

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 28th April, 2009

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

TEMPORARY ADJOURNMENT TO AWAIT
MR. SPEAKER'S CONSIDERED RULING

(Mr. Speaker consulted with the Clerk)

Mr. Speaker: Hon. Members, the Communication which should be in Mr. Speaker's folder – as I opened the folder – is not yet there.

(Laughter)

Order, hon. Members!

Hon. Members, you will, therefore, have to bear with the Chair for a few minutes as we await arrival of the Communication. It ought to have arrived ahead of me, but it is not in my folder.

(Loud consultations)

Order, hon. Members! Please, be patient! We will not adjourn or move out of here until the Communication is with the Chair.

(Loud consultations)

Order! Order! Hon. Members, I gave directions that I believe were clear: That we shall all remain seated within the Chamber. Those of you who may want to take a sip of water are at liberty to do so but we shall not transact anything else until the Communication arrives at the Chair.

Hon. Members: From where?

Mr. Speaker: From my office!

(Loud consultations)

(Mr. Kamama stood up in his place)

Order, Mr. Kamama! That direction is clear and the Chair will not entertain any other points of order. They will be deemed to be out of order and we will deal with them appropriately.

(Loud consultations)

Order, hon. Members! It would appear that it is taking longer than I anticipated but the position is that I perused the Communication in its final form as I prepared it but it needed a few corrections by way of grammar, spelling and things of that nature. However, your Parliamentary Legal Counsel, it would seem, requires a little more time than I thought he would. We will, therefore, have to suspend this Sitting for 15 minutes so that we can resume at 3.00 p.m. Hon. Members, please bear with me. It is so ordered!

(The House adjourned temporarily at 2.45 p.m.)

(The House resumed at 3.00 p.m.)

CONSIDERED RULING:

THE SPEAKER TO SERVE AS CHAIRPERSON OF HOUSE BUSINESS COMMITTEE

Mr. Speaker: Hon. Members, please, bear with me. It was necessary that just apart from the communication from my office, I verify and confirm that it is still in the form that I crafted it. I have been able to do that verification and I have authenticated the communication. I have appended my signature to it and there is only one communication that I have signed. If any other document circulates, it will not be mine.

Hon. Members, on Thursday, 23rd April, 2009, just as the House was about to resume the interrupted debate on the Motion for approval by the House, of the names of Members nominated to serve on the House Business Committee (HBC), the Member for Kisumu Town West, Mr. Aluoch, stood on a point of order claiming to rise on an issue touching on the ability of this House to defend the Constitution. The hon. Member noted that the Motion for approval of Members of the House Business Committee had been brought by the Vice-President as Leader of Government Business (LGB). He, however, sought to know from the Chair, who under our Constitution is supposed to move the Motion? Citing the definition of the “Leader of Government Business” in the Standing Orders, which at Standing Order No.2 defines the “Leader of Government Business” as “the Minister designated by the Government as the Leader of Government Business in the House”, the hon. Member posed the question and I quote: -“Who is the Government in the context of the Kenyan situation?”

The hon. Member went on to argue that the “Government”, in the context of the Kenyan situation is defined by the Constitution and the National Accord and Reconciliation Act, and that considering the functions of the Prime Minister as set out in

the Constitution, the inference from the Constitution and the National Accord is that the Leader of Government Business and the Chairperson of the House Business Committee is a constitutional affair. It was the argument of Mr. Aluoch that the Leader of Government Business ought to be the Prime Minister and that it would be unconstitutional for any other person to be the Leader of Government Business or the Chairperson of the House Business Committee. Mr. Aluoch, therefore, sought a ruling from the Chair on these matters before the House could proceed.

The Chair took the view that the matters raised by Mr. Aluoch were weighty and decided to hear a few more contributions from Members before indicating the way to proceed. What followed was a barrage of learned and educated opinions by many hon. Members canvassing various positions on the issues raised. In the process, a number of hon. Members also raised new issues which merit consideration and comment by the Chair. Some of the hon. Members who gave their opinions or raised issues include: Messrs. M. Kilonzo, Orengo, Imanyara, Dr. Machage, Messrs. Murungi, Ruto, Kenyatta, C. Kilonzo, Samoei, Nyambati, ole Ntimama, Bahari, Prof. Saitoti, Messrs. Okemo, Munya, Mrs. Ongoro, Dr. Shaban, Mr. Mbadi, Prof. Onger, Mr. Namwamba, Prof. Anyang'-Nyong'o; Messrs. Wakoli, Farah and Thuo.

Hon. Members, this list is not exhaustive neither is it intended to be. You will recall that at the end of all the contributions, I delivered a communication in which I, among other things, promised without prejudice to the ruling I undertook to deliver today, to seek direct audience with His Excellency the President and the Rt. Hon. Prime Minister with a view to bring the matter of the constitution of the House Business Committee, its Chairperson and Leader of Government Business to a speedy and amicable conclusion. I also undertook to make known to this House the result of that initiative. Indeed I will do so in the course of this communication.

Hon. Members, before I get to the heart of this ruling, let me remind you of what I said on Thursday, 23rd, April, 2009. I said then and I repeat now that the Office of the Speaker of the National Assembly of Kenya is singularly ill-equipped to advise on or determine for the Executive arm of Government and for that matter political parties, how they shall run their affairs. I further stated that the Speaker will limit himself to questions of constitutionality, statute and Standing Orders but only so far as this relates to the business and affairs of this House. Therefore, I want to make it very clear from the onset that subject to these qualifications that I have alluded to, I do not intend to traverse territory that is outside the province of my office.

Hon. Members, I have distilled the following issues from the points of orders and contributions made: -

- (a) What is the definition of the Government in the context of Standing Order No.2?;
- (b) Whether the Speaker, having recognized or allowed the Vice-President to appear before the House as Leader of Government Business is estopped from entertaining any questions as to the legality or propriety of his incumbency as such;
- (c) Whether the House has any role in the nomination or determination of the Leader of Government Business;
- (d) Whether the Constitution as read with the National Accord and Reconciliation Act provides for who shall be the Leader of Government Business in this House;

- (e) How any inconsistency between the National Accord and Reconciliation Act and the Constitution, or for that matter the Standing Orders, is to be resolved;
- (f) What the Speaker is to do in the event that he receives two different letters from the same Government designating different persons as Leader of Government Business in the House;
- (g) Whether the House can remove a Leader of Government Business and if so, through what procedure;
- (h) The procedure for the nomination of the chairperson of the House Business Committee and whether the nominee of Government for chairperson is to be part of the list submitted to the House for approval or is additional to that list; and,
- (i) Whether the House can proceed to approve the membership of the House Business Committee without regard to the question of who the Leader of Government Business or the chairperson of the Committee is.

