

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 30<sup>th</sup> October, 2013

The House met at 2.30 p.m.

*[Hon. Speaker (Mr. Muturi) in the Chair]*

### PRAYERS

### ADMINISTRATION OF OATH

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

Hon. Stephen Mutinda Mule

**Hon. Speaker:** Yes, hon. Njomo.

### NOTICES OF MOTIONS

#### ESTABLISHMENT OF COMMERCIAL POLICE WING

**Hon. Njomo:** Thank you, hon. Speaker, Sir. I beg to give notice of the following Motion: -

THAT, aware that a full functioning police service is vital for maintenance of peace, provision of security and enforcement of law, deeply disturbed that the police to citizen ratio in Kenya is approximately 1:1150 which falls below the United Nations recommended standard of 1:450; realizing that it is now a requirement for all cash in transit vehicles to be accompanied by armed security thus leading to an increase in the demand for police protection in various private businesses including banks, supermarkets and others; this House, therefore, resolves that the Government sets up a commercial wing of the police force whose mandate will be to provide security services that go beyond the current mandated role of the police to private individuals, Government agencies, businesses and premises, among others.

**Hon. Speaker:** Yes, hon. (Ms.) Halima Ware.

#### REVIVAL OF COMMUNITY POLICING PROGRAMME

**Hon. (Ms.) Duri:** Thank you, hon. Speaker, Sir. I beg to give notice of the following Motion: -

THAT, aware that in 2006 the then President, hon. Mwai Kibaki rolled out the Community Policing Programme as a way to support and complement the police in fighting crime; concerned that the programme has failed to kick off as expected due to lack of resources; noting that with the high level of insecurity in the country community policing will play a significant role in the restoration of order; this House resolves that the Government revives the Community Policing Programme and ensures that the volunteers who are members of the community are facilitated to help curb insecurity in the country.

Thank you, hon. Speaker, Sir.

## REQUESTS FOR STATEMENTS

### DISCRIMINATION AND CONFLICT IN MARSABIT COUNTY

**Hon. Dido:** Thank you hon. Speaker, for giving me the opportunity. I stand pursuant to Standing Order 44(2)(c) to request for a statement from the Leader of Majority Party regarding politically instigated discrimination and conflict in Marsabit County. A political association by the acronym REGABU for Rendille, Gabra and Burji has been used as a tool of discrimination and intimidation in the provision of services and equal opportunities in development.

Hon. Speaker, Sir, this has disadvantaged individuals who do not belong to the association from accessing public services. In his statement, the Leader of Majority Party should inquire into and report on the role of REGABU, when it was registered and why it has been allowed to operate unlawfully and discriminate openly against individuals not belonging to the group. Secondly, the influence the association has on employment opportunities and resource sharing in Marsabit. Thirdly, the role of this association on the conflict between Gabra, Burji and Borana communities within Marsabit County. Fourthly, the extent of destruction to property caused and whether the perpetrators of the conflict in Marsabit have been brought to book and the fate of the internally displaced persons.

**Hon. A.B. Duale:** Hon. Speaker, Sir, it is a very complex statement. One is about an association which falls within the Ministry of Devolution and Planning and then there is an element of conflict. But I will consult both the Ministries and bring an answer to this House on Thursday next week.

### REDUCED BUSINESS AT INLAND CONTAINER DEPOT

**Hon. Kariuki Ndirangu:** Thank you, hon. Speaker. I rise to request for a statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the slow death of the Inland Container Depot commonly known as the ICD, Nairobi, due to reduced business arising out of high charges for containerized railway cargo.

Hon. Speaker, Sir, the Government invested billions of shilling into the ICD in order to decongest the Mombasa Port and prevent damage to roads by trucks ferrying

heavy goods from the port. However, the ICD is facing a slow death as importers shy away from it due to exorbitant charges and redundancies that have turned it ineffective.

Hon. Speaker, Sir, importers have to pay high charges for railway cargo transport, charged at Kshs120,000 per a 40-foot container which still takes three days to get to Nairobi, compared to using road transport at Kshs90,000 per a 40-foot container, which is cheaper and only takes 10 hours to reach Nairobi.

Hon. Speaker, Sir, the Chairperson should inquire into and report on:

- (i) the interventions the Ministry of Transport and Infrastructure has taken to ensure the ICD does not close down for lack of business due to exorbitant rates;
- (ii) measures put in place to safeguard the interest of the business people who greatly rely on the ICD; and,
- (iii) measures to enhance the effectiveness of railway transport across the country and prevent damage to roads from road haulage of goods.

Thank you.

**Hon. Speaker:** Chairperson of the Departmental Committee on Transport, Public Works and Housing, take the Floor.

**Hon. (Eng.) Mahamud:** The Chair is not in.

**Hon. Speaker:** Is that to say that the Vice-Chair is also not present, Eng. Mahamud?

**Hon. Shimbwa:** Hon. Speaker, Sir, on behalf of the Chairman of the Committee, I would like to give the hon. Member an assurance that the reply will be given to him in the next three weeks.

Thank you.

**Hon. Speaker:** As you can see, both the Chairman and Vice-Chair are not present. But it is even better because I have been encouraging committees to form sub-committees so that where you have other active hon. Members like hon. Shimbwa, then business of the Committee does not stall. He moves in, notwithstanding the absence of the Chair and the Vice-Chair. So, there you are. In any event, he is your colleague.

#### FEMALE STUDENTS DENIED OPPORTUNITY TO SIT KCSE EXAM

**Hon. (Ms.) Kajuju:** Thank you hon. Speaker, Sir. Pursuant to Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Education, Research and Technology, regarding cases where students who have just given birth are not allowed to sit the Kenya Certificate of Secondary Education (KCSE) examination.

Hon. Speaker, Sir, some head teachers are denying female students who have recently given birth the opportunity to sit the KCSE despite being dully registered. For instance, one Charity Kananu who was a student at Antuanduru Secondary School was denied the chance to sit for her examination by the school principal on the grounds that she had given birth two weeks prior to the start of the examination.

Hon. Speaker, Sir, the matter was reported to the District Officer, the Officer Commanding Police Station (OCS) and the Officer Commanding Police Division (OCPD) in Tigania East, Meru County but no action has been taken. In her statement, the Chairperson should inquire and report on the following: -

(i) the measures to be put in place to ensure that the said Charity Kananu and others like her take their examinations during this examination period;

(ii) disciplinary action to be taken against the school principal of Antuanduru Day Secondary School and any other officer found liable in similar circumstances; and,

(iii) Compensatory measures to be availed to the said Charity Kananu.

**Hon. (Ms.) S.W. Chege:** Hon. Speaker, Sir, it is unfortunate that those girls have been affected and the exams have already started. I would like to act fast. Today being a Wednesday, by Tuesday next week, we will be ready with an answer.

**Hon. Speaker:** That is okay.

**Hon. Abongotum:** On a point of order, hon. Speaker, Sir. The issue of students who have given birth is extremely urgent. Would I be in order to ask you to direct the Chairperson to go and meet the Cabinet Secretary, so that decisions can be made today or tomorrow, so that these students can sit for their examinations? If we wait for a Statement, this will delay and the students may not even sit for the examinations. So, I stand guided by you.

