

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 19th February, 2003

The House met at 9.00 a.m.

[Mr. Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Members:-

Dr. Esther Cheronu Keino

Mutula Kilonzo

Simeon Nyachae

Dr. Julia Auma Ojiambo

Ms. Betty Njeri Tett

Mr. Speaker: Are there any more?

Hon. Members: Yes!

Mr. Speaker: Where are they?

An hon. Member: They are here!

Mr. Speaker: Very well. Can I have their names? Will the Serjeant-at-Arms let me know the names of Members who are ready to be sworn in? Can we sit for a while and sort this out?

(The swearing-in resumed)

Ms. Mwau Adelina Ndetto

Mr. Speaker: Next Order!

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS OF S.O. NO.33

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, this House orders that the business appearing in today's Order Paper be exempted from the provisions of Standing Order No.33, being a Wednesday morning, a day allocated for Private Members' Motions.

Mr. Speaker: I think, Mr. Wamalwa, you have substantially moved the Motion. But if you---

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Speaker, Sir, I beg to move.

Mr. Speaker: Very well, then. Do we have a seconder?

The Minister for Education, Science and Technology (Prof. Saitoti) seconded.

*(An hon. Member continued to walk
when the Speaker was on his feet)*

(Mr. N. Nyagah stood up in his place)

Mr. Speaker: Order! Order! Who are you?

(Laughter)

Order, hon. Members! The new Members must understand that when the Speaker is on his feet, every other Member must remain seated. If you are standing, you freeze where you are like Mr. N. Nyagah.

(Question proposed)

The Member for West Mugirango (Mr. Obwocha): Mr. Speaker, Sir, the Vice-President and Minister for National Reconstruction did not explain to us that there is no business as yet because we came in yesterday. But I would like to explain one thing that has happened previously on this Wednesday. Now that we are going into a new era, where we are going to change our time, more time should be allocated to Private Members' Motions. Secondly, I would like to appeal, in advance, to the Standing Orders Committee, which is going to be established, to look very closely at the Standing Orders that are still in conflict with certain business of this House. Thank you.

The Member for Embakasi (Mr. Mwenje): Mr. Speaker, Sir, while I do support the Motion by the Vice-President and Minister for National Reconstruction, there was some business which had already been submitted and I was expecting that by now some Questions would have matured. I do not know whether it should just be a habit---

Mr. Speaker: Order! Mr. Mwenje, you have been here long enough and you must know that during prorogation the House does not, as a matter of fact, transact business; and that the House was put in place yesterday at about 4.00 o'clock. Therefore, any Questions that should have been brought must be brought after and not before the Official Opening of the House. Therefore, you are misleading the House and you owe us an apology. Proceed to apologise!

The Member for Embakasi (Mr. Mwenje): Mr. Speaker, Sir, what I was asking is---

Mr. Speaker: Order! Order! Mr. Mwenje, the Chair is not about to let you teach new Members bad habits. That is a bad habit of misleading the House. You must apologise. This is an honourable House and I intend from the first day to ensure that there is integrity and honesty in this House. Will you apologise for misleading the House?

The Member for Embakasi (Mr. Mwenje): Mr. Speaker, Sir, I do not know what I have to apologise for, but just to please you, I apologise.

Mr. Speaker: Order, Mr. Mwenje! I act for the House. I do not act on my whims. It is to the House and not to me that you must plead. So, will you please make a very simple statement, so that we can proceed? Just apologise to the House and we go on. Why make a mountain out of this?

The Member for Embakasi (Mr. Mwenje): Mr. Speaker, Sir, in the NARC spirit, I apologise.

Mr. Speaker: Very well!

(Question put and agreed to)

MOTION

APPOINTMENT OF HOUSE BUSINESS COMMITTEE

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, the following Members be appointed as Members of the House Business Committee:-

The Hon. Michael C. Wamalwa, M.P. - Chairman

The Hon. (Dr.) Christopher N. Murungaru, M.P.

The Hon. (Prof.) George Saitoti, M.P.

The Hon. Norman M.G.K. Nyagah, M.P.

