

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 4th December, 2012

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATIONS FROM THE CHAIR

Mr. Speaker: Hon. Members, I have the following communications to make.

ASSENT TO BILLS

First, is with regard to returns on Bills received from the hon. Attorney-General pursuant to the Standing Orders. Standing Order No.125 requires the Attorney-General to present to the President within 14 days of receipt from the Clerk every Bill passed by this House. Thereafter, at the expiry of 14 days the Attorney-General is required to file a return to the Speaker indicating the time and date that the Bill was presented to the President. The returns now received indicate that the following five Bills which were all passed by the National Assembly on various dates were presented by the Attorney-General to His Excellency the President for assent and were all duly assented to as hereunder:-

1. The Traffic (Amendment) Bill, 2012 which was passed by the National Assembly on 25th September, 2012 and duly assented to on 1st November, 2012.
2. The Traffic (Amendment) Bill, Bill No.2 of 2012 which was passed by the National Assembly on 25th September, 2012 and duly assented to on 1st November, 2012.
3. The Central Bank (Amendment) Bill, 2012 which was passed by the National Assembly on 13th September, 2012 and duly assented to on 1st November, 2012.
4. The National Cohesion and Integration (Amendment) Bill, 2012 which was passed by the National Assembly on 2nd October, 2012 and duly assented to on 12th November, 2012.
5. The Energy and Communications Law (Amendment) Bill, 2012 which was passed by the National Assembly on 26th September, 2012 and duly assented to on 12th November, 2012.

I thank you.

VOTER REGISTRATION

Hon. Members, as you are aware, during the launch of voters registration at the Kenyatta International Conference Centre by His Excellency the President, Hon. Mwai Kibaki on 19th November, 2012, the Chairman of the Independent Electoral and Boundaries Commission (IEBC), Mr. Ahmed Issack Hassan recognized the support of Government, the State Law Office,

other agencies and, indeed, Parliament for working closely with the Commission in achieving its mandate.

Hon. Members, the Constitution of Kenya, 2010 guarantees the freedom of citizens to exercise their political rights through taking part in a regular, free and fair election. To participate during the elections, citizens must be registered voters. The registration is ongoing with only 15 days left yet the target of registering over 18 million voters is far away below the expectations. It is on this note that I appeal to all Kenyans who hold the National Identification Card or a valid Kenyan passport to turn up in large numbers to register at the centres at which they intend to vote during the 4th March, 2013 General Elections.

This is, therefore, to appeal to all hon. Members to come out robustly and encourage Kenyans to register as voters within the remaining two weeks.

I thank you.

DEPLOYMENT OF KDF IN BARAGOI AND GARISSA

Hon. Members, you will recall that on Wednesday, 21st November, 2012, the Member for Gem, hon. Jakoyo Midiwo rose on a point of order seeking the guidance of the Chair on the constitutionality of the involvement of officers of the Kenya Defence Forces in Baragoi, Samburu District and in Garissa.

In summary, the hon. Member sought guidance on the following:-

(a) whether the involvement of officers of the Kenya Defence Forces in Baragoi and Garissa did not require the prior approval of the National Assembly as it amounted to assistance and co-operation with other authorities in situations of emergency or disaster within the meaning of Article 241(3)(b) of the Constitution; or

(b) Whether the involvement of officers of the Kenya Defence Forces in Baragoi and Garissa required the prior approval of the National Assembly as it amounted to a deployment to restore peace in an area affected by unrest or instability within the meaning of Article 241(3)(c) of the Constitution.

It is a matter of public knowledge that the issue raised by hon. Midiwo has been litigated in court and I wish to pronounce myself on it after perusal of the pleadings in court bearing in mind the principle of *sub judice*.

From the foregoing, therefore, I wish to inform the House that I will issue the Communication sometime next week.

I thank you.

PAPER LAID

The following Paper was laid on the Table:-

Sessional Paper No.10 of 2012 on the Kenya Vision 2030.

*(By the Minister of State for Planning, National
Development and Vision 2030)*

Mr. Okemo: Mr. Speaker, Sir, I rise on a point of order to request the Chair to give direction as to what should be done because we actually laid a Paper on the Table of this House

and also had the Motion approved for debate about two-and-a-half months ago. I would like to seek the Chair's direction as to why time has not been allotted and whether this could be done this week or next week.

Mr. Speaker: Fair enough. The Member for Nambale, I am aware of that matter following the concern similarly expressed by the Member for Ikolomani last week when I gave directions that the House Business Committee (HBC) considers allotting time to that business. In fact, last week I directed that it happens on Thursday. I am aware that the HBC deliberated on the matter and directed that the Committee holds a meeting which you, the Member for Nambale, has informed in your capacity as the Chairman of the Departmental Committee that, in fact, your Committee met and you are standing by the Report.

Under those circumstances, given that the Report was properly tabled, I want to urge the HBC to allot that Motion time as much as possible this week. If they have any reason not to do so this week, then at the very latest, next week. I would like somebody to hold brief for the Leader of Government Business. Is there any Member of the Front Bench who serves in the HBC in the House this afternoon? I see none, but I can see a seasoned Member of the Front Bench. Hon. Wetangula, you know what this means. Committee reports under normal circumstances are given priority over other business. Would you like to convey the gist of my communication to the Leader of Government Business or his Deputy?

The Minister for Trade (Mr. Wetangula): Much obliged, Mr. Speaker, Sir.

Mr. Speaker: Very well. Please, ensure that you do so.

NOTICE OF MOTION

ADOPTION OF SESSIONAL PAPER NO.10 OF 2012 ON VISION 2030

The Minister of State for Planning, National Development and Vision 2030 (Mr. Oparanya): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts Sessional Paper No.10 of 2012 on Kenya Vision 2030 laid on the Table of the House today, Tuesday, 4th December, 2012.

ORAL ANSWERS TO QUESTIONS

Mr. Speaker: Hon. Members we will take those Questions that pertain to the Ministry of Lands first because the Minister is obligated to be elsewhere at a very urgent function. So, I will take Question No.1674 first. Is the Member for Makueni in the House?

Mr. Mwau: Thank you, Mr. Speaker, Sir. I rise to ask Question No.1841 on the Order Paper.

Mr. Speaker: Order! You are not the Member for Makueni. You are the Member for Kilome!

Mr. Mwau: I am sorry, Mr. Speaker, Sir.

Mr. Speaker: Yes, the Member for Makueni!

Question No.1674

RESETTLEMENT OF YAKIVIMBU SUB-LOCATION SQUATTERS

Mr. Kiilu asked the Minister for Lands:-

(a) whether he could clarify whether the process of reserving the Government land at Yikivimbu sub-location as a squatter settlement scheme as per his undertaking when answering parliamentary Question NA: 10A/Q/1/056 on 11th May 2009 is complete or not; and,

(b) whether he could also assure the House that priority will be given to the 392 families residing on the Government land during the settling exercise.

The Assistant Minister for Lands (Mr. Rai): Mr. Speaker, Sir, I beg to reply.

(a) The process of reserving the Government land occupied by squatters at Yikivimbu Sub- location has been finalized. Surveying, vetting, verification of the squatters and allocation will be undertaken this financial year.

(b) I am also assuring this House that all those identified as *bona fide* squatters in the scheme will be considered during the settlement exercise.

Mr. Kiilu: Mr. Speaker, Sir, I would like to thank the Assistant Minister for the information that he has supplied. However, could he confirm how many squatters he has identified who will benefit from this scheme?

Mr. Rai: Mr. Speaker, Sir, there are 392 squatters who have actually been identified as of now, but in the event they appear to be more, we will be in a position to accommodate them. Right now we have 392 squatters who have been identified.

Mr. Njuguna: Mr. Speaker, Sir, while thanking the Assistant Minister for that clear answer, could he indicate when the Government will embark on settling the squatters on the land?

Mr. Rai: Mr. Speaker, Sir, settlement schemes or land adjudication is always done upon request from the ground. Once that has been done we will be in a position to know what needs to be done so that all genuine squatters are settled.

Mr. Kiilu: Mr. Speaker, Sir, I would like the Assistant Minister to give me the list of all the squatters he intends to settle in this scheme.

Mr. Rai: Mr. Speaker, Sir, currently, we are on the preliminary identification. So, the list will be available in my office. I request my colleague to pass by the office of the Director of Land Adjudication once the list has been submitted so that he also confirms that it is the correct list.

Question No.1692

OWNERSHIP OF LAND PARCEL LR.NO.13815

Mr. Speaker: Yes, the Member for Cherangany! It is possible that the Member for Cherangany believed that this Question would be called last. Please, hon. Members, note that Question Time commences at 2.30 p.m. and if your Question is on the Order Paper, it may very well be called first. However, because of the presumption under which the Member for Cherangany may be operating I want to defer this Question to Thursday, this week.

(Question deferred)

So, Mr. Assistant Minister you are at liberty to leave now. I think you have dealt with your Questions.

The Assistant Minister for Lands (Mr. Rai): Much obliged, Mr. Speaker, Sir.

Mr. Speaker: We will now go back to Questions by Private Notice. Member for Kisumu Town West!

QUESTIONS BY PRIVATE NOTICE

DEMOLITION OF HOMES/COMMERCIAL PROPERTIES ON OTONGLO-KISIAN ROAD BY KENHA

Mr. Olago: Mr. Speaker, Sir, I beg to ask the Minister for Roads the following Question by Private Notice.

(a) Is the Minister aware that Kenya National Highways Authority (KeNHA) is threatening to demolish homes and commercial properties to give way for the construction of a second carriage way on Otonglo-Kisian road and the inter-changes at Otonglo and Kisian intersections?

(b) Why has KeNHA failed to attend all subsequent meetings after the public consultation on the resettlement action plan meeting held at Kisian Primary School on 20th April, 2012 and indicate why the Authority issued a public notice in the media on 5th November, 2012 asking members of the public to vacate the area before the conclusion of the public consultations?

(c) Why has KeNHA not engaged the public on the process of compensation to the affected people and instead insisting on demolitions of buildings and property?

The Assistant Minister for Roads (Dr. Machage): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the Kenya National Highways Authority (KeNHA) issued notices to owners of illegal structures encroaching on road reserves along Nyamasaria-Kisumu-Kisian, including the Kisumu Bypass Road to remove them failure to which will lead to demolitions. I am also aware that the meeting of 20th April, 2012 was to discuss resettlement issues along the Kisumu Bypass between Mamboleo and Otonglo which were completed.

(b) The KeNHA is not aware of any meeting that took place thereafter.

(c) Mr. Speaker, Sir, KeNHA engages and compensates individuals and institutions whose land is to be acquired for road construction purposes. However, in case of encroachment upon legally recognized road reserves, KeNHA has no allocation for compensation.

Thank you, Mr. Speaker, Sir.

Mr. Olago: Mr. Speaker, Sir, I would kindly urge you to order that this Question be deferred to sometime later this next week, so that the real issue that is at stake can be addressed properly. I say so because the answer that I have been given relates to ordinary acquisition of land for road purposes, but my Question does not relate to the land acquired that is in excess of the 30 meters on either side. I was referring to the area between Otonglo and Kisian. As for the railway line running parallel to the main road, the distance is about 30 meters apart. So, the extra 30 meters that is required has to be acquired privately. That is what I was talking about. The 30 meters that is on the road reserve is not in dispute, but the extra 30 meters that will be acquired. This has not been addressed.

I appreciate the fact that, maybe, that part was missed because of the urgency of the Question. I would have no objection at all if the Assistant Minister could go back and address the issue of the extra 30 meters and inform the House later this week.

Mr. Speaker: Assistant Minister, are you in concurrence with that proposal?

Dr. Machage: Mr. Speaker, Sir, really, there is no reason why the answer to the Question should be delayed. The Ministry of Roads will always compensate any extra land that we acquire for purposes of road construction that is not within the road reserve. That is our practice. It is a legal issue and the owners will be compensated as long as the area we are getting is not within the road reserve. So, there is no need to delay this answer to next week.

Mr. Speaker: Very well! Member for Kisumu Town West!

Mr. Olago: Mr. Speaker, Sir, if we are to go by what the Assistant Minister has said, then he is inviting people to engage in lawlessness in order to stop his people from encroaching on the road. What I am asking is very simple. There is no dispute on the 30 meters that are on the road reserve. The people are asking for compensation for the extra 30 meters and not the 30 meters as per the Act. We have no problem on that. Clearly, he has addressed his mind to that issue. I wish he could appreciate what I am trying to say.

Dr. Machage: Mr. Speaker, Sir, I have clearly addressed my mind and my mind is very clear and focused on the issue. As long as the area in question is not within the road reserve, they will be compensated. It does not matter how big it is; whether it is 30 meters, 50 meters or 200 meters, we have road reserves in some areas which are 100 meters, especially in areas that are occupied by railways. So, as long as the land in question is not within the legally mandated road reserves, they will be paid. There is no question about it.

Mr. Ochieng: Mr. Speaker, Sir, going by what the Assistant Minister has said, we are really surprised because the Ministry knew very well that they were going to expand this particular road. Why did they not start the process of compensating the people who are affected? Why did they have to wait until now to wake up and say that they will move the people first and compensate them later?

Dr. Machage: Mr. Speaker, Sir, we have given enough time of notice to the residents of these road reserves. To us, that is adequate notice. If they require any further time, then they should do it in a more orthodox way. As the Ministry of Roads, we are ready to listen so long as that does not impede on the time that is allocated for the construction of the road. We will address the issues on individual basis depending on the urgency and importance of that request. However, the message should go to the people that we have no time to waste when building roads for public utility. Please, move out from our road reserves.

Mr. Olago: Mr. Speaker, Sir, I want to be understood clearly on this Question. It is not that I am trying to stop or frustrate construction of roads. I am trying to say that the people who are affected beyond the road reserves should be compensated adequately. So, under these circumstances, is the Assistant Minister willing to go on the HANSARD as saying that KeNHA will only use 30 meters road reserve and if they are going to go beyond 30 meters, then they should not be allowed? Let that go on the HANSARD.

Dr. Machage: Mr. Speaker, Sir, I will not go on record as saying that. I will only go on record saying that the road reserve that is there and documented will be used for the road construction. It may be 30 meters that the Member so wishes, more or less, as long as it is a road reserve.

Mr. Olago: On a point of order, Mr. Speaker, Sir. I expect that the Assistant Minister should know or ought to know that the road reserve for a highway is 30 meters, no less, no more from the centre of the road. So, let him go on record clearly as saying that if they are going to acquire any excess land beyond 30 meters, then they will compensate. If the land acquired is within 30 meters, then there will be no compensation, but if it is excess of 30 meters, then there will be compensation.