**Hon. Speaker:** The person requesting for the statement had already expressed satisfaction with the date of Tuesday next week, which will be 5<sup>th</sup> November. Of course, it is to be appreciated and the Chair has also made the same point, that obviously, examinations have started and in the statement among other things sought is compensatory arrangements, if I heard that correctly. So, Tuesday is still convenient. Hon. Michael Kisoi Munyao.

#### LEGALITY OF GAZETTE NOTICE BY NATIONAL LAND COMMISSION

**Hon. Kisoi:** Hon. Speaker, Sir, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairpersons of the Committee on Lands and the Committee on Delegated Legislation regarding the legality of Gazette Notice No.13872 of 18<sup>th</sup> October, 2013, by the National Land Commission.

On Friday, 25<sup>th</sup> October, 2013, the National Land Commission placed a public notice in the media regarding the signing and preparation of titles. The notice quoted sections of the Constitution and the Lands Act that are inconsistent with the Commission's mandate. In the Statement, the Chairpersons should inquire into and report on: -

(i) the legality of the Gazette Notice No.13872 of 18<sup>th</sup> October, 2013, by the National Land Commission;

(ii) the mandate of the National Land Commission in preparation, authentication, signing, registration and distribution of land titles;

(iii) the legality of title deeds issued after the National Land Commission assumed office; and

(iv) whether as an agent under Section 6 of the Land Act, 2012, the National Land Commission can create units in respective counties without consulting the principal, which is the national Government or the county governments.

**Hon. Mwiru:** Hon. Speaker, Sir, first of all before I commit myself, I wish to seek your guidance because I am very sure and certain that the Member who has sought the statement is a Member of the Committee on Delegated Legislation to which he has

directed the statement. Is the Member supposed to ask that statement from the Floor of the House or to the Committee, which he is a Member?

**Hon. Speaker:** Indeed, the question is directed to the Chairperson of the Select Committee on Delegated Legislation, hon. Cheptumo. Perhaps, you could address that alongside the issue raised by hon. Mwiru.

**Hon. Cheptumo:** Hon. Speaker, Sir, as I was listening to my colleague requesting for the statement, he referred it to two Committees. He talked about the Lands Committee and the Committee on Delegated Legislation, yet the Order Paper mentions only the Committee on Delegated Legislation. You will have to give directions as to whether it is in order for a Member of a Committee to seek a statement on the Floor of the House and direct the request to his very Committee. That is a procedural issue which I may not be able to guide the House.

However, the subject matter of the statement is about a *Kenya Gazette* Notice, which falls squarely within the mandate of my Committee. So, without anticipating debate, we are already dealing with a *Kenya Gazette* Notice by the Cabinet Secretary for Lands. So, we are ready as a Committee to deal with the issue, but you need to guide us on the issue raised by hon. Mwiru.

**Hon. A.B. Duale:** Hon. Speaker, Sir, as you give a ruling on that, I am sure today the House is waiting for a report from the Ministry of Lands on a number of gazette notices. I do not want to impute improper motive on my colleague because in the Judiciary, you can shop for a judge if you want to win a case. This is a matter that today the House will be given a report. I do not want to anticipate debate, but it looks like we are getting dragged into the wars within the Ministry of Lands. There were gazette notices which are being done here and now we are being told to investigate another gazette notice.

I want you to give a ruling that we first look at the report that is supposed to come to this House on the issues of the gazette notices and do not divert the attention of the country and this House to some other side shows. The Committee might give a recommendation on the roles of the Land Commission, the Ministry of Lands and the Public Service Commission. That is what the Member for Kirinyaga Central asked. So, we need your guidance, so that we do not again spin the wheel every Tuesday and every Wednesday.

**Hon. Speaker:** Hon. Munyao, you want to say something?

**Hon. Kiso:** Hon. Speaker, with all due respect to the Leader of Majority Party, I am seeking a statement on a completely different issue here, which is the Gazette Notice by the National Land Commission which was published on 18<sup>th</sup> October 2013. I am not seeking a statement in reference to a gazette notice, where a question had earlier been sorted in this House. I also stand guided because I do not know whether I am in breach of any Standing Orders if as a member of a Committee I raise a national issue. I stand to be guided by your ruling.

**Hon. Speaker:** It is not complicated. You are a Member of this House and if you look at the mandate in Article 95, you will speak on any matter, any matter under the sun that is of interest to the people who have elected you, including those who may wish to consult you, because you are a Member of the House. So, you are perfectly in order to rise in your place and seek a statement. You cannot be gagged by the fact that you belong to the Committee. I think more importantly is the fact that this House is alive to

the fact that there are joint sittings of the two Committees; Committee on Lands and Committee on Delegated Legislation, dealing with some of the matters that you are raising now. This matter is in regard to this particular Gazette Notice No. 13782. It should be brought to the attention of those two Committees, so that as you do your reports and as the two Committees make their reports, they can also express themselves on this gazette notice so that we do not appear to be moving back and forth. I do not want to use the exact words by the Leader of Majority Party - "shopping for judges" - as it is said in the Judiciary. This matter touches on the National Land Commission, as you have rightly said. It is with regard to their mandate relating to the signing of a document, if I heard hon. Munyao correctly. Is it possible for both hon. Cheptumo and hon. Mwiru to sit as you prepare to give us the report? Alongside that report, express yourselves on this matter. It may be easier for you to discuss this in Committee. I would like to hear this from hon. Cheptumo.

**Hon. Cheptumo:** Thank you hon. Speaker Sir, I wish to concur with you. The issue raised by hon. (Ms) Mbarire covers both Lands and also my Committee by virtue of the *Kenya Gazette Notice*. I wish on behalf of my Committee and the Committee headed by hon. Mwiru to confirm to the House that the report of the Joint Committee is already concluded. It is ready and coming up after the conclusion of that process. If we are to proceed as per your direction, it will then mean we will have to delay tabling our report which is ready, to enable us deal with the gazette notice raised by the hon. Member. We need to balance both the position that we are in right now and what is emerging in the House now.

**Hon. Speaker:** Can you give an indication on when you will table the report?

**Hon. Cheptumo:** It is ready.

**Hon. Speaker:** It is ready?

**Hon. Cheptumo:** Yes, it is. Given the sensitivity of the matter, we feel as the Joint Committee that we need to dispose it today so that the country is able to move, knowing the position we have taken as a Committee. The report is ready but I still agree that it is important because they relate to the same issues. But this one has been concluded.

**Hon. Speaker:** You know it is important we get to the bottom of this. If that report is ready and hon. Cheptumo suggests that the House should express itself on it, but it is not on the Order Paper; it has not been tabled--- You are saying you have concluded report writing in which case then we can correctly have this request handled by your Committee. Given that it touches and affects the Committee headed by hon. Mwiru, I think it is convenient that the two Committees address themselves to this, even if it is not going to be done alongside that other report, which you say is ready. Hon. Mwiru you want to ---

**Hon. Mwiru:** Yes, hon. Speaker. It is on a point of order because he has spoken on a report that is supposed to have been tabled today. By the way, what we have as a Joint Committee is a statement request. Therefore, we need your indulgence in this, to know whether we just read the statement as we saw it done other times.

**Hon. Speaker:** That other one is also a request for statement?

**Hon. Mwiru:** Indeed, it was a request from hon. Ng'ongo and hon. Gitari. We were supposed to respond to a request for a statement.

