

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 28<sup>th</sup> September 2017

The House met at 9.30 a.m.

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

### PRAYERS

**Hon. Deputy Speaker:** Hon. Members! It is fairly interesting that on a Thursday morning we have quorum. So, business will quickly proceed.

### PAPERS LAID

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House today Thursday, 28<sup>th</sup> September Morning Sitting:

Reports of the Auditor General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2016 and the certificate therein:

1. Privatisation Commission.
2. National Housing Corporation.
3. Coast Development Authority.
4. Kenya Safari Lodge Hotels Limited.
5. Kenya Roads Board Project.
6. University of Eldoret.
7. National Government Constituencies Development Fund – Central Bank of Kenya.
8. Kenya Education Management Institute.
9. Jomo Kenyatta University of Agriculture and Technology.
10. Public Trustee.
11. Kenya Slum Upgrading Low Cost Housing and Infrastructure Trust Fund.
12. Northern Kenya Conservation Project Credit No. 1036.
13. Agricultural Settlement Fund Trustees.
14. National Government Constituencies Development Fund Board.
15. The Ministry of Defence.

Thank you Hon. Deputy Speaker

**Hon. Deputy Speaker:** Next Order.

### NOTICE OF MOTION

ESTABLISHMENT OF SELECT COMMITTEE ON ELECTION-RELATED LAWS

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

THAT, aware that the country is still in an election cycle arising out of the requirement for a fresh Presidential Election in October, 2017; further aware that there is need to legislate on and address certain legal lacunas and in compliance with judicial decisions asking Parliament to legislate on certain matters to ensure that the elections conform with the provisions of Article 81 of the Constitution on general principles for the electoral system; noting that such election-related matters would ordinarily require consideration by the relevant Committee of the House which is yet to be established; further noting the limited period of time before the date of the said fresh election; cognisant of the urgent need to consider and conclude with all matters relating to the elections to allow the Independent Electoral and Boundaries Commission (IEBC) ample time to implement any changes related to the review of the election-related laws; now therefore, pursuant to the provisions of Standing Order 127(2), this House resolves –

(a) To establish a Select Committee to be known as the Select Committee on Election Laws 2017 comprising of not more than fifteen Members to examine and undertake public participation on the Election Laws (Amendment) Bill, (National Assembly Bill No.39 of 2017), and any other related Bills;

(b) The Committee shall comprise of the following Members-

1. The Hon. William Cheptumo Kipkiror, MP - Chairperson.
2. The Hon. Gladys Jepkosgei-Boss Shollei, MP.
3. The Hon. Isaac Waihenya Ndirangu, MP.
4. The Hon. Ali Wario, MP.
5. The Hon. Shamalla Jennifer, MP.
6. The Hon. Adan Haji Yusuf, MP.
7. The Hon. George Gitonga Murugara, MP.
8. The Hon. Stanley Muthama, MP.
9. The Hon. Alice Muthoni Wahome, MP.

(c) That, the quorum of the Committee be the Chairperson and four other Members; and,

(d) that, the Committee considers the matters under its mandate and reports to the Houses on or before Tuesday, 10<sup>th</sup> October, 2017.

Thank you.

**Hon. Deputy Speaker:** Next Order.

## PROCEDURAL MOTION

### REDUCTION OF PUBLICATION PERIOD OF BILLS

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

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the following Bills:

- (i) The Public Trustee (Amendment) Bill (National Assembly Bill No. 32 of 2017) from fourteen (14) days to ten (10) days;
- (ii) The Copyright (Amendment) Bill (National Assembly Bill No. 33 of 2017) from fourteen (14) days to ten (10) days;
- (iii) The Election Offences (Amendment) Bill (National Assembly Bill No. 38 of 2017) from fourteen (14) days to one (1) day; and,
- (iv) The Election Laws (Amendment) Bill (National Assembly Bill No. 39 of 2017) from fourteen (14) days to one (1) day.

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

**Hon. Deputy Speaker:** What is it Hon. Aluoch?

**Hon. Aluoch:** Thank you, Hon. Deputy Speaker. Before this Motion is moved, I wish to raise a matter which seeks your interpretation, intervention and confirmation that this House is moving in the right direction. Order No.8 contains a raft of four Bills. I am particularly interested in number (iii) and (iv), that is, the Election Offences (Amendment) Bill and the Election Laws (Amendment) Bill, respectively.

This Motion, raised under Standing Order No.120, seeks the approval of the House to reduce the publication period of the Bills. This is not mandatory, but for the House to exercise its jurisdiction properly, it is important to know why it is being asked to reduce the publication period. Most importantly, under our Standing Orders, and you know this is a House of records and customs, these matters ordinarily ought to go before the Departmental Committee on Justice and Legal Affairs, if it is in existence. As we stand now, we do not have such a committee to deal with this matter. Committees of the House are not just based on Standing Orders, but also on the Constitution. If you want to bypass the mandate of those committees, you should do so in matters which are clear to the House and the nation.

As I speak, now, I know that tension in the country is getting a little higher. As Members of the House, we owe ourselves and the country a duty to ensure this tension goes down and, as much as possible, encourage inclusivity. If we are going to move in the direction the Leader of the Majority Party is leading this House, there is a possibility that we are going to widen the rift. I beseech Members of the National Assembly not to rush because of exigencies of today. If we rush these Bills because of today's exigencies, or to correct what we think may have gone wrong somewhere else, or whether it is a judgement of the Supreme Court, we may be headed in the wrong direction. I wish to ask for your direction: is it proper or not to proceed the way we are doing?

**Hon. Deputy Speaker:** On the first one, Hon. Olago Aluoch, being a seasoned Member of this House, I am as eager as you to know the reasons for that reduction. The best way is to reason with the Leader of the Majority Party as he canvasses his position. On the second one, I want to refer you to the Standing Orders, which I am sure you are well versed with, especially having been a Member of the Departmental Committee on Justice and Legal Affairs. Yes, Bills need to be committed to Departmental Committees, but looking at Standing Order No. 127(2), it states:

“Notwithstanding paragraph (1), the Assembly may resolve to commit a Bill to a select committee established for that purpose.”

You have raised very valid issues, but we should listen to the Leader of the Majority Party. In due course, I will give you an opportunity, if you really think you still want to oppose. There are many ways of opposing. You can either state your reasons for opposing or oppose the Motion. I think the best way is for us to listen to the Leader of the Majority Party. I am not privy to what he is about to say. However, I will listen very keenly so that I can transact this matter to the satisfaction of Members.

Proceed Leader of the Majority Party.

**Hon. A.B. Duale:** I have served with this Hon. colleague in the 10<sup>th</sup>, 11<sup>th</sup> and now 12<sup>th</sup> Parliament. I want to thank the people of Kisumu Town West for re-electing him. This is something very common as per the Standing Orders. In the next five years, this House will be subjected to Motions on reduction of publication periods if the House Business Committee

(HBC) or a Committee feels the urgency. We are not committing any crime this morning. Rather, we are working within Standing Order No.120.

Secondly, the first three Bills on the list lapsed during the 11<sup>th</sup> Parliament. We are just re-publishing them. The Copyright (Amendment) Bill and the Election Offences (Amendment) Bill were introduced in the 11<sup>th</sup> Parliament. I am sure when we form committees and as they mature, you will deal with them. One of the functions of a Member of Parliament is to legislate. Nobody can deny Members of Parliament that fundamental role for it is in the Constitution. You and I are here to represent our people and to bring legislation that will make the lives of our people better. So, that is my role. It is for the plenary to either agree or disagree with my proposal and any legislation which comes to this House.

I want Members, business leaders, the clergy and everybody else to read this Bill. I want to go on record to warn those who are out there opposing the amendments to this Bill and yet they have not read it. There is no single section in this Bill which talks about the Judiciary or the Supreme Court. I dare anybody either watching me on television or sitting in this House to show me where we are curtailing...The functions and independence of the Judiciary is well anchored in the Constitution. As a member of Jubilee and the Member of Parliament for Garissa Township, I will be the first one to stand and defend the independence of any institution, including the Judiciary.

This Bill is only trying to rise to the occasion following the judgement given by the Supreme Court in candid words - both the majority and minority judgements. Please, let us get and read the judgment by Njoki Ndung'u, Jackson Ojwang', the Chief Justice and the others who were on the Supreme Court Bench. The majority judgement stated that Parliament must rise to the occasion and make certain changes to the laws which govern elections. The problem we have is about transmission.

I really want to tell the country that I am only supposed to move a Procedural Motion. This Bill is saying let the two systems, electronic transmission and manual, move concurrently. Let us live stream. It is saying that the Chairman of the Independent Electoral and Boundaries Commission (IEBC) will ultimately and must physically receive the Forms 34As and 34Bs for him to announce the winner. That is what this Bill is saying. This Bill is saying: If a Presiding Officer (PO) or a Returning Officer (RO) plays mischievously and falsifies or alters an election document, he should be liable to five years imprisonment. That is what this Bill is saying. It is not talking about the Supreme Court. I was very happy when the Chair of the IEBC yesterday said: "Let us have a hard copy of the Bill." Let us not play propaganda legislation. I am happy today, once we read this Bill, it will become a public document.

This Bill is correcting the judgment. Parliament's function in legislation is to clean up pieces of legislation. In the Maina Kiai Case, and there are very renowned lawyers here, it negated certain provisions of the law in the Election Laws. What this Bill is trying to do is the clean-up. What are these guys talking about Hon. Deputy Speaker? I was very happy last night. The media reported exactly what this Bill is all about. I want to really agree with Hon. Olago Aluoch. This Bill will cool down the temperatures; this Bill will bring us together and this Bill will give the IEBC the exact thing on what happens to transmission.

The problem we are in today is big. Our economy is suffering. Our people are polarised. The country is divided. We are going to an election on the 26<sup>th</sup> October 2017. How do we bring our people together? We bring our people together by putting the right laws and making it very clear. That is what this Bill is doing. So, there is nothing mischievous. Do not say something which is not in this Bill. I dare anybody. I am ready to go to any television talk show from this

minute and challenge it. This Bill is not talking about the Supreme Court or the independence of the Judiciary. The Supreme Court gave a ruling. We in Jubilee are the first people, led by our party leader, who came to the country and said: “We accept the verdict. Let us go back to elections”. We respect Judge Maraga. We respect all the six judges. We have no bad intention. There is no clause on the Judicial Service Commission (JSC) in this Bill. There is no clause on the Supreme Court. There is no clause on the Judiciary. This is about a clean-up and making sure that IEBC is very clear as they conduct the next election.

So, I ask my colleagues something. I really want to ask the Leader of the Minority Party who is not here. Please, this afternoon, I am only going to nominate nine Members; I am waiting for your six Members. Bring your six Members. In 10 days, that Committee will do a proper public participation. They will speak to the IEBC; they will speak to the political parties of Jubilee and NASA; they will speak to the church and they will speak to the business community. If the stakeholders disagree with this Bill, they can remove certain provisions. That is why Parliament conducts public participation within the reading of Article 118 of the Constitution. Let us walk together. Let us subject this Bill to public participation. We are brothers. Let us not raise temperatures in our country. Let us not misinterpret. I want the public to be given an opportunity. We are the same House, in the 11<sup>th</sup> Parliament, that formed a Joint Select Committee of equal number from the Senate and the National Assembly. It was from both political formations.

There is nothing mischievous here. There is no card under the table. It is as clear as the day is from the night. *Baba* must be watching me because when you see Junet rushing here.... Junet rarely comes for Wednesday’s Morning sittings. But, if you see Junet here.... I am very happy because my message will go direct to *Baba*. Junet is here and he is taking notes and he will tell *Baba*. He is a man I respect a lot. Junet represents two formations. One time, he is a Somali elder and comes and sits with us and we discuss the community. At times, he holds briefs for *Baba*.

There is nothing wrong. This Bill is good. It will go for public participation. It will come back to Parliament. We will look at it at the Committee of the whole House stage and at the Second Reading. I urge my colleague the Leader of the Minority Party because he is the only one who has been confirmed by the NASA to listen to me. The rest of the leadership has not been confirmed. Junet agrees with me on that point. The only person confirmed by the NASA Coalition is Hon. John Mbadi as the Leader of the Minority Party. The rest are mark timing somewhere.

*(Laughter)*

So, I ask my colleagues to help me reduce this; we move the country forward; we walk together and we understand each other. I am sure there are people who want to introduce something that has been left out in this Bill at the Committee stage and at the stakeholders’ meeting. Let us do it and make sure all we are doing is to make sure the election is done in accordance with the Constitution and in a very clear method so that while the transmission will be there, a manual system or physical presentation of documents is provided.

I ask Hon. Katoo ole Metito to second.

**Hon. Deputy Speaker:** Very well. Hon. Katoo, I must really echo the Leader of the Majority Party this morning. It has been very long since I heard him trying to really convince anyone.

(Laughter)

Many times, he throws one or two things that create a lot of difficulty to the Speakership. Proceed, Hon. Katoo.

**Hon. Katoo:** Thank you, Hon. Deputy Speaker.

As I second this Procedural Motion, I also want to thank the Mover who is the Leader of the Majority Party for those good explanations; trying to convince the House that we should reduce the publication period of these Bills.

The Bill is not yet before the House. I will not discuss its details. The Motion is just seeking leave of the House. Ordinarily, every Bill has 14 days for publication. But, in accordance with Standing Order No. 120, this House by its resolution can really shorten the publication period to any number of days. These Bills are four. On the first two, we are seeking leave of the House that their publication period be reduced from 14 days to 10 days. The last two are very critical that we seek reducing the publication period from 14 days to one day for obvious reasons. It is no longer a secret that the calendar of this House is approved by the House itself. As the Mover has said, we will be proceeding for an 11-day recess from this afternoon. Again, we have a presidential election coming in 28 days from today. The fourth Thursday from today is going to be the date for the presidential election as set by the IEBC.