Mr. Speaker: Assistant Minister, is that the correct position? That is a valid point of order.

Dr. Machage: Mr. Speaker, Sir, I will compensate any acquisition of land that is beyond the road reserve so drawn on the ground by the surveyors.

Mr. Speaker: Order, Assistant Minister! Is it correct that a road reserve on a highway extends up to 30 meters only either way from the centre of the road?

Dr. Machage: No, Mr. Speaker, Sir.

Mr. Speaker: That is not so? That is fair enough.

VETTING OF CANDIDATES VYING FOR ELECTIVE POSITIONS

(Dr. Nuh) to ask the Minister for Justice, National Cohesion and Constitutional Affairs:-

(a) Could the Minister state the academic and other qualifications required for candidates vying for positions of President, Deputy President, Member of National Assembly, Member of Senate, Governor, Deputy Governor, County Assembly Speaker and County Ward Representative?

(b) What other documents or clearance certificates are required as well as the vetting process candidates seeking elective positions are supposed to undergo and could the Minister state if there are timelines to be observed, and who is to conduct the vetting process, if any?

(c) Could the Minister indicate the specific provisions of the law supporting such requirements?

Mr. Speaker: Hon. Members! Question No.2 by Private Notice by the Member for Bura is deferred to Thursday this week because the Member is not able to be in the House because of circumstances that have been reasonably explained.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.1841

TRAFFICKING NARCOTIC DRUGS USING DIPLOMATIC BAGS/CARGO

Mr. Mwau asked the Minister for Foreign Affairs:-

(a) whether he is aware that diplomats are allowing Diplomatic Bags and/or cargo to be used to traffic narcotic drugs, making it very difficult for the police and the Anti Narcotics Unit to detect and/or apprehend drug traffickers;

(b) whether he could provide full details including the names of the missions, investigation reports and the names of persons involved in drug trafficking including the amounts seized in weight, and also any other criminal activity which has been detected where diplomatic bags and/or cargo is involved, from 1990 to the 15th of September, 2012 and indicate action taken against the mission and person(s) involved; and,

(c) whether he could provide details of containers imported into the country by each Embassy and/or High Commission from 1999 to 15th August, 2012, including details of the shipper, the consignee, description of the cargo, copies of the bills of lading, indicating the ports of shipment and action taken to ensure that Diplomatic cargo is not used for the trafficking of narcotic drugs or for any other criminal activity in view of the inviolability of diplomatic cargo.

INDULGENCE OF HOUSE TO ANSWER
QUESTION NO.1841 IN CAMERA

The Minister for Foreign Affairs (Prof. Ongeru): Mr. Speaker, Sir, I ask for your indulgence that this matter be discussed *in camera* because it involves diplomatic etiquette. I want to move:-

THAT, since Kenya is a signatory to the Vienna Convention on Diplomatic and Consular Relations and the Convention on the Privileges and Immunities of the United Nations, having ratified it in 1965, therefore, these privileges and immunities under Cap.179, which also came to force on 6th April, give the force of Kenya Law; I want to ask the indulgence of this House that further to this Convention and also under Article 27, any official correspondence of the Mission is inviolable and hence, the diplomatic bags are not being opened or detained. Also, Articles 30, 34 and 36 of the Convention do not allow us to intervene in one way or the other, other than through other agencies of the Government, which are the police and the Anti Narcotics Unit. Given this indication, I have also brought this to the attention of the Member who has asked the Question. I would, therefore, ask for the indulgence of this House that this answer be given *in camera*.

(Ms. Amina Abdalla walked into the Chamber)

Mr. Speaker: Order, hon. Members! Order, Mrs. Amina Abdalla! Freeze!

Hon. Members, the circumstances under which the Minister has moved that Motion are understandable. The Standing Order No.214 demands that I put the Question to the House forthwith, which I shall proceed to do now. The circumstances have been explained and I am sure you have understood. They are rational in my view, but I will do what I must do.

(Question, that members of the public be ordered to withdraw from the Chamber, put and agreed to)

Mr. Speaker: Hon. Amina Abdalla, you may move to where you were going. In the meantime, we will want all strangers to leave the Chamber, including members of the Press and members of the public. You will be allowed re-entry as soon as Question No.1841 is concluded.

(All members of the public and Press withdrew from the Chamber)

I direct that all cameras and microphones in the Chamber be switched off. Members, please, co-operate because we will have to hear each other without using the public address system. Serjeant-at-Arms, please, confirm as soon as all members of the public have withdrawn, that all cameras are switched off and all microphones turned off.

(All cameras and microphones were switched off)

(House in Camera)

Mr. Speaker: Order, hon. Members! Minister, you can now proceed to answer Question No.1841.

Member for Kilome, please, move nearer to the Front Row so that you can hear the Minister.

*(The Minister for Foreign Affairs answered
Question No.1841 in camera)*

[Mr. Speaker left the Chair]

*[The Temporary Deputy Speaker
(Mr. Ethuro) took the Chair]*

The Temporary Deputy Speaker (Mr. Ethuro): Next Question by hon. Kivuti.

QUESTION BY PRIVATE NOTICE

REGISTRATION OF VOTERS IN MBEERE NORTH CONSTITUENCY

Mr. Kivuti: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Justice, National Cohesion and Constitutional Affairs the following Question by Private Notice.

(a) Could the Minister confirm that registration of voters is supposed to take 30 days for each registration centre and, if so, how many centres have been equipped to register voters in Mbeere North Constituency since the commencement of the voter registration exercise?

(b) Could the Minister also confirm that each registration centre in the country shall have the constitutional right to register voters for 30 days before the closure of the exercise?

(c) Considering travel constraints for voters, could the Minister further confirm that a person eligible to register as a voter may register in any registration centre in Kenya to vote in their preferred polling centre in the next general elections?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, registration of voters is supposed to---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Assistant Minister! At the end of hon. Mwau's Question, we can resume the normal services. Proceed, Mr. Assistant Minister!

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs

(Mr. Cheptumo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, registration of voters is supposed to take 30 days for each registration centre. The Biometric Voter Registration (BVR) equipments are deployed in wards per constituency and a schedule of where they are available within the wards is available at the Independent Electoral and Boundaries Commission (IEBC) constituency offices and also with the chiefs in the locations.

(b) Yes, I confirm that each registration centre in the country is required to register voters for 30 days before the closure of the exercise.

Mr. Mututho: On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought your ruling was that we were to proceed in-camera while dealing with only one Question. Now that we have other Questions can we be back?

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Mututho! You run the risk of being asked to withdraw for being present and not listening. I had issued orders that now we can resume after the end of that Question.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, they have not resumed.

The Temporary Deputy Speaker (Mr. Ethuro): Then you should bring that to my attention, but not say that I had not ordered so.

Order! Clerks, we need to resume the live coverage. Mr. Assistant Minister, wait for the resumption of the live coverage.

(The live coverage of proceedings resumed)

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs

(Mr. Cheptumo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, registration of voters is supposed to take 30 days for each registration centre. The Biometric Voter Registration (BVR) equipments are deployed in wards per constituency and a schedule of where they are available within the wards is available at the Independent Electoral and Boundaries Commission (IEBC) constituency offices and also with the chiefs in the locations.

(b) Yes, I confirm that each registration centre in the country is required to register voters for 30 days before the closure of the exercise. However, since each registration centre is not provided with BVR equipments, efforts have been made by the Commission to deploy enough equipment to each ward in every constituency.

(c) No, the BVR equipments are configured to register voters within a ward, hence all Kenyans are required to register in the wards. Kenyans can register as voters in any registration centre in the wards.

Mr. Kivuti: Mr. Temporary Deputy Speaker, Sir, I would like the Assistant Minister to confirm and re-affirm--- He has already admitted that registration of voters is supposed to take 30 days in every polling station. He has also admitted that the number of BVR kits is not enough and, therefore, not available. He further asserts that these kits are available only in certain areas, which we observe could be very far from where the voters to be registered could be; in some cases even as far as 50 kilometers. Could the Assistant Minister refer to the Question at hand and tell us how many stations are equipped in Mbeere North? If they are not equipped, could he confirm to this House that the polling stations, not only in Mbeere North Constituency but all

over the country, will have the chance of 30 days of registration of voters, which in effect, may call for the extension of time?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Temporary Deputy Speaker, Sir, what has been raised by the hon. Members is, indeed, a very pertinent issue. We do not have equipment in every registration centre. A number of equipments are taken to every ward. The IEBC has come up with a schedule of the rotation of the equipments within a particular ward. For example, in Mbeere North, there are 97 registration centres with only 34 equipments, spread over three wards within that constituency. So, the limitation is that we have few equipment within a ward. The best way is to come up with a programme on how these equipments can then be distributed within the wards, so that people can know, for example, that today they will be dealing with three or four polling stations and then the next day other polling stations; in that manner, until the expiry of the 30 days. So, I agree that there is a challenge because we do not have enough kits for every registration centre in the country.

Mr. M.M. Ali: Mr. Temporary Deputy Speaker, Sir, I have an issue with part “c” of the Assistant Minister’s answer where he has insisted that there is no provision for Kenyans to register as voters in a station of their choice. Voting is a constitutional right which must be exercised by every Kenyan and this can only be done by being able to register as a voter. There are many Kenyans who are unable to travel to these wards that the Assistant Minister has stated. For example, here in Nairobi there are many workers who cannot afford the fares to places like Moyale, Lodwar, Mandera and many others. Considering that many students who can hardly afford a meal are expected to pay Kshs5,000 to Kshs6,000 just to travel and register as voters, in the same spirit that the Assistant Minister has made East African communities be able to vote like those in Uganda and Rwanda and especially those in Uganda who find it easier to come to Kenya through the western part of the country, what urgent steps is he taking to ensure that these Kenyans who are unable to reach those wards he has indicated in his answer do not miss out from this national exercise?

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, as it is today, the equipment is configured in such a manner that it should be used within a specific ward, as I have said earlier. You realize that the reason why we went for this equipment was to facilitate registration of voters and avoid transportation of voters from one point to the other. What the hon. Member is raising is, indeed, very genuine because there are Kenyans who would like to go and vote in their rural areas and that is an issue that, perhaps, in the remaining two weeks I will take up with the IEBC to see if there is a way they can be able to do it. But the way it is now is that the machines are configured in a manner that they cannot register one person in Nairobi and then the same person can vote in his rural area when it comes to 4th of March next year.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Mututho! Hon. Members, I see a lot of interest and so just restrict yourselves to the Question.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister follow good practice from some of the large farms, particularly flower farms who are allowing officials of IEBC to go direct to the farms and register workers in those enterprises?

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Mututho! That is not a question. Hon. Koech!

Mr. Koech: Thank you, Mr. Temporary Deputy Speaker, Sir. In the Assistant Minister’s answer to part “a” he is confirming to Kenyans that the registration of voters is supposed to take 30 days for each registration centre. In my own constituency, one Biometric Voter Registration

(BVR) kit has been assigned to three stations, meaning they actually require 90 days to be sure that part “a,” as the Assistant Minister has answered, is taken. Mr. Assistant Minister, are you not contradicting yourself or you are ready to extend the days?

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, my answer to part “b” was very clear. I qualified that by saying “however”. In fact, in part “b” of that answer, I said that: “We confirm that each registration centre is supposed to undertake registration for 30 days.” I further said: “However, since each centre is not provided with the equipment, efforts have been made now to circulate this equipment within those three polling centres.” or different centres for the case of hon. Koech. So, I cannot confirm to the House that, indeed, there will be an extension of the period but I think within the 30 days and within those three registration centres, if we come up with a programme as we have done now, it will be possible to circulate the equipment and register Kenyans within 30 days.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, it appears like everything has been crafted to ensure that Kenyans do not register as is required of them in law. The number of days are limited and even for those limited days the equipment is not available, in the words of the Assistant Minister himself. Even the equipment is configured in such a manner that it cannot take a lot of people. For example, from some of our constituencies, these people work in Nairobi and they are very serious about voting in their own constituencies. Could the Assistant Minister undertake to ensure that the equipment is reconfigured? There is nothing much. There is no magic in this to reconfigure the equipment so that they can register people or voters anywhere because this has been done before when the manual forms were in place. Our people could register there and go and vote in Nairobi.

The Temporary Deputy Speaker (Mr. Ethuro): Order! You have made your point and hon. Assistant Minister, I thought Kenyans would expect that the most recent technology should do better than the previous one.

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, that had been raised earlier and I would like to repeat that, that is a proposal which makes a lot of sense and, indeed, it is going to help us to ensure that as many Kenyans as possible are going to register. I said earlier that I will take that proposal and share it with the IEBC to see if it is possible to reconfigure the equipment so that those of us in Nairobi or elsewhere can register as voters.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, there is just too much interest. Let me try to pick generally from various regions. Hon. Midiwo!

Mr. Midiwo: Thank you, Mr. Temporary Deputy Speaker, Sir. Could the Assistant Minister explain the constitutional or legal basis for the 30 days of registration, if it is not to constrain and constrict Kenyans from registering as voters? What is the legal backing for the 30 days? Why can we not do 60 or 90 days for each polling station as required by the law?

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, the 30 days is not really a creation of my Ministry or the IEBC. This is the law as it is that we have 30 days for registration of voters and I would like to say that---

Mr. Kabogo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House that it is given by law when he knows and he has said here in the House that in some places they will not have those 30 days? That amounts to discrimination. So, is he really in order to mislead the House that he has given 30 days to all Kenyans in all polling stations?

The Temporary Deputy Speaker (Mr. Ethuro): That is better. Hon. Assistant Minister!

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, I think there are two issues here. I said earlier that there should have been registration in all three centres for 30 days but there is a limitation of the equipment and because of that the IEBC has come up with a programme on how to ensure that within the 30 days each centre is able to be served by the equipment. That is what I said.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Assistant Minister! That is not what the Members are saying. They are saying that every polling station is entitled to 30 days of registration. So, you cannot use the argument of inadequate equipment and deny them the 30 days for registration. This is an important issue. Mr. Speaker just made a Communication from the Chair highlighting the need for Kenyans to register and your job is to facilitate Kenyans to register.

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, there is the reality the way it is. For every center to undertake registration for 30 days, it must have equipment. That is the only way that we can ensure that every center will undertake registration for 30 days. We have 15,000 equipment distributed across the country. Between now and the end of the process, in my considered view, it is not going to be possible for us to import or acquire additional equipment. That is why I am saying that we should address the issue the way it is. We need to look at the situation the way it is now.