The Hon. Kalonzo Musyoka, M.P.

The Hon. Moses Wetangula, M.P.

The Hon. Daudi Mwiraria, M.P.

The Hon. Raila A. Odinga, M.P.

The Hon. Martha W. Karua, M.P.
The Hon. Kipruto arap Kirwa, M.P.
The Hon. Moody Awori, M.P.
The Hon. Charity Ngilu, M.P.
The Hon. Uhuru Kenyatta, M.P.
The Hon. Justin Muturi, M.P.
The Hon. William Ruto, M.P.
The Hon. (Dr.) Godana Bonaya, M.P.
The Hon. Nicholas K.K. Biwott, M.P.
The Hon. Musa Sirma, M.P.
The Hon. Simeon Nyachae, M.P.
The Hon. Henry Obwocha, M.P.
I beg to move

The Minister for Education, Science and Technology (Prof. Saitoti): seconded.

Mr. Speaker: I know, as a matter of fact, there was an amendment preferred by the Official Opposition to replace the hon. Musa Sirma with the hon. Mutula Kilonzo. That amendment was given to the Clerk, and the Chair has conceded. Therefore, we shall take it that the Motion is amended by replacing the name of Mr. Musa Sirma with that of Mr. Mutula Kilonzo.

(Question proposed)

The Member for Kabete (Mr. Muite): Mr. Speaker, Sir, I am the Member for Kabete Constituency.

Mr. Speaker: Sorry Mr. Muite, I am used to seeing you on the opposite side of the House! Proceed!

The Member for Kabete (Mr. Muite): Mr. Speaker, Sir, this is a very comfortable position. I would like to recommend the distribution and the composition of the proposed Committee. The House Business Committee as we all know, is one of the most important committees of this House, and the choice could not have been better. I recommend that as soon as this Business Committee, gets on to business, it liaises with the Standing Orders Committee.

You are quite right that, in order for the business of this House to be conducted in an orderly manner, we must be regulated by our Standing Orders. That is clearly understood. But as the Lord Jesus said, man was not made for the rules. We must not be obstructed in disposing of business in this House by the rules. There is an urgent need for the House Business Committee to liaise with the Standing Orders Committee so that we amend and update the Standing Orders in a manner which will enable this House to be truly in control of what is to be discussed and what is not to be discussed. For example, the rules should be flexible in terms of utilising every hour. If we had Standing Orders that were a little bit more flexible, we would have been able to utilise today. But because we do not have Standing Orders that are very flexible, after we dispose of this Motion, we have to go away instead of utilising the rest of the day. I would like to urge the House Business Committee to liaise and examine the Standing Orders so that we get on expeditiously, with control of what we are to discuss. It is the hon. Members who should discuss this issue.

Subject to that, I strongly support the proposed composition.

Mr. Speaker: Just to put Mr. Muite's contribution in its true perspective, I think hon. Members will recall that, at the end of the last Parliament, the Standing Orders Committee looked in detail at the Standing Orders as they did exist and made some recommendations for amendment of the Standing Orders, but we could not move because we anticipated that the Constitution of Kenya would be reviewed and any review of the Constitution, must, *ipso facto*, lead to an overhaul of the Standing Orders. So, we must understand that we truly anticipate a review of the Constitution soon, and that must lead, by that very fact, to an almost overhaul of the Standing Orders. Hon. Members who have the interest, like Mr. Muite, will be of great value to the House and to the Chair in assisting to make those Standing Orders comply and conform with the new constitutional arrangement. But, nevertheless, we look with anticipation that we do arrive at that situation.

Mr. Obwocha: Mr. Speaker, Sir, looking at the composition of this Committee, which has 20 hon. Members and from our previous experience, I do not know why Government was very anxious to take 12 slots instead of the usual 11 slots versus nine for the Opposition. They should have been considerate enough to leave one slot for the small parties. However, when we finish this Session, I believe that this is an issue they will have to take into account. I would like to agree with Mr. Muite that there are certain Standing Orders that need to be looked at. For example, we need to revert to the position where the Opposition has the majority of hon. Members

in the Public Accounts Committee (PAC) and the Public Investments Committee (PIC). This was changed by the previous regime.