Without discussing the Bill, it is in public domain that the Supreme Court raises some issues that need to be corrected before we go to the new presidential election. This Bill tries to align some clauses with that ruling of the Supreme Court. Therefore, if we are proceeding for recess this afternoon and coming back on 10<sup>th</sup> October 2017, then there will be a presidential election in two weeks or so.

It is really good that we reduce the publication period of this Bill so that the *ad hoc* Committee whose Notice of Motion was actually given this morning--- I heard my good friend, Hon. Olago, talking of bypassing a departmental committee. Maybe, he just got in a little bit late because when we reached to Order No. 6, the Leader of the Majority Party gave Notice of Motion to establish an *ad hoc* Committee purposely to look into these proposed Bills and it will be coming this afternoon. So, we are asking leave of the House that this Bill's publication period be reduced so that, as we proceed for recess, that *ad hoc* Committee, if approved by this House, can look into it and invite the public to participate and when we come back, we discuss the Bill.

Therefore, it is simple. It is just asking for the reduction of publication time. I do not want to talk about the nitty-gritties in the Bills. It will come at the right time. I also ask my colleagues to please approve it and in the afternoon, we discuss the *ad hoc* Committee. An *ad hoc* Committee formed in accordance with Standing Order No. 218 will only do that which it is mandated to do. It is only for that particular purpose and then its term and mandate ends and then we can now come back and form substantive departmental committees, including the Justice and Legal Affairs Committee that is supposed to be looking into this. This Motion is so straight forward. I request my colleagues that we move forward. This will move towards reducing the temperatures in the country as we have been saying.

I beg to second.

(Question proposed)

**Hon. (Dr.) Pukose:** Put the Question.

**Hon. Deputy Speaker:** Order, Hon. Members! This being a very critical Motion, I am obviously not going to listen to Hon. (Dr.) Pukose. The only difficulty I have is this: I do not know who will be the lead representative of the minority because, as you heard Hon. Duale, he said that other than any other...I will give Members from the minority an opportunity. The issue is this: I am trying to look at a way of balancing. I will give several Members from the minority an opportunity. Let me start with Hon. (Dr.) Chris Wamalwa. By the way, the main reason why I gave you, Hon. Wamalwa, is because your card was top on the list. The only problem is you keep changing your names. You used to be Chris Wamalwa now you are Wakhungu. Is that also your name?

Proceed, Hon. Wamalwa.

**Hon. Wakhungu:** Thank you, Hon. Deputy Speaker. I rise to oppose this Procedural Motion. Standing Order No. 120 is very clear. I am in concurrence with whatever the Leader of the Majority Party has said, but we are looking at where the country is. As I speak, I look at the eye of the Leader of the Majority Party and he should be looking at me. I want to look at the honesty. I want to quote William Shakespeare. He said: "No legacy is so rich as honesty." Temperatures of this country are rising every day. Yesterday, the discussion between the Jubilee side and the NASA side was stopped because of this Bill. This is our country. We do not have any other country. There is no way the Leader of the Majority Party can come here to give Notice of Motion to form an *ad hoc* Committee which is not yet in place and you go ahead to reduce the publication period from 14 days to one day. This is what we are seeing here. From the NASA side, I know we have not yet rearranged in terms of our leadership. In the 11<sup>th</sup> Parliament, I was the Deputy Whip of the Minority Party and I am speaking because I am the first one on the list. So, I am speaking on the behalf of the great people of Kiminini.

As I stand here today, I oppose this because, normally, when we talk about the 14 days of publication, this is to give room to the members of the public as outlined in Article 118 of the Constitution, which requires public participation. We cannot reduce such an important matter to one day. It does not make sense. Because the matter is so controversial and the public interest is very high, it is indeed key that we should give the entire period of the 14 days so that we give the public ample time in terms of their preparation, particularly on the Election Laws Act and the Election Offences Act.

**Hon. Ichung'wah:** On a point of order, Hon. Deputy Speaker.

**Hon. Wakhungu:** Hon. Deputy Speaker, you should defend me from the tyranny of numbers.

**Hon. Deputy Speaker:** You know the only reason why I want to protect Hon. (Dr.) Chris Wamalwa is because I realise he is actually speaking to the Procedural Motion. I would have really been very uncomfortable if Members spoke to the merits of what is going to come later because that will be anticipating debate. However, the way I am looking at this renowned professor, I think he is going the right direction. Hon. Members, let us---

**Hon. Wakhungu:** For heaven sake, Hon. Deputy Speaker, I am an "A" student and that is why I am speaking on the Procedural Motion. I am not going to the merits. It is unfortunate you allowed the Leader of the Majority Party to go to the merits, which was actually out of order.

**Hon. Deputy Speaker:** Let us hear the honourable Member for Kikuyu.

**Hon. Ichung'wah:** Thank you, Hon. Deputy Speaker. My point of order, despite the question of relevance, is on the misleading insinuations that Hon. Chris Wamalwa is advancing. One, he is already propagating – and the Leader of the Majority Party was very clear that we should not be selling propaganda even from the Floor of this House – that the reduction of the

publication period from 14 days to one day is to deny the public participation, which is far from the truth? That is what Hon. Chris Wamalwa said verbatim and you can check from the HANSARD.

**Hon. Wakhungu:** No.

**Hon. Deputy Speaker:** I do not even need to check from the HANSARD. Hon. Wamalwa did not say that.

**Hon. Wakhungu:** I never said that. Let me clarify.

**Hon. Deputy Speaker:** He did not say that. Hon. Wamalwa, proceed.

**Hon. Wakhungu:** Thank you, Hon. Deputy Speaker. I want the honourable Member for Kikuyu to listen keenly. He has always had a problem of listening. I want to repeat. What I said is that Article 118 of the Constitution gives room for public participation and for people to participate. There is that aspect of the notice.

*(Hon. Angwenyi interjected)*

With due respect, Hon. Angwenyi, you are doing your fifth term and I hope you have enjoyed the learning curve. So, it must be easier in understanding because you have been here for five terms. I am only doing my second term. When a notice has been given, it gives room for the stakeholders to prepare so that they can evaluate it objectively and when that time comes to present before the *ad hoc* Committee, there is ample time of preparation. That is what I meant.

Hon. Deputy Speaker, you know that I am one of the articulate people in this Assembly and I cannot mislead the House. So, my humble request to people from the other side is we oppose this so that, if it is important that this Bill must go for publication, it should be the entire 14 days so that we give ample time for the key stakeholders to prepare and do a presentation when it comes to the relevant Committee.

**Hon. Deputy Speaker:** Let me ask you something very critical, Hon. Wamalwa. Address yourself to what I heard the Leader of the Majority Party say that there is limited time between now and 26<sup>th</sup> October. Address yourself to that particular issue. It is also good.

**Hon. Wakhungu:** Let me move on. I want to continue. The rule of thumb dictates that you cannot change the rules of a game during half-time. This ruling was done for the interest of the greater Kenyan community - the public. I want to relate the aspect of the Supreme Court to this amendment of the Election Laws Act. The Election Laws Act is the primary statute used by the courts to make a determination. In line with Article 140 of the Constitution which talks about a presidential petition, when the matter goes to the Supreme Court, the Supreme Court will look at the Election Laws Act and the Election Offences Act. Those are the primary statutes used. The earlier ruling was done based on those legislations.

We know very well that when you amend a law, you must come up with regulations. If at all you will propose any amendments, it will force the IEBC to come up with a regulation for purposes of operationalising that particular statute. We do not have that time. This is why we are reading ill motive on the side of Jubilee. I keep on saying that we do not have any other country. We must learn to live together as brothers or perish together as fools. Those are not my words. Those are the words which were said by one of the great leaders whom you know very well - one of the leaders of the civil society in the United States of America. I do not have to go into that. I do not want to be told that I am issuing threats. Our worry is: As the Leader of the Majority Party, you need to lead both sides together to provide direction to the great people of Kenya. If you will bring such divisive tactics of reduction of the publication period from 14 days to one



day just to take advantage of our side--- We have not re-organised ourselves. Give the NASA side time to do that.

**Hon. Deputy Speaker:** What is your point of order, Leader of the Majority Party?

**Hon. A.B. Duale:** Is Hon. Wamalwa in order to use the Floor of this House to reach to his leaders so that he can maintain his position as the Deputy Whip of the Minority Party? I have a lot of respect for him. He was one of the Members of the 11<sup>th</sup> Parliament and my good friend. Is it in order for us to reduce the publication period so that we subject this Bill to public participation in accordance with Article 118? That is what we are saying. We want Kenyans and the IEBC to discuss. If we do not reduce the publication period, then this Bill will remain at the Table Office for the next 14 days. He can use me. When we are having tea, I can talk to Junet and reach out to *Baba*.

Hon. Wamalwa's party is not a parliamentary party in the first place. A parliamentary party must have five per cent of 349 seats. His party has 12 Members which is short of about eight Members.

**Hon. Deputy Speaker:** Leader of the Majority Party, you are out of order. Hon. Wamalwa, you had one minute to go.

**Hon. Wakhungu:** Hon. Deputy Speaker, with due respect, in our Standing Orders there is something called relevance. The Leader of the Majority Party has been in this Parliament for three terms. It seems he has not learnt that you must speak to the relevancy. Whatever you are talking about in terms of being a parliamentary political party is irrelevant. As I was saying, I am already a leader. The great people of Kiminini voted me in in a landslide. Whatever the Leader of the Majority Party got in terms of votes is not even a fifth of what I got. You got 5,000 votes. I got 45,000 votes. What is he trying to tell me? I am a great leader like him.

**Hon. Deputy Speaker:** Just allow me to go by the list because I want to consider all Members equally important, especially now that we do not have the Leader of the Minority Party in the House. Let me give an opportunity to the Member for Kilifi North. He is called Baya Yaa.

**Hon. Baya:** Thank you very much, Hon. Deputy Speaker. I stand to oppose the Procedural Motion to reduce the publication period from 14 days to one day.

When a critical Bill of national importance like this is being introduced into the House, it is important to note that the more critical the matter, the more time it requires. When the Leader of the Majority Party stands and says that he would like to introduce this Bill as it were and reduce the publication period, everybody in the country wonders. At this time, when political temperatures are very high, it is important to take the whole country together rather than just push this for the benefit of the political party that he represents. At this time, this country requires greater leadership than what is exhibited here by the Leader of the Majority Party. What the people of Kilifi North require this country to do like other citizens is that we move together as a country. I read some sinister motives into the fact that just a few people sat down and said that we should reduce it to one day. Everybody is very uncomfortable with one day. We can discuss the period, but not a period of one day. In my understanding, one day does not qualify as a period. A period is a set of days. That is my understanding. I ask that this House rejects this Motion and gives the Bill the 14 days as is required by law.

**Hon. Deputy Speaker:** Obviously, the issue of one day being a period is not arguable. It has happened many times before. Of course, the Member for Kilifi North is a fairly new Member. It has happened before. I liked his contribution because he only discussed the issue of the reduction of the publication period. I really hope all the Members can go in that direction.

Let us have a female voice, Hon. Cecily Mbarire.

**Hon. (Ms.) Mbarire:** Thank you, Hon. Deputy Speaker. I rise to support this Motion.

We know we only have a few days to the elections. Elections are less than 30 days away from today. We know very well that there are certain ills that were even noted by the Supreme Court in the judgement that we, as parliamentarians, have a role to rectify. It is wrong for a Member of Parliament to cease playing their role of legislation even where they can see clearly that this legislation is meant for the good of the people. They are waiting for somebody to tell them to either do it or not. I do not need my President, Uhuru Kenyatta, or my Deputy President to tell me that this is good legislation. I have the brains to read and understand that we have to cure certain ills that were in the Election Laws Act for the sake of not just Jubilee, but also NASA.

Why would we not want to see a returning officer who falsifies a document being jailed? We have seen what falsified documents have done to the elections that have just passed. Why would we not want to deal with that returning officer before the 26<sup>th</sup>? How does that hurt NASA and help Jubilee? I think it helps all of us. It helps the entire nation. We are trying to avoid going to an election and ending up in the Supreme Court again. We want to conduct an election in finality and get this country back to its feet, get this country working, get our economy back to normal and not stay in a campaign mode forever. When I look at those that are actually opposing this Motion, it is clear that they are afraid of something that is non-existent.

It is also very clear that there are certain people who are not yet ready to go for elections on 26<sup>th</sup> October. The fact remains that there will be an election on 26<sup>th</sup> October. The earlier we face that fact, the better because it is the law. We are not the ones who are saying it but the law, Hon. Deputy Speaker. So, I would like to ask we allow this Procedural Motion to go on and then we come back to discuss the merits and demerits of this Bill. If you have an issue, you will raise it. If you can convince us, we will listen to you. However, this is a Procedural Motion to allow us to give the public enough time to interrogate this Bill, and bring their recommendations to the *ad hoc* committee. That is more important than keeping this Bill in the Table Office for another 14 days. It is simple and very easy. Let us not see problems where there are none. Let us not be so scared of every small move even before you interrogate what it is that the move is meant to achieve.

I have always known Hon. Chris Wamalwa as a guy who thinks right. I do not know what is happening today. I have never known him to listen to instructions. I have always known him to be a guy who speaks his heart and mind. I am even sure he will still continue being the Deputy Minority Whip. So, he does not need to campaign too much. We support him.

*(Laughter)*

**Hon. Deputy Speaker:** You have mentioned Hon. Wamalwa. What is out of order, Hon. Wamalwa?

**Hon. (Ms.) Mbarire:** Can he allow this Motion to be passed?

With those few remarks, I beg to support the Procedural Motion.

