.10 which is election of Members to the East African Legislative Assembly. I now direct that the Division Bell be rung for exactly 10 minutes and the doors, as I have said, will remain open.

Hon. Members, this is an election. As you can see, there are very many empty spaces. These voters may be hanging out in the streets and in all manner of places in the villages. They might now be on their way driving at breakneck speeds to come and vote. This is why we are not following the normal procedure. After the end of the 10 minutes, the doors will remain open and the bars will not be drawn. Ring the Division Bell.

(The Division Bell was rung)

Hon. Speaker: Order Members.

(Loud consultations)

Order, Members! Resume your seats.

(Loud consultations)

Order, Members! Take your seats. Please, go back to your seats.

Hon. Members, go back to your seats! The longer you take, the longer you will remain in the House. Please take your seats. It is absolutely important.

For the convenience of the House and for the process to be smooth, it has been decided that Members' names will be called out loudly by the Clerk in alphabetical order. Hon. Members, just relax. What I require now to be done before I call the Clerk to take over the process is for the boxes to be displayed because I have heard the Member for Mumias West, my good friend, whispering that the process of rigging has started. Hon. Johnson Naicca, this is to make sure that what you anticipated or suspected was going to happen does not happen. In the full glare of hon. Members, we want all the ballot boxes to be displayed so that we all confirm that there is no single ballot paper. Clerks, please proceed to do that.

(The empty ballot boxes were displayed)

Hon. Naicca, are you watching or you want to touch them with your hand?

Hon. Members, that having been done, I indicated in my Communication that the two whips –the Minority Whip and the Majority Whips – are going to be the agents. Those who hold those offices have an obligation to remain around. I do not see the Member for Mumias East. Neither do I see his counterpart from Suna East. The Member for Mumias East is present but the Member for Suna East is missing.

Hon. Member: His deputy is here!

Hon. Speaker: I did not say his deputy. You gave Hon. Junet a very heavy responsibility. It is too much for him. Sitting here is going to be very difficult for him. Hon. Chris Wamalwa and Hon. John Mbadi, you can assist the Member for Suna East.

Hon. Ng'ongo: ---*(Inaudible)*

Hon. Speaker: The Minority Leader affirms that Hon. Wamalwa is fit to step into those shoes in an acting capacity. So that we do not take so long, I will now request the Clerk to read out the names of you, the voters, in alphabetical order. So, please do not come to say "O, I have been jumped because I was in some other place". This time, be present. There is a member who has just walked in carrying a bottle of water, saying his system has given in. This is for a short while.

(The Clerks-at-the-Table proceeded to call out the names of Members in an alphabetical order)

(Voting in progress)

Hon. Speaker: Order Members! Those who have voted, once you finish casting your ballot, please, you must allow others to vote too. Hon. Members, we do not want Members crowding at the polling booth.

Hon. Members, I am concerned with the crowding at the polling booth. If you are not voting, what are you doing there? Is Hon. Naicca voting or what is he doing there? Hon. Naicca, what are you doing at the booth? If you have not been called, you have no business around the booth. You are going to cause unnecessary confusion. Wait until your name has been read out so that you can go and vote. Once you vote, go back to your seat. Do not crowd around here.

(Voting in progress)

(Loud consultations)

Hon. Speaker: Order, Order, Hon. Members! Do not laugh like that. This is Hon. Fred Ouda. You laugh and shake your head so vigorously. I know the Member for Kisumu Central is just excited but he is okay.

Hon. Members, so that the clerks can be able to call the names and the people hear that they are being called, just continue consulting but in lower tones.

(Voting in progress)

Order, hon. Members! Hon. Wanga, move away from that place. Reports coming to the returning officer are that you are whispering certain things. You could easily get the candidate disqualified.

(Voting in progress)

Hon. Speaker: Order Members! You the fat one, you are a Member for which Constituency?

Hon. Omwera: Member for Makadara.

Hon. Speaker: Have you voted?

(Hon. Omwera walked away)

Hon. Omwera, do not walk away. This is not city council. You must withdraw from where you are. I do not want Members doing things.... Even you people who are on this row, you are too close to the booth move to the row behind there. The sergeants at arms have reported certain things you people are doing. It is just not Hon. Wanga, even you who are here, withdraw. Move to the next row. Campaigns ended. I mean your colleagues are literate, who requires to be told the names of the candidates? Member for Laikipia and Member for Kirinyaga, move to the next row. Move, quickly. It cannot be that the National Assembly is where people are trying to do cheap small things. Let Members vote. People know who the candidates are. They do not need to be reminded by the eight of you whether in mother tongue or sign language. Hon. Junet

you are one of the agents. Ensure that no Member comes there gesticulating or trying to speak in some funny languages.