**Hon. Speaker:** Is that why hon. Ng'ongo is burning to say something?

**Hon. Ng'ongo:** Thank you, hon. Speaker Sir. Much as I agree with your ruling that this matter is closely linked to the issue that the two Committees have been investigating, it is also important to note that the hon. Member who is asking this statement this afternoon had the privilege of sitting in the Committee. The tradition and practice in Parliament is that when you sit in a Committee and you feel that there is an additional enquiry to be made, you can propose it at the Committee stage and it is investigated. I am really ready to receive my statement from the two Committees. If my statement, together with hon. Gitari's statement would be delayed bearing in mind that my statement was already delayed to accommodate hon. Gitari's--- The Statement is going to be delayed further if we accommodate hon. Munyao. Tomorrow, another hon. Member will request for a statement and we will accommodate him. Remember, we have 349 Members in this House and if each one of us is going to raise a matter linked to land issue and registration of land, probably this statement will be delivered in the 12<sup>th</sup> Parliament.

I would therefore urge that my statement and that of hon. Gitari is delivered by the Committee. There is nothing that stops the Committee from investigating other further matters relating to this issue. I request that you rule that the statement that is ready is delivered, and then that part that hon. Munyao is requesting would further be considered by the Committee. Finally, you see there is a complaint from the Executive that we take a lot of their time summoning them. I think it would be important that if, as a Member of the Committee, you feel that there are regional issues to be investigated, raise them so that we do not continue summoning and inviting the same Government officials to appear before us, when we could use our time prudently.

**Hon. Speaker:** I agree, you do not need to add anything more. Hon. Munyao, just resume your seat; you are not under attack. It is your right and I have already pointed out that it is your right to seek a statement. The House and the Committee to which it is directed will know how best to deal with it. In the meantime, it is directed that the statements sought by hon. Ng'ongo and hon. Gitari from the two Committees be delivered as directed.

Hon. Munyao, since you are a Member of the Committee on Delegated Legislation, I will not ask hon. Cheptumo to say when it is that he is going to give that statement. But you will go and sit in the Committee. This should not be a complicated matter; I know you do not require experts to make a decision one way or the other. Hon. Cheptumo is more than able to deal with this in a sitting. All he needs to do is just control the politics in the Committee so that you just deal with the law. This is straightforward and I am sure hon. Cheptumo will be able to deal with his colleagues, and that includes hon. Munyao so that you can bring a statement even next week. But let us get the one that was sought earlier. Hon. Munyao, first of all go and canvas that matter, let us know when you will deal with this.

**Hon. Kiso:** Thank you, hon. Speaker for your guidance on that matter and I wish to clarify that I was not in objection to that report being tabled. I want to make that very clear to my fellow hon. Members. My issue was separate and distinct from what is being tabled. I sought the guidance of my Chair when I wanted to raise this statement and he told me that already the matter that I was going to raise is distinct from what we are dealing with and, therefore, I could proceed with my intentions.

Hon. Speaker, therefore with all due respect, you have already ruled. I am most obliged and, therefore, I will wait. I will get in touch with the Chair and then we will sort it out. Thank you.

**Hon. Speaker:** Very well. We will not go into anything else because that will be anticipating debate. Hon. Cheptumo, let us not anticipate what you are likely to come up with.

**Hon. Cheptumo:** No, hon. Speaker. I still want to request that you go back to what you said earlier. On this matter, I still need the input of the Departmental Committee on Lands. I wish that you order that both the two committees deal with this matter and I will explain why. What is going to be before us is a very sensitive matter. There is now a dispute as to who should sign title documents in this country. The Departmental Committee on Lands is a substantive committee on this and I wish to plead that you allow both the committees – the Committee on Delegated Legislation and the Departmental Committee on Lands to deal with the matter.

**Hon. Speaker:** I am sure hon. Mwiru is not opposed to the joint sitting. So, it is ordered that you sit jointly to look at this. Members, it is also fair for you to know that this matter may look small but it is very grave because of the issue you referred to as “sanctity of title”. This is because it has a bearing on the financial markets and on what investors think about the title documents that we issue as a country. Hon. Bernard Masaka Shinali.

#### STALLED ROAD PROJECTS ACROSS THE COUNTRY

**Hon. Shinali:** Thank you, hon. Speaker, Sir. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding stalled road projects across the country. Up to 58 major road construction works across the country have stalled for various reasons, thus greatly impacting on livelihoods in terms of transport, communication and trade amongst others.

Hon. Speaker, the Chairperson should inquire into and report on: When works will resume on the 58 stalled road construction works across the country; the additional costs and financial implications to the Kenyan taxpayer due to delays and arising penalties given that formal contracts have been entered into by the Government and measures to prevent such a loss of public funds and, lastly, action to be taken against contractors responsible for substandard works on some of the road projects, for instance the poorly constructed Sigalagala-Musoli-Sabatia-Butere Road – Road No.D260/E390.

**Hon. Speaker:** The Vice-Chair has now arrived.

**Hon. (Eng.) Mahamud:** Hon. Speaker, Sir, the Committee will be able to report back in three weeks because the information asked for is massive.

**Hon. Speaker:** Hon. Shinali.

**Hon. Shinali:** Hon. Speaker, Sir, I will wait.

**Hon. Speaker:** Very well. Pursuant to a directive given earlier in the morning by the Deputy Speaker, I allow the Chairperson of the Departmental Committee on Administration and National Security, hon. Kamama, to make a response.

#### STATEMENT



## ISSUANCE OF WORK PERMITS AND CITIZENSHIP TO FOREIGNERS

**Hon. Abongotum:** Thank you, hon. Speaker. I wish to respond to a question that was raised by hon. Kangogo of Marakwet East on issuance of permits and citizenship to foreigners.

Hon. Speaker, the Member of Parliament for Marakwet East Constituency requested for a Statement on issuance of work permits and citizenship to foreigners and the hon. Member wanted to be informed on the following:

- (i) how many work permits have been issued to aliens from the year 2012 to date including information on the specific job descriptions and the qualifications for those issued with work permits;
- (ii) the procedure for vetting and issuing work permits to the aliens;
- (iii) the role of the relevant parliamentary committee in the process of vetting and issuance of work permits;
- (iv) how many aliens have been granted citizenship for the last five years and the reasons for granting citizenship at the country of birth for each of these aliens and, lastly,
- (v) whether the issuance of work permits for Class “D” that is alien employees should be abolished.

Hon. Speaker, since January 2012 to date, a total of 29,374 work permits have been issued. I wish to give the following breakdown:

### **Class of permits**

Class “D” for expatriates, 18,355;  
Class “I” for missionaries, 4,441;  
Class “B” for farmers, 11;  
Class “F” for manufacturers, 3;  
Class “C” for general investors, 5,459;  
Class “H” for retired residents, 1,035;  
Class “M” for refugees, 70;  
Total, 29,374.

Hon. Speaker, the procedure for vetting applications for work permits is twofold; one, all applications for work permits are first submitted to the National Intelligence Service (NIS) for security clearance. No permit is issued without this specific clearance. Two, after security clearance an inter-ministerial committee sits to deliberate on every specific application. The committee which comprises of representatives from the Immigration Department, the Ministry of Labour, the Ministry of Tourism, the Ministry of Education and the Kenya Investments Authority visits the sites to ensure that permits are not issued to briefcase investors. Besides verifying the number of Kenyans employed by each and every specific investor, the Committee also looks at the certificate of each applicant to determine their qualification and specialization. The Committee also looks at the threshold of the capital investment that the investor has put in place to warrant issuance of the permit.