**Hon. Deputy Speaker:** I have given you the Floor, Hon. Wamalwa.

**Hon. Wakhungu:** Thank you, Hon. Deputy Speaker. Is Hon. Cecily Mbarire in order? The gracious lady lost as a governor of Embu in the nominations. Is she in order to refer to me as a person who is getting instructions from somewhere? I am here upright. I speak what is good for this country. Can she justify where these instructions are coming from?

*(Loud consultations)*

**Hon. Deputy Speaker:** She has already sat down. Order Members. Hon. Wamalwa, you are the one who was alleging that the Leader of the Majority Party was not relevant. You are putting yourself in the same state by talking about other elections that are gone and are of no use to the House at this point in time. By the way, I thought there was a lot of appreciation of the fact that you think straight and right many times. I do not know what the problem is. I thought that should be something to be happy about.

*(Laughter)*

I will give the opportunity to one more Member from this direction and then come to this direction. I am very uncomfortable with the new names, especially from the older Members. There is one here called Hon. Losiakou. I thought the Member for Pokot South retained his seat. He did not use that name in the last Parliament.

**Hon. Losiakou:** Thank you, Hon. Deputy Speaker. That is also my other name. It is also good because it is coming to your attention now. I would like to support this Motion. We are urging our Hon. Members not to bring propaganda into the House. What we mean by this reduction of publication period of a Bill is that the Leader of the Majority Party, on behalf of Jubilee, is asking us to allow those two Bills to go to the public within one day. That is a very good thing that needs to be supported. Let the nation and the people of Kenya know. What is the problem with that? For example, if we wait for 14 days, it means that this Bill will be in the Table Office for 14 days without access to the public. He is just asking us to allow it to go to the public within one day. We are supporting it. We are also telling our colleagues in the Opposition that we want this Bill to go to the public within one day. What is the problem? We take it to go to the public today, so that after 10 days, we go for Second Reading. It is true this country is not in a normal calendar. We have elections in the next few days or weeks. Therefore, if we allow these Bills to go in the normal way, we will have gone wrong as leaders.

Three, my Hon. Colleagues are saying that, maybe, there is an insinuation that the Jubilee side is changing rules mid-game. I want to tell you that the referee of this game which will be on 26<sup>th</sup> October has changed. The Supreme Court spoke and said that the last game was played wrongly. This is what you are supposed to have done. Are we going to be just naive and not live to the fact that the Supreme Court is now the referee in the game? We will not lie without making those changes that we were requested to make. We want to tell the country that there is no sinister motive from our side. We are saving our country. We are also following the rules of the Supreme Court. Jubilee was not in the Supreme Court. Why are people thinking that these rules are ours? They are not ours. In fact, we are suspecting they might also be theirs. We are saying the country is not in its normal calendar.

**Hon. Deputy Speaker:** Is that a fact that Jubilee was not in the Supreme Court?

**Hon. Losiakou:** It is a fact, Hon. Deputy Speaker. We were not there.

*(Laughter)*

The Leader of the Majority Party was not sitting where Chief Justice Maraga is sitting. If he were there, he was there as Hon. Duale, but not as the Leader of the Majority Party. Let us tell our nation that we want to save it. We are appealing to our colleagues. We are supporting these

Bills to go to the public from today. They have an opportunity to tell the public to have the Bill from this afternoon, read it and when the *ad hoc* committee will be formed, the public will have an informed decision. There is no sinister motive. I am supporting the Procedural Motion. I am urging our colleagues from the other side to support it as well.

I thank you.

**Hon. Deputy Speaker:** Let us hear Hon. Junet. Let us avoid use of the words “*Baba*” and “*mama*”.

**Hon. Nuh:** Hon. Deputy Speaker, I stand to oppose the Motion. This House has standing Orders which guide how it operates.

Standing Order No. 127 (1) says, “A Bill having been read a First Time shall stand committed to the relevant Departmental Committee without question put.

(2) Notwithstanding paragraph (1), the Assembly may resolve to commit a Bill to a select committee established for that purpose.

(3) The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill---”

This House has no committees. This is a matter of putting the cart before the horse. This Bill is supposed to be committed to a departmental committee. The Leader of the Majority Party said that he will form an *ad hoc* committee in the afternoon.

**Hon. Deputy Speaker:** What is out of order, Hon. Maore?

**Hon. Maore:** Hon. Deputy Speaker, with the experience of Hon. Junet, he is aware and he has talked about an anticipated *ad hoc* committee which will address what he is complaining about. Is he in order to anticipate the things he is quoting?

**Hon. Deputy Speaker:** That is a fairly valid point of order.

Proceed Hon. Junet.

**Hon. Nuh:** Hon. Maore has been away for some time and the induction course was only for seven days. It was a few days. We need to increase it to one month.

The *ad hoc* committee that was spoken about by the Leader of the Majority Party, which is supposed to be formed in the afternoon, shall be done by the Committee on Selection. He is the Chairman of that committee. My party which sits in this House has no membership in the Committee on Selection. So, I am wondering how he will form an *ad hoc* committee without membership from all the sides of the House.

**Hon. Deputy Speaker:** That is not factual Hon. Junet because an *ad hoc* committee need not necessarily be formed by Committee on Selection. Proceed anyway because you are prosecuting your case very well.

**Hon. Nuh:** Hon. Deputy Speaker, I can tell you for sure that there is no membership from our side in any committee that will be formed for now or in the near future.

*(Loud consultations)*

**Hon. Deputy Speaker:** I do not know why you are making the Members very excited, Hon. Junet. Let us hear what he is prosecuting and then if he still thinks we are not clear then---

What is your point of order Leader of the Majority Party because I wanted Hon. Junet to be heard fairly?

**Hon. A.B. Duale:** Hon. Deputy Speaker, you have heard Hon. Junet, a spokesperson for *Baba*, saying that he wants to tell this House that there will be no committee that will be formed either *ad hoc* or otherwise, from their side. The only person as per the Standing Orders who can

make that definite statement is the Leader of the Minority Party, who is Hon. John Mbadi. Are we seeing a coup within the Opposition? Does Hon. Junet want to take over a legitimate office of another Member through a coup?

**Hon. Deputy Speaker:** Hon. Junet, I see you only have three minutes. I do not want it squandered by Members.

**Hon. Nuh:** Hon. Deputy Speaker, I am holding brief for the Leader of the Minority Party who is away on official business of the party.

The last time we discussed amendments to a Bill on elections like the one we discussed in the 11<sup>th</sup> Parliament, it was a very important matter. I remember we formed a bipartisan committee where I even sat. The issue was very important. It is now being handled so casually that because you have numbers, you can bring amendments to the House and expect them to go through. This is a very important matter to this country. This is changing the rules of the game in the middle! I am sure if I heard Jubilee Party clearly, they said the President won the elections. If he won, we do not need to change the rules. The rules should remain the same and he will still win with the old rules he used. What is this that has necessitated the rules to be changed midway if Hon. Duale is aware or confirming that the President won?

Under Article 10 of the Constitution on the values and principles, when Parliament is enacting a law, it must regard the matter of national unity. We have to address ourselves to these amendments and determine whether they are enhancing unity or they are going to create disunity. For sure and from the instruction that I have, we are not going to allow these amendments to go anywhere. I can tell you that for free.

*(Loud consultations)*

These are very important issues that should be canvassed in a bipartisan manner.

*(Hon. Angwenyi spoke off record)*

Can you protect me from my grandfather Jimmy Angwenyi. He is a grandfather.

**Hon. Deputy Speaker:** Order, Hon. Junet! I would have wanted to protect you, but you are completely wading into the merits of the Bills that will be introduced and yet, we had agreed that we only need to talk about the reduction of the period in this particular Motion.

**Hon. Nuh:** I am guided.

**Hon. Deputy Speaker:** By the way, you only have less than a minute.

**Hon. Nuh:** I do not support this Motion because these issues are grievous to this country. I request the Leader of the Majority Party to shelve this Bill and let us discuss it in a bipartisan manner. Let us look at the merit of the issues they want to bring. Ordinarily, the people who should bring amendments of this nature are the IEBC. They should be the originators of this matter because they are the ones who are going to conduct elections, unless Jubilee wants to be a player and, at the same time, a referee.

**Hon. Deputy Speaker:** Your time is over. I had added you a minute and it is over. I am very surprised that Hon. Jimmy Angwenyi is today on top of the list. It is not normal for the grandfather of this House. Hardly does he place his card. This must be of great interest to you.

**Hon. Angwenyi:** Thank you, Hon. Deputy Speaker.

*(Hon. (Ms.) Leshoomo approached the Chair)*

**Hon. Deputy Speaker:** Hold on. Hon. Jimmy Angwenyi, what is happening with the Member for Samburu? I see she has raised her hand and menacingly approaching the Chair! What is it? Is it something that is offensive to this great lady? Hon. Leshoomo, I will recognise you after Hon. Angwenyi is through.

**Hon. Angwenyi:** Thank you, Hon. Deputy Speaker. I rise to support this Motion. I support it for the sake of this country. I am surprised that my friend there Hon. Chris Wamalwa and the spokesman for *Baba* are opposing this Motion. They are the ones who went to court claiming that the electronic system was hacked. We want to correct that situation so that they do not complain and so that nobody hacks. And they will have their agents in every polling station in the country and in every tallying centre and will escort the ballot papers to the national tallying centre. So, there will be no hacking. If there is any hacking, it will be counteracted by the manual system.

A country as advanced as German has gone back to a manual system. They used to use electronic, but they found out that some smart people can hack the system. So, they have gone manual. Who are we Kenyans where 99 per cent of Kenyans have not even seen a computer, let alone knowing how it works? Who are we to stick with electronic transmission when we can do it manually like German did some days ago?

The Motion only seeks to avail the Bill to Kenyans who might be interested in discussing it, by giving them time to discuss it. In the case of an *ad hoc* Committee, we are doing it simply because my friend Hon. Junet has not advised his boss to allow his party to participate in the formation of committees. They are the ones who have not presented their names. We cannot hold this House hostage because of the whims of one or two people in this country. This House must rise up and represent the people who have elected us and make legislation for Kenyans. Those bosses can do their own thing, but we must do what we are supposed to do for Kenyans.

With those few remarks, I beg to support.

*(Loud consultations)*

**Hon. Deputy Speaker:** I can see there are quite many Members shouting for points of order. I am unable to trace them. The intervention slot here has eight, but I can only see four and most of them do not even seem to be interested. So, let me give Members a chance to contribute.

Let me go to Hon. Otiende Amollo. Let me just go by the list here.

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

**Hon. Deputy Speaker:** I hear that point of order but, unfortunately, I cannot see it here. Hon. Rasso, your card is not reflected here. But, let us see how it goes. Members who do not want to intervene--- Hon. Cheptumo, where is he? Are you seeking an intervention? You want to contribute? Remove your card from the intervention slot. Hon. Cecily Mbarire, do the same. She is not even in. Cecily Mbarire has already contributed and so, I do not think she want to contribute again. Hon. Pukose, what do you want? Let us hear Hon. Otiende and then we will come back to Members who---

**The Member for Rarieda** (Hon. Paul Otiende Amollo): Thank you, Hon. Deputy Speaker. Since this is my maiden contribution in this House, allow me to start by thanking the people of Rarieda for electing me. If my voice is not so clear, it is because I have recently encountered the full arm tactics of the police in the course of my other duties as an advocate giving *pro bono* services to a Member of this House.

On the issue at hand--- Some Members are shouting and soon they will come to me for *pro bono* services. In terms of reducing the period from 14 days to one day, I oppose this. I will take less than the time allocated. The reason for this reduction, usually, will be to serve a greater public good. The question that we must ask is whether it is in the interest of the nation at large that we reduce the publication period of the Bill from 14 days to one day.

**Hon. Members:** Yes!

**The Member for Rarieda** (Hon. Paul Otiende Amollo): I respect the Members saying “yes”, but I beg that you listen to why I do not think so. It is very simple. No matter what we do, the Bill that is contemplated is unfortunately unconstitutional. I have perused it, Hon. Deputy Speaker. Even if we debated and passed that Bill, it will be non-constitutional. It is likely to result in postponement of the repeat presidential elections slated for 26<sup>th</sup> October to an unknown date. The reason is simple.

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon. Otiende Amollo, this is something I want you to be very clear about. What is likely to be unconstitutional? Is it the passage of the law or the reduction of the period? If it the reduction of the period, then you are fine. If is the passage of the law, then please I will also still give an opportunity for Members to make contribution concerning that.

**The Member for Rarieda** (Hon. Paul Otiende Amollo): Hon. Deputy Speaker, you realise it is my maiden speech. I always thought I enjoy certain privileges, as new as I maybe.

**Hon. Deputy Speaker:** You did not declare it. You are right. Proceed.

**The Member for Rarieda** (Hon. Paul Otiende Amollo): The fundamental issue - and I beg Members to listen to this carefully because elections in this country are always emotive - right now, the temperatures are high. The question we must ask ourselves is whether what we are doing will help or worsen the situation. In my humble submission, it will worsen the situation. Why? The Supreme Court made a decision directing the IEBC to conduct a fresh presidential election in strict compliance with the Constitution and the law – the law as was on 8<sup>th</sup> August. No matter what we change, that will not be the law that the IEBC will apply. So, what is the hurry in bringing it forth?

However, if you change the law, the IEBC will then be at a crossroad. Does it follow the Supreme Court in terms of its instructions in its judgment or does it follow the National Assembly in terms of hurriedly changed laws? I submit that what will result is that the IEBC will then follow the National Assembly’s quickly and hurriedly changed laws – which are unconstitutional, and which will be declared as such – and purport to conduct an election which will, again, be nullified. I beg that we take the full 14 days so that we can consider the merit of this matter rather than hurry it and plunge this country into chaos.