Proceed.

(Voting in progress)

Order Members! Order Members! Hon. Wanjala, you cannot go harassing the gracious ladies. You are fond of that. You should move and sit next to them, so that they feel your presence.

Hon. Members, as it is required, I will put this Question whether there is any Member in the Chamber who has not voted and who desires to vote. For the second time, Member for Kwanza wants it done twice or thrice.

Is there a Member in the Chamber who has not voted and desires to vote? If there is any such Member, please, approach the Table. Well, it appears that there is no such Member and therefore, that marks the conclusion of the voting. Can the Clerks now proceed with the counting?

Hon. Members, to allow for that, I order that the Serjeant-At-Arms lowers the Mace and the House is suspended. It should be suspended to allow for the counting of votes. However, Members should remain around and, of course, the agents. Even Hon. Wanga should not go anywhere near there now.

An Hon. Member: I am an agent too!

Hon. Speaker: No! No! No! The agent is this one. The Deputy was here earlier, but disappeared. So, the clerks will do the counting and the tallying. You can now lower the Mace and the two agents are requested to approach the Table now. We do not want Members to say that there was a problem in transmission. And since we do not have any servers for this one, it will be tricky.

(Counting in progress)

(Hon. Ng'ongo consulted loudly)

Hon. Speaker: Hon. Mbadi, I thought you are a leader. You are the one who is shouting all over as you walk facing the other direction. Order Members. Take your seats. Hon. Members, we have to suspend the counting of the votes temporarily. We will resume the Sitting and the Mace will be put at its place.

(The House resumed)

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

(The Clerk reported to the Speaker the Presence of a stranger at the Bar of the House)

Hon. Members, my attention has been drawn to the presence of a stranger at the Bar of the House. May the stranger introduce himself?

Chief Serjeant-at-Arms of the Senate: Hon. Speaker, the officer is not a stranger. He is the Chief-Serjeant-at-Arms of the Senate who is under instruction to deliver a Message to this House.

Hon. Speaker: The Message may be admitted. I order the Chief Serjeant-at-Arms of this House to proceed and receive the Message from the Senate.

*(The Chief Serjeant-at-Arms for the National Assembly
Received the Message)*

(Applause)

The counting may resume. Lower the Mace. The House continues its suspension.

(The Mace was lowered)

(Counting in progress)

(Loud consultations)

Hon. Speaker: Order Members.

(The House was suspended waiting for a message from the Senate)

(Counting in progress)

Hon. Speaker: Again, I can see people who are not agents. The Leader of the Majority Party is not an agent. Hon. Gladys Wanga and Hon. Seroney, you are causing confusion. Please, just allow them to do their tallying. The Leader of the Majority Party, you have allowed the Member for Dagoretti South to assume you are the Chair.

(Laughter)

Hon. Wanga has decided to assume the leadership of the Minority Party.

(Counting in progress)

(The House resumed)

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

Hon. Speaker: Order, hon. Members! I call upon the Serjeant-at-Arms to come forward and bring up the Mace. The suspension of the House is lifted. We are back to the Sitting.

(The Mace was placed on the Table)

ANNOUNCEMENT OF RESULTS

Hon. Speaker: Order Members, we are back to the sitting. Therefore, the Member for Dagoretti South may be reminded that this is not a place for making calls.

Hon. Members, the rules require that I announce the results of the voting in this House. Without following any particular order, I will first read out the results, the total number of votes obtained by the candidates listed on the Jubilee Party cluster.

JUBILEE PARTY CLUSTER

Name	Gender	County	Votes attained
Abdulaziz Ali Farah	M	Mandera	171
Aburi Donya Doris	F	Kisii	20
Aburi Mpuru	M	Meru	168
Bundi Justin Nthiiri	M	Tharaka Nithi	41
Karanja Eunice Wanjiru	F	Trans-Nzoia	21
Masit Irene Cherop	F	Elgeyo Marakwet	49
Mbugua Simon Ng'ang'a	M	Nairobi	235
Koskei Jackson Kipkemoi	M	Baringo	34
Wanjiku Muhia	F	Nyandarua	151
Muriuki Joe Muriithi (Dr.)	M	Nyeri	1
Njee Elizabeth Wangui	F	Nyeri	122
Noor Adan Mohamed	M	Mandera	162
Nyachae Charles Ayako	M	Kisii	72
Sergon Florence Jematiah	F	Baringo	202