It is also worth noting that the investment threshold for investors has been raised from Kshs8 million to Kshs50 million. The Departmental Committee on Administration

and National Security oversees the Department of Immigration. Further, granting of the Kenya citizenship is provided for by the Constitution of Kenya, 2010, Chapter Three, Article 15. The Kenya Citizenship and Immigration Act, 2011 provides for the categorization and classification of persons entitled or eligible to be registered as citizens of Kenya and administrative action thereof.

I wish to table a list of citizenship granted over the last five years, that is, from 2009 to 2013.

On whether the work permits for Class “D” should be abolished, it is imperative to note that we have approximately three million Kenyans living and working in the diaspora. They contribute heavily to the Kenyan economy through annual remittances. The international practice is that the movement of workers is done on reciprocal basis and much as we tighten the issuance of work permits, we should not jeopardize our fellow Kenyans working in diaspora. When employing expatriates, the Government ensures that these people have specialized skills that cannot be obtained locally.

I wish to give a list of persons granted Kenyan citizenship from 2009 to 2013: Indians, 580; British, 33; Tanzanians, 12; Pakistan, 26 and the rest of the countries, below 10. Children who obtained citizenship from 2009 to 2013 are 1,951; nationalities include Indians, 1,852. We have some who are stateless, that is, 10 of them. We have people from Pakistan, 38, Somalia, 13; Britain, 11; and the rest are below 10.

With regard to spouses, Indians, 1025; British, 72; Pakistan, 36; Uganda 15; Tanzania, 20; Ethiopia, 13; Somalia, 26; Portugal, 30; and the rest are below 10.

Hon. Speaker, that is the statement that was prepared and hon. Kangogo can interrogate, if he so wishes.

**Hon. Bowen:** Thank you, hon. Speaker. This is very serious; 29,000 expatriates given work permits in a year! I first asked the Chairman to give information to do with specific job descriptions and qualifications of work permits issued. I want the Chairman to table information showing that for the 29,000 work permits given to these aliens, Kenyans do not have those qualifications locally.

Hon. Speaker, secondly, I want the Chairman to clarify how his Committee is involved in this vetting. What is the procedure of vetting? The rate of unemployment in the country---

**Hon. Speaker:** Hon. Kangogo are you suggesting that the Parliamentary Committee should be involved in the vetting of those expatriates and others, or applications for work permits and so on? You see, there is Executive work so that we at the National Assembly do oversee. Indeed, it is important to note that it is only the National Assembly which has got the oversight function in the Constitution. That is for avoidance of doubt. If you ask the Committee to do that other work, then you may lose the opportunity to play the oversight role. But I think your question is okay. He said that Kenyans do not lack those qualifications for which so many foreigners were being given work permits. What works were they coming to perform? Those are very legitimate oversight questions.

**Hon. Bowen:** Exactly, hon. Speaker and that is what I am asking the Chairman to tell us. What are these jobs that expatriates came to do? Are there no Kenyans who can do those jobs, especially now that the rate of unemployment in the country is so high? You know 29,000 work permits issued in a year--- No wonder we have not had the results for census up to today. It is because there are so many expatriates coming into the

country and there are so many citizenships being given out. That is the small clarification I want to seek from the Chairman.

**Hon. Abongotum:** Hon. Speaker, first of all I want to agree with the hon. Member that unemployment is really high in this country. It is not fair to actually issue work permits to foreigners who have same qualifications as Kenyans or with same degrees that Kenyans possess. This is actually denying them job opportunities. So, I agree entirely with the Member of Parliament.

We were not given the actual tabulation. I do not know whether or not it was an oversight, but I want to promise the Member that we will get this information from the Immigration Department and I will invite him to our Committee sometime next week so that we can go through the details with him. We will do that. We are also focusing on this specific department because in dealing with matters of terrorism, this department has actually facilitated the issuance of citizenship to people who are actually not Kenyans and who have actually ended up being *Al Shabaab*.

We will investigate this matter. I know that as we speak the Ministry has taken action. In fact, I think sometime last week 17 officers were sacked because of corruption. I know that they went to court today to seek redress. I want to promise that action will be taken to ensure that corruption in this department is actually dealt with.

On the issue of vetting, that is totally under the purview of the Immigration Department and other committees. The Committee that vets includes the Ministry of Labour, the Ministry of Tourism, NIS, and Ministry of Education--- So that is their job. Our job is to play oversight role. The details of vetting are done by the Executive arm of the Government.

**Hon. Speaker:** Yes, hon. Bowen.

**Hon. Bowen:** Thank you, hon. Speaker. Since the Chairman has said that he is going to bring us detailed information on the qualifications of those who were issued with work permits, I will wait for the information as he also clarifies under what circumstances foreigners were given Kenyan citizenship. We have been told that some of them came in as investors. How come they have ended up becoming Kenyan citizens?

**Hon. Speaker:** Yes, hon. Muthomi Njuki.

## REQUEST FOR STATEMENT

### LOGGING OF KIAMURIUKI FOREST BY KENYA FOREST SERVICE

**Hon. Njuki:** Thank you, hon. Speaker, for your indulgence. Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources regarding the logging of Kiamuriuki Forest in Chuka by Kenya Forest Service (KFS). The KFS has allocated four loggers a total of 35 acres of the Kiamuriuki area of Mount Kenya Forest at a cost of Kshs8 million to clear all the trees on the land within a week. This has been done without involving the sub-county environment committee or getting clearance from the National Environment Management Authority (NEMA), which is required to provide an impact assessment report for deforestation of this magnitude to take place.

Hon. Speaker, the Chairperson should inquire into and report on the following: -

(i) why this magnitude of deforestation should take place in one area at once;

(ii) give reasons for the KFS licensing of loggers to harvest trees without obtaining an impact assessment report from NEMA;

(iii) give reasons for the non-involvement of the community through the sub-county environment committee before arriving at such decision;

(iv) whether the relevant Ministry is aware and what it is doing to stop the logging, especially owing to lack of public support that has led to riots in the area; and,

(v) measures put in place by the Forest Department to replace the cleared forest through reforestation.

**Hon. Speaker:** Is there representation from the Committee?

**Hon. (Ms.) Emanikor:** Hon. Speaker, on behalf of the Departmental Committee on Environment and Natural Resources, I would like to inform the hon. Member that he can get an answer in two weeks' time.

**Hon. Speaker:** Hon. Muthomi Njuki, you must also appear before the Committee.

Next Order!

What is your point of order, hon. John Mbadi?

**Hon. Ng'ongo:** Hon. Speaker, just a few minutes ago, you ruled that the statement I had sought on the issue of irregular appointment in the Ministry of Lands would be issued by the Chairman of the Committee on Lands, together with the Chairperson of the Committee on Delegated Legislation. The Chairman had indicated to me that the response was ready.

**Hon. Speaker:** Hon. Mbadi, hon. Alex Mwiru and hon. William Cheptumo were in the Chamber when we got to Order No.5, on Papers Laid. I am informed that they were to table a report. So, let us hear from hon. Alex Mwiru.

**Hon. Mwiru:** Hon. Speaker, during your earlier ruling, I had even sought your indulgence as to whether I was supposed to have tabled the Paper when the request was for a statement. Probably, you did not get me correctly at that moment. I had said that it was a request for a statement from hon. John Mbadi and hon. Joseph Gitari. I am ready with the statement.