I beg to support.

The Member for Kamukunji (Mr. N. Nyagah): Mr. Speaker, Sir, I rise to make some few clarifications in reference to what the hon. Member has raised. The most unfortunate thing is that my good friend, Mr. Obwocha, did not do pure mathematics. It is purely mathematical when it comes to sharing out the various seats within the Committee. The entire Opposition is entitled to eight slots on the House Business Committee, just like they will be entitled to five slots when it comes to other Committees that do have a Membership of 11. In this particular case, if you were to divide the entire House against all the political parties that are in this House, the Government is entitled to 12 slots in the House Business Committee. It is very important - and I do not need to make this announcement on the Floor of the House - that the Official Opposition Whip and I do meet soon after the House Business Committee so that we can actually go through the mechanism of this, and then Mr. Obwocha will not have to raise this matter again.

Regarding the other issue, we are all very free to bring Motions to this House. If we want to challenge the Standing Orders pertaining to PIC and PAC Membership, we are all at liberty to do so.

Thank you.

The Member for Keiyo South (Mr. Biwott): Mr. Speaker, Sir, I think the distribution of hon. Members in the Sessional Committee appears to be right. I think hon. Obwocha has forgotten that the NARC is composed of so many parties that his problem of catering for the smaller parties within the main party has already been taken care of. I hope that as we go along we will get to know each other better and perhaps work in a much more united manner knowing that Kenya belongs to all of us, and that the Government which the NARC Party has taken over from these good people here is for all of us and not for one section.

As for the other committees, I hope that during the review of the Standing Orders, wisdom will prevail so that the Opposition, which is there to check and ensure that the new people of NARC come to learn how to manage the running of the country, will operate freely. We hope that the NARC Government will do its job properly and will be accountable for everything that it does in this country. Perhaps we will revert back to the old Standing Orders where the Opposition had the majority in all those watchdog committees.

With those few remarks, I beg to support, Mr. Speaker, Sir.

Mr. Speaker: I will give Mr. Omingo a chance to comment and then, unless there is any new thinking on this issue, I may proceed to put it to the vote.

The Member for South Mugirango (Mr. Omingo): Thank you, Mr. Speaker, Sir, for giving me a chance to contribute. I would like to congratulate the NARC Party for forming the Government. I am not too keen about the number of Members in the Committee. It is the quality of delivery of service to this House that counts. I want to petition the new Government in place today not to fall prey to the previous practices that we used to see. What used to occur was that, once there was a critical Motion to be brought the House, the House Business Committee would sneak in an Order Paper and replace it with the previous one and then vote to win. A case in point is when we had a Sessional Paper on AFC loans. The quality of service delivery of this Committee is much more important than numbers. I hope and pray that at the end of time we shall have a Committee that gives this House business that is credible and that Members will be able given sufficient notice to be able to contribute so that they do not sneak in issues that will get Members off guard.

With those few remarks, I beg to support.

Mr. Speaker: Very well, hon. Members, I think we will dispose of this issue now.

(Mr. Wamalwa stood up in his place)

Mr. Speaker: You are not obligated to reply, but you may if you wish to.

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Speaker, Sir, I could not resist replying especially to the comments by hon. Biwott. As everybody knows, in the last Parliament he was the biggest hawk for the Government having a majority in all these Committees. It is interesting now to see him beating a retreat. Otherwise, I hope that we shall use the services of the ebullient Mr. Muite, Mr. Obwocha and other experts on Standing Orders to serve in the Standing Orders Committee in order to effect the changes that they so desire.

With those few remarks, I beg to move.

(Question put and agreed to)

Mr. Speaker: Before we adjourn the House, on behalf of the Leader of Government Business, I will advise the Members of this Committee to proceed straightaway to Committee Room No.7 upstairs for an immediate meeting to be able to arrange business for this afternoon and the following days.

ADJOURNMENT

Mr. Speaker: Hon. Members, that concludes our business for this morning. The House is now adjourned until this afternoon at 2.30 p.m.

The House rose at 9.40 a.m.