THE NATIONAL SUPER ALLIANCE (NASA) COALITION CLUSTER

NAME	GENDER	COUNTY	VOTES
Abubakar Zein	M	Mombasa	56
Aden Abdikadir Omar	M	Garissa	203
Fatuma Ibrahim	Female	Wajir	113
Amugira Norman Magaya	Male	Kakamega	52
Kalonzo Kennedy Musyoka	Male	Kitui	254
Marwa Jane Moronge	Female	Migori	90
Maviala Loi Mwambi	Female	Kakamega	105
Mochoge Justus Onsongo	Male	Kisii	14
Munyasia Angela Mueni	Female	Machakos	7
Mutunga Syengo Beth Kalunda	Female	Machakos	45
Odinga Oburu Oginga	Male	Siaya	195
Spoilt Votes			11

Literacy levels are not always very high in sub-Saharan Africa, I think. Dr. Nyikal would agree.

Pursuant to the provisions of rule 19 (b) of the EALA Elections (Election of Members to the Assembly) Rules, 2017, I now instruct the Chief Serjeant-at-Arms of this House to deliver this message to the Senate.

(The Chief Serjeant-at-Arms picked the message from the Clerk)

It is a proper transmission of results. You can see how it is being done.

(Loud consultations)

Hon. Members, the suspension of the House was lifted, so we are still in session. Hon. Members, earlier on, you noticed that there was a stranger who came to deliver a message. Again, there will be another physical transmission of results. Since I have sent a Message to the Senate on the results of the elections from this House, I now have to announce the results of the election in the Senate which I have since received.

Hon. Members, again, not in any particular order, from the Jubilee cluster... First of all, before I announce the respective clusters, the total number of votes cast in the Senate is 61. Total number of valid votes is 61. Spoilt votes are zero. It looks like the literacy level there is a bit higher.

(Laughter)

You recall, and Hon. Members, I reminded you that the Hon. Member for Makeni, Hon. Daniel Maanzo yesterday, while making his contribution to the Motion, spoke about the need for voter education. This is because many of you have been doing other things rather than allowing yourselves to be educated and that is why there is that disparity. Anyway, take heart in that there were only 11 spoilt votes. However, the results for the Jubilee Party cluster, again without any particular order:

JUBILEE PARTY CLUSTER

NAME	GENDER	COUNTY	VOTES
Abdul Aziz Ali Farah	Male	Mandera	15
Aburi Donya Doris	Female	Kisii	3
Aburi Mpuru	Male	Meru	40
Bundi Justin Nthiiri	Male	Tharaka-Nithi	3
Karanja Eunice Wanjiru	Female	Trans Nzoia	1
Kosgei Jackson Kipkemoi	Male	Baringo	1
Masit Irene Cherop	Female	Elgeyo Marakwet	4
Mbugua Simon Ng'ang'a	Male	Nairobi	51
Muhia Wanjiku	Female	Nyandarua	29
Muriuki Joe Mureithi Dr.	Male	Nyeri	1
Jane Elizabeth Wangui	Female	Nyeri	26
Nooru Aden Mohamed	Male	Mandera	30
Nyachae Charles Ayako	Male	Kisii	37
Sergon Florence Jematiah	Female	Baringo	50

Hon. Speaker: Hon. Members, listen to the figures. You are unable to listen. You have a problem. Even late at night like this you cannot be silent?

NASA COALITION

NAME	GENDER	COUNTY	VOTES
Abubakar Zein	M	Mombasa	10
Aden Abdikadir Omar	M	Garissa	32
Fatuma Ibrahim	Female	Wajir	29

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Amugira Norman Magaya	Male	Kakamega	13
Kalonzo Kennedy Musyoka	Male	Kitui	55
Marwa Jane Moronge	Female	Migori	5
Maviala Loi Mwambi	Female	Kakamega	27
Mochoge Justus Onsongo	Male	Kisii	1
Munyasia Angela Mueni	Female	Machakos	0
Mutunga Syengo Beth Kalunda	Female	Machakos	18
Odinga Oburu Oginga	Male	Siaya	48
Spoilt Votes			

Those are the results as certified by my Co-Returning Officer, the Speaker of the Senate, Hon. Kenneth Lusaka.

Hon. Members, I know many of you are already in a celebration mood, but it is never over until it is over. Therefore, I, again, suspend the sitting for between 10 and 15 minutes so as to see whether we will get concurrence from the other House, after which I will make the final announcement.