**Hon. Speaker:** Hon. Mwiru, you know, I have to rely on what is communicated to me. If it is to be by way of a response, it will be done tomorrow at 2.30 p.m. Hon. Asman Kamama's response has been allowed this afternoon because there was a directive by the Deputy Speaker in the morning as to when it should be done. Indeed, I expected hon. Mwiru to deliver the response to the request at that moment. My communication has been very clear. Responses shall be delivered for one hour on Wednesday morning and for one hour on Thursday afternoon. The one by hon. Asman Kamama was an exemption because it was directed to be delivered this afternoon by the Deputy Speaker, when she was in the Chair during the morning session.

**Hon. Gitari:** On a point of order, hon. Speaker.

**Hon. Speaker:** There is nothing that is out of order. I have already ruled. It is in the Communication that I made the other day. I want to encourage hon. Members who are computer literate to continue looking at the Parliamentary Website. All these things are posted there. For avoidance of doubt, I am unlikely to change that position. As many of you may wish to rise claiming to be on points of order, the position is not going to change but should you want to be heard, I will grant you the opportunity to be heard, odd as it may be.

**Hon. Gitari:** Hon. Speaker, the HANSARD will bear me witness. When this matter came up, it was hon. (Dr.) Joyce Laboso who was in the Chair, and she ruled that it should be brought to this House on Tuesday, last week. On that day, the Chairman of the Committee asked for an extension of time and he was allowed to bring it today afternoon. The HANSARD will bear me witness, hon. Speaker.

**Hon. Speaker:** Hon. Gitari, I will not change my position. I have told you to say what you must say, however odd it may be. The statement shall be delivered tomorrow after 2.30 p.m. That is the day that is available.

Yes, hon. Mwiru.

**Hon. Mwiru:** Hon. Speaker, I do not want to challenge your ruling at all but tomorrow, being a Thursday, I will be travelling with the Committee on Regional Integration to Malindi for some official duty. Therefore, I may not be able to give the response tomorrow.

**Hon. Speaker:** Of course, there can be another Member of the Committee to give the response. I have encouraged Chairpersons of Committees to delegate some duties to other Members of the Committee. It is for that reason that you do not see me here all the time. It is good to delegate. Hon. Cheptumo will be available. This is a Joint Committee. So, if it is just a response, he can read it out. Tomorrow is the day available for the request.

Next Order!

**Hon. Speaker:** Let us move on to the next Order.

## **BILLS**

### *First Readings*

THE KENYA QUALIFICATIONS FRAMEWORK BILL

THE KENYA HEROES BILL

THE PROTECTION AGAINST DOMESTIC VIOLENCE BILL

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

### *Second Reading*

THE ELECTION CAMPAIGN FINANCING BILL

*(Hon. (Ms.) Kanyua on 24.10.2013)*

*(Resumption of Debate interrupted on 24.10.2013)*

**Hon. Speaker:** Before we move to Order No.11, let us hear what hon. James Opiyo Wandayi has to say.

**Hon. Wandayi:** Thank you very much, hon. Speaker, Sir. I have really laboured to catch your eye.

**Hon. Speaker:** Continue labouring because it is advised.

**Hon. Wandayi:** I am getting used to that, hon. Speaker, Sir. I am sorry to take you back. I wanted to raise this matter under Order No.7. Earlier today, the hon. Deputy Speaker---

**Hon. Speaker:** Please sit down. You are out of order because we are on Order No.11! You must learn the rules of the House and live by them.

**Hon. Wandayi:** But hon. Speaker, Sir---

**Hon. Speaker:** You are out of order! You know the consequences if you persist. On Order No.11, the Election Campaign Financing Bill, hon. Benson Makali was on the Floor. He has a balance of nine minutes.

**Hon. Mulu:** Thank you, hon. Speaker, Sir. Just as I said last week when the debate on this Bill started, I rise to support this Bill.

This Bill is very important because it is one of the constitutional requirements. This House is expected to enact this law so that it can control the way elections are financed in this country.

This Bill is very important and I urge my fellow colleagues, hon. Members, to support it because one way or the other, it will ensure that accountability becomes part of our elections. It will also ensure that integrity is also an important part of our elections.

I am saying this because in the past, elections have been one of the factors that cause corruption in this country. This is a situation where people go to extremes to raise funds so that they are able to “buy” power. Once they “buy” power or are elected, they also do what can be done in this world to ensure that they sustain that power by engaging in corruption.

Hon. Speaker, Sir, I am sure that we are all aware of what is happening in the procurement sector in this country. About two weeks ago, the Auditor-General presented a report which indicated that about Kshs300 billion could not be accounted for in 2011/2012 Financial Year. I will not be surprised to find that part of that money which was lost was actually used to finance the last elections.

At the same time, you will realize that when we are all seeking to be elected to this august House, we make many promises to contractors and suppliers; that once I win the election, I will award you this contract or tender. As a result, you find that corruption becomes rampant in this country. This is because those who promised must fulfill their promises. At the same time, because of the way we finance our elections and the way elections have been commercialized, you will realize that many people cannot contest for elective posts. I have in mind the youth because very few do it. I also have in mind the women because very few do it. I have a lot of respect for those who contested and are in this House because this is an expensive exercise. I also have in mind the disabled people.

You will realize that elections have become an exercise for the rich only. At the end of the day, we do not get the right candidate or politicians because some politicians sneak in. In this country, what worries me most is that very few Kenyans will ask where the money they are given by politicians comes from. They will vote you in as long as you dish out money.

If we pass the Election Campaign Financing Bill, it will go a long way in ensuring that people who have what it takes to be leaders in this country are elected to this honourable or august House.

There is a clause in this Bill which is very interesting to me. This is Clause 14(d) which talks about putting some ceiling in terms of how much an individual can borrow to engage in an election. I think this is very important for this country because some families have been ruined while others have been left in serious poverty when individuals go to the extent of borrowing money from the banks to finance their campaigns but by bad luck, they end up losing in the elections. In this case, you will find family property being auctioned and this family is rendered useless or starts to beg. That clause is very important to me because it will control how we conduct elections.

I think that clause is very important because it is going to determine the way we conduct elections. At the same time, when I look at this Bill, there is a clause which I would want the Committee to reconsider. That is Clause 11 which says that after the elections, candidates will be expected to submit expenditure in three months. I think three months is quite a short time bearing in mind those who will have won will be able to do that very fast. You have lost an election and burnt your millions, and then somebody is reminding you to sit down and immediately start calculating how much you have lost, you might find that people may not be able to do this in three months.

Therefore, I would request that as we move forward, we might need to make an amendment to that clause, so that we increase the time to five or six months. When you look at the Bill, there is also a bit of power or authority which has been pushed to political parties. Those who have come to this House through political parties know that what we call political party nomination in this country is always more than the actual election. With the experience we went through when we had party nominations--- I would urge that as we support this Bill we do not give a lot of power to the political parties. This is because these parties to some extent have actually contributed negatively to good governance in this country. Therefore, I would like to urge that even as we give authority to these political parties to do many things, we do that with caution, so that we do not get into a situation where we must go the whole political process.