Mr. Ochieng: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to avoid this question? This is a very straightforward question. We are patiently waiting for him to tell us that one machine serves two to three stations. If it is in a station for 15 days, another will be waiting for another 15 days. What is he going to do to compensate for those lost 15 days? He does not have a proper answer. Why can he not go and come back with a proper answer tomorrow?

(Applause)

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, as much as I would like to state what the Member would like me to state, I am going to be truthful to this House. The situation we are in demands that we cannot have equipment for every registration center. On the issue of considering extending time, let us deal with the issue before us. Even if extend time, we will still use the same equipment to go round the registration centers. So, extending time is a proposal that can be considered, but it will not guarantee that every registration center will have additional 30 days for registration.

(Loud consultations)

Hon. Members: Thirty days is 30 days; it cannot be 15 days!

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! I have heard your sentiments. Before I give the Assistant Minister the directive, let us hear what other issues the Members may be interested in. Maybe, Mr. Cheptumo, I will use the authority given to me by the Chair just to allow you to listen to a few more questions and then we can see how we will proceed. This is a matter of immense national interest. If the law demands 30 days per polling station, the Government has no excuse, but to avoid the law, whether you are truthful or otherwise. Members, if there are some other issues, then we will take about three and then decide

whether the Assistant Minister can attempt to answer or we will ask him to consider them and defer this Question to another day.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, Ragia Voters Registration Center in Lari Constituency stayed for four days with a broken BVR machine. What is he doing to compensate the voters for the time lost?

Mr. Washiali: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister's answer to part "c" of the Question is really worrying us because we have a serious block of voters in colleges and universities. For example, at the University of Nairobi (UoN), the programme ends on 23rd December and he is telling us that Kenyans cannot register from anywhere. That means that all university students, especially from the UoN cannot register as voters this year. Is he discriminating? Is this intentional?

Mr. ole Sakuda: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister should look for alternative ways of explaining this because the answer that he gave to part "a" of the Question---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. ole Sakuda! Put the question!

Mr. ole Sakuda: Mr. Temporary Deputy Speaker, Sir, how is he communicating to the voters in Kibiku, for instance, that the machine has been moved to another polling center for them to come back and register? A number of them went there and there was no information that the BVR machine had been moved to another location. Therefore, they felt like they were disenfranchised and were not given their democratic right to register and vote.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Assistant Minister, let me try to cover all the regions and then I will allow you.

Mr. Hassan: Mr. Temporary Deputy Speaker, Sir, in my constituency, there was trouble in Eastleigh, as you all remember, and a number of registration centers were not opened. We did not register people for the first two or three days in, for example, St. Theresa Church and Maina Wanjigi polling stations. I also wanted to find out what measures he has put in place to allow the people in those areas to register given the fact that we lost three or four days as a result of the unrest in that part of the constituency.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I would like the Assistant Minister to clarify whether the same BVR machines are going to be used for voter verification. If that is the case, could he then confirm whether we are facing a crisis? If there are only 15,000 machines and they are not enough for all the polling stations, is he suggesting that there will be merger of six, seven or eight polling stations or are we facing a crisis?

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has admitted that this exercise cannot be carried out effectively. As the previous Member has asked, how will he verify the voters in our constituencies when he does not have adequate machines?

The Temporary Deputy Speaker (Mr. Ethuro): We will take the last one from Mr. Pesa.

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has conceded that we are facing many challenges with regard to the registration of voters. In some centers, very few people turn up to register and yet there are centers where there are so many people like the *jua kali* sheds, sugar factories and even the flower farms. What is he doing to ensure that these people are captured in their stations and farms before the expiry of the date?

Mr. Lessonet: Mr. Temporary Deputy Speaker, Sir, this is truly a very seriously matter; that IEBC, two weeks down the line, cannot provide BVR machines for every polling station. They are telling us that the registration period is 30 days, but we do not agree with that. We want

to believe that the registration period should be 30 days for a polling station with a BVR machine. More so, the election is going to be on 4th March, 2013. So, what guarantee do we have that by that time, we will be going to the polls and that there will be a BVR machine in every polling station? Are they anticipating that we are going to do an election over a period of one week where one BVR machine will be going round the polling stations?

Mr. Sirat: Mr. Temporary Deputy Speaker, Sir, nearly 80 per cent of the polling stations in Wajir South begun work three to four days late due to technical hitches and transportation problems. Will the Minister guarantee my constituents that they will be given three to four days to comply with their constitutional right to register? If we are experiencing that problem now, what about the 15 days of checking? It means that every polling station in the country will have only three days to check whether they are registered or not. During elections, it means that polling stations will be having three or four streams and each stream will have one BVR machine. Therefore, it means that we need to buy nearly 45,000 BVR machines. Is IEBC ready to conduct elections on 4th March, 2013 or August, 2013?

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Cheptumo! I am inclined to defer this Question so that you can do more consultations.

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, let me start with Mr. Njuguna's questions. He has talked about four machines which broke down in his constituency. Indeed, that is a very common problem in most of the polling stations especially in the first three days. The solution for that is that the Commission has been able to put in place experts who can respond to the problem within a very short time. We also have to agree that those are equipment which ordinarily have problems. It is a very serious issue because the days the machines are not working, then the polling centres do not register people. The Commission now has people who are responding to the problems in those polling stations.

Mr. Kabogo: On a point of order, Mr. Temporary Deputy Speaker, Sir. You can tell that the Assistant Minister is really struggling to convince the House of any issue here. Would I be in order to request that you grant him a day? This is a very important matter. He should go, consult and come to tell us whether people can register here in Nairobi and vote elsewhere. How will he compensate those who have lost 30 days because the law requires 30 days? I request that we should not waste any more time of the House and grant him time so that he can come tomorrow or the day after.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, given the importance of this Question, and given that the Chair has allowed a lot of latitude so that hon. Members can raise issues and the Assistant Minister may also wish to consult--- He has said that some issues raised need to be raised with IEBC and given the time constraint, I would like to defer this Question to Thursday this week. That should give the Assistant Minister time today and tomorrow. I can see a lot of interest from hon. Members and if they have issues, they can pass them over to the Assistant Minister so that he can come with a comprehensive answer.

We expect the Government to anticipate some of these issues. Obviously, you have inadequate equipment. People are in schools and colleges and there is a deadline in which they must register. So, we should make registration cheaper and not prohibitive, especially for people who have to travel all the way to Moyale or Turkana. So, we expect that you will come with answers to some of these questions. So, the Question is deferred to Thursday.

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, I am obliged to take your directions, but I would wish that if my colleagues have other issues which they have not raised in the House now; if I could have those issues today, I can call for a meeting between IEBC and

other stakeholders because we want this to succeed. Therefore, I urge hon. Members to avail to me whatever they have before the close of business of today so that I can be able to capture them tomorrow.

Ms. Karua: On a point of order, Mr. Temporary Deputy Speaker, Sir. I was just thinking, through you, that the Minister will need to let Kenyans know because to vote, one will have to be identified through the biometric machines and yet, the kits are being shared by polling stations. How shall we vote? That is the real question. They need to come ready so that there is no confusion on the voting day. How else can we be identified without the kits? Are you buying more kits before the voting day?

The Temporary Deputy Speaker (Mr. Ethuro): Order, Ms. Karua! I had actually ruled that if you have more issues, you could pass them over to the Assistant Minister so that we can manage time. The rest of points of order must be truly points of order or else I will disallow them.

Mr. Midiwo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to ask the Assistant Minister not to be casual about this issue. There is a lot of anxiety around the country given what happened in this country five years ago. Could he, at least, appreciate that the law says otherwise and that it is the responsibility of this House to stop IEBC from working outside the law? Could you order him to order the IEBC--- It is the work of Parliament to have oversight over IEBC. They should come and engage the Parliamentary Committee so that we could find an amicable way out of this quagmire. We cannot---

The Temporary Deputy Speaker (Ethuro): Order, Mr. Midiwo! You have made your point. Indeed, I want the Assistant Minister to get the other opportunity this Thursday and the Committee should be at liberty to interrogate this matter. I was in a meeting with the same Committee. I hope Mr. Baiya is listening. This is a matter of immense interest. So, let us give them time on Thursday and failure to do so, we may have to convene a *Kamukunji* the following week so that all hon. Members, IEBC and all stakeholders can address this particular matter. Let us allow the Assistant Minister the first opportunity to do the needful. I would also like to urge him to consider all possibilities including amending the law. Those are proposals already being discussed and the most important thing is to accord Kenyans an opportunity to register.

FAILURE TO REGISTER DIPLOMA GRADUATES FROM KENYAN UNIVERSITIES BY TSC

Mr. Lessonet: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that the Teachers Service Commission (TSC) has refused to register graduates with Diploma in Education (Arts) from Egerton, Moi, Methodist and Mt. Kenya universities rendering them unemployable by the TSC?

(b) What action will the Minister take to ensure that graduates are not frustrated in pursuit of their career?

The Assistant Minister for Education (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I beg the indulgence of the House to allow me up to Tuesday, next week to bring a comprehensive answer to this Question. Right now, I do not have an appropriate answer to this Question.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Assistant Minister! You should just have approached the Chair and I would have allowed that to happen instead of

squandering our time. I will defer the Question to Tuesday, next week. You are just lucky that we are already running out of time.

Mr. Lessonet: Mr. Temporary Deputy Speaker, Sir, I do not have an objection to that. The Assistant Minister could come with an appropriate answer on Tuesday, next week. However, I want him to note that this Question is about those who had a mean grade of “C” in Form Four. So, allow him time to come up with an appropriate answer.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Lessonet! You could talk to the Assistant Minister about that later. You are now prosecuting the Question when it has already been deferred.

Let us go back to Oral Answers to Questions.

(Question deferred)

(Resumption of Oral Answers to Questions)

ORAL ANSWERS TO QUESTIONS

Question No.912

GOVERNMENT EXPENDITURE ON ADVERTISEMENTS

Mr. Mututho asked the Minister for Information and Communications:-

(a) whether he could provide a breakdown of Government expenditure on advertisements in each media house per year and cumulatively from 2005 to-date;

(b) whether he could provide the list of top 20 Ministries in spending in each of the media entities in descending order; and,

(c) whether he could also table all the contracts that were used in procuring those advertisements and/or promotions.

The Temporary Deputy Speaker (Mr. Ethuro): Is there anyone here from the Ministry of Information and Communications?

Mr. Deputy Leader of Government Business, where is your Minister?

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I seek the indulgence of the House as we look for where they are at this point. In their absence, we could have this Question tomorrow.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I would have no difficulties in this Question being answered tomorrow. However, the answer they have provided is the same one they have provided three times in this House. There is no change in substance or anything. Could they bring a new answer tomorrow?

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I wish I could encourage some dialogue between the Member and the Minister on the differences, so that we do not have the same answer. I believe there were some clarifications that were required. So, the answer would just have been the same, but---

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Minister, you have made your point. The Question is deferred to tomorrow afternoon. Dialogue is encouraged between the Member and the Minister, but they do not have to do this on the Floor of the House.

(Question deferred)

Let us move on to the next Question by the Member for Kisumu Town East.

(Mr. Ochieng stood up in his place)

The Temporary Deputy Speaker (Mr. Ethuro): Order! Mr. Ochieng, are you hon. Shakeel Shabbir?

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, the hon. Member requested me to ask this Question on his behalf because he is out of the country.

The Temporary Deputy Speaker (Mr. Ethuro): That would have been okay, but you did not inform the Chair. Because of time constraints, the Question will be deferred to next week.

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, I informed Mr. Speaker in advance.

The Temporary Deputy Speaker (Mr. Ethuro): My apologies to you. Even if you informed the Speaker, you should have followed with the current one.

(Laughter)

Question No.1683

REHABILITATION OF KISUMU-MUHORONI-
MIWANI-CHEMELIL ROAD

(Question deferred)

The Temporary Deputy Speaker (Mr. Ethuro): As we coming to the end of Question Time, I want to encourage the Minister for Justice, National Cohesion and Constitutional Affairs to also look at the Question by Dr. Nuh which was deferred to Tuesday, next week. His Question and that of Mr. Kivuti have a lot of issues in common. He could address them simultaneously.

Hon. Members, that is the end of Question Time. Before I call out the next Order, I want to inform the House that Order No.10 is deferred because consultations are ongoing. I hope the Chairman of the Departmental Committee on Education, Research and Technology is in agreement. That is the correct position in terms of accuracy and not the decision. It has been deferred.

COMMITTEE OF THE WHOLE HOUSE

- (i) The Universities Bill
- (ii) The Basic Education Bill

(Committee of the Whole House deferred)

POINTS OF ORDER

The Temporary Deputy Speaker (Mr. Ethuro): I only have two Statements which are being sought. I will take the ones who are seeking statements first as the Minister gives an indication on how many statements are available.

FAILURE TO GAZETTE MEMBERS
OF THE LAND COMMISSION

Ms. Karua: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Lands. The Minister should tell this House why the Executive has failed to gazette the members of the Land Commission in spite of them having been approved by this House and in spite of the pending court cases having been finalized in October. He should also tell us when they intend to gazette the members of the Land Commission and whether they are still within the law for having delayed this gazette.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Kimunya, where is the Minister for Lands?

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, we will communicate this matter and have the response by Thursday, this week.

The Temporary Deputy Speaker (Mr. Ethuro): It is so ordered!

Mr. Muthama: Mr. Temporary Deputy Speaker, Sir, I had sought a Ministerial Statement from the Minister for Justice, National Cohesion and Constitutional Affairs. Today is the fifth time that he will promise to deliver that statement. When the Order for Ministerial Statements was called out, he did not rise to indicate that he will deliver it. I seek the indulgence of the Chair because this matter was discussed last week and he gave an undertaking that he will deliver it today. As far as I am concerned, there is no indication of him doing that.

Could he let us know---

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Muthama! First, you should have asked the Minister whether he is ready to issue the statement. If he is not ready, I would have allowed you to say the things you have said.

Mr. Assistant Minister, do you have a Statement for Mr. Muthama?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Temporary Deputy Speaker, Sir, the Statement was to be issued by hon. Wamalwa. I still think he is on the way and he will issue it.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Assistant Minister! This House does not work at the convenience of Ministers. For our purposes, Cabinet Ministers and Assistant Ministers are all Ministers. So, when should we expect hon. Wamalwa?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Temporary Deputy Speaker, Sir, we could do it on Thursday.

The Temporary Deputy Speaker (Mr. Ethuro): I thought you were expecting him to walk in. Will he take that long to walk into the Chamber?

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Temporary Deputy Speaker, Sir, you sought an answer from me and I had to answer. We will issue it on Thursday.

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Temporary Deputy Speaker, Sir, we could do it on Thursday.