Sergeant-At-Arms, lower the Mace.

(The Mace was lowered)

(House suspended)

(Counting in progress)

(The House resumed)

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

Hon. Speaker: Hon. Members, it is not a very bad thing to end the first Session of the 12th Parliament at this hour. I call upon the serjeant-at-arms to bring up the mace. The suspension of the Sitting is lifted. So, the House is sitting.

Hon. Members, take your seats. You can sit anywhere. This Chamber belongs to all of us. In keeping with the rules, I have to announce the totals. As you all know, we must abide by them. Having read for you the figures obtained, the totals are as follows:

JUBILEE PARTY CLUSTER

NAME	GENDER	COUNTY	VOTES
Abdul Aziz Ali Farah	Male	Mandera	186
Aburi Donya Doris	Female	Kisii	23
Aburi Mpuru	Male	Meru	208

Bundi Justin Nthiiri	Male	Tharaka-Nithi	41
Karanja Eunice Wanjiru	Female	Trans Nzoia	22
Kosgei Jackson Kipkemoi	Male	Baringo	35
Masit Irene Cherop	Female	Elgeyo Marakwet	55
Mbugua Simon Ng'ang'a	Male	Nairobi	286
Muhia Wanjiku	Female	Nyandarua	180
Muriuki Joe Mureithi Dr.	Male	Nyeri	2
Jane Elizabeth Wangui	Female	Nyeri	148
Nooru Aden Mohamed	Male	Mandera	192
Nyachae Charles Ayako	Male	Kisii	109
Sergon Florence Jematiah	Female	Baringo	252

(Several Hon. Members entered the Chamber)

The Members walking in can sit anywhere nearby them. There are many vacant seats near the door but they do not seem to attract many Members. Take any seats near you.

So, from the NASA Coalition cluster:

NASA COALITION

NAME	GENDER	COUNTY	VOTES
Abubakar Zein	M	Mombasa	66
Aden Abdikadir Omar	M	Garissa	235
Fatuma Ibrahim	Female	Wajir	142
Amugira Norman Magaya	Male	Kakamega	65
Kalonzo Kennedy Musyoka	Male	Kitui	309
Marwa Jane Moronge	Female	Migori	95
Maviala Loi Mwambi	Female	Kakamega	132
Mochoge Justus Onsongo	Male	Kisii	15
Munyasia Angela Mueni	Female	Machakos	7
Mutunga Syengo Beth Kalunda	Female	Machakos	63
Odinga Oburu Oginga	Male	Siaya	243
Spoilt Votes			

Hon. Members, the Senate having concurred with the results that were announced here in this Chamber, I hereby now proceed to read out the duly elected representatives of Kenya to the East African Legislative Assembly after which, as the law requires, I have to sign.

I must confirm that these names conform to the minimum gender requirements. The Jubilee cluster has five candidates. The Members duly elected are:

Name	Votes
1. Mbugua Simon Ng'ang'a	286
2. Sergon Florence Jematiah	252
3. Aburi Mpuru	208
4. Nooru Adan Mohamed	192
5. Muhia Wanjiku	180

From the NASA Coalition cluster, the duly elected representatives from Kenya to the EALA are:

1. Kalonzo Kennedy Musyoka	309
2. Odinga Oburu Oginga	243
3. Aden Abdikadir Omar	235
4. Ali Fatuma Ibrahim	142

Hon. Members, I confirm that the figures of the spoilt votes remain the same: 11 in the National Assembly, and 0 in the Senate; total is 11. Therefore, I declare those as the duly elected nine representatives of the Republic of Kenya at the EALA.

I am told that it may be possible that some of the new Members of Parliament in the EALA may be in the Speaker's Gallery. If they are, as I read your name, you may rise in your place to be applauded and be acknowledged by the Members.

(Members applauded the EALA elected representatives as their names were called out)

Hon. Members, as they will be told by some of their colleagues from Rwanda, the EALA has a tradition that the speakership rotates. In this particular session, it is the turn for Rwanda. For the Kenyan Members, it is good to inform them that they are expected in Arusha from Saturday.

In fact, from tomorrow, you can prepare. If you had not packed your things, go and pack and pack. You can depart by road to Arusha. Start preparing in readiness for swearing-in on Monday. I have received that communication; it is good that I inform the Kenyan representatives who are present. I thank you.

Hon. Member: *(Off record)*

Hon. Speaker: They have met the requirement and that is why they have been elected.