As I conclude, I would urge hon. Members to support this Bill. If we get this law enacted, it will be good to take a giant step towards achieving a Kenya where for one to win an election they need not come from a big family or tribe. To win an election you do not have to be a person living with disability. So, irrespective of your physical status, you will be able to win an election. We want a country where the issue of gender does not count because in most cases, men control resources and women will be denied the chance to accumulate resources. If we control election financing, we will open opportunities for every Kenyan, irrespective of gender to come to this House, so long as they have what it takes to be elected.

Last but not least, this Bill will also allow the youth in this country to contest competitive elections because resources will be second to the agenda---

**Hon. Speaker:** Hon. Members, I think it is important to know that actually the business of the House begins at 3.30 p.m. Statements and the rest are what I keep telling you will be referred to as an exhibition. This business of making laws; I would expect that the Committee responsible is here to hear the views being expressed, at least by the Chair or the Vice-Chair. It looks like hon. Members will be speaking to themselves,

unless those hon. Members proposing certain things with regard to the Bill begin preparing amendments. Where is the Chairperson or the Vice-Chair of the Committee on Justice and Legal Affairs? Maybe, that is the way you work. You may have chosen to work that way in the 11<sup>th</sup> Parliament. Kenyans gave themselves this Constitution and you must live with it.

Among the requests I have one is by Dr. Robert Pukose. He is the one whose request is on top, but you can see he is not here. We do not have to go for workshops to learn about these things. The next one on the list is the Leader of Majority Party and he is present, of course. He is always present.

**Hon. A.B. Duale:** Hon. Speaker, Sir, every day you give words of wisdom but it depends on the--- Even in the mosque or in the church, the spiritual leaders give wisdom and they read the scriptures. But the choice of who goes to Heaven and who goes to Hell is for the individuals. I am sure your words of wisdom will help.

Hon. Speaker Sir, I want to stress here that the Election Campaign Financing Bill, 2013 is a very serious Bill, more so to the politicians. This House should have been full because this Bill is based on Article 88(4); it is about regulation and how to manage expenditure in elections both at the party level and at the individual level. The Bill talks about setting up campaign expenditure committees both for elections and for referenda. It talks about spending limits and supervising candidates' political parties and referendum. Of course, the main political parties and coalitions in every election and in every referendum--- There are mainly two horses and those are the ones which spend money.

Hon. Speaker, Sir, if we want to join developed democracies and set a benchmark for the African continent in terms of regulating and supervising elections and enforcing compliance with election campaign financing law--- I am sure that political parties that have interest in the next election and their legal teams will look at this Bill and bring amendments before Tuesday next week. This is because in the last election, as hon. Jakoyo Midiwo will agree with me, we passed so many election-related laws. When the elections were near, we realized that we were sending ourselves home before the voters decided on our fate. That was why Parliament sat until 4<sup>th</sup> January, 2013; we had to have a level playing field. Therefore, this is a very critical law.

Hon. Speaker, Sir, in my opinion political parties in Kenya, the serious ones of course, and not jokers like presidential candidates and political parties that went to elections when they had no county representatives--- They were many if you want me to name them. There is the party of my good friend, hon. Najib Balala, Sisi Kwa Sisi, they do not have even county representatives. There are very many other parties. Some have tried and have one or two Members of Parliament. But the serious political parties like my party URP, my old former party, ODM, the Wiper Party of my good friend, the former Vice-President and the National Alliance of our great President have men and women at all levels of leadership.

How do you tell a Member of Parliament who campaigned very vigorously, survived the rigorous rigging of party nominations, won his seat and has not been sworn in for three months to account for his money? Some of us sell our camels, and even to quantify how much they will bring in--- There must be an amendment that a Member of Parliament should account for his money, maybe, in one year after he gets his car loan, mortgage, he is stable and his mind is set. But when already you have a petition and you



are not sure whether you will survive the petition, you are told to account for your campaign expenditure, I am sure Members will look at that.

Secondly, this campaign financing is very critical because leadership in this country has been equated to resources. If you have no CDF, you will not be elected. I really pity Members who do not have resources. If you cannot build a dispensary, school or toilet, then the community will say that you are not a good leader. Ideally, leadership should have been about how many laws you make, and how you represent your people in Parliament. The Executive performs their mandate of implementing the Budget that this House passes. What brings in that resource-based leadership? When my colleague, hon. Makali, was speaking I feared that he might say something that would amount to an election offence. He says that everybody who is elected in this country is rich. Then that means that all of us bought our way in here.

Corruption starts at the party nomination. In fact, I am wondering why this Bill should regulate what we spend at the general election. It should regulate even party nomination. Sometimes, in some places, when you win the party nomination you do not even spend money. You spend before you win the party nomination. You bribe the secretary-generals, the directors of political parties and the secretariat. That period, your loyalty must be undisputable, and you are very miserable. You lose your dignity, become loyal and get a certificate. So, we must bring an amendment that the money you use must be accounted for from when you join a political party and during the period of party nominations. A clause must be brought saying that if you use money in party nominations and you are not given the certificate, somebody somewhere must refund your money. There are people who spend Kshs20 million, build a party, open offices, attend all political rallies and contribute to fundraisings by the big guys, and on the day of the nomination, the guy is short-changed. Today is a happy day because my good friend, the Member for Matungulu, has shown that the people of Matungulu have confidence in him despite what the court said. He has been given a vote of confidence by the people of Matungulu.

I wanted to go and campaign for him, but I thought that if I campaigned for him, he would lose the election; he would be told that he was a Jubilee project. I really wanted to go and campaign for him, but I weighed the situation and said that if I went there for one day, the number of voters that would run away from him would be so immense that it was better for me to wait for him here and congratulate him.

Hon. Speaker, Sir, you gave a directive that this Bill should start at 3.30 p.m. because it is very important. It is about the life of our political parties and politicians. The Bill is coming from the Attorney-General. So, when it leaves here, it must be a Bill that will put our country among the best in the continent. It will take care of our interests. We will have a fair playing field. The finances that we will use will not have been acquired through corrupt means. So, I can tell you for sure that the Jubilee legal team, as a coalition, will look at this Bill and bring amendments. I am sure my good friend, hon. Jakoyo, and his team will also bring amendments so that the likes of Dida will win elections despite being very poor.

**Hon. Member:** And hon. Martha Karua.

**Hon. A.B. Duale:** Hon. Speaker, Sir, the likes of Martha Karua, whom I think was a bit better--- She is not very poor.

I beg to support.

**Hon. Speaker:** The next in the list is hon. Gumbo, but as he takes the microphone, I would like to freely advise Members to familiarize themselves with the provisions of Section 14(5) of the Political Parties Act, as read together with Article 103 of the Constitution. Members of Parliament may lose their seats if they go to campaign for a party that is not the one that sponsored them.

**Hon. (Eng.) Gumbo:** Hon. Speaker, Sir, I hope you will give me back my one minute. Thank you for giving me the opportunity to support the Bill. In so far as this Bill seeks to provide regulation, management, expenditure and accountability in election campaigns, it is a good Bill. But the problem with our country has never been the shortage of laws. In fact, with one of the most voluminous constitutions in the world, Kenya's problem may as well be an oversupply of laws. It has been said that in more ways than one, the existence of laws is an indication of perverseness of nobility.