Honourable Members, those are the issues. I seek your indulgence as the menu for determination is very long. Allow me to pronounce myself as concisely as I can on each of these issues, and I plead for your patience.

Honourable Members, the first and, probably, the most important issue is the question of who or what constitutes the “Government”, for the purposes of the designation of a Minister envisaged under Standing Order 2. This issue was canvassed at length and is at the core of the present impasse. Various documents were cited as providing the answer; including the Interpretation and General Provisions Act; Chapter 2 of the Laws of Kenya, the Constitution and the National Accord and Reconciliation Act. The simple question being asked is this: When the Standing Orders provide for designation of a Minister to be the Leader of Government Business in the House by the Government, who is envisaged to make that designation?

Honourable Members, the position of Leader of Government Business exists in virtually all Parliaments in the Commonwealth. There are, however, no hard and fast rules as to who shall hold that office. In some jurisdictions, the matter is expressly provided for in the Constitution and, while in others, it obtains by the statute or by the standing orders. The following few examples shall illustrate this point:-

In the Republic of Ghana, the Leader of Government Business is not specifically provided for in the Constitution and the holder of that office need not be a Minister. In fact, as of today, the Leader of Government Business in the Parliament of Ghana is not a Minister. He is not a member of Cabinet and cannot lay a paper in the House on behalf of a Minister. In the Republic of Uganda, pursuant to Article 108A of the Constitution, the Prime Minister is designated as the Leader of Government Business in Parliament. In the United Republic of Tanzania, under the Constitution, the Prime Minister is appointed by the President and is the Leader of Government Business in the National Assembly and has authority over the control, supervision and execution of the day-to-day functions and affairs of the Government. In the Republic of South Africa, the President appoints the Leader of Government Business in Parliament. In democracies with a longer history, such as the United Kingdom, and India, the Leader of Government Business is designated by the Prime Minister who is the Head of Government. There is, therefore, no universal rule of general application in this matter.

Honourable Members, in Kenya, the Office of the Leader of Government Business is recognized and defined only in the Standing Orders. I say that with emphasis. In Kenya,

the Office of the Leader of Government Business is recognized and defined only in the Standing Orders. The position as defined in the Standing Orders must be construed, not generally, but only in the context of the National Assembly. The holder is the leader of the business of the Government only for the purposes of the House. The expression “Leader of Government Business” is not, to my knowledge, to be found anywhere in the Constitution or in the National Accord and Reconciliation Act. The position is not established by or under any other statute. It follows that neither the Constitution nor any statute has the provision on the appointment of the Leader of Government Business in the House. In providing that the Leader of Government Business shall be the Minister designated by the Government, I find that, in terms of how the House functions, the Standing Orders mean no more than that the Leader of Government Business is to be the Minister designated by the Government. It is that organ that is entrusted with the running of the Executive arm of the Republic of Kenya. I hope hon. Members have followed that!

Hon. Members: Yes!

Mr. Speaker: I am most obliged! The office of the Leader of Government Business in this House has been held by various persons since Independence. At some time, the office has been held by the Vice-President, while at other times, it has been held by a Minister. The one constant thread running through is that the decision about who shall be the Leader of Government Business has always rested with the Executive.

Honourable Members, a number of Members suggested that as the Speaker had “recognized” the Vice-President acting as Leader of Government Business at some point, the Speaker was, therefore, estopped from entertaining any queries on the legality or propriety of the Vice-President’s incumbency as such. This is not so. The role of the Speaker, as is well known, is to act as a neutral arbiter. The Speaker is not a protagonist in the arena that is the House. The Speaker does not raise points of order on his own motion.

On 22nd April, 2009, the Speaker had before him a valid Motion. At that time, the Speaker had received only one letter from His Excellency the President, designating the Vice- President as the Leader of Government Business. When I called out the Leader of Government Business to move the Motion, I was, therefore, acting on this basis; on the basis that I had received one letter from the Government, from His Excellency the President. Indeed, the Motion was properly moved, seconded and proposed. As we speak, we have before the House a valid Motion. The view that since the Speaker had not raised issue about the legality of the situation, he is prevented from adjudicating on it when it is raised by any hon. Member is, therefore, not tenable. Similarly, the view that a Member cannot raise a point of order on the grounds that such a Member did not raise the point of order earlier is not correct. I rule that any Member can, at any time, raise a question on the constitutionality of any action or set of circumstances in this House and it is always open to the Chair to entertain and rule on the merits of such a question.

Hon. Members, on the question of whether the Constitution as read with the National Accord and Reconciliation Act provides for who shall be the Leader of Government Business in this House, I shall be brief. As I have said, the Leader of Government Business is defined only by this House through the Standing Orders. You will recall that when, as recently as 10th December, 2008, just four months ago, the House considered the question of who should be the Leader of Government Business, the House made its decision quite clear.

Hon. Members, when the House passed the new Standing Orders on 10th December, 2008, the House was aware of the provisions of the Constitution and the National Accord and Reconciliation Act. It was also aware of the respective constitutional powers and functions of both His Excellency the President and the Right Honourable Prime Minister. Yet, this House, in its wisdom, the hon. Members present here, resolved that the Leader of Government Business shall be a Minister designated by the Government. There is, therefore, clearly no room for inferring that either the President or the Prime Minister or the Vice-President or any other person is *ipso facto* the Leader of Government Business. This is because the Standing Orders, which recognize and define this office, expressly provide for how the holder of the office is to be arrived at.

Hon. Members, I do not find that there is room for inference or implication on this question. I rule that the definition of Leader of Government Business as provided for in Standing Order No.2, must be understood in its plain and ordinary meaning, namely, that any Minister (and “Minister” is also defined under Standing Order No.2 to mean the President, the Vice-President, the Prime Minister, a Deputy Prime Minister or other Minister, and includes the Attorney-General, an Assistant Minister, and any person who holds temporarily any such office) can be designated by the Government to be the Leader of Government Business in the House. You will find that in black and white in the Standing Orders.

Hon. Members, the answer to the question as to whether this House has any role to play in the nomination or determination of Leader of Government Business is by now apparent. This House has only a very limited role in the matter. The office of Leader of Government Business is recognized and defined in our Standing Orders, but the onus of designating the incumbent is placed on the Government. The role of this House is, therefore, limited through the Speaker, to receiving the name of the Minister designated by the Government and recognizing and facilitating that Minister to discharge his or her functions as Leader of Government Business in this House.