For the Kenyan representatives who are present today, you are required to come to Parliament tomorrow at 10.00a.m. for briefing in Room No. 7, which is just behind where you are now. I am sure Hon. Wanjiku Muia, Hon. Mpuru Aburi, Hon. Abdikadir Omar, immediate former Member for Balambala and the immediate former Chair of Departmental Committee of Agriculture who resigned in May know the place. Congratulations.

I am sure it has not been very easy. You know where Room No. 7 is. You have chaired meetings there. So, tomorrow at 10.00 a.m, be there for some briefing before you embark on your new assignment.

I think it is also good to recognise Members who are already there. The Member for Rwanda is Hon. Martin Ngoga. He is accompanied in the Speaker's Gallery by the immediate former Members who represented Kenya, that is, Hon. Sarah Godana and Hon. Peter Mathuki.

I am also told that they have been accompanied by the Principal Secretary in the Ministry of East African and Regional Corporation, Hon. Betty Maina. Welcome too.

(Applause)

Thank you very much. Hon. Leader of the Majority Party, you can take over now. I needed somebody to relieve me.

MOTION FOR ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

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

THAT, pursuant to the provisions of Standing Order No. 28 on the Calendar of the Assembly Regular Session, this House adjourns until Tuesday 13th February, 2018 at 2.30.

I have never moved an adjournment Motion at 11.30 p.m. in my life as the Leader of the Majority Party. This is because we had a very busy day where we conducted our constitutional mandate.

Tonight we have nine men and women who have been elected, for the first time again, by both Houses: Hon. Simon Mbugua; Hon. Musyoka, the son of the Wiper leader; Hon. Oburu Odinga, our elder who served in this House for over 20 years who now will represent us, and a brother to the former Prime Minister; and, Hon. Abdikadir. I am a happy man because Abdikadir was a Member of Parliament for Balambala, and that was my constituency in the 10th Parliament called Dujis. I had the task of looking for a job for my brother. Tonight I want to thank Members for honouring me by electing Hon. Abdikadir. The people of Balambala and Garissa County are very happy.

Hon. Fatuma is a known human rights crusader. I was joking with her on the corridors of Parliament: That Fatuma, you have been a human rights crusader, you have been a Member for Wajir County, let us try. I want to thank these Members for electing Fatuma, Musyoka Junior, our senior citizen Oburu Odinga and the famous Aburi Mpuru. The Deputy President called me

last night and he told me, “Please make sure Aburi Mpuru wins.” He is a very good friend of the Deputy President. For Hon. Simon Mbugua, I want to thank the Governor of Nairobi. I told him to keep and take care of Simon Mbugua till we send him to Arusha. The Governor, tonight we have given Simon Mbugua. He sacrificed during our party nominations for Hon. Yussuf Hassan of Kamukunji. He made a sacrifice before our leaders. I want to thank our Members.

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

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

Hon. Temporary Deputy Speaker, Hon. Wanjiku Muhia took our party to court more than 10 times. She took our party through the political parties’ tribunal, to the High Court and to the Supreme Court. I want to thank Members of this House for electing Wanjiku Muhia. Lastly but not the least, the famous Jematiah is a well-known apart from the son of our leader Kalonzo Musyoka, the rest were Members of Parliament. They had access to this House and to our offices. But Junior Musyoka and Jematiah were foreigners. They had to get permission at the gate. Well done, Jematiah and the people of Baringo.

Oh, Hon. Nooru. He is the oldest politician. All his contemporaries in north eastern have retired. His contemporaries are the likes of my former Member of Parliament and long-term serving Minister Hussein Maalim and many others. Nooru is the only one who has been elected more than five times. Right now we want him to go and represent us in EALA.

We have taken for the first time a team of Members of Parliament who will easily learn the Standing Orders and represent us. From tonight, you are not a member of Jubilee or NASA. You are representing the country called Kenya. Your voters are these two Chambers. So we will look for a recall clause. If you do not represent Kenya very well, we will recall you. We can even have a by-election. Who said we cannot have a by-election?

Hon. Temporary Deputy Speaker, we are happy because we are going on recess. Let us go back to our people. I wish all of you a Merry Christmas and a Happy New Year. As we go back to our constituencies, let us all move Kenya forward. The President said in no uncertain terms that he is ready for dialogue, but only on development. If you want dialogue on politics, you look for the Leader of the Majority Party, us.

However, for His Excellency Uhuru Kenyatta, definition of dialogue is those who want to build roads, healthcare and unite Kenyans. That is the Kenya we are talking about. We have a vibrant Opposition and Government. Let us all work together.