With those remarks, I oppose.

**Hon. Deputy Speaker:** Well, if it were not your maiden speech, I would have asked you what any Member has to lose. This is because if it will not be applied, then there should be no major worry. But that is not the issue. Hon. Otiende Amollo has just lost his right of contributing for the first time and not to be interfered with by Members.

Members, I want us to agree. This is a Procedural Motion. You will still have an opportunity to debate. I can see the requests here are 65. I want to make a decision to give two Members from the Minority and three Members from the Majority because they are a bigger group. As I do that...

**Hon. Members:** No!

**Hon. Deputy Speaker:** The reason as to why I am saying three is because Otiende Amollo has just spoken. It is to balance. That is the kind of thing I want us to agree. You will make your decision anyway. My good friend, Hon. T.J., I would have given you an opportunity but you have just walked in. Therefore, you will have to listen to what the Members are saying, just in case you want to repeat what Members have spoken. I will give Members who have been here. Let me give a chance to Hon. Leshoomo because I had promised her.

The Woman Representative for Samburu County (Hon. (Ms.) Maison Leshoomo): Asante sana Naibu Spika kwa kunipatia nafasi hii. Kwanza, ninawashukuru wananchi wa kaunti ya Samburu kwa kunichagua na kunirudisha tena Bungeni. Hii ni mara yangu ya tatu. Ninasema shukrani kwa hayo yote. Nafikiri wametambua kazi nyingi ambayo nimewafanyia, ndiyo maana wananipenda hivyo.

Tumechaguliwa kuwa viongozi wa Kenya, na viongozi wa kufuata sheria hapa Bungeni. Shida tulionayo hivi sasa ni kwamba kila mwananchi anajua tunarudi kwa uchaguzi wa urais tarehe 26 Oktoba. Haina haja tung'ang'ane. Tunajipanga kwenda kwa uchaguzi kwa njia yoyote. Kura tunaenda kupiga. Kwa hivyo, ninawambia wenzetu upande wa CORD hivi---

**Hon. Members:** NASA!

**The Woman Representative for Samburu County** (Hon. (Ms.) Maison Leshoomo): Kumbe imekuwa NASA, sio CORD. Ningesema hivi, ni muhimu tuangalie kile kitu ambacho kitawasaidia wananchi wa Kenya. Mhe. Wamalwa amesema kwamba kuna *temperature*. Nani amepima akatuambia *temperature* inapimwa namna gani? Pili, sijui kama yeye ni daktari. Ni vizuri mnisikize. Hiyo *temperature* kama iko Kenya inaletwa na NASA. Kila mtu anajua hivyo. Kwa hivyo, wakitaka wateremshe hiyo *temperature* kwa sababu wao ndio wanaoleta *temperature* humu nchini.

*(Loud consultations)*

**The Member for Ruaraka** (Hon. Francis Tom Joseph Kajwang'): On a point of order, Hon. Deputy Speaker.

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

**The Woman Representative for Samburu County** (Hon. (Ms.) Maison Leshoomo): *Temperature* mteremshe nyinyi wenyewe kwa sababu hiyo ndiyo inauma nyinyi.

**Hon. Deputy Speaker:** Hon. Kajwang', ni lazima unene kwa Kiswahili.

**The Member for Ruaraka** (Hon. Francis Tom Joseph Kajwang'): Hon. Deputy Speaker, I have been thinking through in Kiswahili. There is this thing called *temperature*. Can we identify this thing called *temperature* and see what it is?

Hon. Deputy Speaker: Order! Let us proceed. Now that you could not canvass it in Kiswahili, you are out of order.

Proceed, Hon. Leshoomo.

**The Woman Representative for Samburu County** (Hon. (Ms.) Maison Leshoomo): Nafikiri ni joto mko nalo jingi.

*(Laughter)*

Wakati ambapo mna joto, mnakunywa maji baridi halafu joto linapoa. Kwa hivyo, ninaomba tupunguze hilo joto ndiyo tuone Kenya yetu vile itaendelea.



Bw. Naibu Spika, ninaomba uwapatie hao nafasi waongee sana ili walitoe hilo joto ndiyo tupige kura tumalize. Kwa sababu hivi sasa tukianza kupiga kura, watatoka nje. Ukitoka nje, tafadhali, ujue kwamba mwananchi amekuchagua uje hapa umuwakilishe; hukuchaguliwa ukae nje ya Bunge. Kwa hivyo, Naibu Spika, wapatie nafasi waongee sana ili watoe hilo joto. Asante.

**Hon. Deputy Speaker:** I will give Hon. Maanzo a chance.

**Hon. Maanzo:** Thank you, Hon. Deputy Speaker, for this opportunity. In the Order Paper, if you look at the Memorandum of the Election Laws (Amendment) Bill, you will notice that it is by Hon. William Cheptumo, who is my good friend and my senior in the legal profession. This is a Majority Party sponsored Bill. Would it not have been in order for this particular Bill to have originated from the Leader of the Majority Party? As far as I know, that should have been the order.

The paragraph above states that they are not concerned with the counties, but the truth is that this law concerns counties. We are looking at the possibility of by-elections for the positions of Member of County Assembly, governors and Members of Parliament. In this House only, we have over 50 election petitions.

**Hon. Deputy Speaker:** Hon. Maanzo, that point could be validly raised at the point when we are discussing the main issue. The issue before us is on the reduction of the publication period. As to whether this matter concerns counties or otherwise, that is not the issue. By the way, this is a matter that will still go to the Senate anyway. So, whatever you are saying now may not be relevant.

**Hon. Maanzo:** Hon. Deputy Speaker, the relevance originates from Clause 120 of our Standing Orders, which also refers to Clause 117. It, therefore, means that before we begin we must get it right. In the normal course of events, this should be returned to our registry or the Table Office for correction before it is tabled here and recorded on the Order Paper. Otherwise as it is now, it is illegal and defective and should not have been brought in that form. It should not have been published because it is misleading the public and the House.

**Hon. Members:** What is illegal here?

**Hon. Maanzo:** It concerns counties yet here it states that it does not. This concerns the counties. If you look at Clause 120...

*(Loud consultations)*

I know it is a Procedural Motion on reduction of publication period and that is what we are dealing with. However, it also refers to Clause 117 of the Standing Orders which, in mandatory terms, must be specified. That is the point I wanted to make. So far, we must get the record right from the beginning so that we stop misleading the public.

**Hon. Deputy Speaker:** Hon. Ngunjiri.

**Hon. Ngunjiri:** Ahsante sana, Mhe. Naibu Spika. Nashukuru kwa kunipa nafasi hii. Ningependa kuunga mkono Hoja hii kwa sababu ya mambo yafuatayo:

Sisi ni Wabunge na tulisikia maamuzi yaliyotolewa katika Mahakama ya Juu. Watu wawezao kuokoa nchi kutokana na shida ambayo tuko nayo ni sisi Wabunge. Tulisikia Rais wa nchi hii akisema kuwa watu watakao okoa nchi hii sasa ni Wabunge. Ningependa kusema kuwa, sheria haikuumba mwanadamu ila ni mwanadamu ndiye aliyetengeneza sheria. Ningependa kumkumbusha yule wakili ambaye ni Mbunge kama mimi jambo moja: unaweza kuwa na masomo, uwe na shahada ya kwanza, *Masters*, uwe mchungaji ama uwe na utajiri lakini kama

huna hekima, yote ni bure kabisa. Hakuna kitu hapo! Sisi tumechaguliwa kuja hapa kutengeneza sheria. Kama wakili angekuwa hapa, ningemwambia ile sheria walitumia kortini ilitengenezwa hapa hapa katika Bunge hili. Kwa hivyo sisi tuna jukumu la kutengeneza sheria.

Ninashangaa tunapingana eti muda wa kuchapisha Miswada hii upunguzwe. Ninashituka kama kweli tumechaguliwa na watu. Ni kama nyumba inachomeka lakini tunawaambia wazimamoto wasimamishe kazi yao ya kuzima moto, ili tujadiliane. Hiyo si hekima. Saa hizi tunajua nchi iko na shida na shida ni sisi Wabunge.

Kwa hivyo, ningewaomba wenzangu tujadiliane ili tupoeshe moto unaowaka nchini. Kura ilipigwa na korti haikusema eti Rais hakushinda. Tunalozungumzia ni usambazaji wa matokeo. Usambazaji wa matokea ndiyo gari lililobeba matokeo ya kura kutoka huko mashinani hadi Nairobi.

Ningependa kuuliza wenzangu walio katika muungano wa NASA: je, tungeleta matokeo hayo kwa *wheelbarrow*, punda ama pikipiki? Hilo ndilo swali na jibu lake litasaidia nchi ili tuendeleo na biashara.

**Hon. Deputy Speaker:** Mheshimiwa Ngunjiri ongea kuhusu kupunguzwa kwa muda kutoka siku 14 hadi siku moja. Hayo unayozungumzia, ni mambo yatakayokuja baadaye.

**Hon. Ngunjiri:** Mheshimiwa Naibu Spika, naelewa mjadala kuhusu kupunguzwa kwa siku 14 hadi siku moja. Ingawa hivyo, imenilazimu nizingumze namna hiyo kwa sababu kama usambazaji wa matokeo ndiyo ulileta shida, basi tuzungumzie suala hilo.

Uchumi umeenda chini kwa sababu ya siasa yetu. Tukae pamoja na tusilete mambo ya NASA ama Jubilee hapa. Sisi tumechaguliwa ili tutengeneze sheria ambayo itatusaidia.

Mwisho, ingawa unasema nimetoka nje ya mambo tunayojadili, ningepomba wana NASA waheshimu akina mama.

(Applause)

Ninajua wanatatizo na akina mama hata *principal* wao mmoja hupigwa na akina mama. Sisi tuna heshima.

**Hon. Deputy Speaker:** Hiyo ina uhusiano gani na Hoja hii?

I will give this opportunity to the Member for Dagoretti.

**Hon. Simba:** Mheshimiwa Naibu Spika, ningependa kutoa shukrani zangu.

**Hon. Deputy Speaker:** Now that you have started in Kiswahili, you will not change.

**Hon. Simba:** Ningependa kutoa shukrani zangu za dhati kwa kila mmoja aliyechaguliwa kwenye Bunge la 12. Nasikitika kwamba ndugu Duale, ambaye ameomba kupunguza siku za kujadili...

(Loud consultations)

Mheshimiwa Naibu Spika, ningependa kuzungumzia maswala muhimu ambayo lazima tukubaliane kwa sababu lazima tufuatilie sheria ambazo zipo kuhakikisha kwamba ndizo za ukweli. Waheshimiwa wamesema vizuri kwamba kuna joto jingi katika nchi yetu. Nataka tuhakikishiane kwamba joto hilo litakuwa jingi sana. Litakuwa jingi hata wengine wenu mtaruka kupitia madirisha mkielekea nje. Joto hili tutahakikisha kwamba tumelihifadhi kwa kutia kuni nyingi mno. Ni tabia mbovu na nia mabaya kwa watu wenye akili ndogo kutaka kuongoza wenye

akili kubwa. Hiyo ndiyo shida iliyopo. Kumbe ndiyo maana wenye akili ndogo ukiwapa nafasi kuongoza, wanaharibu nchi.

*(Several Hon. Members stood up)*

**Hon. Deputy Speaker:** Order Members! Hon. Tong'i.

**Hon. Simba:** Mheshimiwa Naibu Spika, ukiona watu wanapiga kelele basi wana akili ndogo. Aliye na akili kubwa hawezi kupiga kelele ambayo inapigwa sasa hivi. Mimi nataka kusema bila kuogopa, kuna nia mbovu ya kupunguza muda wa kuchapisha Miswada hii. Kwa sababu ya hiyo nia mbaya tunawaambia kwamba: Nyinyi mmeanza lakini chuma ki motoni na tutahakikisha kwamba hamna sababu ya mtu yeyote kutufanyisha biashara mbaya.

Kwa hivyo, ndungu zangu wa Jubilee, tunawaonya mapema tu kwamba hamtutishi, hatutishiki na hatutakubali. Nataka kuwaonya mapema. Sasa ndio mtajua kwamba kiko motoni na hakuna mchezo. Hatuchezi na nyinyi. Sasa tumeanza. Nchi hii lazima tutailinda kuliko mnavyodhanja.

**Hon. Deputy Speaker:** What is it, Hon. Pukose?

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

**Hon. Deputy Speaker:** I can see you are not ready, Hon. Pukose. Let me tell you, Members, the challenge I am having here is that the intervention slots are basically four and there are 18 Members who have pressed the intervention button. So it is a bit of a challenge. That is part of the issues of transmission we are talking about.

Hon. Pukose.

**Hon. (Dr.) Pukose:** Mhe. Naibu Spika, nasimama kwa hoja ya nidhamu nikitaka kujua kama Mhe. Simba Arati ako sawa kutuonyesha kidole na kutuambia kwamba chetu kiko motoni na kutumia vitisho kwenye hotuba yake kuhusu kupunguza muda wa kuchapisha Mswada kutoka siku 14 hadi moja. Hilo jambo linastahili sisi kutishwa? Ni jamaa ambaye anauza mboga Kawangware na mimi ni daktari!

**Hon. Deputy Speaker:** I think we might have to end this debate quickly because I realise we are probably drifting to irrelevancies. Of course, the issue of "*chuma chako ki motoni*", I thought it is just an expression. Let us leave it at that. But this issue of big brains and small brains we can afford to leave it for another time.

Therefore, Hon. Arati and Hon. Pukose, moderate yourselves. Wind up because you have a minute and then I will give one Member from this side and another one from that side. Then we will be through.