Hon. Members, I find after careful consideration that it will not be necessary to answer in any greater detail the question of how any inconsistency between the National Accord and Reconciliation Act and the Constitution, is to be resolved. I make this finding because in the present matter, that is, probably, a hypothetical question. I have not been able to find that there is any contradiction or inconsistency between the provisions of the Constitution and the National Accord and Reconciliation Act, or for that matter, the Standing Orders. This is because the Constitution itself anticipated this very question and answered it before it was asked. Section 3 of the Constitution makes it clear that if any law is inconsistent with our Constitution, the Constitution prevails and that other law shall to the extent of the inconsistency, be void. That is the general rule with which we are all very familiar. However, the same Constitution is quite clear at the same Section 3 that this general rule does not apply to the National Accord and Reconciliation Act, which is an Act made by Parliament pursuant to Section 15A(3) of the Constitution.

Hon. Members, those of you who are possessed of the Constitution now may want to look at those sections that I have referred to. The proviso to Section 3 of the Constitution stipulates that “the provisions of this section as to consistency with this Constitution shall not apply in respect of an Act made pursuant to Section 15A(3).” This is spelt out firmly by that proviso.

Hon. Members, the Constitution has made it clear that the National Accord and Reconciliation Act is not any other law within the meaning of Section 3 of the Constitution and Questions of consistency with the Constitution cannot be raised in respect of any of its provisions. To remove all doubt about this position, the Constitution goes further at Section 15A(5) to provide as follows:

“The Act made pursuant to subsection 3 immediately following the commencement of this section (that is, the National Accord and Reconciliation Act) shall, while in force, be read as part of this Constitution.”

The dichotomy between the Constitution and the National Accord and Reconciliation Act is not real. The two are read as one. Indeed, we have only one Constitution of the Republic of Kenya.

With respect to the question as to whether the House can vary a designation of the Leader of Government Business made by the Government, the answer is in the negative. The appointment of the Leader of Government Business is the prerogative of the Executive. The appointment of the Leader of Government Business is the prerogative of the Executive. He or she stands in a similar position as that of a Minister of Government, so that while the House might express dissatisfaction in him or her, and possibly even censor him or her, the ultimate decision whether to exit remains on the individual or the appointing authority.

Hon. Members, a number of contributions posed the question of what the Speaker should do in the event that he or she receives two different letters from the same Government, designating different persons as Leader of Government Business in the House. In ruling on this, let me, first, point out that the view that if the Speaker receives and possibly entertains one letter, he cannot entertain another letter cannot be sustained, because the power to designate a Leader of Government Business is not spent and exhausted by being exercised once. It is possible, and quite in order, for the Government to designate a different Leader of Government Business every other day and the Speaker is obliged to accept all such appointments, if they are properly made. The Speaker must, therefore, satisfy himself or herself that any designation he receives has been properly made.

In considering the matter of the two letters of designation, we need to address one fundamental question that is at the root of the present controversy. Once it is agreed that the proper authority to designate the Leader of Government Business has always been, and under the new Standing Orders remains, the Executive, the question we must address is whether the changes made in the Constitution with the introduction in it of the provisions of the National Accord and Reconciliation Act have any bearing on how the Executive should make the decision. There are three possible answers to that question. One option is to take the view that nothing in our constitutional dispensation has changed; that decision-making before and after the Coalition Government is the same; that the Executive shall make the designation the way it has always done and, therefore, the Speaker should receive and accept a designation of the Leader of Government Business if it accords with the practice and traditions of the House, and should reject any representations that do not accord with that practice.

Section 23, which deals with the executive authority of the Government of Kenya, and which was cited in the contributions that hon. Members made, and Section 24 of the Constitution, which, as hon. Members will recollect, deals with the constitution and

abolition of offices for the Republic of Kenya, and Section 52, which deals with the powers of the President in Parliament, are all of relevance.

Hon. Members, the Second option is to take the view that under the Constitution, as it now stands after the recent changes in it, the mechanism for designation by the Executive Arm has changed, and it is for the Speaker to interpret and set out the new procedure by which the Executive Arm shall designate the Leader of Government Business. In terms of this option, the Speaker will then accept only such designation as accords with the new procedure. This option advocates the supremacy of the National Accord and Reconciliation Act over the rest of the Constitution.

Hon. Members, I did plead for your patience at the beginning. Please, bear with me.

The third option is a hybrid view that recognizes the fact that there is the established traditional procedure, but also recognizes that the new constitutional arrangement may have affected that traditional procedure. In terms of this option, the Speaker's hands would be tied, as he would have to await a resolution by the Executive itself of the question whether, and if so, how the traditional procedure has been affected. The Speaker would then be bound by any agreement that emanates from the Executive as to the choice of the Leader of Government Business in the House. This view advocates a purposive and holistic reading of the Constitution. That is, we must all, as hon. Members and Kenyans, read the Constitution as a whole, and not in parts or in piecemeal.

Hon. Members, I am persuaded that it will be a grave abdication of my duty, as your Speaker, if I were to take the first or second of these options. In my considered view, only the third option is in consonance with the Kenyan reality. That reality is that following the general election held in 2007, our country went up in flames and tottered on the precipice of anarchy. More than 1,000 innocent Kenyans lost their lives. Thousands fled their homes. Some of these are still displaced, to this very moment. We could have perished. We were saved by the mercy of God, through intervention by the international community. Standing out in this intervention is His Excellency Kofi Annan and the Panel of Eminent African Personalities to whom we are greatly indebted.

An Accord was painstakingly negotiated as the country waited with bated breath. On 28th February, 2008, ululations rent the air. There was a collective sigh of relief. An agreement had been reached in the form of the Agreement on the Principles of Partnership of the Coalition Government. This agreement is now contained in our Constitution.

Hon. Members, allow me to quote some words from this agreement, which are found in the Schedule to our Constitution, as follows:-

“Given the current situation, neither side can realistically govern the country without the other. There must be real power-sharing to move the country forward and begin the healing and reconciliation process. With this agreement, we are stepping forward together, as political leaders, to overcome the current crisis and to set the country on a new path. As partners in a Coalition Government, we commit ourselves to work together in good faith as true partners through constant consultation and willingness to compromise.

This agreement is designed to create an environment conducive to such a partnership and to build mutual trust and confidence. It is not about creating positions that reward individuals. It seeks to enable Kenya's political leaders to

look beyond partisan considerations with a view to promoting the greater interest of the nation as a whole. It provides the means to implement a coherent and far-reaching reform agenda, to address the fundamental root causes of current conflict, and to create a better, more secure, more prosperous Kenya for all”.