The Temporary Deputy Speaker (Mr. Ethuro): I thought you expected him to walk in. Must he take that long to walk into Chamber!

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Temporary Deputy Speaker, Sir, you are directing that question to me and I have to answer it. Thursday, will be okay with us.

Mr. Muthama: Mr. Temporary Deputy Speaker, Sir, I do not think the Assistant Minister is fair and truthful about what he is saying. This debate took place last Thursday. I remember that you participated in it. This Ministerial Statement was requested on 12th October, 2012. I think he is not willing to respond. This is a very simple issue. There is a court ruling that was delivered on 29th of June this year. He was compelled by the court to bring miscellaneous amendments to the Elections Act to remove the clauses which were had issues. But up to now, I do not know what he is waiting for. Could he clarify whether he is willing and ready to obey the court's ruling? He is the Assistant Minister in charge of the Ministry of Justice?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Temporary Deputy Speaker, Sir, if I had the statement I would have been able to issue it. But I have just told the House that hon. Wamalwa is the one who supposed to deliver it. I agree with you that there is no distinction between him and myself. He has the physical statement to read to the House. Let me assure my colleague that we take this very seriously. Definitely, on Thursday, it will be given to the hon. Member because the issue raised is very weighty and important for our nation.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Assistant Minister! I order that the statement be delivered on Thursday. As I do so, I want you really to read the Chair correctly because this matter has been pending for a very long time. These are matters dealing with elections and we cannot entertain them to be dealt with beyond Thursday this week. Failure to do so, I think you will face dire consequences from the House.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I wish to issue a Ministerial Statement on a matter that was raised by the hon. Yussuf Chanzu. I am not sure whether he is in the House.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Minister! If he is not in the House, and given time constraints, it is only fair that the Member who sought the statement is present. You could consult with him and know when he will be available.

The Minister for Transport (Mr. Kimunya): We agreed to do it today at his insistence, but I cannot see him in the House now.

The Temporary Deputy Speaker (Mr. Ethuro): Since we have been allowing Ministers a bit of leeway, I think it is only fair, hon. Minister, that you also give the Member a bit of a leeway. Could you do it, tomorrow afternoon?

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, let me confer with him when he will be here. Perhaps, Thursday will be a better day; it will give us time to synchronize our diaries.

The Temporary Deputy Speaker (Mr. Ethuro): You will note that Thursday is a bit full now. But let the statement sought by hon. Chanzu be brought to the House on Thursday.

Okay, next Order!

(Statement deferred)

BILL

First Reading

THE NAIROBI CENTRE FOR
INTERNATIONAL ARBITRATION BILL

*(Order for the First Reading read – Read the First Time and
ordered to be referred to the relevant departmental Committee)*

PROCEDURAL MOTION

REDUCTION OF REFERRAL PERIOD OF THE ELECTIONS (AMENDMENT)
BILL/THE POLITICAL PARTIES (AMENDMENT) BILL

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, notwithstanding the provisions of Standing Order 111 (2), this House resolves to reduce the referral period of the Elections (Amendment) (No.3) Bill (Bill No.72 of 2012) and the Political Parties (Amendment) Bill (Bill No.73 of 2012) to the relevant Departmental Committee from 10 to 5 days.

Mr. Temporary Deputy Speaker, Sir, you recall that last week we sought the leave of the House to shorten the referral period. Hon. Members were concerned that we were not quite specific in terms of the timeline that we were talking about. So, we resubmitted this Motion in an amended form today, more specifically saying that the issue is to reduce the time required to refer these two Bills to the Committee from mandatory 10 days to 5 days. These are straight forward one-page Bills, which have a bearing on the forthcoming elections.

Without anticipating the debate on these two Bills, the shortening of the referral period will facilitate getting the discussion on this matter in the House and fast track them to the Committee Stage. We will basically look at the two clauses in one of the Bills and change one or two other clauses in the Political Parties (Amendment) Bill. It is something that will create some certainty within the political parties and registration of voters bearing in mind the fact that the voter registration exercise is still ongoing. We need to close that register before the political parties could create their own registers.

The timing is getting complicated. It is up to the political parties to know how to manage their own membership for purposes of nomination. That is what the Bill is seeking to deal with. I believe details will come up when we discuss the Bill itself.

For us, as the House Business Committee, is to facilitate this Bill coming to the House, so that Members will have the advantage of discussing the matter without necessarily waiting until next week. This matter could be resolved this week and people take the necessary action.

I beg to move and ask hon. Midiwo to second.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I am sorry about the delay. But for the reasons espoused by the Deputy Leader of Government Business, I second the Motion.

(Question proposed)

Dr. Kones: Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion. It is a fact that the Registrar of Political Parties does not seem to have the capacity to generate a credible

register because the time for nominations by political parties is fast approaching. So, I think the way to go is as has been proposed by this Motion.

So, I support that we reduce this referral period, so that we deal with this matter as a matter of urgency.

I support.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, I wish to state that these are timeline Bills and they require debate and passage by this House. Therefore, it is important that the sought reduction of time is agreed to as requested by the Minister.

I support.

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, this Motion has come at the right time. We need to go for party nominations very soon. Looking at the way things are going now, if we do not allow our parties to adopt their own methods of nominating their candidates, we shall have a problem.

With those remarks, I beg to support the Motion.

(Question put and agreed to)

BILL

Second Reading

THE ELECTIONS (AMENDMENT) BILL

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I rise to move The Elections (Amendment) Bill, Bill No.3 of 2012. This is a very short Bill, but it is very significant. As you know---

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Jakoyo Midiwo! You are a senior Member of this House and a very prolific contributor. You know how to move a Bill. Could you move the Bill? You are contributing to the Bill, which you are yet to move. Read it out as it is on the Order Paper. That is how you move it.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I am being told that the mass wedding today was so big that I am not thinking properly.

Mr. Temporary Deputy Speaker, Sir, I rise to move the Bill as per Order No.11 on the Order Paper – The Elections (Amendment) Bill (Bill No.3). The Order Paper itself is---

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Midiwo! The Order Paper is very clear. You were, probably, carried away by what you have just explained to the Chair. You should refer to the Order Paper now.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I am a bit confused with---

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Midiwo, the Chair will help you. It is The Elections (Amendment) (No.3) Bill. Just read it out as it is on the Order Paper.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I beg to move that The Elections (Amendment) (No.3) Bill (Bill No.72 of 2012) be now read a Second Time.

Mr. Temporary Deputy Speaker, Sir, I thank you for assisting me. You know, after being here for 10 years, I am now in old age and old people are often assisted.

As I was saying, this is a very short Bill, but it is very significant. As we approach the election date, it is important that all aspirants, all Kenyans and all and sundry have confidence in

the election processes that we are undertaking. The Elections Act had very good intentions, but I think we were moving too fast that we could not estimate that we could achieve all that we wanted to do, so that our processes could attain integrity.

Mr. Temporary Deputy Speaker, Sir, we have many Kenyans who have attained the age of 18, but they are disenfranchised because they have waited for their Identity Cards (IDs) to come out in vain. Either the Ministry does not have the capacity to produce them in time or the systems are simply not working. The logic is very straight forward. The moment you apply for an ID, they take all your details on your Birth Certificate. Most Kenyans apply for IDs in their villages. Once that is done, you are given a waiting card, which bears the same information that is supposed to come back with the ID.

Therefore, it goes without saying that the day you get a waiting card, the Government has accepted that you a citizen of Kenya. Therefore, at that point, you should be able to do anything that any adult can do. What I am suggesting is that for purposes of the forthcoming election, all Kenyans who have acquired waiting cards should be allowed to register as voters, so that they are not disenfranchised for a cause that is not of their own making.

Mr. Temporary Deputy Speaker, Sir, the Constitution says that an ID is a right of every citizen. Therefore, the duty of a citizen is to simply go out and register. It is not the duty of a citizen to go out and look for the ID. It is the responsibility of the Government to take IDs to registered members of the public.

Secondly---

The Temporary Deputy Speaker (Mr. Ethuro): What is your point of order, hon. Langat?

Mr. Langat: Mr. Temporary Deputy Speaker, Sir, while I appreciate what the hon. Member is moving, I think he is moving the wrong Bill at the wrong time. He is supposed to be moving the Elections (Amendment) Bill, but he is talking about The Political Parties (Amendment) Bill.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, the two amendments are together. All this is one Bill. Kindly, read it.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Midiwo! There are two separate Bills. There are two different Orders on the Order Paper. There is Order No.11, which you are prosecuting as the Bill, which is Bill No.72 of 2012. There is also Order No.12, which is The Political Parties (Amendment) Bill, which is Bill No.73 of 2012. You know the rule against anticipating debate. So, restrict yourself for now.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I am the one who is right. In the amendment to The Elections Act, I am seeking to insert a new Clause, which says that despite the provisions of Sub-Section 3, a citizen who has attained the age of 18 years and who has registered for an ID card and issued with a provisional ID card shall upon application be registered as a voter. That is the first amendment in this particular Bill. So, I want my colleagues to be guided. The principal Act which I am seeking to insert a new Clause, but I also want to amend Section 29(1) of The Elections Act, which says:-

“29(1) the persons who nominate a presidential, parliamentary, county governor and county assembly candidate shall be registered members of the candidate’s political party.”

This is one clause that Members passed, but did not know the implication.

Mr. Temporary Deputy Speaker, Sir, a registered member is defined in this law as that person who is registered by the Registrar of Political Parties. It is not only the person who has been registered as a member of a political party. As it currently obtains, the Registrar of Political

Parties does not have the capacity to undertake this process. We are saying that political parties need to come up with the necessary framework to register their own members. As it were, there are several people, even in my constituency, who know that they are in ODM. But because of the lack of capacity in that office, you will find that they are members of other political parties. The law says that the person who shall nominate you, even you, as a Member of Parliament, shall be registered by the registrar of political parties.

It, therefore, means that today, if I go for my nomination and the person in my constituency, who is a holder of an ODM political party card and his or her name is missing from the Registrar of Political Parties, I shall have been unduly nominated. My nomination shall not be legitimate.

Mr. Temporary Deputy Speaker, Sir, it also pre-supposes that the registrations we are doing should have been done after people are registered as voters. However, we have been registering people before. Therefore, basically the process is unattainable. Even yesterday when I was at home, my people who managed to check that register were saying they have been registered in Gem, but their names are showing in Migori. It is something we could do without. However, I think the intension was noble and I think that, in future, we may go that way. That process of registration must be gradual, so that the system could have and bear some integrity.

There is the big issue of political party membership cards fraud. The biggest business in this town today is the printing of political party membership cards. It is big business. In fact, I know the biggest one is happening in TNA. I have met somebody who is doing the actual printing. All candidates are busy distributing those cards. When it will come to the day of elections, what shall ensue? You will find that somebody who intended to nominate Mr. Waititu, for example, in Kayole, but because their names shall be missing from the registrar, the chaos that will ensue is not what this country would want to see at political party levels, especially after what happened in 2007.

Mr. Temporary Deputy Speaker, Sir, we will end up with a whole host of candidate who have cards; cards that are not legitimate and they have registered people. Thereafter, because the law now says they cannot cross to other political parties, they will be locked out of the electioneering process. So, the most important thing is to put integrity and involve political parties in putting that integrity in that process.

That process was noble. But because the Office of the Registrar of Political Parties, as we know it today, is not the one that is envisaged in law--- We have not funded that office as Parliament. In future, we will seek to have that office independent and give it the necessary facilitation, so that it could control the duty given to it. This Parliament cannot let the opportunity to correct that pass.

As we go to the Committee Stage, I want to plead for support. There is even a worse one which I would like Members to use this amendment to pass. This Act says that you shall not distribute any poster before the election period is declared.

Mr. Temporary Deputy Speaker, Sir, even today, you saw people wearing ODM hats and somebody distributed them. You saw it in Mombasa and Nakuru during the TNA and URP meeting. We are breaking the law. Those things could be avoided. How do you break the law by just wearing a hat? How do you break the law by just trying to get known? How will candidates get known if they have to wait for that period to be declared? It is good that we streamline this process, so that it could be peaceful rather than confrontational.

I move and ask Mr. Waititu to second.

Mr. Waititu: Mr. Temporary Deputy Speaker, Sir, I rise to support the amendment. It is true that the issuance of ID cards has been riddled with irregularities. Right now, if you go to Kayole DO's office, you will find cartons full of ID cards. Nobody knows who the owners are. Probably, the owners of those ID cards are out there with waiting cards.

Those Kenyans have a right to vote. We realize that this is a problem affecting so many people. Therefore, it is only noble that we support this amendment, so that everybody could vote as guaranteed in the Constitution. So many Kenyans do not even understand why it takes so long to get an ID card. Once somebody goes to the DO's office with a waiting card, they are normally given those cartons full of IDs to search for their ID. It is not workable to search for a single ID out of 1,000 IDs.

Mr. Temporary Deputy Speaker, Sir, I support the amendment. It is my sincere hope that other Members will support it. As my friend the Chief Whip has said, the Office of Registrar of Political Parties has no capacity to register all members that are streaming in from all political parties in this country. There is also a very big loophole with the registration. Anybody could sign a form transferring a name from one political party to the other. That can be effected at the Registrar of Political Parties without the knowledge of the person who had the registration initially. During voting, when somebody goes with that nomination card and finds that his or her name does not appear in the register that will be some sort of rigging.

We know very well that Kenyans right now are suspicious of their friends and competitors. They think that they will be rigged out. The only way out of this problem is to allow this amendment, so that everybody who has registered in a political party and possesses a card and is in the register of that political party could participate in the nomination. I urge my fellow Members of Parliament to support this amendment, so that we have smooth electioneering during the nomination process.

Mr. Temporary Deputy Speaker, Sir, I second the amendment.

(Question proposed)

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I rise to support. In supporting, I wish to indicate that every week in this House, Members of Parliament ask Questions relating to provision of identity cards. It is a fact that many Kenyans do not have identity cards. If you do not issue these identity cards, many Kenyans will be disenfranchised, especially young people.

I arrived yesterday morning from Remba Island, which is near Uganda and, people asked me to raise a parliamentary Question in relation to the same issue. There are over 7,000 Kenyans on that island from all over the country. We have Kenyan Somalis, Luhyas, Luos, and many other tribes, on that island.

Even though they are very enthusiastic to vote, most of them do not have identity cards. Given the very strict timelines that we have by law, and given that the elections are just around the corner, even if we allow time for people to get identity cards, it will become impossible for them to actually apply and get the identity cards. They do not have these identity cards, not because of any fault of their own, but because the Government did not put in place the machinery to enable those people to get identity cards in good time.