I want to thank the people of Kenya for giving Jubilee over 200 Members of Parliament. I am a proud Leader of the Majority Party because the numbers have increased and they will be used for the benefit of the people of Kenya. I want to thank all of you for staying long. I am sure we were doing a serious constitutional and legislative mandate. Thank you all who came here. Let us drive back home safely. Next week we will elect our chairs and vice-chairs and I am sure come January, *Inshallah*, we will start serious business of committee work.

I beg to move that the House adjourns until Tuesday 13th February 2018 at 2.30 p.m.

Hon. Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Very well. Thank you, Leader of the Majority Party.
Order, Members!

(Question proposed)

Order Members! Order, Hon. Father of the House! Members, maybe I will give a communication to this. The time being 23.42 p.m. now, as very well put by the Leader of the Majority Party; the House will adjourn by midnight. That is the procedure of the House. So, I would give a few Members chances to contribute to this Motion of Adjournment.

However, we congratulate the Members who have been elected to the East African Legislative Assembly (EALA) positions. The first one will be the Member for Matungulu. You are the first one on my request list.

Hon. Mule: Thank you, Hon. Temporary Deputy Speaker. I want to take this opportunity to thank the House for giving us a very able team to move to EALA to look at various issues which pertain to the East African Community (EAC).

Hon. Temporary Deputy Speaker, I am excited today to see us send a very young and able lawyer, Mr. Kennedy Kalonzo to EALA. I want to take this opportunity to wish my colleagues---

Hon. Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order Members who are moving out of the Chamber. Please do it with some decorum. Order, Members! Please do whatever you are doing with decorum. Yes, Hon. Member, carry on.

Hon. Mule: I want to take this opportunity to thank my colleagues and wish them a Happy Merry Christmas and a Happy New Year. At the same time, as we adjourn, I want to thank the people of Matungulu and wish them a very Happy Merry Christmas and a Happy New Year. It is exciting to close the year, but I wish this House could have been extended until next week Thursday, so that at least we finalise the election of the Chairs and then we go home when we already know the Chairs. I have seen the communication that Members need to be reminded that various committees will be meeting on Wednesday to elect their leadership.

Hon. Temporary Deputy Speaker, I believe that as we go for the long recess, when we come back in January, things will have settled down in the country and we will be able to move this country to another level.

I want to wish our new team to EALA all the best. I urge them to take care of pertinent issues which are coming up within EAC, especially issues of how we should integrate the Community and health care within the region. I wish them all the best.

Thank you.

Hon. Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Hon. Members, you do not need to spend your five minutes. You can donate your time to other Members because we have only 15 minutes to go. Member for Kipipiri, Hon. Kimunya, the Floor is yours.

Hon. Kimunya: Hon. Temporary Deputy Speaker, I rise to support this Motion to adjourn but most importantly to congratulate our representatives to EALA. Specifically, I want to thank Members of this House for affording a chance to my county mate, the Hon. Wanjiku Muhia who has now found a chance to go EALA. Also my good friend, who was once my Assistant Minister, Hon. Dr. Oburu Odinga; my friend's son, Kalonzo Junior and the nine Members. Basically they have been elected and to just say we wish them well and hope that by the time we go for our recess, we will also be getting there to hold our flag high; at least, we put

a closure to Kenyan politics. I hope, as we come back next year, we will be in a different level of playing politics in this country without looking at the different parties, but look at a nationalistic approach towards the issues that confront us so that we can transform Kenya from what it is to what it should be.

With those few remarks, I wish you a Merry Christmas and a Happy New Year. I hope we will come back here energised to tackle the challenges of Kenya in the New Year.

Thank you, Hon. Temporary Deputy Speaker.

Hon. Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Very well, the Member for Yatta, Hon. Kilonzo Mutavi.

Hon. Kilonzo: Thank you, Hon. Temporary Deputy Speaker. I intend to be very brief because of time. Like my colleagues, let me congratulate the new team which is due to go to EALA. Out of the nine, there are seven seasoned politicians and of course the youth, the son of my neighbour and my party leader and the good young lady, Jematiah Sergon. I am not sure if I got the name right. I think this is a team we expect to do a lot. We have been wondering why our cows are being auctioned when they cross over the border and yet it is a colonial border. Those are the things we expect them to raise to ensure that we have a good relationship with our neighbours.