Hon. Members, these words were uttered before the whole nation; before the whole world. What do they mean? Do they mean anything? Did the signatories to them intend them to mean anything? Hon. Members, these words are now read as part of our Constitution. When we, in this House, unanimously voted to make them part of our Constitution, what did we intend? What was our intention? What was the mischief we intended to address? What ruling on the Speaker’s part will address that mischief?

Hon. Members, the Speaker was also asked to rule on the procedure for the nomination of the Chairperson of the House Business Committee and whether the nominee of Government for Chairperson is part of this list or of, at least, 15 Members and not more than 21 Members as submitted to the House for approval or whether it is additional to that list.

The procedure for nomination of Chairperson of the Committee is to be found under Standing Order No.158. It is clear from a reading of paragraphs 1, 6, and 7 of that Standing Order that the Chairperson is one of the Members of the Committee in respect of whom the approval of the House is to be sought under Standing Order No.158 (1). Standing Order No.158(6) should be correctly construed. It does not say that any person that the Government nominates shall automatically be the Chairperson of the Committee. What it does say is that the person to be the Chairperson shall be a Member who is nominated by the Government. It is imperative to note that the words used are “nominated” and not “appointed by the Government.”

(Applause)

In my considered view, this means that the nomination by the Government does not automatically secure the appointment. The nominee is subject to the approval of this House.

(Applause)

Standing Order No.158 as read with Standing Order No.162 opens two options to the Government; either to indicate on the list tabled for approval, the person the Government has nominated to be the Chairperson so that the House approves this when approving the list, or alternatively, if the Government does not do this, to have its nominee subjected to the election procedure under Standing Order No.162 (1). In such an election, no person who is not a nominee of the Government is eligible to vie to be the Chairperson.

Hon. Members, on the question of whether the House can proceed to approve the membership of the House Business Committee without regard to the question of who the Leader of Government Business or the Chair of the Committee is, I rule in the affirmative.

(Applause)

Hon. Members, there is no, so to speak, “Siamese twins” relationship between these offices. There is no requirement in the Standing Orders or any other law that the Leader of Government Business be a Member of the House Business Committee or its Chairperson. It might be reasonable and convenient, but it is not a legal requirement.

Before I make my final ruling, let me make good my promise to report to the House the result of my initiative to seek audience with His Excellency the President and the Right hon. Prime Minister with a view to reaching a consensual and amicable settlement to the matter of the membership and chairperson of the House Business Committee as well as the Leader of Government Business.

Hon. Members, before I do so, let me make it clear that the office of the President of the Republic of Kenya is a very high office and an institution deserving of every respect and courtesy. The President is the Head of State, Head of Government and Commander-in-Chief of the Armed Forces of the Republic of Kenya. The office of Speaker will at all times accord to this office the esteem and respect that is owed to it. I further note that the office of the Prime Minister as enacted in the Constitution has important constitutional functions and is an office deserving of every respect and courtesy. Again, the Speaker shall accord to this office the esteem and respect that is owed to it. The organs and institutions of the Republic must be accorded due respect and dignity. It is, therefore, the earnest hope of the Speaker that this ruling and any other ruling or action of the Speaker in the exercise of the Speaker’s functions shall not be construed as derogating from that esteem or respect.

(Applause)

Honourable Members, I seek the indulgence of this House to report only that the initiative which I undertook, has not, so far, met with success.

Hon. Members: Shame! Shame!

Mr. Speaker: Order, hon. Members! Arising from all of the foregoing, in making my pronouncements on the matters in issue, I wish to invoke Standing Order No.1 of our Standing Orders. That Standing Order stipulates that in all cases where matters are not expressly provided for by the Standing Orders or by other Orders of the House, procedural questions shall be decided by the Speaker. It further stipulates that in so doing, that the decisions the Speaker makes shall be based on the usages, forms, precedents, customs, procedures and traditions of the National Assembly of Kenya and other jurisdictions to the extent that these are applicable to Kenya. The Standing Orders clearly did not envisage nor provide for the current impasse.

Hon. Members, I now rule as follows: Firstly, that in the current state of our Constitution, the laws and the Standing Orders, the office of the Speaker of the National Assembly is not well suited to determine and therefore, declines to determine who the Leader of Government Business shall be. In a situation where the Speaker has received two letters; one from His Excellency the President and the other from the Rt. hon. Prime Minister, each designating a different Minister as the Leader of Government Business, I am clear in my mind that the Constitution and the National Accord and Reconciliation Act contemplate only one indivisible Government of the Republic of Kenya.

Where the Speaker is faced with a situation eliciting uncertainty as to a designation made by the Government, such uncertainty is not for the Speaker to resolve. To endeavor to make a finding as to which of these letters is from the Government and which should be accepted is to miss the point with regard to the situation that we are in.

Hon. Members, with profound respect and much regret, I therefore, rule that the Speaker will await the name of one Minister consensually designated by the Government as the Leader of Government Business.

(Applause)

Hon. Members, it is the expectation of this House that the designation will be made in good faith through consultations and willingness to compromise within a reasonable time. In the interim, the Speaker shall do everything in his power to enable the business of this House to be transacted and to flow without hindrance.

(Applause)

The Speaker's role in this respect shall be limited to facilitation of the business of the House.

Hon. Members, during this interim period, those provisions of Standing Orders that require specific action by the Leader of Government Business such as Standing Order No.36 (4) will remain suspended.

Hon. Members, I therefore, direct that the Clerk of the National Assembly shall publish and circulate the business of the House as approved by the House Business Committee (HBC).

Secondly, in the same vein, considering that the Speaker has also received the names of two different nominees of the Government for chairperson of the HBC, no approval or election of the chairperson of the HBC shall be proceeded with by the House. Instead, with much regret and reluctance, I rule that the Speaker of the National Assembly, who under the Standing Orders is an *ex-officio* Member of the Committee, shall serve as the chairperson of the Committee.

(Applause)

Order, hon. Members! Instead, with much regret and reluctance, I rule that the Speaker of the National Assembly who is under the Standing Orders an *ex-officio* Member of the Committee, shall serve as the Chairperson of the Committee until such time as the Speaker shall receive the name of one Member consensually nominated by the Government for the position of the Chairperson of the HBC.

Hon. Members, let me emphasize that this is a purely interim arrangement dictated by the current situation and the Speaker will be happy to give way to the chairperson as soon as one is nominated. While serving as the chairperson of the HBC, the Speaker shall have neither an original nor casting vote. The Speaker has no interest in any particular matter. The Speaker has no business of his own to bring before the House.