Mr. Temporary Deputy Speaker, Sir, that is not the only place affected. I spoke to the chiefs in charge of that area and they told me that they had challenges in relation to fuel and even boats to reach the several islands that are in both Mbita and Gwasi constituencies.

If you look at the Constitution, it provides that we can use any document of identification. A document of identification is not necessarily an identity card. If we had meant it very specifically an identity card, then in the Constitution, we would have stated an identity card. But since we stated a document of identification, a waiting card can identify you by law. If we provide for it by law, then it will be sufficient for people to register as voters.

Mr. Temporary Deputy Speaker, Sir, I also support because if you look at Section 29, it provides that for the party nomination processes. You must be nominated by registered members of a party. Even though this may not be a problem, because we have seen that the office of the Registrar of Political Parties is not very efficient, you find that as much as I may have registered myself as a member of ODM party, if you go to that office, it might be showing me as a member of Tip Party. Therefore, by the time you try and clear up the mess in that office, we will have stopped many people from nominating their favourite candidates.

I, however, want to suggest that instead of just removing the requirement altogether for registration, at the Committee Stage, we provide that this is a role that should be given to parties. So, it will be the party that will come up with its own list of its members. Again, if we open it up too much, then we will make it liable manipulation by competing parties. For example, now that we have formed a formidable coalition, we know some people might want to import in people to disrupt others, especially my good friend, Mr. Isaac Ruto.

With those few remarks, I support. Mr. Isaac Ruto is asking me to repeat what I said, but he is under an obligation to be attentive.

I support.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill with the strong proviso that when it comes to the House, probably tomorrow, at the Committee Stage, I plead with hon. Members that we do not pass it in its entirety, but we balance what is good against what is not quite acceptable.

Mr. Temporary Deputy Speaker, Sir, I want to use this opportunity to congratulate the Registrar of Political Parties. Since we got the new Constitution everybody in the country has been working within strict timelines. I want to agree with Mr. Midiwo that the envisaged office of the Registrar of Political Parties under the new Constitution contemplates a situation where she has enough to do her work. We have not given her that money. That she has performed this well with a few difficulties is worthy of a compliment.

I want to remind Members of Parliament that all this time in matters of elections we have been putting pressure and focus on the IEBC. Had we not put that pressure and focus on it, the IEBC would not have today accepted that they will give us an election. Because of the pressure we gave them, they are now able to give us an election.

Mr. Temporary Deputy Speaker, Sir, I want to plead with hon. Members that now that the IEBC is up and running, we should in the next four weeks put pressure on the Registrar of Political Parties to make sure that her office functions in accordance with the Elections Act and the Constitution.

Before I criticize, I want to congratulate Mr. Midiwo; he has taken time to read this Act and to compare it with the Constitution and the challenges the Elections Act is facing on the ground. We must compliment him. Mr. Midiwo, I truly want to compliment you, and I want you to bear with me. As we do this, let us not do it in anger or for the expediency of the moment. By this I mean even with the challenges we are facing, it does not mean this is a bad law. Let us try and be in conformity with the law. What do I mean? I meant the following; one, the Elections Act requires people to be registered as voters to be holders of national identity cards; it did not

contemplate a situation where there is time required after you have applied for an identity card before it is delivered to you.

So, it is important that we accept the amendment by Mr. Midiwo, which requires that our youth be allowed to be registered as voters using the so-called *nusu kipande* or the waiting card. This is very important and practical. We should not allow this to lapse in this Bill in its entirety because of what I want to say about the second amendment.

Having supported that, our youth should be allowed to use *nusu kipande*. Allow me to oppose the practice of wanting to allow all and sundry to participate in the nominations of any party, whether they are members or not. With the benefit of hindsight, I have gone through three elections. During those three elections that I went through, this good law, which we now want to kill, was not there. I want to give Mr. Koech an example. In Mosop, because they are my neighbours, URP party is ahead in terms of popularity. They are my neighbours. But at the same time, UDF is catching up. I am addressing Mr. Koech with the seriousness it deserves, because I want him to learn from my three attempts---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Dr. Khalwale! You can only address the Chair.

Dr. Khalwale: But I was not looking at him.

The Temporary Deputy Speaker (Mr. Ethuro): Addressing is not having a look at somebody or something.

Dr. Khalwale: I was giving him as a good example.

The Temporary Deputy Speaker (Mr. Ethuro): I hear you. You could use Mosop as an example, but you cannot address Mr. Koech.

Mr. Koech: He is my younger brother.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I am sorry. I was using him as a good example.

The Temporary Deputy Speaker (Mr. Ethuro): I hear you. You can use Mosop as an example, but you cannot address hon. Koech.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, with the seriousness it deserves, let us say, for example, in Mosop where---

Mr. Koech: On a point of information, Mr. Temporary Deputy Speaker, Sir.

Dr. Khalwale: I do not want to be informed for now. I will give you a chance if I have time. Make sure that you inform me towards the end.

Mr. Temporary Deputy Speaker, Sir, let me give the example of Mosop where, as I said, URP and UDF are practicing on the ground. What will happen is that candidate "X" of URP, who might for all we know, be a Member of the House at the moment--- This candidate has got ten opponents in URP and they are going for nominations. UDF has got only one opponent. This candidate of UDF knows that within URP there is one character who is weaker than candidate "X" who already has experience of sitting in this House. When URP calls for nomination then the clever UDF candidate will mobilize UDF members, so that they help the weak URP candidate, with eventuality, that the UDF candidate will now have, at the final, a weaker opponent from URP. A Member of this House who now wants to support this thing will lose it out unfairly because people who have no interest in URP---

Mr. Koech: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Member for Ikolomani, who is a good friend of mine, in order to keep referring to Mosop as if he is campaigning for his UDF party which is actually not there on the ground as we speak today? Is he in order to use the Floor of the House?

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order! Dr. Khalwale made it clear that he was just using Mosop as an example to illustrate the point that he is making.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I do wish hon. David Koech well in the next election. It would be a loss to this House and country if the Chairman of the Committee on Education, Research and Technology was to lose his seat. Hon. Koech, I will be one of the few people who will come to Mosop, if God gives me life, to help you win. I will do this for all hon. Members apart from the few ones I am seeing on the Front Bench who have been giving the country a lot of problems by way of misappropriating public funds.

Mr. Temporary Deputy Speaker, Sir, why would we allow people who do not care whether---

The Assistant Minister, Office of the Prime Minister (Mr. Mbadi): On a point of order, Mr. Temporary Deputy Speaker, Sir. With all due respect to my friend, hon. Khalwale who I left on the Back Bench just the other day, you have heard him allege and make accusation against “a few Members on the Front Bench” without specifying. I sit right on the Front Bench and have never been corrupt. Without specifying who these Members are, then it will be very difficult for Kenyans to know the difference between those who are corrupt and not corrupt on the Front Bench. Could he substantiate and explain who these Members are?

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, to make it short, I want to apologize to hon. Mbadi, who we have no doubt that he is not corrupt, for the simple reason that his job is very simple. He has relieved hon. Khangati the burden of carrying the briefcase and speeches of the Prime Minister to the House and has no opportunity to practice corruption.

(Laughter)

The Temporary Deputy Speaker (Mr. Ethuro): Dr. Khalwale, I am seeing more Ministers putting requests for points of order. You are inviting yourself to trouble, because you said “some and not all.” So, there was no obligation that every person sitting there is corrupt. So, they could have disassociated themselves. But now, when you start disqualifying one by one, it means that the remainder may be corrupt. So, they might need to clean themselves. The Standing Orders refuse you to impute improper motive on a particular individual whom you have named, but you did not name.

Dr. Khalwale: Thank you, Mr. Temporary Deputy Speaker, Sir. In fact, I remember in the Seventh Parliament, when hon. James Orengo was still the Orengo Kenyans knew, he said: “These Front Bench has got hyenas.” When Prof. George Saitoti challenged him to substantiate, Mr. Orengo said: “I want to substantiate by looking at the hyenas,” and then he just looked.

An hon. Member: Are you looking?

Dr. Khalwale: No, I am not looking. I refused to look because I have not been challenged.

Mr. Temporary Deputy Speaker, Sir, I want to plead with the hon. Members that it is---

The Minister for Transport (Mr. Kimunya): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we do not want to trivialize some of these issues. Hon. Khalwale has made a very serious allegation that the Members of the Front Bench have been giving this country troubles by misappropriating public funds. When challenged to substantiate, he is dodging around the issue and further complicating it by referring to them as hyenas. Would I be in order to ask hon. Khalwale to substantiate or withdraw that allegation and apologize to this House?

Dr. Khalwale: Which one, Mr. Temporary Deputy Speaker, Sir? What do you want me to substantiate?

The Temporary Deputy Speaker (Mr. Ethuro): Order! Hon. Kimunya, in fact, hon. Khalwale had actually apologized to hon. Mbadi. Then, he was just giving an example, which I also do recall, from another Member who is on the Front Bench. He was not making it on assertions. So, I do not think that there is anything to withdraw about hyenas, unless you are saying that, that statement was not made by hon. Orengo.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I thought that you put it very well that his reference to “some Members of the Front Bench” and exoneration of one Member, leaves the entire Front Bench, which comprises of 80 plus Members of this House. Unless there is a list scheduled, that of the 80 Members, these are the ones who are misappropriating public funds, then all the 80 Members stand condemned in the public eye. Could hon. Khalwale either list, out of the total Members of the Front Bench who are those who have misappropriated public funds or withdraw and apologize to this House?

The Temporary Deputy Speaker (Mr. Ethuro): That is a fair comment, hon. Khalwale. Respond to it!

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, hon. Kimunya has never been a Member of the Back Bench. So, he does not know how Backbenchers maneuver when they want to deal with matters like this. Hon. Kimunya, for your information, I cannot discuss you, unless I move a substantive Motion. You know from my history that I have the capacity because you have tasted it. So, keep your refrain. Do not tempt me to do it again. I think that this is a happy hour in the history of this Parliament.

Mr. Ruto: On a point of information, Mr. Temporary Deputy Speaker, Sir.

Dr. Khalwale: Inform me, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Ruto!

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I just wish to inform my colleague, hon. Khalwale, that Chinua Achebe, in one of his books, said that you do not mention bones where there are old people.

The Temporary Deputy Speaker (Mr. Ethuro): Order! They were dry bones, hon. Ruto. Proceed, hon. Khalwale!

Dr. Khalwale: Thank you, Mr. Temporary Deputy Speaker, Sir. You know we are reliving the good old days when we were in school studying English Language while hon. Isaac Ruto was in Tenwek High School. I was in Kakamega High School. The only thing I lost out to him is that he got a distinction one in English and a I got a distinction two, but that is fairly close. So, I accept that he is a brilliant brain in English Language.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, we want a situation whereby we shall move our country to what is obtaining in Europe specifically Britain and Germany where political parties have a meaning. I want to appeal to hon. Members, to let members of a political party decide for themselves who they want to be a candidate at whatever level. Hon. Midiwo, I wonder whether it is because of what has happened in the recent past that you are becoming jittery. Is it because that some of the political parties you thought were not as active are starting to record significant gains in the registration of members than the ones you thought?

I want to use this opportunity, indeed, to congratulate hon. Members who appreciate UDF. Last week, it was said TNA was leading in registration followed by ODM. URP was followed by UDF in that order. I want to congratulate those members. They have membership. They have a reason they have the passion to join, but they also told us that even as they are compliant, there are only three parties which as of last week could present a presidential candidate under the new Constitution. It was established that UDF is the one which is leading by compliance in 32 counties followed by TNA in 29 counties and then followed by ODM in 27 counties. The other parties like URP had only 15 counties and Wiper Democratic Party had only 13 counties. That means had even hon. Kalonzo Musyoka jumped ship and decided to ride on the Prime Minister's back, he would not have been able to be presented as a presidential candidate. Hon. Uhuru would not have qualified to be presented as a presidential candidate. So, we must congratulate those members. They are moving the country into the right direction. If we encourage our people to do the hard things that is the only way we can organize ourselves so that---

Mr. Midiwo: On a point of order, Mr. Temporary Deputy Speaker, Sir. With all due respect to my good and eloquent speaker, hon. Bonny Khalwale, is he really in order to try to misrepresent the intention of this Bill? I think he is talking out of ignorance quite frankly. What I am seeking to do is to bring to the attention of hon. Members that "registered members" in this law does not mean registered members of a political party only. It means registered members with the Registrar of Political Parties.

Mr. Temporary Deputy Speaker, Sir, what we are trying to say is that the Registrar of Political Parties has no capacity. ODM has six million members, but only 165,000 are showing at the Registrar of Political Parties not because the Registrar of Political Parties is bad and we are not trying to impute improper motives as hon. Khalwale seems to be suggesting. All we are saying is that that office is not the envisaged one. This law was passed with the idea that the office shall be funded and independent of the IEBC or it does not have the capacity---

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Khalwale! Restrict yourself to the amendment. This is a very small Bill and do not use the platform of Parliament to campaign for particular political interests.

Dr. Khalwale: Thank you, Mr. Temporary Deputy Speaker, Sir. Yes, indeed, thank you for having given me the Floor. I want to beg the hon. Member that it does not hurt for us to be civil to each other. Hon. Midiwo, when you say I am ignorant, you are entitled to your own opinion, but I beg you that let us be civil to each other. If you had gone maybe to a more ordinary school, I could have known what you did in school.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Khalwale! Why did you pick the word "ignorant" and not "eloquent"? I think hon. Midiwo assessed you properly.

Proceed, hon. Khalwale!

Dr. Khalwale: Thank you, Mr. Temporary Deputy Speaker, Sir. Either way is we want to move our country forward. We want the politics of the country to be organized. Imagine the beauty of what has happened in the last 48 to 72 hours. Political party leaders have been on the run to make sure that they comply with the law. That is why you have seen in a very short time we have reduced the number of presidential candidates from the 16 to what we hope will be announced by the end of the day today at 5.00 p.m. That is the beauty of law. It is possible. It might even be one. We do not know since it has not been announced officially. We are waiting for a statement from the Registrar of Political Parties. I am begging hon. Members not to be

afraid of the new way of doing things. We allow this to go on and hon. Midiwo, you and I and all these hon. Members passed the Elections Act and also have an opportunity to amend it today. Let us also not be too angry. Let us allow the process to take place and we all come back God willing to improve on the law further and further.

With those many remarks, I want to support hon. Midiwo.