However, next week is very important for this House. It is the time to choose Chairs and Vice-Chairs of Committees. My experience has told me we avoid as much as possible Chairs who are appointed from State House. If this House is going to remain a strong House, Members should choose effective Chairs and Vice-Chairs. Therefore, those of you who have been appointed from State House *mko na kazi ngumu*, you have a tough week ahead. You saw Members reading the Riot Act to the Parliamentary Service Commission (PSC) which has been a big disappointment to this House.

When I came back, I was shocked with the things I found in this House that indeed there was a Commission. I am also told that most of the Committees have also deteriorated down because of the tendency of appointing people from State House. So, as we move on, let me wish my colleagues and the people of Yatta a Merry Christmas and a Happy New Year.

Hon. Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Be brief and to the point. The Member for Trans Nzoia County, the Floor is yours.

Hon. (Ms.) Wanyama: Thank you, Hon. Temporary Deputy Speaker. I also join the rest of my colleagues to congratulate those who have been elected to EALA. We have got a good team that will defend our country in EALA. We have got a good team that is going to defend our country in the EALA. Recently, we were in Tanzania because of sports. Members of the EALA from other member states asked when we would elect our representatives, because we have really delayed to give the names to EALA.

I also want to take this opportunity to send a message to drivers in this country because we have been having a lot of accidents every now and then. I ask them to take care because they are not carrying cabbages, as the President said. They are carrying people and so they should be very careful. I wish my colleagues a Merry Christmas and a Happy New Year. I know very well that when we go home we will bring peace and reconciliation among ourselves because we have been facing a lot of challenges since the end of the general elections.

I also take this opportunity to say Merry Christmas to you, Hon. Temporary Deputy Speaker, and to the people you represent.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Of course, they are the people of Kibwezi Constituency.

Next is the Member for Fafi, Hon. Mohamed Osman.

Hon. Mohamed Abdikhaim: Thank you, Hon. Temporary Deputy Speaker. First, I thank the people of my Constituency, Fafi, for electing me and giving me the chance to represent them. Secondly, I thank the Members of Parliament today for voting the nine EALA members, especially my uncle. His name is Abdikadir Aden. Again, I thank the Members of Parliament. He was also a good legislator from Balambala Constituency during his time. Mine is to thank the members and to tell my friends who have been elected today to represent this country; to do their work and help the country to move forward.

Thank you and happy holidays.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Next on my request list is the Member for Mwingi North.

Hon. Nzengu: Thank you, Hon. Temporary Deputy Speaker. I also join my colleagues in supporting this Motion of Adjournment but more so to communicate my congratulatory messages to the members who have been elected to sit in the EALA. I am particularly happy about my voter, Hon. Kennedy Musyoka Kalonzo, whom I happen to campaign for. I am thankful that Members of this House and the Senate have indeed heeded our call to support this young man. I really congratulate the members-elect and thank Hon. Members of the two Houses for finding it wise to elect Kennedy Kalonzo and the rest of the other eight members to the EALA. I wish them a good time as they represent our country down there in Arusha.

In addition, I want to take this opportunity to also send a message to my people of Mwingi North Constituency. I wish them a Merry Christmas and a prosperous New Year 2018. The same applies to all the members of this House and the entire Republic of Kenya.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Mogotio, Hon. Tuitoek Kamuren.

Hon. Tuitoek: Hon. Temporary Deputy Speaker, thank you very much for giving me this opportunity. I would also like to join my colleagues in congratulating the nine members who have just been elected by this House. I specifically congratulate Jematiah Serگون from Baringo County and wish her success as she serves us in Arusha. As we come to the closure of the year, I would also like to wish all the members of this House and my constituents a Merry Christmas and a Happy New Year 2018.

With those remarks, I support the Motion of Adjournment.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Mandera North. You are doing very well members.

Hon. Abdullahi: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity.

First and foremost, I would like to send my congratulation to the nine EALA members that have just been elected. I want to congratulate the House as well because of the bipartisan approach that we saw today in electing the nine Members. It is my prayer that in future, the House conducts its business in such an approach.

One of the nine Members elected to the East African Legislative Assembly (EALA) is one of my constituents. He is also a former Member of Parliament for Mandera North. He was a member of my campaign team and tonight, I am extremely happy to have ensured that one of my

constituents and the former Member of Parliament for Mandera North will represent Kenya in the EALA. He has what it takes.

The other point is to wish everybody a Merry Christmas and a Happy New Year. When we come back, I am sure the House will have a full tray of activities to undertake. Therefore, on my behalf and on behalf of the people of Mandera North, I wish everybody happy festivities. Hon. Temporary Deputy Speaker, I thank you for your patience having been here for a long time. I am sure you are also tired but you have been courageous enough to chair the last session before we go on recess. I thank you and God bless you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us have the Member for Mosop.