**Hon. Simba:** Nashukuru, Mhe. Naibu Spika. Nataka niwaambie kwamba ninapooonga lazima nikunje kidole na nifanye hivi kila mahali.

*(Hon. Simba gestured with one of his fingers)*

Kunielewa pia ni vigumu. Kuelewa ni kipawa. Mimi nataka nipinge kutoka mwanzo kwamba madhumuni ya kupunguza wakati ni mbovu.

**Hon. Deputy Speaker:** What is it, Hon. Pukose?

**Hon. (Dr.) Pukose:** Bwana Naibu Spika, Mhe. Arati anaposema masomo yangu na yake haiyatoshani... Bwana Arati ni mtu sidhani kama amefika chuo kikuu. Mimi ni daktari na niko na *Masters degree*. Mimi ni daktari wa upasuaji. Siwezi lingana na Bwana Arati kwa masomo!

*(Loud consultations)*

**Hon. Deputy Speaker:** Order! We leave it there. Hon. Wanjala.

Order Members! This excitement can be expressed in a different manner, in terms of voting. So let us leave it there. I am giving opportunity to Hon. Wanjala, then I come to this direction. We can then take a vote.

**The Member for Budalangi Constituency** (Hon. Raphael Bitta Sauti Wanjala): Thank you, Hon. Deputy Speaker. I am Hon. Raphael Wanjala, the MP for Budalangi. First, I want to thank the people of Budalangi for having voted for me after staying out for 10 years.

I stand to oppose this Motion. When I look at the faces of the Members seated in this House - I came here in 1998 when I was 30 years - most of them are new and they were not in the struggle for the second liberation of this country.

*(Applause)*

We have come from far and I want them to listen. One Member said it is not about education; it is about wisdom. It is only Hon. Mbarire, among the ladies seated on the other side, whom we were with. She knows where we have come from and the number of women who were in this House and those who are here today, courtesy of the struggle. Therefore, when we are in this House we need to be serious and make laws for posterity. We are not making laws for today's gain.

I have experience. When I came to this House, the person I replaced was a minister called James Charles Nakhwanga. And they made a law here under the Inter-Parties Parliamentary Group (IPPG) that the petitioner shall file and serve the petition within 28 days. They knew they were in power. They were in Kenya African National Union (KANU). They would rig. After winning, they would go to Dubai or wherever and stay there so that they would not be served with that petition. Indeed, I beat him. After winning the election, I went to Dubai. I stayed there for 28 days then came back. Because of the same laws they had made, when we went to court I won that petition.

I am telling my brothers and sisters on that side that we have brought this country from very far. It has cost people's blood.

*(Applause)*

I want to remind them that women used to strip in Uhuru Park for the second liberation. We were being bulldozed to make laws in this House. It used to happen the way it is happening in Uganda today. We said we shall have public participation. For the Leader of the Majority Party, if you reduce the period to one day, when will we have public participation? When we are making laws, we must carry Kenyans along with us.

**Hon. Deputy Speaker:** Hon. Wanjala, the issue of reduction of publication period from 14 days to one day is a matter that was canvassed in the Constitution that was enacted in 2010. You were actually not here. It does not require public participation. What requires participation is the Bill itself. We can wind up this debate.

I think Members have spoken. Let us put the Question and you make your decision. I realise we are beginning to repeat ourselves. You know the way it is done: if you vote one way or the other and you want to demand anything, you know the process.

*(Question put and agreed to)*

**Hon. Members:** Division! Division!

*(Several Members stood up in their places)*

**Hon. Deputy Speaker:** Remain standing Members so that we can determine whether you have the numbers. I think we have more than the required number of 30 Members. Therefore, the Division Bell is going to be rung for Members to vote.

I order the Bell to be rung for 10 minutes.

*(The Division Bell was rung)*

Hon. Members, kindly resume your seats. We would like to get over with this. First, the Bars should be closed. Please close the Bars. Hon. Members, I understand that there are Members who do not have cards for any good reason. We still think there are some Members who did not pick their cards. Can the said Members come forward so that we can manually register you. This manual thing sometimes happens. I am giving you only a minute.

I want to request those Members who do not have cards to register themselves quickly. I advise that there will be Members who will be voting Ayes and others will be voting Noes. Those who want to abstain will have to register. Members who are up here will be shown what to do.

I will proceed and put the Question for clarity purposes; we will then proceed and vote. For the new Members, once the one minute is over, you avoid moving up and about.

Order Members. There is a lot of movement. I am surprised that there are Members who were not sure if they had cards.

*(Question put and the House divided)*

The Members who are supporting this Motion will vote Ayes, the ones who are opposing it will vote Noe, and the ones who are abstaining will come over here.

The first step is to logout. It is an order. So, you do it quickly. I note that there are still five Members who have not logged out. Hon. Sophia Noor and Hon. Mariru Kariuki, Hon. Kutuny and Hon. Tum Chebet, please remove your cards. This is to ensure that nobody votes for another person.

Every card has been removed. You now have 60 seconds to log in, starting now.

*(Hon. Members logged in)*

Hon. Members it is about time. You have 20 seconds to go. It is now your turn to vote. You have 60 seconds to vote.

*(Hon. Members voted)*

Hon. Members, the voting time is over. No more Members will vote. Just take your seats. The ones who have voted can go back. Hon. Members, you have done your bit.

**Hon. Deputy Speaker:** Order Members. As we wait for the results, the new Members should learn to insert their cards on time. This is because the older Members are very quick in inserting their cards and making requests. Hon. Members, the following are the results:

From the electronic transmission, Ayes; 120, Noes; 41; and abstentions, nil.

From the manual transmission, Ayes; 24, Noes; 12; and abstentions, nil.

The total is as follows: Ayes, 144; Noes, 53; and abstentions, nil.

Therefore, the Motion is carried.

*(Question carried by 144 votes to 53)*

## ELECTRONIC

**AYES:** Messrs. Ali Adan, King'ara, Kipkosgei, Kipyegon, Kirima, Kisang, Kitayama, Angwenyi, Abdullahi, Koech, Kogo, Ms. Kones, Messrs. Hilary Kosgei, Kositany, Dominic Koskei, Ms. Florence Koskey, Messrs. Lekumontare, Lentoimaga, Yegon, Ms. Leshoomo, Messrs. Lessonet, Limo, Lochakapong, Lomunokol, Ms. Shollei, Messrs. Bowen, Manje, Maore, Mariru, Maritim, Mbai, Ms. Mbarire, Ms. Chebaibai, Messrs. Cheptumo, Ms. Cheruiyot, Messrs. Mohamed Mohamud, Ms. Momanyi, Messrs. Mose, Muchira, Mugambi, Ekomwa, Mukuha, Ms. Gakuya, Mr. Githinji, Ms. Gitau, Messrs. Macharia, Murugara, Murungi, Mutai, Muthama, Mutua Didmus, Abdi, Mutunga, Muturi, Hassan Omar, Ms. Rehema Hassan, Messrs. Ondieki, Ibrahim Abdi, Benjamin Mwangi, Ms. Mwaniki, Messrs. Ichung'wah, Mwathi, Mwirigi, Nakuleu, Nanok, Ngugi, Kubai Iringo, Ngunjiri, Njagagua, Eric Njiru, Ms. Jane Njiru, Ms. Noor, Messrs. Ntwiga, J.M. Nyaga, Ms. Nyamai, Messrs. Nyoro, Ms. Jaldesa, Messrs. Nzioka, Ms. Obo, Messrs. Kandie, Ali Sharif, Ogutu, Ali Amin, Katoo, ole Sankok, Kanini Kega, Keynan, Kiai, Losiakou, Pukose, Dido, Robi, Kutuny, Shurie, Ms. Sitienei, Messrs. Kiaraho, Ms. Kibeh, Messrs. Tepo, Theuri, Ms. Tomitom, Messrs. Tongi, Tuitoek, Ms. Tuya, Messrs. Josphat Wachira, Kihara, Wamacukuru, Ms. Kihara, Messrs. John Wambugu, Martin Wambugu, Ms. Wamuchomba, Ms. Ali Fatuma, Messrs. Wanjala, Ms. Wanjira, Messrs. Kimani, Ali Wario, Qalicha Wario, Ms. Waruguru, Messrs. Waweru, Kimunya, Yussuf Adan.

**NOES:** Messrs. Abuor, Baya, Guyo, Hiribae, Karani, Kaunya, Kilonzo, King'ola, Kiti, Kivai, Luyai, Maanzo, Mboni, Mogaka, Mohamed Ahmed, Mukhwana, Mukwe, Mule, Mulu, Mulyungi, Ms. Mutua, Messrs. Mwakuwona, Mwale, Mwalyo, Mwambire, Ms. Mwanyanje, Messrs. Nguna, Nzengu, Ms. Ochieng, Messrs. Odege, Okoth, Oluoch, Oundo, Oyula, Kajwang', Tayari, Wakhungu, Ms. Wambilianga, Messrs. Wangaya, Wanyonyi, and Were.

**ABSTENTION:** Nil.

## MANUAL

**AYES:** Messrs. A.B. Duale, Chepkut, Koinange, Kamket, Mohamed Abdikhaim, Ms. Rahab Wachira, Ms. Ngirici, Messrs. Tonui, Ms. Chelule, Messrs. Keter, Gachobe, Jungle, Ms. Shaban, Messrs. Gaal, Ms. Tum, Messrs. James Mwangi, Ms. Halima Yussuf, Ms. Korir, Ms. Safia Adan, Ms. Lesuuda, Ms. Shamalla Jennifer, Ms. Korere, Messrs. Kulow, and Jonah Mwangi.

**NOES:** Messrs. Nyamita, Simba, Memusi, Ms. Kasalu, Messrs. Osotsi, Odanga, Martin Owino, Ms. Adagala, Ms. Nzambia, Ms. Kamene, Messrs. Ibrahim Ahmed, and Milemba.

**ABSTENTION:** Nil.

*(Hon. Members withdrew from the Chamber)*

**Hon. Deputy Speaker:** Hon. Members, kindly allow Hon. Members from the Minority side to leave. I am informed they are having a Parliamentary Group meeting. I do not think there is anything more than that and it is perfectly in order. We will now proceed with the transactions. I see there are still a few Members from the minority who are still here. Let us transact business because we have the requisite quorum.

First, I want to exercise powers under Standing Order No.1. The Hon. Member for Emurua Dikirr intends to move a Motion of utmost national importance. When he came in, the voting process was ongoing. Therefore, I am giving him an opportunity now to quickly move it. Hon. Ng'eno, I hope you have planned it well, including having Members who will support your Motion.

Hon. Ng'eno.

## NOTICE OF MOTION FOR ADJOURNMENT

### *INSECURITY IN TRANS MARA*

**Hon. Kipyegon:** Thank you, Hon. Deputy Speaker for giving me this opportunity. Hon. Deputy Speaker, I beg to give the following notice of Motion:

THAT, pursuant to Standing Order No.33(1), I seek leave to move the adjournment of the House for purposes of discussing a matter of urgent national importance following tribal clashes which occurred in Trans Mara and specifically along the border of Kilgoris and Emurua Dikirr constituencies.

On 23<sup>rd</sup> September 2017, 10 people lost their lives and many others were injured. Currently, there remains tension in the area.

Hon. Deputy Speaker, it is for this reason that I, therefore, seek the adjournment of the House in order to discuss a definite matter of urgent national importance.

I request the Leader of the Majority Party to second this Motion for Adjournment.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I do not need to second, but to give him the required numbers to support him.

**Hon. Deputy Speaker:** Let us see.

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

It is overwhelming. Now that you have support, we will adjourn the House at 12.30 p.m. The Motion will be discussed for 30 minutes. Hon. Ng'eno, I hope you will be there to proceed. This is now property of the House and the debate will ensue whether you will be there or not.

Let us proceed to the next Order.

## BILLS

*First Readings*

THE PUBLIC TRUSTEE (AMENDMENT) BILL

THE COPYRIGHT (AMENDMENT) BILL

THE ELECTION OFFENCES (AMENDMENT) BILL

THE ELECTION LAWS (AMENDMENT) BILL

*(Orders for First Readings read- Read the First Time and  
Ordered to be referred to the relevant Departmental Committees)*

**MOTIONS**

## ADOPTION OF SESSIONAL PAPER ON KENYA HEALTH POLICY

THAT, this House adopts Sessional Paper No. 2 of 2017 on the Kenya Health Policy for the period 2014-2030 laid on the Table of the House on Wednesday, September 13, 2017.

*(Hon. Washiali on 27.9.2017)*

*(Debate Concluded on 27.9.2017 Morning Sitting)*

**Hon. Deputy Speaker:** Hon. Members, I confirm that we have the required numbers and so I will put the Question.

*(Question put and agreed to)*

## RATIFICATION OF THE NILE BASIN COOPERATIVE FRAMEWORK AGREEMENT

THAT, cognisant of the Report of the Select Committee on Regional Integration of the 11<sup>th</sup> Parliament on the Ratification of the Nile Basin Cooperative Framework Agreement, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, this House approves the Ratification of the Nile Basin Co-operative Framework Agreement.

*(Hon. A.B. Duale on 27.9.2017)*

*(Debate Concluded on 27.9.2017 Afternoon Sitting)*

**Hon. Deputy Speaker:** On this one also the debate had been closed and therefore I proceed to put the Question.



*(Question put and agreed to)*

ESTABLISHMENT OF AD HOC COMMITTEE ON SUPPLEMENTARY ESTIMATES 2017/2018

**Hon. Deputy Speaker:** Hon. Members, you will realise that I had given the Adjournment Motion 30 minutes only. We will look at how quickly we can transact the next Motion so that I may probably add a few more minutes to the Adjournment Motion. Leader of the Majority Party, if we can save some time in this Motion, we will put it in the bank for the Adjournment Motion.