The Assistant Minister for Public Works (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, we really called for a new Constitution for this country and all of us could not agree. We allowed each and every idea to be in the Constitution. At the same time, we went ahead to allow every idea to be in further enabling Acts. Today, all of us are looking back. We are all regretting why we passed that legislation or the other. We had no time to sit down and reason together. It is evident on us now that we are realizing that, in fact, what we did was not even good to ourselves as Members of Parliament. There is lamentation all over that this could not have been allowed to go through. We allowed angels to take over our work as Parliament. It is very shameful of us today that we do not believe in what is in the legislation. Yet we are the same people who first passed all these legislations.

Mr. Temporary Deputy Speaker, Sir, today we have no time to ask ourselves: “Are we going to be able to empower the institutions that we are creating in only one year or a few months to be able really to allow them exercise and, at least, have the democratic space that this country required?” Yes, we had very good ideas, but they were all theoretical. If you look at the practical part of it, it is not really practically possible. For example, we have the office of the Registrar of Political Parties. It is not decentralized so far to deal with issues of political parties. So, everything is done at the centre which is Nairobi.

Mr. Temporary Deputy Speaker, Sir, it is true although hon. Midiwo exaggerated the membership of the ODM that it has six million members and you expect the party to have the same number. If you go to the Registrar of Political Parties, the Grand National Union (GNU) has 78,000 registered members. Even in terms of respect, we only want to respect those parties that have presidential candidates. Even our own media houses are violating the law because we are supposed to be given equal opportunity. If we have 47 to 50 political parties, let us respect them. We know, by the end of the day, some political parties will not win elections.

However, coming back to the number of people registered by political parties, my own constituency, Laikipia East, I have registered 68,000 members.

Mr. Temporary Deputy Speaker, Sir, in the whole of Laikipia County, we have registered over 100,000 members of the GNU, but what is appearing at the Office of the Registrar is only 6,622 and I have the list here and I can show you. That is what is appearing at the Office of the Registrar. Of all the effort they have made from November last year, one year down the line, they cannot capture the membership. Even if we say that half of them do not qualify, who are the 50,000 who qualify? Likewise, the PNU and the TNA have members in Laikipia. If we want to boast of how many people we have, we should all be ashamed if those big parties cannot even attain one million members at the Office of the Registrar. If you divide 160,000 by 290 constituencies, it tells you that they do not even have 1,000 members in the constituencies. Again, we are inviting dictatorship within the parties and allowing, I do not know whether it is parliamentary to use the word “thugs” within the parties to take control of the nominations. Today, I will identify where the 6,000 members in Laikipia County are. If I want to rig for one of the candidates, I will ensure that the area he comes is the only area where the register will come from. We have no time and even if we pretend today that we want the Registrar to go back to the constituencies and ensure that the data is fed to their computers, they have no capacity.

At the end of the day, either we allow the parties to bring their own registers or take them to the Registrar, failure will occur. So, let the parties manage their own affairs. Let the GNU organize its register all over, but as a rider, we should ensure that the constituency election coordinators and other officials certify the registers. The registers should be certified with the agreement of all the candidates of that party. Once again, if we are not going to protect some of the people within those parties, the loyalty issues of who is who and who can buy the nomination certificate will still occur. That means that if I do not like my brother and he belongs to my party, I have the opportunity to ensure that he will never see Parliament; that the people of Bomet, Laikipia or Chepalungu will not have their democratic right to elect their own Member of Parliament. This is what is happening. Internal democracy even within the parties is not there.

Already we have people campaigning for their big parties, but at the end of the day, some of them are already assured that they have certificates. Some of us are issuing them because we do not have many candidates campaigning within the party, but I pity the ones who are already crowded in their parties. So, all of us should be in agreement that we must live with the past. We made those mistakes. Let parties manage their own affairs. Let the ODM continue with its usual way of doing things with their two or three million people who are translated to six million, but I wish them well. Let internal democracy work. So, I do not support this amendment. At the same time, let us ask ourselves: How many more legislations have we brought about that require amendments? We fought for freedom but again, we want to curtail our people. We have fought so hard, but at the end of the day, we are using the already existing institutions. The media houses that fought for democracy are the same ones being used to fight one party against the other. They are the ones deciding on who should appear and you wonder when we will do things in a free way.

When it comes to the issue of registration and the issuance of ID cards, again, we must ask ourselves one question: Have we ever been honest with ourselves? Even those who are supporting that provisional certificates should be used to vote, we must ask ourselves one question: How do you certify that a Kenyan has attained the age of 18 years? You only carry one certificate, namely, the birth certificate. Can we manipulate the issue of birth certificates? The answer is yes we can do that. We can manipulate and manufacture our own birth certificates. When you present that birth certificate, nobody cares to ask you how you got it as long as it is stamped "Kakamega District Hospital". The guy is already so tired. We pay them badly. By 10.00 o'clock, they are already tired and not interested in what is going on. They will not have an opportunity to verify whether those certificates are issued by the district hospital or other mandated bodies. What will happen? If this Bill is passed, for example, I will go back to Laikipia and take all the young men and women whose physical appearance suggest that they are 18 years old. I will manufacture my own certificates at River Road. If you can get a degree in 20 minutes at River Road, what will stop you from getting as many birth certificates as you want and distribute them to every child in your constituency? Let us be honest to ourselves. Is this really what we want to do for the country?

Hon. Members: No!

The Assistant Minister for Public Works (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, if we pass this legislation, I can assure you that the following day, we shall manufacture as many birth certificates as possible. Do we have any time to verify those documents? Do we just want to run this country down because we want so-and-so to become the President of this country? You have organized yourselves, you already know where you will get the birth certificates, you have put a system in place on how you are going to issue the

provisional ID cards to those people and already, you are targeting your five million people who will go and vote but they are not eligible voters in this country. We must ask ourselves those questions because at the end of the day, there will be mischief. This is how we have thrived as politicians. We are already asking people across our borders to start flocking to the country and take ID cards. Today we have a problem of people holding ID cards yet they are not Kenyans. If we cannot control issuance of passports; if anybody can walk into this country and walk out with a passport in an hour's time because you can pay for it---

Mr. Kiptanui: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that many hon. Members are interested in contributing to this Motion, could I be in order to ask that we reduce the time for contribution to five minutes?

(Applause)

The Temporary Deputy Speaker (Mr. Ethuro): Can I get an indication, hon. Members?

Hon. Members: Yes!

The Temporary Deputy Speaker (Mr. Ethuro): It is so ordered.

The Assistant Minister for Public Works (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, can I start my five minutes now?

Hon. Members: No!

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! Conclude, Mr. Kiunjuri.

The Assistant Minister for Public Works (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, my thought was organized for 30 minutes. So, you give me my two minutes, then I conclude.

The Temporary Deputy Speaker (Mr. Ethuro): It could not have been organized for 30 minutes because you knew the maximum is 20 minutes.

The Assistant Minister for Public Works (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, you can imagine that you can acquire a Kenyan Passport--- The truth of the matter is that if we are ready to go and outdo each other---

Mr. Midiwo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I just wanted to plead with my colleague not to read or cast aspersions on my intentions that I want certain particular candidates to win and that I have arranged somewhere in River Road where I am going to get fake birth certificates. That is not fair. All I am trying to do is to fight for the youth of this country. Could you, kindly, ask him to withdraw that part?

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Midiwo! There is nothing to withdraw there. I would really urge you to take in your stride all the contributions by the Members. Mr. Kiunjuri did not specify you. He is just contributing on the possibilities and I think we allow the freedom of speech in this House.

The Assistant Minister for Public Works (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, he should learn to respect his chairman. I have not handed over to him. This question is weighty. In fact, I am jogging his mind. Maybe Mr. Midiwo had good intentions, but I am now jogging his mind. I know he agrees with me now that this will happen. Hon. Midiwo is a respected person in this country and does not want this country to go that way.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Kiunjuri!

The Assistant Minister for Public Works (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, I wish he withdraws it much as it was well intended. I plead with the House and

beg the Members not to take this country that route. Let us either withdraw the amendment or we shall be here to ensure that it does not go through.

With those few remarks and for the respect of the other Members, I beg to say that when time comes, we shall decide how we shall pass this amendment.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, we had quite some eloquent contribution on this particular Bill. While I have no particular reason to oppose them entirely, there is need for us to reflect on a number of issues that we have been trying to rectify since the advent of the new Constitution. We had reasons to try to bring discipline in political parties, including ensuring that each political party has membership. There has been chaos during nomination time and some political parties belong to individuals and we really wanted to get rid of that possibility. We have also had serious manipulations in certain areas especially in urban areas. You will find one group belonging to all parties. They will come and cause havoc in one party and move to another one to cause chaos, thus continuously creating confusion. During the discussion for the drafting of the new Constitution, all these issues came into the fore. The idea is captured in Article 92 of the Constitution where it was envisaged that during this era, there would be discipline. There would be an office established under Article 92 to deal with registration within political parties. It says, among other things that, Parliament shall enact legislation to provide for several things including:-

“(e) The registration and supervision of political parties.” If, for the long haul, we deny the Registrar of Political Parties the ability to know which members belong to which party, we would have defeated the whole exercise. In fact, we have gone ahead to provide funding for those political parties after the coming elections. If we are saying that there is no need for all these registrations, then we should not even use public funds to try to manage political parties because those funds might go towards the personal expenses of officials. At this stage, I am not opposing the need to liberalize, but I would rather Mr. Midiwo indicates that this Bill is provisional and that it is for this period that the office of the Registrar for Political Parties is being established. If you pass this as a law as envisaged in Article 92, then we are going in the wrong direction.

Mr. Temporary Deputy Speaker, Sir, regarding the question of identity cards, this may look like a very good and honest idea. I have several youths who have been denied identity cards as well. The only thing that worries me is this: I do not know whether it is a coincidence that Mr. Midiwo came up with this and Mr. Kajwang controls the registration of person. I really do not know but I want to give the benefit of doubt to my friend here. We have been asking for identity cards for the last four years. They have been doing nothing and now you are telling us: “Let everybody register!” How can we be sure that this is not an attempt at rigging this election? I am just wondering. You come from that political party that controls registration and you are now from that political party that is telling us to let everybody vote. What do you have in mind? You are the one issuing the provisional certificates and you are now telling us to let them replace identity cards. Where have you been for four years? What were you registering for the last four years? Surely, I am just left but to smell another rat again. I would like a situation where this Government owns up and becomes serious.

For the benefit of members, I am not sure whether they even consulted Prof. Anyang’-Nyong’o when they came up with this Bill or probably, he is also part of it. I wish he was here when I started contributing. He would probably have given me an answer. Nevertheless, I reserve my support or opposition to these ones. I think Mr. Midiwo can come up with better amendments to this Bill to allow us to pass it. If you say it is temporary, I can get along with you.

*[The Temporary Deputy Speaker
(Mr. Ethuro) left the Chair]*

*[The Temporary Deputy Speaker
(Dr. Laboso) took the Chair]*

Mr. Midiwo: On a point of order, Madam Temporary Deputy Speaker. I know Mr. Ruto is a very humorous debater but I want to assure him that I have no other intentions. In fact, the place where most people do not have identity cards is Remba Island where Mrs. Odhiambo-Mabona comes from and Mr. Kajwang is the Member of Parliament for that place. I can tell you that he has not performed. So, I want to help the people.

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, I rise to support this Bill, and for very simple reasons. It is a very simple and straightforward Bill. Contrary to some of the issues that have been raised here, if I start with the membership of political parties, I am the Secretary General of Party of National Unity (PNU). I know that we have 79,000 registered members. But across the country, we have more members than that. That is the story in all political parties. Mr. Kiunjuri has given very graphic details about his own party. We witnessed the by-election that took place in Kangema, Ndhiwa and Kajiado North. If you look at the number of people who turned up to nominate candidates at the party nominations, they were in their thousands compared to what was in political parties' register, which was less than 2,000. So, there is a total disconnect between the membership of political parties as we know and the registered members as we have in the register. So, it is important that we, first of all, remember that this amendment is not seeking to open party nomination to all and sundry. It is basically saying--- I want to read the current Section 29(1), which is intended to be amended. It reads:-

“The person to nominate a presidential, parliamentary, county governor and county assembly candidate shall be registered members of the candidate’s political party.”

What this amendment is seeking to do is to remove registered and basically say “shall be members of the candidate’s political party”. So, it is up to that political party to determine who their members are. Who are your members? How do you identify your members? Is it by putting some bands on them? Is it by putting some necklaces on them? Is it by giving them a card? Is it by putting them at the back of an exercise book? That is for political parties to determine. That is how you promote political parties to take charge of their own destiny. Immediately you leave it that the membership of a party is based on some register that is controlled from outside, you are going to have political parties that submit their forms for registration with the Registrar of Political Parties, probably a week before the deadline, finding that there is a big queue and their members will be denied an opportunity to nominate their own candidates. It is important that we recognize these facts because the reality is very different from the expectations.

Mr. Ruto: On a point of order, Madam Temporary Deputy Speaker, without wasting the Minister’s time, what he is saying may be well in paper, but cannot be achieved without also amending Section 27 which forces political parties to file nomination rules quite a while ago. Are we also going to allow political parties to change the rules?

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, the essence of the matter we are discussing here is the amendment to Section 29. If there are consequential amendments that are required within the framework of the Committee - which I

believe Mr. Ruto is a Member - the Justice and Legal Affairs Committee of this House - all those issues will be brought in so that we can be told what to amend. As of now, let us look at the merits and demerits of this amendment. That is what we are debating in this House. I can see that this amendment has merit because the Constitution is very clear; nobody should be denied the opportunity to elect a leader of their choice. Immediately you leave it to the Registrar of Political Parties which is an office in transition - this is not even an office that has been established by now - to determine who can nominate and who cannot be nominated, you will find a situation where thousands of candidates will be locked out because the leaders of the political parties will be the ones to determine which forms to submit, which names to submit to the Registrar of Political Parties and which ones should be left in the office. That is a reality.

So, let us look beyond this and congratulate hon. Midiwo for bringing this amendment. It can only help to widen the space, the participation and there cannot be any mischief that can be practiced in one party with the exclusion of the others. It cuts across.

In terms of the identity cards, there may be concerns about fake papers being presented. However, the amendment is very clear. Anyone who has attained the age of 18 and has already been provided with a provisional identification card is someone who has already registered but has not received his or her identity card. Why do you want to deny that person who is over 18 and has a right by the Constitution to vote, the opportunity to vote? Is it just because someone else could forge a passport? If somebody can forge a passport and be registered, then that person has already forged because one can submit a passport as a document for registration. Therefore, let us be open-minded. Let us accept the reality we are in; that we are late in terms of the BVR kits. So, this is not just about presenting an identity card but presenting oneself. It is also about being subjected to the biometrics and photography. It is not just about fake papers moving.