I am not a student of law. I am not a historian, but as an engineer, I know there is more law and history in engineering than there is engineering in history and law combined. A long time ago, we read the history of the Shangai Empire where noble men and women simply conducted trade through silent exchange of goods. You took your goods there; somebody brought a goat; you brought salt and that was it. This was because they were noble men and women. But our country - the truth must be said - does not respect laws. Maybe we have forgotten, but in the old Constitution, for 40 years there was a provision in it that this House will set the number and functions of the Cabinet slots. For 40 years, our three Presidents did not do it. That is an indication that what we need to build as a country is the culture of respecting laws.

The most fundamental problem with this law is a glorification of the two institutions which have been a problem to democracy in this country, namely political parties and the Independent Electoral and Boundaries Commission (IEBC). There is no gainsaying that our political parties lack democracy. People who win at nominations never get certificates and people who do not win get certificates. As for the IEBC, we know even what is happening at the moment. The Chief Executive was taken to court today on matters relating to procurement. He comes from my constituency. I am not happy about it, but that is the fact. In this very House, at the beginning of this year we passed regulations governing elections in Kenya; one of the provisions in those regulations was that the tallying centre for the constituency must be the constituency headquarters. That law was passed, but it was flouted by the IEBC almost everywhere.

Hon. Speaker, Sir, it is no wonder, and I thank my good friend, Dr. Musimba, that more and more Kenyans are starting to entertain the idea of independent candidates because political parties are letting us down. I am glad that Kenyans are seeing that you can look at qualities of people irrespective of what political party they belong to. As the Leader of Majority Party has said, the Bill before us is good in so far as it will regulate election expenses, but a lot of amendments will need to be introduced. I have looked at it and have already proposed some amendments, which I dropped in your office.

Some of the provisions are draconian; for instance, Clause 4(5) on the provision to prepare and submit preliminary nomination expenditure report. As the Leader of Majority Party has said, surely when you are campaigning, where is the time to sit down and prepare a report? This is draconian and I will be pleading with the Committee to delete it. I will also be pleading with the Committee to delete Clause 5(8). Similarly, the

provision in Clause 8(4)(h) is also draconian; in it we are required to present preliminary reports.

This law, with all due respect, has been prepared by people who have not participated in elections. There is nothing that consumes people more than being concerned with winning an election. Where do you get the time to go from preparing to win an election to preparing a report? What is the value of that report anyway? Similarly, I think that Clause 11 on the submission of expenditure reports, the Leader of Majority Party has said it.

Hon. Speaker, why, for example, is preliminary nomination expenditure report within seven days required? Where is the emergency? Why must we do this and what are you preparing a preliminary expenditure report for? Why can you not be allowed to come here, settle in your job and then get the time to prepare the preliminary report? In any case, why preliminary and final reports? I think just one report is good enough.

Hon. Speaker, I think some of the provisions in the same Clause 11(5) are overdone and we should do away with them. The same should apply to campaign expenses under Clause 12(3). It is talking about disclosure at least one day before nomination. This again indicates that the people who wrote this Bill had no clue what it takes to prepare for elections. The last days before elections are the busiest. What do I do if I have no money to pay my agents and on the day before elections somebody offers me money? What would be of greater concern to me; to account for that money or to accept that money? I think that provision is draconian, unnecessary and needs to be deleted.

Hon. Speaker, similarly Clause 13(4) provides that where a candidate is disqualified as a party candidate, the candidate shall not be replaced. Why? What then are we looking for? Are we looking for democracy? I think we should amend that clause.

Hon. Speaker, finally, last year we passed the Elections Act here. We haggled with the late Mutula Kilonzo, my good friend, and may God rest his soul in peace. I proposed an amendment to the Elections Act which provided that the regulations prepared under the Elections Act should be brought to this House and passed by it before they are gazetted. We managed to convince him and finally those regulations were brought here. If they had remained the way they had been prepared by the IEBC a lot of our sisters in this House would not be here today. This is because the first regulations prepared required those aspiring to be women representatives to pay Kshs250,000. I think it is important that under the last clause in this Bill, which is Clause 28, we should add a rider that whatever regulations are prepared to govern ceilings for campaign financing should be brought here, we look at them and agree to them, so that the IEBC can gazette them.

With those remarks, hon. Speaker, I support but with amendments.

**Hon. Speaker:** Very well. Thank you. Well spoken but also just to let you know for those who may not know that some of the Members of the 10<sup>th</sup> Parliament who made it possible for those regulations to ever see the light of the day, include hon. Washington Jakoyo Midiwo, hon. David Eseli, hon. Amina Abdalla and others, who were shown the door by the electorate and who actually played a key role in ensuring that the IEBC complied with the law. Hon. Gumbo, the point you have made is very pertinent. It is that this House has, at all times, to make decisions touching on regulations made under the authority of pieces of legislation. It is absolutely important.

On my list is hon. Peter Kamande.

**Hon. Mwangi:** Thank you, hon. Speaker, Sir, for giving me this chance to contribute to this very important Motion. For a long time, youthful people and women have not had a chance of contributing to the leadership of this country. I remember I was in this House during the Eighth Parliament and it was a very hard time to contest. When I contested some of my fellow contestants said that I was a youthful man with no money, but by the grace of God I was able to come to this Parliament. I was with hon. Speaker in the House.

Hon. Speaker, Sir, I would also like to take this chance to say that when we are controlling the financing of elections it is also worth noting that the fees which is charged by political parties does not favour the youth and women, because it is exorbitant. All of us know how much we paid to our political parties to come to this Parliament. To date, even some of the agents have not been paid. It is also known that the IEBC has not yet paid agents. If we are to do anything, let us be sincere with our agencies which control whatever we do in elections.

Hon. Speaker, one of the other things which we have to control is *Harambees*. Even if it has been entered in the Constitution that State officers should not attend *Harambees*, this is one of the fora which are misused by everybody, including religious bodies and it should be controlled. We should know which fundraising activities we should attend, so that we can have favourable conditions for all.

Hon. Speaker, this is one of the Bills which should provide favourable conditions to all those who come from poor backgrounds. If it were not for this, as hon. Gumbo has said, majority of us would have been blacklisted. There was even a law which was done to bar from elections those who had not attained degrees. I wish good luck to all those who amended that provision because some of us would not have entered here.

Hon. Speaker, Sir, there are some issues within this Bill which need to be controlled. This is because we cannot do some things when we are campaigning. Campaign time is hectic. You do not even know yourself. You even forget about your family. How can you sit down and start writing reports? I urge that once we come with those amendments to parts which are not favourable all of us should join hands from both sides of the House and we amend such parts.

Thank you very much. I support.

**Hon. Speaker:** Very well. Of course, hon. Midiwo knows he is the next but they know about the amendment to Section 22 of the Elections Act, 2011 on that particular aspect. I was not in the 10<sup>th</sup> Parliament but you know how things happened.

**Hon. Midiwo:** Thank you, hon. Speaker. I did it to make sure that people chose leaders of their choice. I have taken a lot of heat for it but I think we need to revisit laws, because we were trying to do things which we could not cope with as a country. I reasoned then that fishermen in Migingo are led by somebody. If you gave them a leader, you would spend 1,000 years in Migingo and not find somebody with a degree. You will have to import a leader to lead them and that leader would not know their issues. That was my reasoning and many people supported me. I do not regret it.