**Hon. A.B. Duale:** Hon. Deputy Speaker, in order to save more time I will also, with your permission, set for the afternoon session Motion listed as Order No.16 so that once we are through with the Motion listed as Order No.15, we can allow Hon. Johana Ngeno, now that he is a serious member of our coalition.

*(Applause)*

The new members do not understand, but in the 11<sup>th</sup> Parliament, he was not in our yard; meaning that he was the one who was cantankerous. He is a very good leader. So, I will remove that so that we give more members to help him discuss his Motion.

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

THAT, aware that the country is proceeding to a fresh Presidential Election on 26<sup>th</sup> October, 2017; further aware that this process requires a realignment of available resources to finance various election-related activities; noting that such reallocation of resources may only be achieved in accordance with the provisions of Article 223 of the Constitution relating to Supplementary Appropriation; cognisant that the Supplementary Estimates for the Financial Year 2017/2018 have since been laid on the Table of the House; also noting that the Budget and Appropriations Committee that would ordinarily examine such budget-related matters is yet to be established; further noting the urgent need to consider and conclude the matters in time for the Presidential Elections; pursuant to the provisions of Standing Order 218, this House resolves:

- (a) to establish an *Ad-Hoc* Committee, to be known as the Ad-Hoc Committee on the Supplementary Estimates, to undertake the functions of the Budget and Appropriations Committee as contemplated in the Standing Orders in relation to the Supplementary Estimates, in particular the Supplementary Estimates for the financial year 2017/2018 and any legislation related to those Estimates;
- (b) that, the Committee comprise of the following Members-
  - (i) The Hon. Joseph K. Limo, MP – Chairperson;
  - (ii) The Hon. Ruth W. Mwaniki, MP;
  - (iii) The Hon Benard Masaka Shinali, MP;
  - (iv) The Hon. Fatuma Gedi Ali, MP;
  - (v) The Hon. (Dr.) Naomi Shaban, MP;
  - (vi) The Hon. Alois Lentoimaga, MP;
  - (vii) The Hon. Moses Lessonet, MP;
  - (viii) The Hon. Kimani Ichung’wah, MP;
  - (ix) The Hon. Khatib Mwashetani, MP;
  - (x) The Hon. Qalicha Wario, MP; and,

- (xi) The Hon. Sarah Paulata Korere, MP.
- (c) that, the quorum of the Committee be the Chairperson and four other Members; and,
- (d) that, the Committee considers the matters under its mandate and reports to the House on or before Tuesday, 10<sup>th</sup> October, 2017.

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

*(The Temporary Deputy Speaker  
(Hon. (Ms.) Tuya took the Chair)*

Hon. Temporary Deputy Speaker, at the outset and with your permission, I want to say that everything we do in this House is in line with the Constitution and the related laws. The function of overseeing the Executive, as we are doing now, is a function for each and every Member of Parliament. The function of legislating is the one we have just done where our members, on instructions from some people, did not perform that function. They are not performing the function of oversight on budgetary matters. I hope they will perform the function of representation and go back to their constituencies over the weekend, as we do.

The budget-making process is in Articles 218 and 223 of the Constitution. It is only this House, and not the Senate, which has the powers in making budgetary provisions and making sure that necessary resources are appropriated through the appropriation law for Government to spend. It is a function of this House to follow up on the monies we have appropriated to see whether they are being used in the most efficient and prudent manner. Even in forming an *ad hoc* Committee, we are not violating any provision of the Standing Orders or the Constitution.

We are used to Madam Speaker, the current Governor of Bomet. Hon. Soipan, we will get used to you. You know, she is unique because she is a lawyer. So, she will understand. That is why this House decided to help NASA in appointing, from among their ranks, who sits in the Chairperson's Panel. They cannot even do a simple job like that.

This Supplementary Budget is very important. It contains Kshs9.2 billion for the Independent Electoral and Boundaries Commission (IEBC) to conduct the fresh elections. This Supplementary Budget contains the biggest landmark achievement of our administration in as far as free secondary education is concerned. A sum of Kshs25 billion has been factored into this Supplementary Budget so that after we are through with the elections, and Uhuru Kenyatta is elected, we can go back to our constituencies and come January, the money will be there. Members of Parliament will use the bursary fund for the National Government Constituencies Development Fund (NG-CDF) exclusively for higher education and colleges, and for other things. We have Kshs4.2 billion that this Supplementary Budget is allocating to the security agents in as far as election preparedness is concerned.

There is no crime. I want to say it here. Those people who walked out, opposing the reduction of the publication period of the Election Laws (Amendment) Bill are ignorant. They did not read the Bill. As I said, read the Bill. What that Bill contains is good for NASA, Jubilee and the people of Kenya in as far as conducting a free, fair, transparent and peaceful election is concerned. Rejecting that Bill shows that you are either not ready for the election or you have some monkey business to do, which they did. We want the physical Form 34A brought to the national tallying centre of the presidential election. We want to win this election fair and square

and beat our opponents by more than three million votes. Therefore, they can walk in and out, if they want. Their boss is telling them to boycott Parliament and then you find them here. Their boss is telling them not to form committees. When we want to form an *ad hoc* committee, they say they do not want. There are nine members in this committee. If they bring names this afternoon, we will approve them. We want a House that moves together.

This is just to make sure that we have the right people. In the next 10 days, they will look at the Supplementary Estimates. When we come back on 10<sup>th</sup> October 2017, they will bring the Report. We will either amend or agree with them and approve the Bill. We will then bring the Appropriation Bill in stage one, two and three and take it to the President to be signed into law. He will also sign the warrants for withdrawal into law. It is as simple as that. I am a very lucky person because I have a leader who consults and listens to his leadership. My leader is not one who tells me: "Go to Parliament and cause disruption."

With those remarks, I beg to move and ask Hon. Katoo to second, because if you are a member of this committee you cannot second.

*(Hon. Temporary Deputy Speaker  
Hon. (Ms.) Tuya left the Chair)*

*(Hon. Deputy Speaker  
Hon. Cheboi resumed the Chair)*

In the afternoon, the Leader of the Minority Party, Hon. Pukose; the Leader of the Majority Party, Hon. Bowen and the Whip of the Minority Party, Hon. Tong'i, will be recognised in the Standing Orders.

**Hon. Deputy Speaker:** So that it does not go on record, I am sure the Leader of the Majority Party is saying those people are sitting on the seats of those leaders, so that he does not unilaterally appoint Members here.

*(Laughter)*

That cannot be allowed to go on record because it is not the true and factual position. Let us have Hon. Katoo.

**Hon. Katoo:** Thank you, Hon. Deputy Speaker. As I second this Motion, I want to emphasise the fact that we are doing it within our Standing Orders. Standing Order No.218 allows for the formation of a Select Committee or an *ad hoc* committee whose mandate will just be within what the House will approve. Because it is a requirement that every Bill must be processed through a committee that will act as the bridge between this House and the public when they are doing public participation, and because we are yet to form the substantive committees, this is the right way to go. It is within our Standing Orders that an *ad hoc* committee be formed to look into this very important matter and report within the days that have been specified; that is, on or before 10<sup>th</sup> October 2017.

Supplementary Estimates, which is the mandate of this Committee without going into the details of that Bill, is in accordance with Article 223 of the Constitution. If you allow me to just quote sub-clause 1(a), it says:

“the amount appropriated for any purpose under the Appropriation Act is insufficient or a need has arisen for expenditure for a purpose for which no amount has been appropriated by this Act.”

As said by the Mover of the Motion - the Leader of the Majority Party - a need has arisen that was not appropriated in the 2017/2018 Financial Year. That need is mostly, among others, to finance the presidential election slated for 26<sup>th</sup> October. A big portion of the Supplementary Estimates will focus mainly on that, as has been said by the Leader of the Majority Party. Therefore, since the 2017/2018 Financial Year expenditure has been revised under the Supplementary Estimates No.1, these are the first Supplementary Estimates under the current 2017/2018 Financial Year. It is good for Members to note that there could be several supplementary estimates, but this is the first one in this financial year. It is meant to accommodate the additional spending requirements which were unforeseen and unavoidable. The repeat presidential election was both unforeseen and unavoidable. Therefore, there is need for us to expeditiously fast-track the processing of the funds. We cannot do it without having an *ad hoc* committee that will collect views from the public and scrutinise the Bill. When we report back from our recess, we will use their report as the basis for discussing the document from the National Treasury.

Therefore, without much ado, I beg to second this Motion.

*(Question proposed)*

**Hon. Deputy Speaker:** I will give an opportunity to a few Members. I will also try as much as possible to give opportunity to the new Members. Let me start with Hon. Tuwei Kipkurui, Member for Mosop. Do you want to speak to this one or should I give the opportunity to Hon. Ichung’wah? Maybe you were not ready on this particular one. I can give you opportunity in the next one. Let me give this opportunity to Hon. Ichung’wah. That is the Member who is top on the list, but I was trying to notice the new Members.

**Hon. Ichung’wah:** Thank you, Hon. Deputy Speaker. I rise to support the Motion.

Besides what the Leader of the Majority Party has spoken about providing the Kshs9.2 billion for the IEBC, it is not just for the sake of providing money to the IEBC. We have said that the IEBC is an independent constitutional commission and one of the things that guarantees that independence is this House allocating adequate resources for it to carry out its mandate without necessarily having to depend on funds from the United Nations Development Programme (UNDP) and those others who purport to be financing the IEBC for unknown reasons. I support very much this *ad hoc* committee to deliberate on the issues and ensure that we are able to provide the IEBC with adequate resources to guarantee this country that, as a matter of reality, without any doubt, we will have elections on 26<sup>th</sup> October, 2017, and resources will be devoted towards that purpose.

The other thing that excites me about this is that when we went around the country with His Excellency the President and his deputy campaigning, they promised - and it is one of the key aspects of our manifesto as a political party - free secondary education starting January 2018. The allocation to the tune of Kshs26 billion towards the free secondary education is a very good step towards the realisation of that promise. This will ensure that the people of Kenya realise that we are not just talking about promises, but we are actualising the promises and pledges that we made to the people of this country throughout the campaign period. It is exciting to know that the children of this country will achieve their basic education up to Form Three courtesy of the

Jubilee administration. Besides being part of our campaign pledges and promises to the people of Kenya, it is my belief that if we are to change this country, we must invest in education. There is no better way to invest in education than dedicating adequate resources to ensure that all our children access both primary and secondary education.

With the advent of technical training institutes across many of our constituencies, we will have a very well-skilled labour force in this country that will take up the numerous opportunities that will come about. Our manifesto also spoke about the establishment of industries in each county. For us to provide labour to the industries that will be set up in each county, we must train the right skills in our constituencies. The allocation of money towards the free secondary education programme will go a long way in doing that. There is an old adage that ran in a Tusker beer advert on television some years back that stated that it has no equal, but makes us equal. That is very true with regard to education. Education has no equal and will make us all equal as a country. It will make children from Turkana, Kikuyu or in the City of Nairobi equal. It is the free education that we intend to give to our children that will make them equal.

Hon. Deputy Speaker I, therefore, support the Motion and urge Members to support it. I also ask those who will be serving in this committee to support the Chair, Hon. Limo. I served with him in the last Parliament and he is a very dedicated person in terms of House business. I, therefore, urge all the Members in this committee and, indeed, the other Members of the House to support this committee to expedite the business before it. The fact that this is an *ad hoc* committee means it will end its business with the adoption of the Supplementary Budget. Therefore, I urge the House to support the Motion.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let us have the Member for Tigania West, Hon. Mutunga Kanyuithia.

**Hon. Mutunga:** Thank you, Hon. Deputy Speaker, for the opportunity to contribute on the matter at hand. I fully agree with the Mover of the Motion that it is important for us to have this *ad hoc* committee to look into the matters of the Budget and provide resources for the IEBC to run an election and give Kenyans an assurance that they will give us a good election this round.

I support this particular Motion. As we pass the list of the Committee Members, I would like to seek knowledge of the criterion which was used to select the Members because I do not know. If it is regional balancing, I am wondering whether it is reflected on the list. I do not think that the former provinces are reflected in this particular list. I believe there must be a good reason to have regional balancing in some of these issues. It is good to look at how we can make sure that every part of Kenya is satisfied with what is happening in this House.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Malulu Injendi. Your card seems not to be functioning.

**Hon. Injendi:** Thank you, Hon. Deputy Speaker. I wish to support the formation of this committee, so as to enable us function as a country. You realise that the IEBC requires money for us to carry out this election. I am wondering why our brothers are not on the Floor of the House because by nominating Members to this committee, they would discuss and approve money that would support the IEBC, so as to run the repeat elections as they prefer.

Equally, there is so much that is not happening in the country because of lack of money. So, I believe with the approval of this Budget, we will release the country. It will start moving forward, so as to demonstrate to Kenyans that with elections awaiting us, it is not stopping us from functioning. Our brothers on the other side are grounding this country. They have no

interest in this country running as expected to run. They have no interest, for example, in even availing money to our schools, so as to ensure that all is running well. They come here to sign and then walk out. They are ensuring that they continue earning their salaries. They have no interest at all to approve money for our children to continue learning and acquiring skills.

Otherwise, I support this committee and all that is happening in the country to ensure that it is moving forward effectively.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I will give the opportunity to somebody from the Minority Party. Is the Member for Mbooni here?

**Hon. Nzioka:** Yes, Hon. Deputy Speaker, I am in. Thank you for giving me the opportunity to contribute. I rise to support the Motion on the formation of an *ad hoc* committee because it is a very crucial moment. As we prepare and plan to conduct repeat elections on 26<sup>th</sup> October, financial resources are supposed to be available, so that we can conduct free, fair and credible elections. The IEBC and the security institutions need to be ready. The availability of financial resources will enable us to have the elections the best way we plan. At the same time, the Supplementary Budget is supposed to enable us to actualise the free secondary education that was promised to the people by both Jubilee and NASA Coalitions.