Hon. Members, in reaching this decision, I have considered the procedures and traditions of a number of jurisdictions with similar circumstances as those of Kenya. In

Germany, which has useful lessons about coalition governments, the “Council of Elders” or the *Bundestag*, which is the equivalent of our HBC, is under Rule 6(1) of their Rules of Procedure convened by the equivalent of our Speaker. Similarly, in India and New Zealand, both commonwealth countries, the HBC Standing Order No.76 and the Business Advisory Committee (BAC) Standing Order No.287 respectively, which are the equivalents of our HBC, are chaired by the Speaker.

Closer home in Uganda, Rule 128 of the Rules of Procedure of Parliament, provides that the Speaker shall be the chairperson of the HBC and shall preside over sittings of the Committee and in his or her absence, the Deputy Speaker shall preside.

(Applause)

Hon. Members, the same position obtains in Tanzania where under Rule 91 of the Rules of Procedure under the heading, in Kiswahili, the language in which the Rules are written: -

“Muundo wa Majukumu ya Kamati ya Uongozi

1. Kutakuwa na Kamati ya Uongozi itakayokuwa na Wajumbe wafuatao:-

(i) Spika, ambaye atakuwa mwenyekiti;

(ii) Naibu wa Spika;

(iii) Kiongozi wa shuguli za Serikali Bungeni ama mwakilishi wake”;--

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Inaendelea hivyo mpaka Sera ya pili ambayo inasema: -

“Katibu wa Bunge atakuwa ndie Katibu wa Kamati’

Sera ya Tatu inasema:-

“Majukumu ya Kamati ya Uongozi yatakuwa ni kufikiria na kumshauri Spika kuhusu mambo yote yanayohusu shughuli za Bunge kwa jumla, ikiwa pamoja na kuweka utaratibu utakaorahisisha maendeleo ya shughuli za Bunge au za kamati yake yoyote endapo itatokea haja ya kufanya hivyo”

That is the Tanzanian position.

Finally, the duties of the Speaker are primarily to ensure that the business of the House proceeds. I, therefore, rule that immediately following this ruling, the House shall proceed with the Order on the Motion for the approval of the names of the Members proposed to serve in the House Business Committee so that, by tomorrow morning, the House can commence work on the legislative agenda set in the State Opening Address. Hon. Members, we must unlock the business of the House.

Hon. Members, as I stated before this House on 23rd April, 2009, extra-ordinary situations call for extra-ordinary measures. Hon. Members, I beg your indulgence to repeat that. As I stated before this House on 23rd April, 2009, extra-ordinary situations call for extra-ordinary measures. I have taken these extra-ordinary measures in the firm belief that the extra-ordinary situation in which this House, and by extension this country, finds itself, calls for extra-ordinary measures. In so doing, I have been guided by what I believe to be in the best interest of this House and our nation.

(Applause)

Hon. Members, I urge all of us to resolve with one accord, in common bond united, that the important business entrusted to us by the people of Kenya shall not and shall never be allowed to stall.

I thank you.

MOTION

APPOINTMENT OF HOUSE BUSINESS COMMITTEE

THAT, pursuant to the provisions of Standing Order No.158, the following be appointed as Members of the House Business Committee:-

1. Hon. Stephen Kalonzo Musyoka, MP
2. Hon. Uhuru Kenyatta, MP
3. Hon. Kiraitu Murungi, MP.
4. Hon. Shakila Abdalla, MP
5. Hon. Esther Murugi, MP
6. Hon. (Prof.) George Saitoti, MP
7. Hon. Mutula Kilonzo, MP
8. Hon. Moses Wetangula, MP
9. Hon. Adan Keynan, MP
10. Hon. George Thuo, MP
11. Hon. Musalia Mudavadi, MP
12. Hon. William Ruto, MP
13. Hon. (Prof.) Anyang'-Ny'ong'o, MP
14. Hon. Charity Ngilu, MP
15. Hon. Henry Kosgey, MP
16. Hon. (Dr.) Sally Kosgei, MP
17. Hon. Mohamud Maalim Mohamed, MP
18. Hon. Francis Chachu Ganya, MP
19. Hon. Thomas Lidindi Mwadeghu, MP
20. Hon. Robert Monda, MP
21. Hon. Jakoyo Midiwo, MP

*(The Vice-President and Minister for Home Affairs
(Mr. Musyoka) on 23.4.2009)*

(Resumption of Debate interrupted on 23.4.2009)

Mr. Speaker: Order, hon. Members, we shall now proceed with the business of the House. Order No.8 has already been called. This Motion, as I intimated in my Communication this afternoon, has already been moved, seconded and question proposed. Some Members have made contributions on this Motion.

Mr. Thuo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Mr. Thuo?

Mr. Thuo: Mr. Speaker, Sir, I did notify you earlier, of a proposed amendment. I now seek your indulgence to move the same.

Mr. Speaker: Order hon. Members! I confirm that I, indeed, earlier on today, received notice of a Motion that is authored by hon. George Thuo, who is one of our Chief Whips and co-authored by hon. Jakoyo Midiwo as our second Chief Whip. Hon. Members, this Motion is regular.

Mr. Thuo, you may proceed.

Mr. Thuo: Mr. Speaker, Sir, before I move this amendment, may I say, for the benefit of my colleagues, that this Motion has been mutually agreed on between the two sides of the House.

Mr. Speaker, Sir, I beg to move:-

THAT, the Motion be amended by deleting the following names:-

1. Hon. Kiraitu Murungi, MP
2. Hon. Shakila Abdalla, MP
3. Hon. Esther Murugi, MP
4. Hon. Moses Wetangula, MP
5. Hon. (Prof) Anyang'-Nyong'o, MP
6. Hon. Henry Kosgey, MP

and substituting in place thereof, the following names:-

1. Hon. Beth Mugo, MP
2. Hon. Martha Karua, MP
3. Hon. (Dr.) Bonny Khalwale, MP
4. Hon. Musikari Kombo, MP
5. Hon. Dr. Joyce Laboso, MP
6. Hon. Raila Odinga, MP

Mr. Speaker, Sir, hon. Members will note that we have spent a lot of time since we attempted to move this Motion. The first adjournment was given specifically to allow us to make some more consultations. To this end, I wish to thank both sides of the House for a job well done. I know and I am informed, particularly from the ODM side, because I was there for the PNU discussions---

Mr. Ruto: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Mr. Ruto? I thought you would be patient enough to allow the amendment to be moved!