I support.

The Assistant Minister for Water and Irrigation (Mr. Waititu): On a point of order, Madam Temporary Deputy Speaker, Sir. I just wanted to add a rider to what the Minister has said.

The Temporary Deputy Speaker (Dr. Laboso): No! That is a contribution and not a point of order.

Mr. Yinda: Madam Temporary Deputy Speaker, I would also like to add my voice to support the amendment to this Bill. I want to start by supporting the issue of allowing young people who have already applied for identity cards to register and vote using waiting cards.

I think the effort of every young person in Kenya to apply for an identity card is already good enough to show that they have the interest. According to our Constitution, it is the responsibility of the Government of Kenya to issue identity cards to all adults or those who have reached the age of 18. We know that the Government has failed miserably in this aspect. However, as the elections approach, we know that many young people would like to participate in this exercise but they will be denied that right just because their identity cards have not been released.

On driving licences, after one has gone through a driving school and passed the tests, he or she is issued with an interim driving licence. That person uses the interim driving licence until he or she is issued with the original licence. In this regard, I do not see the reason why we cannot allow those with waiting cards to be registered as voters and use their waiting cards to vote in the coming General Election.

On the issue of party cards and the Registrar of Political Parties, the problem that we have now and what most Members do not realize is that, at the moment, most people are thinking

that they are members of specific political parties. However, if they go to the Registrar of Political Parties, they will probably find that they are registered in totally different parties. This is something we have identified in my constituency where all our supporters are ODM members but when we went to the Office of the Registrar of Political Parties, we found that nearly half of them are also registered in other political parties. We are trying to sort out this but it is not possible with the remaining time. So, as it stands, most of our Members, including Members of Parliament are not even members of the parties that they think they are in. This will create a lot of litigation when people find out that they have been proposed by members of a party who are not registered in the Office of the Registrar of Political Parties.

I, therefore, strongly request members of this House to support the amendments because this is for the good of the coming elections. Later on, we can move with the Constitution the way we want but at the moment, we are not ready to accept the positions the way they are.

With those few remarks, I support both amendments.

The Minister for Gender, Children and Social Development (Dr. Shaban): Madam Temporary Deputy Speaker, whereas I appreciate that our colleague, Mr. Midiwo, had very good intentions because of the frustrations that young people are facing--- They are facing these frustrations all over the place and more so in the constituencies that some of come from - the border constituencies. There are too many restrictions and people stay up to three years without getting their identity cards. However, I do not think that once we allow waiting cards to be used in registration that will end our problems.

We should make sure that the Registrar of Persons has capacity to produce identity cards very quickly. I remember back in 2007, they were empowered and they were able to roll out very many identity cards just before the General Election. That will be a better way of doing it because not all applicants are issued with identity cards. Many people apply but some are rejected for several reasons. I think it is better to be safe than to be sorry. This is because of the frustrations that people are facing in Kenya. It is important for us to also take up the responsibility of empowering the Registrar of Persons so that they can work efficiently and roll out the identity cards. Most of the time, they complain that they do not have enough material and personnel.

The other issue is about the Registrar of Political Parties. It has been very difficult. We have visited her office and seen the capacity she has. It is difficult for political parties to make sure that the Registrar of Political Parties registers as many people as possible. It is true that most parties have registered millions of people. However, if you go to the Registrar of Political Parties, you will find that very few have been entered. That part of the amendment is something that is acceptable to all of us. But the one on identification cards; with only ten days left for registration of voters, the Independent Electoral and Boundaries Commission (IEBC) should look at this because they may not meet their target. As they look at this, it is important for the Registrar of Persons to be empowered to issue people with waiting cards.

Madam Temporary Deputy Speaker, I beg to support with amendments.

Mr. Kioni: Madam Temporary Deputy Speaker, I want to appreciate the effort that hon. Midiwo has made in trying to bring amendments to this Act. I agree there are quite a number of things that need to be amended as we go along and we will have to continue doing that. My only concern is this amendment that he has proposed today, the intention is good, but I think it opens us to a lot of difficulties.

Madam Temporary Deputy Speaker, even as I struggle to look for more kind words to what hon. Midiwo has done, I have to say that I stand to oppose the entire amendment for the

reasons that others have given. It is obvious that we cannot wish it away. Once we say that people can vote using waiting cards certainly--- A colleague was confiding in me that they are waiting for this to happen in Eastleigh and these waiting cards will be manufactured overnight within part of this city and even within our residential areas.

Madam Temporary Deputy Speaker, let me recognize that this shows a real need to look into the issue of ID cards. I was back home on Saturday, attending a burial of a former councillor called Wakanene, and one of the young men came over to me and said that he was still holding a waiting card that he had received sometime early this year. To date, he does not have a card and he fears that he may not be able to vote. I think what we should be doing is to deal with the Hon. Kajwang's Ministry and try and help them fast track these process; allowing River Road to undertake this activity is very dangerous for this country. It will be a way of rigging and I have a problem with that amendment to allow people with waiting cards to vote.

Madam Temporary Deputy Speaker, on the one amending the provision on political parties, allowing people who are just on our list--- Again for good reasons, yes, but I think we will miss the spirit of the Constitution. What informed this amendment, and even made the Constitution bulky, were political issues; this was because of a culture that we have continued to have which has no respect for political parties. We have run political parties as private entities and the spirit of the Constitution was to ensure that parties develop to a point where they are institutions and you have people you answer to, such as leaders of a party. I think it is important also to ensure that we do not go back to briefcase parties.

Madam Temporary Deputy Speaker, today, what has happened is very good for this nation. We have had many people who have pretended to the throne, and that number by midnight tonight will have been brought down to a number that Kenyans can deal with. They will actually know who are their--- They could be two, according to Mbadi; remember the earlier comment by hon. Dr. Khalwale that we now know the work that you can do very well and we thank you for it. But for whatever manageable number that Kenyans can know, I think it is good. If we had entertained the amendment that was proposed--- Perhaps, it was not brought on the Floor by hon. Ruto, where he wanted to extend the deadline, again we would have continued getting the country into some messy situation.

So, Madam Temporary Deputy Speaker, some of these are very difficult for us. But it is important that we continue trying to live by them because of what we want to achieve in the long run. If we amend this provision as proposed by hon. Midiwo, we will be back where all you need to do is to be in your backyard. You do not need to struggle to go out, perhaps in the counties that have few people, who can help you win an election, and explain to them what your party stands for, for them to register with it. You just need to go buy them before the nomination day and you carry out the nomination, and it is done. I think those are the things that the provisions in this Act were trying to prevent, because the principles are in the Constitution.

I do appreciate that, yes, the Registrar of Political Parties has challenges. But what we should be trying to do to help that office to do what we expect it to do as, opposed to going back undoing what we have done---

Mr. Chanzu: On a point of order, Madam Temporary Deputy Speaker. I really wanted hon. Kioni to continue but I was just imagining--- We said that there is not much in this document. I think we have made quite a bit of contribution on it and we should call the Mover to reply.

The Temporary Deputy Speaker (Dr. Laboso): What are you asking? I have not quite understood your request?

Mr. Chanzu: I am asking whether you could call upon the Mover to respond.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Chanzu, is that the feeling because I have a full list of contributors?

Mr. Chanzu: The list will always be there. Even me, I wanted to contribute.

The Temporary Deputy Speaker (Dr. Laboso): I have said I have got a full list of Members who want to contribute to this matter. Let hon. Kioni conclude and then I will put the question.

Mr. Kioni: Madam Temporary Deputy Speaker, I was saying that we need to live with the difficulties; I think we can manage. We have come a long way. My good friend, Midiwo, do not allow us to go back to the parties in briefcases, which were given a very big platform to say many things.

I think it is good for this country that we remain in this kind of managed situation.

I beg to oppose.

The Temporary Deputy Speaker (Dr. Laboso): Before I call hon. Mbadi, let us agree whether we want to dispense with this matter, or do you want to give it another five minutes? Could we reduce the time to three minutes each?

Hon. Members: Three minutes!

The Temporary Deputy Speaker (Dr. Laboso): Is that a proposal?

Hon. Members: Yes.

(Question, that contribution time be reduced to three minutes, put and agreed to)

The Temporary Deputy Speaker (Dr. Laboso): So, three minutes, hon. Mbadi.

The Assistant Minister, Office of the Prime Minister (Mr. Mbadi): Madam Temporary Deputy Speaker, given that the time I am allocated is quite short, I will just make quick comments.

First, on the issue of IDs and waiting cards, if we still had enough time, then I think these was a very good proposal. It is not the duty of Kenyans who have registered to get ID cards. It is the duty of the Government to provide ID cards to its citizens. Once an individual has registered, that is the bit that that person can do. So, I am only worried that the time left for registration of voters is about 14 days. For us to have this law in place after assent by the President, may not be practical. So, when we go to the Committee Stage, I think it is important that we limit these proposals to only affect this particular election because we did not have enough.

Two, on the issue of registered members, for me, this is very critical. We have seen in the recent past that Kenyans really like going to court, because of the new dawn and era. If we make a mistake of creating loopholes even for ourselves--- I win to run on ODM for Gwassii Parliamentary seat, which will be Suba and someone will run to court, a busybody who lost, to say that someone participated in nominating me. Let us cure this. We saw some people blocking candidates for Kajiado North Constituency. We saw that some people were blocking candidates for Ndhiwa for apparently no reason. We need to limit opportunities which people can exploit and create a mess out of an electoral system. An election should not be determined at a court. An Election should be determined through the ballot. Let the parties themselves manage their membership. Let us not give---

The Temporary Deputy Speaker (Dr. Laboso): Three minutes are over, hon. Mbadi.

Mr. Koech: Madam Temporary Deputy Speaker, very quickly I want to thank hon. Midiwo for this Bill. This is touching on serious concerns that we have faced as a country.

Madam Temporary Deputy Speaker, Kenyans want to have a better country. The people who want real change are the youth. We are aware of the serious unemployment and the youth are longing for a chance to choose credible leaders, who can give hope to them. You are aware of what has happened in this country. I want to inform hon. Members that it is not only those youth who turn 18 years of age who do not have IDs. We have not been able to issue ID cards for the last three years. So, you are talking of Kenyans of 23 years of age, who have no ID cards and who are not going to get a chance to elect their leaders. I support this.

Madam Temporary Deputy Speaker, the second issue on the register. We are not taking away the fact that we recognize political parties. All that we are saying is that the Registrar of Political Parties does not have the capacity to ensure that we have registers all the way to the grassroots. I want to inform hon. Members, that while we are concerned, as Members of Parliament, the real concern is actually at the county level. We have some counties, where not even one or two people have been registered, and, therefore, only two members---

Madam Temporary Deputy Speaker, could you imagine that only two people are going to elect a County Assembly representative to represent a political party? I want to indicate here that all that we need from hon. Midiwo is, maybe, to have a sunset clause on the register, so that come next elections, when we are fully prepared, with all the powers given to the Registrar, we will be able to adopt the register from the Registrar of Political Parties.

I beg to support.

The Minister for Medical Services (Prof. Anyang-Nyong'o): Thank you, Madam Temporary Deputy Speaker. I support hon. Koech fully, one, because we are still in a transition. When this issue of registration of political parties was really heating, I did indicate to the Registrar of Political Parties that as the Secretary General of ODM, I was going to storm her office and tell her that her office is not working properly, because her records were greatly at variance with the records of political parties. We discussed it and the Registrar said that amending that law, the way hon. Midiwo is doing, is the best because she knows that she does not have time to put her register in line with what the parties have. This is because there is a lot of confusion. When the lists that are taken for political parties when we register our members reach there, some people have poached members. It is a total mess. Therefore, there is no time really to clean up this. The best thing to do is to say: Well, this is a transition. Let us postpone this requirement and then next time when systems are working--- Let us not punish our people unnecessarily.

Madam Temporary Deputy Speaker, secondly, when it comes to identity cards, the best of all worlds would be that when you go to register as a voter, there is also registration to get an identity card if you do not have one. This is because this is a technological age. It is not the mistake of Kenyans that the Government itself has not come of age in terms of technology, so that you, first, have to get your waiting card and then the identity card comes from Nairobi before you go and register. The whole thing is tedious nonsense. Therefore, since the State is not technologically savvy, let us not punish the wananchi. Those with waiting cards should be allowed to vote and the State should make sure that those waiting cards cannot be produced by somebody else; the records are kept properly and citizens are not denied their right to vote as by the Constitution established.

Madam Temporary Deputy Speaker, finally, I think that it is upon the Independent Electoral and Boundaries Commission (IEBC) to ensure that the voting process is properly done.

You do not do it by disenfranchising Kenyans over 18 years old. You do it by giving franchise to all these Kenyans and making sure that the system that exists is used for equity and justice and not for discrimination and punishment. Therefore, these two amendments are very important, timely and accepted. I would like to appeal to the House that we pass the amendments and after the next elections, the institution in charge of registration of persons and voting adopts systems that will then make the ownership of identity cards something that takes place prior to voting time, and then, when you come to vote---

The Temporary Deputy Speaker (Dr. Laboso): Your time is up, Professor!

Dr. Kones: Madam Temporary Deputy Speaker, I will just be brief. I just want to add my voice also and say that I support these amendments, particularly the second one on the registration of voters. We just have to be realistic and see what is happening actually on the ground. I will give an example of Bomet County. We have got a target of over 300,000 voters. We have taken about 250,000 URP cards for registration. But at the moment, hardly 50,000 have gone through and we expect that those are the people who will determine what will happen in Bomet County. That is unrealistic. I know, of course, that it is to the benefit of some people when we have got very few members registered, because it is very easy to manipulate. But if we really want to allow democracy and people to participate as much as it is possible, particularly in such areas where we know that there is uniformity in terms of parties, really, it would be very wrong to deny people the right to vote. I strongly support that amendment and what hon. Koech has said, that we should put a sunset close, so that in future, when we strengthen the Office of the Registrar of Political Parties, then we can have credible registers.

Madam Temporary Deputy Speaker, I really do not understand why some hon. Members want to oppose the first amendment on the use of waiting cards when we know that we have got a number of youths and even elderly people--- There are so many who are married but did not have identity cards even before. They have had these waiting cards for a while and it is known that they are Kenyans. Why do we want to deny these people their right to vote?

Madam Temporary Deputy Speaker, I strongly support these two amendments.

The Assistant Minister for Trade (Mr. Oyongo Nyamweya): Thank you, Madam Temporary Deputy Speaker, for giving me a chance to contribute to this Bill.