I support the Motion. Thank you.

**Hon. Deputy Speaker:** Let us have Hon. Pukose.

**Hon. (Dr.) Pukose:** Thank you, Hon. Deputy Speaker. I stand to support the Motion. When this committee gets operationalised, it will look at the Supplementary Budget. Money for security will also be appropriated. Therefore, this will ensure that our elections will be done in a secure environment. Security will be provided to make sure that the elections are peaceful and guaranteed.

There is also provision of Kshs.26 billion for education. It means beginning January our children in high school will not be paying anything. These are the promises which all of us have been making in our constituencies. We have been telling people that beginning next year in January, students in high school will not pay school fees. That will also translate to other use for the money we will get from the NG-CDF. This money will only take care of fees for students pursuing certificates and diplomas in technical and vocational training institutions and universities. Therefore, the burden of parents in this country will be taken care of. This is a very important function that this National Assembly is doing. We hope our colleagues will support this Motion when they come back because it is for the good of our country.

With those few remarks, I support the Motion.

**Hon. Deputy Speaker:** Let me give the opportunity to Hon. Njiru Muchangi, Member for Runyenjes.

**Hon. Eric Njiru:** Thank you, Hon. Deputy Speaker, for giving an opportunity to contribute to this Motion. We cannot purport to say that we are going for an election without allocating resources towards it.

Again, I know it in the interest of many of the Members here, since we went around our constituencies telling people that we will have free secondary education beginning next year. So, it is very important to support this committee at this moment, so that we can have funds available for the elections and free secondary education. As my fellow Hon. Member has said, we shall have more funds available for us from the NG-CDF to support students in institutions of higher learning, colleges and universities.

Again, I am shocked to see our fellow Hon. Members from NASA walking out at a time when we should be passing or supporting this Motion that will make funds available. That cements our imagination that these people are not ready for an election any time soon.

With those few remarks, I wish to support the Motion.

**Hon. Deputy Speaker:** Hon. Members, we will be moving very quickly because we need to move to the next Order. It is my thinking that we should close this Motion. Probably, I will give a chance to two Members and that will be it. I am trying to see how to balance gender this afternoon. Let me look at the one who is topmost on the list. It is the Member for Gilgil.

**Hon. (Ms.) Wanjira:** Thank you, Hon. Deputy Speaker. From the outset, I support the Motion. One of the greatest roles and responsibilities given to this House is budget-making. It is a very unique case given by the Constitution. The one clear indication that we are going to have an election on 26<sup>th</sup> October 2017 is the provision of the requisite resources to run that election. That is the clearest indication that we are going to have an election. It is quite unfortunate, and I wish our colleagues from the Minority side would stay in the House to see that we are going to allocate Kshs9.2 billion to the IEBC to conduct a fresh election. You realise that the money could have been allocated for the free maternity programme. I know we would have delivered many babies safely in hospitals and this is a resource we would have saved by avoiding another election.

We have already ventilated on that and we are reconciled to the fact that we are going to have an election. I can only hope that our Members from the Minority side will stop playing games and abdicating their duties. You see, they are yet to submit names of Members to represent them in this very crucial process. They must also know that it will still go on with or without them because we have timelines to beat and also a country to get back to track. It is our responsibility. It is unfortunate that they keep sneaking in so that they can avoid the sanctions of Article 103 of the Constitution that says that if you miss eight sittings in a Session you could lose your seat. It is interesting that when they go out there, they tell people that they are not attending Parliament. We need to publish the names of the ones who sign in and get out just for the sake of getting allowances and to save their seats, but do not participate in the critical roles of legislation, representation and oversight that are given to this House.

Looking at the membership of this Committee, I am very pleased because there is one-third of women representation. The membership takes into account the different regions in the country. Not all of us can fit within it, but in the consequent roles that will be given, we will get up to 50 per cent of representation in the Committee as women, so that we can encourage and show the minority side how things are done. We have led when it comes to women affording women leadership roles. If you look at the leadership in the Minority, right from the Leader of the Minority Party, Whip, Deputy Whip and so on, there is no woman. Even in the Senate it is the same thing. We have done well as the Majority side and they should learn from us.

With those few remarks, I wish to support and hope that this committee expedites the work they are supposed to do so that we do not extend time. By 10<sup>th</sup> October 2017, we should hit the campaign trail and join the rest in campaigning for the President after all the money will have been allocated and the process should go on well.

I support.

**Hon. Deputy Speaker:** Member for Kipkelion West.

**Hon. Hilary Kosgei:** Thank you, Hon. Deputy Speaker. I rise to support the formation of this *ad hoc* committee. It is a sure indication that the Jubilee side of this House is prepared for the election on 26<sup>th</sup> October 2017. It shows that our colleagues on the NASA side do not care about this country. Even if they do not care or are heartless, they should, at least, be concerned about the children of their constituents who will benefit from the allocation of Kshs25 billion for free secondary education.

Having said that, even if they do not care, the Jubilee side will pass the appropriation of this money and the benefits will go to all the children of Kenya. That is a firm pledge by the President of the Republic of Kenya and the Jubilee Party.

As I support the Motion, I will not end without congratulating the chairman of this committee who happens to be Member for my sister constituency.

**Hon. Deputy Speaker:** There is no chairman yet.

**Hon. Hilary Kosgei:** The proposed Chairman of this committee, Hon. Joseph Limo.

**Hon. (Dr.) Shaban:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is it Hon. Shaban? Do you have an intervention to make? I see your card on the intervention slot.

**Hon. Hilary Kosgey:** Hon. Deputy Speaker...

**Hon. Deputy Speaker:** Just a minute, resume your seat. I am getting to know your new name, Henry. I am not so sure that that is your name.

**Hon. (Dr.) Shaban:** Hon. Deputy Speaker, I rise on Standing Order No.95. I beg to move that the Mover be now called upon to reply. This is so that we can come to closure of this debate. I have read the mood of this House and I can tell there is quite a bit of repetition.

**Hon. Deputy Speaker:** How did you read the mood of the House? The mood I am reading myself is that there are 43 requests. Anyway, we will get the mood directly from them.

Kindly wind up.

**Hon. Hilary Kosgey:** Hon. Limo is a fine accountant. I met him at Kenyatta University when he was completing his degree in accounts where he passed with a distinction. He is capable to steer this committee.

This committee is also composed of very fine Members of this House, including the long-serving administrator, Hon. Alois Lentoimaga, and others like the mother of the House, Hon. Naomi Shaban.

I beg to support.

**Hon. Deputy Speaker:** Order, Members! Those who are walking around should resume their seats. Hon. Sophia, please, resume your seat or freeze there completely like in a fridge.

I want to dispense with the Motion by Naomi Shaban.

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



Having saved some minutes, we will donate them to the Member for Emurua Dikirr. For now, let us have the Deputy Whip to reply and then we will finalise.

**Hon. (Ms.) Mbarire:** Thank you, Hon. Deputy Speaker. I rise to reply to this Motion. I thank all Members for their support. There is no doubt, indeed, that this is a committee that needs to get to business immediately because there are important businesses before them. These include looking into the budget for the repeat election and money for the free secondary education come January. I thank all the Members for being patient and for participating in a very meaningful way to this Motion.

I beg to reply. Thank you.

*(Question put and agreed to)*

### MOTION FOR ADJOURNMENT UNDER S.O 33

#### INSECURITY IN TRANS MARA

**Hon. Deputy Speaker:** Let us hear from the Member for Emurua Dikirr. He wanted to speak in Kiswahili, but I warned him that the last time I heard him speak in that language, he was far from being conversant with the language. Please, proceed in English, but if you want to speak in Kiswahili you can try.

**Hon. Kipyegon:** Thank you, Hon. Deputy Speaker. I will speak in English not because you have checked my Kiswahili and found that it is not appropriate, but because I think it is appropriate to move the Motion in English.

Hon. Deputy Speaker, pursuant to the provisions of Standing Order 33(1), I move that the House do adjourn for the purpose of discussing a matter of urgent national importance, following tribal fighting that occurred in Transmara, and specifically along the Kilgoris/Emurua Dikirr constituencies, between 22<sup>nd</sup> and 23<sup>rd</sup> September 2017 where several people lost their lives.

So far, we have lost around 10 people. Currently, there is a lot of tension in that particular area. First, I want to convey my utmost condolences to the families, friends and relatives of all those people who were killed in that unfortunate incident. What happened is very unfortunate. A businessman who went about his business, while on his way home, was shot dead by unknown assailants who were considered to be thugs or robbers. The incident which occurred along the road between Esoit and Kirindon triggered several events that led to several deaths. Innocent people who were traversing the constituencies doing their businesses and others who were caring about their activities in restaurants were killed innocently. This is an incident I wish to bring to the attention of this House and the nation. However, as much as we say that these were issues between these communities, these are people who have been living together for a very long time. When I mention this particular issue, it reminds me of many years ago, a period of time I cannot even remember. I was born there because my parents got married in that particular area. We have

been living with our neighbours for as long as I can remember. There have been several attacks from both sides necessitated by several issues which do not compare with the lives of the people who died in those particular incidences.

Hon. Deputy Speaker, you must also understand that there is no winner in a war. There are only losers. There are people who die. There are loved ones who die. Widows and orphans are left destitute. There is no winner in war. That is why I want to take this opportunity to tell the people of Transmara wherever they are that activities to do with war, where people fight and kill each other, do not belong to this generation. We have so many other avenues through which we can sort our disputes. If there are issues to do with land, we can sort them out in some other avenues. If there are issues to do with cattle theft, we also have avenues that we can use to solve them. If there are issues where people are killed unknowingly by some other people, there are avenues we can use to solve them.

I wish to call upon the Members representing the two constituencies to appreciate that peace is supreme. Peace is what can bring development. Peace is what can bring prosperity in our nation. For several years, we have had clashes along the borders of the two constituencies. I remember in 1989 we had people fighting each other. Although it stopped, the tension never went away. I remember in 2007 when there were shambolic elections in Kilgoris Constituency, people fought and some died. We went for by-elections and eventually there was a subdivision of the constituency and peace has prevailed for many years. I also remember in 2010 when there was an issue to do with borders and there were clashes along the same borders.

When we were done with the division of the constituencies, people went back to their normal activities. This problem again came back in 2017, when we were approaching the 8<sup>th</sup> August General Election. Several people died. I remember putting across to this House that over 12 people died in the same place. The motive of the killings is not known to-date because no one has been arrested. People who were arrested were released. Not even a single soul has ever been told who started the skirmishes and what the motive behind them was. The problem that we are facing right now cannot be related to anything. As far as I remember, and as far as I know, right now, we do not know who killed the businessman. We also do not know who killed the other people. No one can explain the reaction that happened after the killing of the businessman. Yesterday, the first person was laid to rest, but the people who killed him have not been brought to book. I urge the Government that if we want to ease the prevailing tension in that area, we should ensure that the people who were involved in the killing of the innocent businessman are arrested, followed by the arrest of the other people who went on to kill other innocent people.

If you look at the photographs of the people who were slaughtered, you cannot imagine such things happen in this country. If you look at the timeframe between the time the businessman was killed and the time the other innocent people were killed, I do not even know how to frame it because it was like there was an instant reaction such that when you were found on the road, you were just killed, unless you spoke a certain dialect.

I want to categorically state that as peace loving citizens, we should not want this tension to go on. We want to have peace in these areas. We want the Government to chip in immediately

and carry out investigations with a view to apprehending all the perpetrators of these heinous crimes, so that people can be peaceful, knowing very well that so-and-so was killed and the person who killed them is already in custody. That will save us a lot of the problems that we have been having in that particular area.

My request to the Government is to, please, arrest the people who were involved in the skirmishes. The people who live there have for a long time not had border problems. We have not had any problems with our boundaries. We have not had any land problems. We have not had any disputes among the communities living in that area. The only problems we have had are cattle theft and a few issues which could be political. We want to urge the residents of those particular areas not to allow cattle theft to cost lives. Let us not allow political issues to cost lives. Let us sit down as brothers and sisters and solve our disputes. Tomorrow we have a mass funeral service for all those who were killed. We want to call upon members of both communities to live together. Let us create harmony. Let us look for elders who can sit us together, so that we can find a lasting solution.

With those few remarks, I wish to mourn with the people of Trans Mara and I request Hon. Maore to second.

**Hon. Deputy Speaker:** Ordinarily, this one is not seconded. It is a debate because there will be no vote to be taken at the end. So, I will not give Hon. Maore a chance now. Instead, I will give the Member for Kilgoris. Hon. Maore will get his chance somewhere in the course of the debate.

**Hon. Konchella:** Thank you, Hon. Deputy Speaker. I also wish to agree with my brother, Hon. Ng'eno. He has stated the truth and I want to stand by what he says. First and foremost, I wish to send my condolences to the families of the people who lost their lives in a very tragic way. These are innocent people who were killed by unknown people out of assumptions that they did whatever was presumed to have been done. The businessman who was killed from my family is called Ole Kolian. This is the fourth time people have tried to kill him and they succeeded this time. On the ground, we hear that he had refused to lease his land to people because he wanted to use it. People believed they could buy the land or push him out. This is a tragic situation. We may say that there is peace. I have made sure that all my life, people live in peace and harmony.

My constituency is an enclave surrounded by the Kisii, Luo, Kuria and Kipsigis, but I have been able to maintain peace and harmony among all these people. Fighting used to be there before, but I made sure that I cultivated peace by allowing development to take place where all communities are involved. More so, where we had problems, I made sure that a constituency was hived off from my constituency, namely, Emurua Dikirr, which is represented by Hon. Ng'eno, in order to build peace and harmony. It has been my job and role all these years to ensure people live together peacefully. We are all Kenyans and nobody chose to be born in whichever community they find themselves in.