Mr. Ruto: Thank you, Mr. Speaker, Sir. I would like to be patient, but the hon. Member has talked about "the two sides of the House" twice. We are talking about one Government! There are no "two sides of the House". There is no Opposition and the Government sides. Therefore, he should correct that in the spirit of your ruling.

Mr. Speaker: Mr. Thuo, I think that is a legitimate point of order.

Mr. Thuo: Mr. Speaker, Sir, I have no doubt that he got me correctly, but if it makes him happy, the Coalition is functioning very well. Indeed, the Coalition engaged in very useful and fruitful discussions that culminated in the amendment that I am now proposing.

Mr. Speaker, Sir, there are many reasons why we are very happy, and pleased as a House, to name Members of the House Business Committee to facilitate the business of this House. One obvious reason is that we were recalled specifically to transact business.

It is not transacting business when we sit here for a week and do not provide any business to this House.

We, as politicians, are expected by the public to debate issues that are relevant to them. The issues that we have had in the last one week have not been very relevant, but I believe that the public will bear with us and understand the importance of clarifying some of these matters. Many of us have spoken lately about snap elections and yet, it is very clear that we do not have an electoral commission. Passing this list will facilitate that particular business.

Mr. Speaker, Sir, as we pass this amendment, one hopes that, as we retire to the House Business Committee meeting, the spirit of brotherhood and the will to compromise, as enshrined in the National Accord, will be rekindled and allow us to bring relevant business to this House.

I beg to move.

Mr. Midiwo: Thank you, Mr. Speaker, Sir. I rise to second the amendment. I want to say that we have agreed. As you know, the original objection to the list was that both parties had not accommodated, or taken into account properly, the gender issues. We, in the ODM, met and decided that we should make proper adjustments to accommodate that. We hope that the whole House is happy with the list that we, as the Whips and the parties, are proposing as amended.

Mr. Speaker, Sir, I want to thank you for trying to make us move forward. What has happened this afternoon is what should have happened last week because I think the country has to move forward. The Deputy Prime Minister and Minister for Finance stood here last week and said that Government Ministries were basically broke because Parliament had not approved the Supplementary Estimates. It is imperative that we, as Members of Parliament, work together in accordance with the spirit of the Accord. We came together after bloodshed. That blood has not sunk into the ground. I want to plead with my colleagues that we need, we can and are able, to rise to the occasion.

We look forward to your leadership in the House Business Committee. I hope that after this, we shall retreat upstairs and give this House business.

With those many remarks, I wish to support and second.

(Applause)

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

The Assistant Minister for Trade (Mr. Omingo): Thank you, Mr. Speaker, Sir, for giving me an opportunity to contribute and support this amendment. First, let me say that someone once said that they were looking for a wise man who once saved the life of a child. I want to remind you today, Mr. Speaker Sir, that the person who was being quoted then was Solomon and I want to tell you that you have been our Solomon today for this country.

(Applause)

What you have done today is critical and we have to understand where we are coming from. Kenyans are looking up to us for leadership. We really must provide leadership as Kenyans. What we witnessed was the issue of grandstanding. When things are easy and when there is comfort, we go to sleep and forget where we have come from. I want to prove to this House, and Kenyans are watching us, that true, we must watch for good and bad things. Let us engage and stretch our arms to shake hands as opposed to shaking someone's hands with a clenched fist.

What is critical, and I want to state here for the record, and is ailing us is selfishness. This country called Kenya has wonderful resources and enough for everybody. But because we have a long spoon and one brother cannot feed himself and instead of him accepting to be fed by his brother, you want to feed yourself and forever, we shall stay starving. Let us embrace ourselves, open our hands and look forward in terms of building the Kenya that we fought for and the peace that we enjoyed after the bloodshed. I do not want us to go into this *impasse* and sooner or later, in less than a week or so, I hope that the two Principals will see reason and get to engage.

Thank you, Mr. Speaker, Sir.

I beg to support.

The Minister for Housing (Mr. Shitanda): Thank you, Mr. Speaker, Sir. I also wish to support the amendment. As I sat here, looking at you issuing your Communication from the Chair, I could see that you were at great pains trying to define and describe what "Government" is. We are having many problems trying to interpret law in this House. We have had this *impasse* because of our different interpretations of the National Reconciliation and Peace Accord and the Constitution of Kenya, and yet this Parliament boasts of quite a number of lawyers. In fact, the National Reconciliation and Peace Accord was drafted by lawyers from this House. Sometimes when laws are created that tend to confuse those people that they are supposed to serve, some of our lawyers in this House are very quick to run away from taking responsibility for having crafted those laws. They start telling you things like "you cannot read the National Reconciliation and Peace Accord in isolation of the Constitution" and that you should read them together.

If the creators of Parliament intended laws to be as complicated as that, I am sure that they would also have dealt with the composition of the same Parliament. Maybe there would have been a rule that Parliament would only be constituted by lawyers. So, I am pleading with the learned friends in this House that, as they try to interpret these laws, they should remember that we are doing it for Kenyans. We should not be doing it for the individuals that we support and for the parties we belong to. We have wasted a whole week trying to debate one issue. Thank God we have a very able Speaker who has come out very ably today.

By the way, none of us in this Chamber expected you to come up with the ruling that you have come up with today. Members on this side of the House thought that you would side with their view while the Members on the other side thought that you would side with their view. We thank God you have come up with a ruling that is going to move this country forward. As we retreat and go back to our various parties, as Mr. Omingo has said, let us try to engage and give the impression to Kenyans that we have one country and one Government.

It is shameful for us, in Government and in the country, to operate as if there are two governments. For you to receive two letters from the same Government--- I do not

know what some of us would have done if we were in your position. Maybe we would not have given the kind of ruling that you have given. We would have thrown this country into a mess by making a partisan ruling that would have thrown this country back to where it came from.

I want to thank you very much. This is the second time that you have risen to the occasion to save this country and make it move forward. May God bless you.

Mr. Mungatana: Mr. Speaker, Sir, I thank you for giving me this opportunity to make my contribution in support of the amended Motion.

Mr. Speaker, Sir, there are some words that we see in the National Anthem. Sometimes we sing them, but do not think about them. These are words with deep meaning. They say: "May justice be our shield and defender". I want to agree with hon. Members, who have spoken before, that you have done justice to this House today. If this Motion that has kept this House pending for a whole week had been brought in that spirit, we would not be in the situation we are in today. We are in this Government of Coalition. The message this Parliament is sending to the Principals is that we have to be fair and just to all sides of this House. Whether we like it or not, we are in a Grand Coalition Government. Both the Back Bench and the Front Bench want to work for the betterment of this country. Our people are looking forward to our direction.