Madam Temporary Deputy Speaker, first, we ought to be very careful as a nation. I am very reluctant to support this amendment on the use of waiting cards, in the sense that if we go for elections and the results are very narrow and close, somebody can go to court and challenge the elections; that so-and-so has won this election because the people who voted did not have the original identity cards. So, let us be very careful with what we are proposing today, because it is possible that some waiting cards will be made in River Road. If they are made in River Road and people vote, we will get problems in this country. In all fairness, youth are everywhere in the country and so, we are all affected. So, let us use those people who have got genuine cards to avoid issues of litigation or somebody going to court and saying that a certain community took so many waiting cards and, therefore, has rigged elections. So, my fellow Members of Parliament, let us look where we are headed as nation and where we are coming from. I am sorry that I will not support the amendment for that simple reason because it may result in somebody going to court and bringing it up.

Madam Temporary Deputy Speaker, the other issue is on political party membership. Why did we create the Office of the Registrar of Political Parties? This was created because politicians, party leaders and chairmen of parties were not able to manage the exercise of party elections. This office was created so that there could be a fair playing field, so that when we go

for nominations, it is done fairly and everybody is satisfied. It was not created because we were running the political party affairs peacefully without complaints. I have gone through a party nomination process where I won the party nomination and the ticket was given to somebody else. This office was created so that if I have lost elections, I can complain and provide evidence that so-and-so has actually been given this ticket unfairly. So, let us look at where we are coming from. There are issues of logistics, members---

The Temporary Deputy Speaker (Dr. Laboso): Your time is up!

Mr. Hassan: Asante, Bi Naibu Spika wa Muda. Mimi nasimama kuunga mkono Mswada huu. Hii ni kwa sababu tunavyojua vijana wengi katika nchi yetu wana tatizo la kupata vitambulisho. Kuwa na kura na kupiga kura ni haki katika Katiba yetu. Kwa hivyo, tusiwanyime vijana hawa haki ya kupiga kura. Vitambulisho vilipoletwa hapa Kenya vilikuwa ni kama vitu vinavyotumiwa na wakoloni. Kuna nchi nyingi zilizoendelea duniani ambazo hazitumii vitambulisho. Mtu ana haki ya kupiga kura akiwa ni mzaliwa na ana barua ya kuzaliwa---

(Loud consultations)

Bi Naibu Spika wa Muda, wenzangu wanapiga kelele.

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! Let us reduce our level of consultations.

Proceed!

Mr. Hassan: Ahsante, Bi. Naibu Spika wa Muda.

Kwa hivyo, vijana wetu wana haki ya kujiandikisha na kupiga kura kwa sababu wao ni wazaliwa wa nchi hii. Tatizo la kutokuwa na vitambulisho si tatizo lao. Ni tatizo la Serikali ambayo imeshindwa kufanya kazi yake, haswa Wizara inayohusika na usajili wa watu. Kwa hivyo, tusiwaadhibu vijana wetu ambao wana haki ya kushiriki kwenye demokrasia ya nchi yao na kupiga kura.

Kuhusu suala la vyama, kama walivyosema hapa wahe. Wabunge ni kweli kwamba kunatatizo. Kama vyama, tumewaandikisha watu wengi sana lakini ukienda kwenye afisi ya usajili wa vyama utaona kwamba ni watu wachache tu waliosajiliwa ilhali ukienda mitaani utaona kwamba kila mtu anabeba kitambulisho cha chama chake. Kwa hivyo ni lazima turekebishe hali hiyo ili vijana wetu waweze kupata haki ya kushiriki kwenye demokrasia na kumiliki demokrasia ya nchi yetu. Hatutaki vijana waachwe nje.

Pia, kwenye upande wa vyama, tunataka wote waliosajiliwa waandikishwe na vyama vyao na waweze kushiriki kwenye uchaguzi unaokaribia bila ya pingamizi yoyote.

Ahsante, Bi Naibu Spika wa Muda.

The Temporary Deputy Speaker (Dr. Laboso): Yes, hon. Kamar!

The Minister for Higher Education, Science and Technology (Prof. Kamar): Thank you, Madam Temporary Deputy Speaker, for giving me the opportunity to join my colleagues in supporting this amendment Bill.

In supporting the Bill, I want to say out of experience that this amendment will save us a lot. I just came from my constituency this morning. From the meetings I attended yesterday, it was very clear that people were being discouraged from even going to look for IDs the reason being that their friends who had applied for the document about a year ago were still holding onto the provisional identification cards.

At two of the meetings I attended, people were asking to be allowed to register as voters using their waiting cards. So, I want to thank hon. Midiwo for bringing this amendment Bill to the House.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): Yes, hon. Njuguna!

Mr. Njuguna: Thank you, Madam Temporary Deputy Speaker. Let me start by thanking the Mover of this Bill, hon. Jakoyo Midiwo. It is a very timely Bill.

Time and again, we have heard the Chairman of the Independent Electoral and Boundaries Commission (IEBC) say that those with provisional IDs would not be allowed to vote and this has caused a lot of hopelessness amongst Kenyans. Therefore, this Bill is addressing that anomaly. Those desperate and willing Kenyans will now get an opportunity to exercise their democratic right. A provisional ID is Government document and, therefore, Kenyans should be allowed to use it.

Madam Temporary Deputy Speaker, the fear that fake documents will be produced in Nairobi's River Road is not a good reason. The National Intelligence Service (NIS), the Criminal Investigation Department (CID) and the police should move to River Road to find out where this document is likely to be produced and deal with the suspects.

Therefore, I support the amendment because it will allow Kenyans to exercise their human rights and democratic freedom.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): Yes, Prof. Olweny!

The Assistant Minister for Education (Prof. Olweny): Madam Temporary Deputy Speaker, I stand to support the Bill.

We have only 15 days left to register Kenyans as voters yet so many Kenyans are still being left out because of the Government's failure to issue them with IDs. The Government is not giving ID cards to people who have been registered. People have been registered as Kenyans yet they have not received their IDs, which should be used to identify them as Kenyans. For that reason, let us allow Kenyans with provisional IDs, which are famously known as "waiting cards" to use them to register as voters and vote. Otherwise, it would be unfair and undemocratic to deny Kenyans, and particularly young people; the chance to vote.

The Temporary Deputy Speaker (Dr. Laboso): What is your point of order, hon. Yinda?

Mr. Yinda: Madam Temporary Deputy Speaker, in view of the fact that hon. Members are now being repetitive, would I be in order to move that the Mover be now called upon to reply?

The Temporary Deputy Speaker (Dr. Laboso): Doing so would only be disenfranchising hon. Nanok as the only person left on the list of those who have requested for chance to speak.

So, Prof. Olweny, you have one minute.

The Assistant Minister for Education (Prof. Olweny): Madam Temporary Deputy Speaker, as regards party members, I want to give an example. In my constituency of Muhoroni, we distributed 10,000 cards in June last year and in the middle of this year but when the returns came from the Registrar of Political Parties; only 2,000 people were shown to have been registered as members in the whole of Kisumu County. So, where did all the other names go? That is another failure by the Government, which should not be used to bar Kenyans from voting.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): Yes, hon. Nanok!

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Madam Temporary Deputy Speaker, I rise to support the amendment basically because it is the right of every Kenyan who has attained the age of 18 years to vote. It is also the right of Kenyans to be issued with IDs.

When the Government issues a provisional ID with a serial number to Kenyan, it is already an official Government document. Therefore, an institution of Government supervising elections should be able to accept such document as admissible to enable the holder to exercise his constitutional right.

Therefore, I support the amendment.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Kamama, what is your point of order?

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Madam Temporary Deputy Speaker, I just wanted to contribute.

The Temporary Deputy Speaker (Prof. Kamar): You have a minute.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Madam Temporary Deputy Speaker, I want to reluctantly support the amendment because if the process is not handled well, somebody can decide to organise a mass production of this document and end up rigging our election. Therefore, if we are going to do it carefully, I will support the amendment reluctantly, so that our youth can vote instead of being denied the right to do so.

So, I support reluctantly.

The Temporary Deputy Speaker (Dr. Laboso): Let us now have the Mover, hon. Midiwo.

Mr. Midiwo: Madam Temporary Deputy Speaker, I wish to thank all the hon. Members who have contributed to the Bill. I have heard the concerns of the few hon. Members who have supported the amendment reluctantly. I think it is in good taste.

I want to say that what we are doing is not political. It is meant to organise the electioneering process. We have a duty, as leaders in this country, to at least attempt – even if we do not go all the way – to make sure that we do not re-visit the usual chaos that we have seen in the process of nomination by political parties and also protect Kenyans' right to vote.

Madam Temporary Deputy Speaker, the ID process is not working for our people. In many countries, issuance of an ID is an instant thing. We have been giving the Ministry responsible millions of shillings. Why can I not go to Akala, my village, have my photograph taken and then my ID comes out of a machine? That is usually what happens elsewhere. Kenya is very unique. We spend so many billions of shillings and then I am told that the person who verified my personal information in Akala is not trustworthy enough and, therefore, the same information must be taken to Nyayo House, Nairobi, for somebody who did not participate in that process to verify it further. What are we doing?

We must do this exercise to accord with the principles of the new Constitution and the devolved system of government, so that we stop frustrating our people. It is Kenyans' right to have IDs. Therefore, we shall be engaging all the hon. Members with concerns, especially those who said that there is room for misuse of this amendment. We can even include a proviso but for the sake of this election, we must give Kenyans confidence that this process is going to be free and fair to candidates and electors.

With those remarks, I beg to move.

(Question put and agreed to)

THE POLITICAL PARTIES (AMENDMENT) BILL

Mr. Midiwo: Madam Temporary Deputy Speaker, I beg to move that the Political Parties (Amendment) Bill (Bill No.73 of 2012) be now read a Second Time.

This is also a very short Bill. The intention of this amendment is to build on to the Bill which we have just passed. It is important that the Registrar of Political Parties Office be independent and be chosen in a way that is agreed by all political parties.

Madam Temporary Deputy Speaker, as I speak, in the recent Statute Law (Miscellaneous Amendment) Bill, the Attorney-General tried to correct the process but it lapsed after political parties from both sides of the coalition chose members and somebody somewhere refused to gazette members of that nominating panel. All I am trying to do is to go back to the original formula because, as it were, the Act now says that, that person shall be nominated by the Public Service Commission (PSC). The PSC has not been formed and the Registrar of Political Parties is supposed to be a major player in the upcoming elections.

The Office of the Registrar of Political Parties, as it obtains now, is like the Director of Public Prosecution (DPP) before Mr. Tobiko was made the substantive DPP. Therefore, it is just a name without an office. It is important that we make that person independent and recruit him or her in a way that is acceptable to both sides of this coalition. The work of the Registrar is going to be very important during an election. This is not about the current Registrar. This is about complying with the constitutional requirement.

Without saying too many things, we want to reinstate the process. We want the President and the Prime Minister to bring in the names of panelists. That is because that person cannot be appointed by PSC because they are doing a political job. We must all agree who this person is going to be and how he or she is going to do his or her job. If you take that process to the PSC, it shall shortchange and shall be blind to the political aspirations in the country.

With those few remarks, I want to ask Mr. Mutula Kilonzo to second.

The Minister for Education (Mr. M. Kilonzo): Madam Temporary Deputy Speaker, allow me to second this very important Bill and its amendment. The fact of the matter is that in the process of heavy legislative work and other activities, the country has forgotten that it was a big fight having to establish an independent office of the Registrar of Political Parties. Until political parties are managed by an independent organ that feels that it enjoys the confidence of not only the country but also this House, then we will not realize the political development and liberation that we wanted. Therefore, I want to salute Mr. Midiwo for thinking of this amendment. It is sincerely necessary that we pass it.

I beg to second.

(Question proposed)

The Minister for Medical Services (Prof. Anyang-Nyong'o): Madam Temporary Deputy Speaker, I want to add my voice to those of my two colleagues who have just spoken on this Bill. I support the amendment very strongly.

First, the Public Service Commission has nothing to do with the political parties' office. The political parties' office should be established in a process that involves those who are directly affected by elections, the key players, and that is political parties. Political parties are represented in this House by Members of Parliament sponsored to this House by the political parties.

The select committee which will play a key role in this is a committee that will be comprised of politicians, who should ensure that the occupant of the political parties office, the Registrar, is somebody in whom the players have confidence, somebody who knows that she or he is accountable to these players and, therefore, will make sure that as a referee, or an arbiter, she or he acts in an extremely responsible and accountable manner.

Therefore, the amendment that was smuggled into the Statute Law (Miscellaneous amendment) Bill by the chief lawmaker in this country was not only inappropriate but contrary to the wishes and desires of those who participate in politics in this House representing the people of Kenya and, therefore, those who look for an institution that will most capably and responsibly exercise that power.

I beg to support.

Mr. Njuguna: Madam Temporary Deputy Speaker, it is the desire of Kenyans to have this office operational.

I fully support.

Mr. Midiwo: Madam Temporary Deputy Speaker, I want to thank everybody who contributed to this Bill.

I beg to move.

(Question put and agreed to)

(The Bill was Read a Second Time and committed to a Committee of the Whole House tomorrow)

BILL

Second Reading

THE SCIENCE, TECHNOLOGY AND INNOVATION BILL

*(The Minister for Higher Education, Science and Technology
On 28.11.2012)*

(Resumption of Debate interrupted on 28.11.2012)

The Temporary Deputy Speaker (Dr. Laboso): Hon. Minister, you are resuming. You had 50 minutes. So, you will take a few more now and we will continue.

The Minister for Higher Education, Science and Technology (Prof. Kamar): Madam Temporary Deputy Speaker, I was actually at the point of winding up. I had said that an effective innovation system is required for a country like Kenya to harness the potential offered by modern science and technology to its social and economic development.

With those remarks, I beg to move. Mr. Namwamba will second me.

The Minister for Youth Affairs and Sports (Mr. Namwamba): Madam Temporary Deputy Speaker, I do appreciate the importance of this Bill and I do second.

(Question proposed)

Mr. Koech: Madam Temporary Deputy Speaker, I truly support this Bill. What it contemplates is that we are going, as a country, to put in at least 2 per cent of our national revenue into research.

I beg to support.

Mrs. Odhiambo-Mabona: Madam Temporary Deputy Speaker, I do support and thank the Minister for bringing the Bill. The only thing is the proposed amendments, which I will bring; the issue of innovation needs to be strengthened.

I support.

(Question put and agreed to)

*(The Bill was Read a Second Time and committed
to a Committee of the Whole House tomorrow)*

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, it is now time for interruption of business. This House, therefore, stands adjourned until tomorrow Wednesday, 5th December, 2012, at 9.00 a.m.

The House rose at 6.30 p.m.