Hon. Tuwei: Asante sana, Naibu Spika wa Muda. Pia nami naunga mkono na kuwapongeza wale wote ambao tumewachagua siku ya leo kujiunga na viongozi wengine katika Bunge la Afrika Mashariki. Ni kweli kwamba hivi majuzi tulipokuwa katika Michezo ya Afrika Mashariki, tulipata kwamba Jumuiya ya Afrika Mashariki ilikuwa inangoja viongozi hawa wateuliwe na naona kwamba azma yao na matarajio yao yametimika siku ya leo.

Nawapongeza watu wa Mosop na nawatakia kila la heri katika msimu huu wa Krismasi. Naomba madereva nchini waendeshe magari kwa njia iliyo safi ili tupate kuchunga usalama wetu katika barabara zetu.

La mwisho ni kwamba nawatakia wenzangu Wabunge nafasi nzuri na kuwaombea dua tukutane Januari ili tuendeleze kazi nzuri. Nawatakia Wakenya umoja na mambo yote ambayo yanahusiana na umoja na ujenzi wa taifa letu yawe msingi wa kujenga nchi hii.

Katika uchaguzi wa viongozi wa leo, vijana wawili wamechaguliwa. Hii imedhihirisha ya kwamba vijana wako na haki katika uongozi na wao wenyewe wanautafuta uongozi na kuupata. Wabunge leo wamedhihirisha ya kwamba chochote ambacho unakitaka utakipata ukitia bidii.

Kwa hayo machache, Naibu Spika wa Muda, nakushukuru, nakupongeza na kukutakia kila la heri na wale wote ambao walikuteua kutoka pale Kibwezi.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us have the Member for Ijara.

Hon. (Ms.) Noor: Thank you, Hon. Temporary Deputy Speaker for giving me this chance. I would like to support the Motion of Adjournment. I thank the Hon. Members of this House for conducting credible and peaceful elections for our Members. Congratulations Members. That shows how mature this House is. I am so proud to be a Member of this House.

On the same note, I congratulate the nine Members that were elected today to represent this country. I would like to point out that when we say that two-thirds of either gender should be elected, it is not necessary for us to always give the side of the women the one-third. Next time, I want to ask the leadership and the Members of this House to do vice versa so that we can give one-third to the men and two-thirds to the women.

Again, I want to touch on the Committees that were constituted this morning and approved by this House. We want to look at it critically. I have heard rumours that there are only four women who have been appointed to chair Committees out of 30 Committees. That is unconstitutional and I request the Members of this House to critically look into this matter. They are your colleagues. They will add a lot of value in the development and management of the issues of this Parliament.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): What is wrong with your microphone? Are you through with your contribution?

Hon. (Ms.) Noor: Yes.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Okay. Contribute for one minute, Hon. Tong’i.

Hon. Tong’i: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to congratulate our colleagues for the well-deserved victory. I want to take this opportunity to wish my colleagues a happy New Year and merry Christmas. I also wish you and your constituents a happy New Year and merry Christmas. You have done a good job to manage the House so well. I am happy because we have conducted ourselves with decorum which is a sign of maturity. It also shows that we are a mature economy and we have a political system which can conduct itself in a manner that we have done today.

I am happy for those who won. I wish those who did not make it another opportunity. I am sure God will open a way for them. I would have loved more of them to do better than they did, but that is life. We wish them well. I am sure in the fullness of time; God will open an opportunity for every one of them.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Nambale, contribute for one minute.

Hon. Bunyasi: Thank you, Hon. Temporary Deputy Speaker. I have a very quick message. I come from Nambale Constituency, Busia County; the border county where trade is extremely important. I wish that the members that have been elected today will be East Africans first, Kenyans second and in that role help build the economy of East Africa, so that our people can have jobs and opportunities. Busia will be the gateway into and out of Kenya.

Thank you, Hon. Temporary Deputy Speaker.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, from the Speaker’s desk and on behalf of the Members of the Chairperson’s Panel, allow me wish you a Merry Christmas and happy New Year. We are looking forward to seeing you next year. We thank you all for your cooperation. May God bless you.

I wish the people of Kibwezi East the best in Christmas.

Hon. Members, the time being 12.00 a.m., this House stands adjourned until Tuesday, 13th February 2018 at 2.30 p.m.

The House rose at 12.05 a.m.