Mr. Speaker, Sir, I say again, may justice be our shield and defender.

With those few remarks, I beg to support

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): Mr. Speaker, Sir, I also reluctantly want to support this Motion. I saw how difficult it was for you to make your ruling.

Mr. Speaker, Sir, I would support it because of a Kiswahili saying which says:- *Fahali wawili wakipigana, nyasi huumia*". As we continue quarrelling here and political bickering across the country, it is the common *mwananchi* who is suffering out there. We also forget that Kenyans are hungry. We forget that the IDPs are still out there. Rains have come and they are suffering in the cold. Many youths in this country are not employed. I also do not believe that this House is aware how desperate Kenyans are. I am not very sure that this House is aware of the hatred out there, when they see us always complaining, wrangling and behaving like that traditional goat which bleats when its mouth is full.

Mr. Speaker, Sir, we have a lot to do for this country. We, as leaders, are comfortable and enjoying our lives. However, we cannot make a decision on having a Leader of Government Business. Section 17 of the Constitution is very clear that the Cabinet is collectively responsible to this National Assembly. There is a sitting Cabinet which would have assisted before you even made this ruling. They would have sat together as a Cabinet and made a decision on who should be the Leader of Government of Business.

Having said that, there is urgent need to have this House Business Committee. First, we have heard comments from some leaders over the weekend. Some have been calling for snap elections and so on. I was wondering whether they are not aware that we have no electoral commission in place. I would like us to discuss very fast about the Interim Independent Electoral Commission (IIEC), so that we can constitute it. Let us have Kenyans registered. They can do so in their constituencies. My prayer is that we do not ever conduct general elections in this country without a new Constitution. This is

because, at the end of the day, we shall be very dishonest. By attempting to conduct any general elections under the current Constitution, we will be setting this country on fire. By so doing, we shall be fueling a burning fire. So, if we are patriotic enough and we are thinking of our daughters and sons, we should enact a new Constitution. For some of us, our daughters and sons have not yet finished their primary school. We should go ahead and make a decision to stop these quarrels we have had for the last one ear. We must speed up the process of constitution-making. After one year, when we have a new Constitution in place, I would be the first person to call for a general election.

Otherwise, I beg to support.

The Minister for Medical Services (Prof. Anyang'-Nyongo): Mr. Speaker, Sir, I rise to support the amended Motion.

Mr. Speaker, Sir, I would like to remind the House that what has happened in this House last week is a very useful debate. Let us not complain and regret that this debate took place. Many of us have been made more aware of the National Accord than we were before. This is important for nation building. Social changes always occur as a result of contradictions. Some contradictions are minor, while others are major. Major contradictions bring revolutions when the change occurs. Minor contradictions bring changes that we see today, and better understanding. So the Speaker has today clarified the contradictions in the National Accord and Reconciliation Act and the Constitution. Hon. Members of Parliament are wiser than they were before. Therefore, complaining or regretting that we have wasted a week, is actually incorrect. We have learnt something; moved forward. We are more wiser today---

Mr. Mbadi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Mr. Mbadi?

Mr. Mbadi: Mr. Speaker, Sir, with all due respect to the Professor who is on the Floor, given that the amendment to the Motion was concurred upon by both Whips, and given your ruling today in the House, and given the fact that we have taken more than one week without any business, I would seek your indulgence to put this Motion to the vote, so that we can give Members of the House Business Committee time to go and come up with the business of the House.

(Applause)

Mr. Speaker: Hon. Members, the point of order raised by the Member for Gwassi is genuine and, going by the mood of the House, I will now put the Question.

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

*(Question of the second part of the amendment, that the
words to be inserted in place thereof be inserted,
proposed)*

*(Question of the second part of the amendment, that the
words to be inserted in place thereof be inserted,
put and agreed to)*

Hon. Members, we will now proceed with the Motion as amended.

(Question of the Motion as amended proposed)

The Minister for Agriculture (Mr. Samoei): Mr. Speaker, Sir, I join my colleagues in congratulating you for the position you have taken this afternoon in providing the way forward for this House which has been engrossed in a stalemate for the last one week.

Mr. Speaker, Sir, I support the list that has been put forward, through consultations. I think it is important that this list was renegotiated, so that we can bring on board the rainbow of views and opinions represented in the various political parties. With this stalemate behind us, I think we should now move with speed to facilitate the business of this House, so that we can begin to implement the agenda that has been laid out very ably for us in the Accord.

Mr. Speaker, Sir, there are urgent issues that have been presented here by the Deputy Prime Minister and Minister for finance. Among them, is money that is urgent for wheat farmers to be paid, so that they can go back to their farms and produce food for this country.

In the Supplementary Estimates, as well, there is money for purchase of fertilizer that is currently being held by the Government for the Kenyans who require it. So, it is quite in order that we have risen to the occasion as Members of this House, this afternoon, to agree with you in your ruling, so that we can move this country and the agenda of this House forward.

Mr. Speaker, Sir, I want to end by saying that we should not demean ourselves by what has happened. I think we are better informed. The spirit that has been rekindled this afternoon, that brought this Grand Coalition Government together, should guide the proceedings of this Session of Parliament, so that, indeed, we can remain focused on the reasons why we formed the Grand Coalition Government, and that was to deliver on the agenda items that were listed very ably in the Accord. The Accord was to bring around issues of a new Constitution, which we agreed on and have committed ourselves to enacting within one year; inequality that, I hope, we can tackle in the new Constitutional dispensation, land reforms and the other issues that are listed therein, and that need to come to this House, so that Members of this House can address themselves to them; they should be rolled out, so that we can change this country for the better.

Mr. Speaker, Sir, I beg to support.

Mrs. Shabesh: Mr. Speaker, Sir, I want to thank you and support this list that has been tabled.

Mr. Speaker, Sir, my main point that I want to bring forward is the inclusion of women in the list and the reason the House had to adjourn to include women. I would like this House to take seriously the issue of having women represented in all Committees of the House. Your ruling not only adds value to that, but I also insist that it is about time when lists are being made in this House, we did not have to always make it as if women are being done a favour. It is imperative for this House to note that the inclusion of women is part and parcel of the policies in most of the party manifestos that have been registered with the Registrar of Political Parties.

Mr. Speaker, Sir, secondly, as a Coalition Government, and in the Pan African Parliament, one of the issues that is raised is: What is the glue that holds together a Coalition Government? As Kenya, we have been asked many times: "Why do you think you will have success or failure in your Coalition?" I have said before, and I want to repeat it, that the glue in the Coalition Government, for me, is not really the two Principals. It is the Speaker of this House. Today, I am happy that, from the comments I have heard from colleagues, it is obvious that the two Principals could many times take the Coalition Government the wrong way. But if you have a Speaker who is willing to see far and save the country, then you have a coalition that will work.