The community that suffered this tragic event has always lived with the Maasai people. Even now they still live together. Their farms neighbour each other. There are no border issues. It is individuals who want to take advantage through criminal acts. I got hold of the District Commissioner (DC) and the member of the county assembly for the area, one ole Kijabe, and I asked them to move to the ground and restore peace. This young man was a popular

businessman. He was shot and money was taken from him. There are reports here and there and the police are aware of many things. I would rather the police handle this matter. As Hon. Ng'eno said, we must investigate quickly and arrest the people concerned. Earlier this year, we had the same issue and innocent people died for no reason.

I urge the Government particularly the Cabinet Secretary for Internal Security, Mr. Matiang'i, that arresting chiefs is not going to do any good. One chief was arrested the other day and I understand he has ordered the arrest of another three chiefs from one community. This is not going to help the situation because the people will feel like the Government is against them and it is working against them. We are going for a presidential repeat election. For goodness sake, arresting chiefs is not going to do any good for the Jubilee Party. Let us avoid this because this person was killed at night and we do not know who killed him. Let us get the person who killed him. Let us not arrest innocent people just to show that the Government is doing something. It is wrong. Let the Cabinet Secretary and the County Commissioner call the leaders, talk with them and find the best way to deal with the problem.

**Hon. Deputy Speaker:** Sorry, your time is over. We will have the Member for Narok.

**Hon. (Ms.) Tuya:** Thank you, Hon. Deputy Speaker. I wish to commend Hon. Ng'eno for bringing this Motion for Adjournment to discuss a matter of crucial importance to the people of Narok County. I want to begin by registering my condolences to the families, friends and all the people who are affected by the needless killings that happened in Trans Mara. Ten lives have been lost so far. As the County Woman Representative for Narok, I wish to pass my condolences to all those who have been affected. It has been said by my two colleagues from Narok that these are needless killings. It is very unfortunate that the killing of one businessman took a twist into tribal clashes among people who have been living together. Even though we know the area is a hotspot in terms of conflict, I believe the killing of the businessman acted as a trigger to the existing undercurrents of conflict among the communities that live in this particular area of Kirindon and Esoit.

This is not the first time that we are seeing killings happening in the area. There has been a lot of tension throughout the campaign period. It is high time all of us, the law enforcement officers, the leadership and administration of the county avoided a situation where we do firefighting. When we engage in firefighting, we will continue to lose lives. We will continue to have people who otherwise have been living together peacefully looking at each other in animosity and lack of peace. For the longest time, there has been a situation of abnormalcy where the residents of the area have not been living at peace. They have not been going about their businesses as they should. I think we should take this as a lesson to avoid any additional loss of lives.

As the Woman Representative for Narok, I will be taking the lead in assisting the residents, through the office of the Speaker, to present petitions to the relevant committee. I know we have not yet constituted the committees, but we will do this so that we can look for a way to go to the bottom of the issue and avoid firefighting situations like we are doing right now. I just want to join my colleagues in saying that criminals should be treated as criminals. A person who goes out to kill another person is a criminal. Let us not tribalise it and say the person who killed is of a certain tribe. A criminal is a criminal and not a tribal person.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Lesuuda.

**Hon. (Ms.) Lesuuda:** Thank you very much, Hon. Deputy Speaker. I would like to thank Hon. Ng'eno for bringing this Adjournment Motion, so that we can discuss this very important national issue. First, I pass my condolences to the families of those who have been affected. This is quite a sad affair. For 10 lives to be lost just like that, it is something which should not be acceptable in our country. These are people who did not die because of any health issue or any calamity, but someone took the lives of others. They are probably parents and were being looked upon by their families. It is quite a sad affair and it should not be tolerated in this country.

There are two or three things that continue to be catalysts to such issues when they happen. One of them is quick response. Sometimes when an incident occurs, the time that is taken by the Government in ensuring that the aggrieved accesses justice catalysis the situation. The civilians see that they have a right to revenge the attacks. It is my hope that due process will be followed and the culprits will be taken to book, so that we do not see these revenge attacks where civilians feel that it is up to them to take law into their hands.

The second thing, so that we all realise that there are various actors who will ensure that these communities live in peace, there is definitely the role the intelligence services play in our country to forewarn the residents, so that there is early and quick response. There is also the role the political leaders play in talking to their constituents and giving direction. One thing that I would urge my colleagues to do is to call criminals as criminals and not to label them as members of various communities. When members of your community are attacked, you should not take sides but speak peace across our country. Even as we go for the repeat elections, we should have tolerance amongst us. As we utter words out there, we should remember that we have only one country to live in and to protect and ensure that even after the elections, we will have a peaceful country and we can go back to our lives.

We have similar issues in some of our counties, even with the biting drought. For example, in Samburu County, communities living there, especially in Samburu North - I can see my counterpart is in the House and would like to talk about it – face the challenge of cattle theft. It builds up to a point where it gets to community versus community. I would like to urge the security agencies to respond quickly. They should be on high alert to detect early signs. When an incident happens, before the other community revenges, they should take charge. I hope we will not encounter such incidents again. I pray that something will be done in our volatile areas so that we do not continue to lose lives in such a tragic manner.

Thank you very much.

**Hon. Deputy Speaker:** Hon. Dida Jaldesa.

**Hon. (Ms.) Jaldesa:** Thank you, Hon. Deputy Speaker, for giving me this opportunity to also add my voice. I would like, from the outset, to send my condolences to the people of Trans Mara. When you look at the speakers, you can see the trend. Most of us contributing to this debate are from the pastoralist communities. What saddens me the most is the response to these issues of unnecessary killing. Most of the time, it is either connected to culture or the old practice of pastoralists, of stealing from each other. What makes me sad is the fact that 10 or so lives are lost and life goes on.

Such incident has not only happened in Trans Mara. Two days ago, we lost an uncounted number of people in Isiolo County when some raiders came to Ngare Mara Ward and drove off with more than 4,000 head of cattle. To date, we cannot account for the number of the lives lost. We are in a county that respects the rule of law and Chapter 4, Article 26 of the Constitution guarantees protection of life and property. As I condole with the people of Trans Mara, I request the Government to give this issue a totally different approach, so that when such incidents happen, we can know who is responsible, the causes of such unnecessary killings and to what extent the affected community is either compensated or made to understand the drive behind the incident.

I also want to say that we do not have a vacuum of leadership both at the national and the county levels. As far as I am concerned, all the representatives of the Government are present in these counties and wards. Therefore, I would like to understand the roles of the county commissioners. What are the roles of the Deputy County Commissioners? Why is it that when such incidents happen, we always point fingers at the lowest level of representation which is the chiefs? I wish to request the House in future to consider apportioning responsibilities to the people who are mandated to ensure that lives and properties are protected. The people I have in mind in terms of hierarchy are the county commissioners. I want to finish my contribution by saying that we are fully in support of the Motion and we join them in mourning the lost lives.

**Hon. Deputy Speaker:** Very well. The one on the top of the list is the Member for Mosop Constituency.

**Hon. Tuwei:** Asante sana, Naibu Spika kwa kunipa fursa hii nichangie Hoja hili ambayo inatushangaza kwamba tarehe 22.9.2017, watu 10 walipoteza maisha yao kwa kioja ambacho hakieleweki.

Ni jambo la kushangaza kwamba kwa karne hili, sisi wote tulioko hapa kama Wakenya tunaona maisha ya binadamu yakipotezwa ovyo ovyo. Tumepoteza familia hizi kwa sababu ya kuawa kwa mfanyibiashara mmoja. Hili ni jambo la kutushangaza wote kama taifa. Kama mtu mmoja amefanya uhalifu kwa kumuua mfanyibiashara, itakuwaje jambo la kijamii? Ni jambo la kushangaza nilipowasikia Waheshimiwa wa Emurua Dikirr na Kilgoris wakiongea. Ni jukumu letu kuhakikisha kwamba sisi wote tukiwa viongozi na wafanyikazi wa Serikali lazima tuajibike. Jambo kama hili haliwezi kuchukuliwa kimzaha hivi. Watoto wamebaki yatima, wamama wajane na mwenye biashara amepoteza mali yake na kiini na sababu ya haya yote ni uhalifu. Je, sisi kama Wakenya, Wakristo na jamii inayoishi sehemu hiyo, jukumu letu ni nini katika hali ya kudumisha amani na sheria? Tunaambia pole Wabunge wa Emurua Dikirr na Kilgoris. Sisi kama viongozi lazima tuone ni sababu gani hali hiyo imetokea na tunaomba mtusaidie kabisa.

Ninachukua nafasi hii kuwaomba wananchi wote wa Transmara, ambapo mimi hupitia kila mara na nimetembea pale kwa minajili ya harambee za kuchangia maendeleo ya nchi hii, wadumisha amani. Niliwapata wakiishi kwa amani. Tangu jadi, hata kimila, mavazi na matendo yao yanafanana. Ningewaomba kwamba jambo likifanyika wawachie vyombo vya usalama vifanye kazi ili watekeleze wajibu wao. Ningewaomba wasichukulie sheria mikononi mwao. Hasara ambayo tumepata kwa kitendo cha uhalifu imechukua maisha ya watu 10. Tunasema pole sana na ninachukua nafasi hii kwa niamba ya wananchi wa Mosop kusema pole. Pia, ninatoa rambirambi zangu kwa familia zote ambazo zimepoteza jamii zao. Tutaungana na jamii hizi kesho kwa maombi ya wafu ili tupate kuwaambia wananchi kwamba amani ni muhimu kuliko chochote.

Mwisho, vyombo vya usalama viko katika kila kijiji. Silaha ziko miongoni mwetu. Silaha iliyotumika kumuua mfanyabiashara huyo ilikuwa bunduki. Je, tutaishi vipi kama bunduki hazijasakwa? Ninaomba viongozi wote na vyombo vya usalama waajibike kwa kuona kwamba silaha haramu zilizoko miongoni mwa wananchi zimetolewe na sheria imechukuliwa kwa wakati unaofaa.

Nikimalizia, sisi pia kama viongozi tunafaa kuajibika. Sisi ndio tunatakiwa kuunda sheria zitakazodumisha amani na utengamano miongoni mwa jamii zetu. Tunafaa tuangalie shida zinazohusu wafugaji. Ni sababu gani mambo kama hayo yanatokea? Kama ni mambo ya kuimarisha utendakazi wa usalama na kitega uchumi, basi inafaa tufanye hivyo ili tuone kwamba wananchi wetu wameweza kuishi kwa amani.

Kwa hayo machache, asante Naibu Spika kwa kunipa nafasi hii. Pia, nachukua nafasi hii tena kuwapa Mhe. Ng'eno na Mhe. Konchella rambirambi zangu.

**Hon. Deputy Speaker:** Your time is over. I will, therefore, give a chance to the Member for Laisamis, Hon. Arbelle Malimo, to contribute.

**Hon. Arbelle:** Thank you, Hon. Deputy Speaker for giving me this opportunity to also add my voice to the Adjournment Motion brought to the House by my colleague.

I would also like to send my condolences to the bereaved families in Transmara following the killing of 10 people. It is very sad in this nation to hear such cases of people being killed because of different issues. In fact, as leaders, we need to cultivate peace amongst communities particularly within the pastoralists' communities, so that there is peace and harmony existing between the communities.

Hon. Deputy Speaker, I represent Laisamis Constituency which is a pastoralist community, where we have also come across similar incidences. My community has moved from their respective constituency to Baragoi in Samburu County. Towards the beginning of this month, four people were killed in Baragoi by people believed to be from the Turkana community. They managed to take with them quite a herd of camel. That incident has been reported to the relevant security agencies and we have received quite a lot of promises that the camels are going to be returned. However, it is unfortunate that to date, the said camels have not been returned. I do not know what to tell my people because they keep on asking me how far the security people have gone to ensure that the camels are recovered. Every time they ask me this question, I call the security agencies in Baragoi and they keep telling me that the place where the camels are perceived to have been driven to cannot be accessed because of its terrain. I do not really understand how such a thing can happen in this country. We are in Kenya and not a foreign country. To be told there is a place where the security agencies are unable to access and unravel this kind of menace is unbelievable.

**Hon. Deputy Speaker:** Hon. Arbelle, please, wind up.

**Hon. Arbelle:** I would like to send my condolences to the bereaved families in Transmara. It is appropriate for the attention of the Government to be drawn to these incidences taking place around our country so that they can be addressed amicably.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay, let me just give some few minutes to Hon. Sankok to contribute to this Adjournment Motion.

**Hon. ole Sankok:** Thank you, Hon. Deputy Speaker for giving me this opportunity. I come from Narok and I represent persons with disabilities who are most affected in cases of violence.

Let me start by sending my condolences to the people of Emurua Dikirr, Kilgoris, and their representatives, Hon. Ng'eno and Hon. Konchella. We are with you during this trying moment until we lay to rest the deceased.

It is good for us to know that criminals have no tribe. They belong to no religion or clan. They are criminals and should be treated as such. It is unfortunate that whenever we have such incidences we, as politicians come out to condemn them, but we do this mostly depending on political and religious affiliations. As leaders, we should be mindful that we can escalate violence to greater heights.

I call upon the security agencies and the Communications Authority of Kenya to deal with the social media crisis. It is burning our nation through incitements. People give wrong advice and information on what is happening. This could be what happened in Emurua Dikirr when one person was killed and the social media misreported. So, we must deal with that.

### ADJOURNMENT

**Hon. Deputy Speaker:** Sorry. Order Members. The time being 1.02 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.02 p.m.