Mr. Speaker, Sir, thank you for restoring the confidence of Kenyans in this House.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Thank you very much, Mr. Speaker, Sir. You may recall that, in my contribution on Thursday, I appealed passionately to the hon. Members to ensure that, on that Thursday, the House would leave having appointed the House Business Committee. I did enumerate the reasons behind that and I do not want to repeat them. But, basically, what I stated as the main concern was the fact that our own people are going through unprecedented problems of hunger as a result of failed rains, unemployment for the majority of our youth, the Internally Displaced Persons (IDPs), who are still languishing out there in the camps and economic problems. Therefore, it is, indeed, encouraging that, in your own ruling, you have been able to come out with a temporary formula to provide the mechanisms that are going to allow this House to transact business, so that the challenges that this nation faces will be addressed.

Mr. Speaker, Sir, I am sure that the time you spent over the weekend agonizing over how to get out of this stalemate has not been wasted at all. Your ruling is one that we do accept. I should, however, also say that it is, of course, encouraging to note that the two Whips have clearly consulted adequately, in the light of the fact that the list, which has been presented here, is one that reflects consensus. We, therefore, do accept that.

Mr. Speaker, Sir, let me, however, say that we do appreciate the fact that there are certain areas that, in your own wisdom, you did say do not lie within your own competence, in the sense that we do have separation of powers that gives us the Executive, Parliament and the Judiciary. You were right in saying that the designation of the Leader of Government Business, as well as the nomination of the Chairman of the House Business Committee, lies with the Executive. You also went to great length to elaborate on the basis of the legal observations you made.

Mr. Speaker, Sir, I want to end by saying the following: One, we all hope that this is going to be the very end of the quarrels within the Coalition. One thing that still remains in my mind, and that of the other hon. Members here, is that, yes, it is the Government that is supposed to designate the Leader of Government Business and, equally, the nomination of the Chairman of the House Business Committee. That issue is one that will have to be sorted out. It is not going to be here, but it has to be sorted out as to who really does the designation. I am not a lawyer, but I do believe sincerely and firmly--- That is why I felt that I must give this matter a clear definition. Wherever it is going to be found, it must tell us, without any ambiguity, who in the Government designates the holder of those positions.

Mr. Speaker, Sir, with those few observations, I beg to support the Motion.

The Minister for Water and Irrigation (Mrs. Ngilu): Thank you, Mr. Speaker, Sir. I stand to support this Motion and the list of the Members of the House Business Committee (HBC) as constituted. I was one of those who opposed because gender parity had not been considered. I am happy that, that has been done now. I would like to say that let us not always be made to ask for ourselves. Let the inclusion of women in all decisions that are being made be automatic so that we do not have to ask.

Mr. Speaker, Sir, I also stand to congratulate you for the decision you have made today. The whole country was really tense and waiting for the decision that you were going to make. When I listened to Mr. Mutava Musyimi last week, he said that he hoped that you were going to use your sword and you said that you were not going to use any sword like King Solomon did. For sure, you have not used your sword but you have ruled correctly so that the two Principals of this Grand Coalition Government can sit down and agree and provide leadership. What is happening in this country at the moment is that, as leaders, we do not want to consult each other or listen to each other. We want to speak to each other through the media, over the weekends during funerals, rallies and weddings. This has brought this country to its knees and I wish, for once, the President and the Prime Minister could remember where they have come from and the issues they always brought out and wanted to do. I remember that we, in the Government, told the retired President Moi that once we were in the Government, we wanted him to retire, to go and look after his goats, sheep and cattle and watch and see how good Government and governance is done in a country. Wherever Mzee Moi is sitting today, he is just saying: "Is this what these people meant?" I, therefore, want to say today that President Kibaki and the Prime Minister have come from far together. This mistrust between the two of them, that they cannot want to work together because one of them suspects the other one is going to outdo the other, is not going to work in this country.

I know that somebody has said that we are not ready for an election. But in the event we find ourselves unable to work together, there will be need for us to conclude the issue of the IIEC, approve it and go for the General Elections because the country is just tired of what is happening. Corruption goes on in this country unchecked. Talking at each other goes on in this country but every time we speak as leaders, we are talking about the suffering of Kenyans. Who are these Kenyans that we are talking about if we talk about the suffering of Kenyans yet we are doing nothing about it? It is high time we took the mantle of leadership and ensured that we did what is right for this country.

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

The Assistant Minister, Ministry of State for Defence (Mr. Musila): On a point of order, Mr. Speaker, Sir. We have heard very beautiful contributions from hon. Members and, as it was said by Mr. Mbadi, would it not be in order that you put this matter to vote so that this Committee that we support may go straight to business?

Mr. Speaker: Order, hon. Members! Given the contributions that have already been made on this matter, the point of order by Mr. Musila is genuine and the mood of the House appears to be in support of it. So, I will put the Question.

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

Resolved accordingly:

THAT, pursuant to the provisions of Standing Order No.158, the following be appointed as Members of the House Business Committee:-

Hon. Stephen Kalonzo Musyoka, MP
Hon. Uhuru Kenyatta, MP
Hon. Beth Mugo, MP
Hon. (Prof.) George Saitoti, MP
Hon. Mutula Kilonzo, MP
Hon. Martha Karua, MP
Hon. (Dr.) Bonny Khalwale, MP
Hon. Adan Keynan, MP
Hon. Musikari Kombo, MP
Hon. George Thuo, MP
Hon. Raila Odinga, MP
Hon. Musalia Mudavadi, MP
Hon. William Ruto, MP
Hon. Charity Ngilu, MP
Hon. (Dr.) Sally Kosgei, MP
Hon. Mohamud Maalim Mohamed, MP
Hon. (Dr.) Joyce Laboso, MP
Hon. Francis Chachu Ganya, MP
Hon. Thomas Ludindi Mwadeghu, MP
Hon. (Dr.) Robert Monda, MP
Hon. Jakoyo Midiwo, MP

Mr. Speaker: Hon. Members, the Members who have been appointed by the House are requested to meet in Committee Room No.7 immediately the House rises.

ADJOURNMENT

Mr. Speaker: Hon. Members, that concludes the business for today. The House is, therefore, adjourned until tomorrow, Wednesday, 29th April, 2009, at 9.00 a.m.

The House rose at 4.45 p.m.