Hon. Speaker, I want to thank you also, when you were the Chairman of the Centre for Multiparty Democracy (CMD) you made things possible for us. You even facilitated us to make IEBC comply with the rules. Those are some of the things which have been alluded to by hon. Gumbo. Thanks to him. There are some rules we made, and most of the people who made them are not here today. Many of them would be facing

court cases. I want to go on record as saying that hon. Gumbo really combed through that volume and made it possible for elections not to be a matter of life and death.

I want to oppose this Bill with a few reasons. We are not there yet as a country. There is so much miscellaneous money around us that if you want honest people to find their way into politics, you must not pass this law. This is because there are too many brokers. During election time if you get 10 candidates, nine of them are brokers whose records the Government does not have. The Government has no way of tracing these records of where they get their money from. So, a few people will comply, but the majority---

Hon. Speaker we are trying to implement a law which works in the western world where political parties choose who really represents the interests of the party. They will go to Madaraka or Lang'ata and say that they want Sakaja because he believes in this or that issue. Then they give him money – not his money. They look and scout at somebody's record. In our case, people who have looted public coffers just show up from somewhere. They are the in-thing and you are here legislating. Before you know it, they have bought the streets and have done all kinds of things.

Hon. Speaker, many of us have almost been victims. When you do your job here, you go there--- Many people who stand against me have no known address. Unless we reform the tax system so that each Kenyan is known and every April you report your income -Very few Kenyans have known income. This is a political place. As we sit here, they are on Kenyatta Avenue. They are just walking. They will walk into a Minister's office and come up with a deal. Ten per cent of the deal is Kshs300 million. Where do they spend it? They do not do business. They spend it back on the streets. Those are the people who spice up the political field.

I want to tell Members who are here, you may have got here when you had nothing. I got in here with zero. I am not a rich person, but I can tell you that if I walk in the streets, people know that anybody who has set foot in here is a rich person. People do not look at you but the way your pockets feel in you. People think that you are rich. They will weigh you. You may get in here when you have nothing the first time. The second time there will be 10 or 20 people wanting your job and they all have money. So, use this opportunity, but never make bad laws because you will live to regret them more often than not. We must redefine this. We fund the NIS to offer security. Much of that money finds its way into political campaigns. If the Government cannot control how its money is used, how will it control how I use my money?

Hon. Speaker, this is not the west. The law we need to bring in order to comply, one, is the law that forces political parties to do the right things. If you asked me today how much money my political party used in the last campaigns, I have nowhere to go and ask. The figures could be in billions, but if you do not even know what the political party sponsoring you is spending, how do you want people to know what you are spending. This is a bad law. In fact, its timing is bad. We must first of all reform and do this law in the framework of proper electoral reforms.

If I want to campaign and I have friends and, say, one of them tells me that he will give me Kshs1 million, in the western world that Kshs1 million from a donor is tax exempt.

**Hon. Speaker:** There is a point of order.

**Hon. Baiya:** Thank you, hon. Speaker. I am rising on a point of order to remind hon. Midiwo what the provisions of the Constitution say with regard to the Bill before the House. Article 88(4)(a) sets out the functions of the IEBC. The Commission is responsible for conducting or supervising referenda and elections to any elective body or office established by this Constitution and any other elections as prescribed by an Act of Parliament.

Part “i” reads:

“The regulation of the amount of money that may be spent by or on behalf of a candidate or party in respect of any election.”

Under the Fifth Schedule, Parliament was supposed to enact legislation to give effect to Article 88(4)(i) within one year. So, is it in order when Parliament is trying to actually implement the clear provisions of this Constitution by presenting this legislation for the hon. Member to say that the whole idea of attempting to regulate election expenditure is not proper or should be dismissed?

**Hon. Speaker:** I was having difficulties bringing myself to terms with that provision of Article 88(4)(i) but, of course, remember that you either make it through legislation or you leave it to the IEBC to regulate. So, one way or the other they will have to execute their mandate. It is important to observe that even in the execution of their mandate, they will have to do it through this House. That is not, however, to say that hon. Midiwo is not entitled to oppose. He can still oppose. In fact, he can oppose even the whole Constitution; it is his right. So, there is nothing wrong with him opposing the Bill.

**Hon. Midiwo:** Thank you, hon. Speaker. I also thank the Chairman of the Departmental Committee on Justice and Legal Affairs.

This country is so commercialized politically but we need to do it. As the leadership of Parliament, we have a duty to enact a good law that will not make the situation worse. By passing this law, we are opening a route for brokers to have a field day. Some people have so much money. So, what we need to do is to have the KRA register every Kenyan. Every Kenyan must be compelled to declare his or her wealth. Even in Parliament, we declare our wealth but the Speaker keeps the declaration forms under key and lock. So, what kind of declaration is that? Even you, Mr. Speaker, do not know what your flock owns. Some of these people have money but because the envelopes containing the declaration forms are sealed, you do not know who they are. So, what kind of declaration is that? That bad law was also made by this House. So, we need to correct all these. We need to look for proper electoral laws.

As we did when we adopted the new Constitution, it is now time to go through the next set of laws that will move our country to the First World. One of them is this Bill. The next one is on police reforms. The other one is proper judicial reforms. We need to do this, so that our country can move to the next level. So far, we have done well as a country; if we rush, there could be consequences. Countries that rushed because the West said so include Egypt, Tunisia and other North African countries. In some of those countries, people do not sleep today, because somebody told them that the way to initiate reforms was to rush without proper foundation.

With those remarks, I beg to oppose the Bill.

**Hon. Speaker:** Yes, hon. ole Ntutu.

**Hon. ole Ntutu:** Thank you, hon. Speaker, for giving me the opportunity.

This is a very good legislation because it seeks to align itself to our Constitution. Those who are opposing it must ask themselves why we passed the new Constitution. Otherwise, we should not have passed the new Constitution. This Bill is very important. Therefore, I am asking my good friend that we amend the Bill and remove whatever we do not require, so that we can have the law because we need it.

Hon. Speaker, majority of us in this House have gone through an electoral process. Therefore, we are best placed to comment on this particular Bill. Why I am saying this is because we like opposing everything just for the sake of opposing. This Bill has been brought here, so that we can look at it as a country. The Bill seeks to introduce a key function of the IEBC, as required by the Constitution – which is regulation and administration of campaign financing. Let us, first of all, register all the political parties that we have, so that we know how much money they will use during an election.

No wonder women have readily accepted the position of County Woman Representative that they have been given by the Constitution. Most of them shy away from contesting in their constituencies simply because in most cases their male counterparts have their way. This is because men control their money as well as other resources. So, I urge the hon. Members of this House to support the Bill as we think of ways of amending whatever clauses we are not comfortable with. I am very happy with the Bill because it brings the idea of establishing the sources of the finances used for campaign. Do people steal money? Does money come from illicit drug business?

Hon. Speaker, the most important thing is looking at ways and means of regulating the amount of money that one can use in a campaign. I remember that before I joined active politics, I asked some hon. Members of the 10<sup>th</sup> Parliament to tell me how much money I would need for campaign to get to Parliament. You know what? They would always say: “If you have decided to join active politics, you must get prepared.” If you asked me how much money I used for campaigns, I would not know. Even if you asked anybody else here, they would not know how much money they used.

What I am saying is that the IEBC should, three months before an election, tell all the candidates the spending limits that they would keep to when in active politics in Kenya. Otherwise, many people will join active politics and end up withdrawing midday upon realising that they do not have sufficient funds. I appreciate that many provisions of this Bill need substantive review. I remember reading a clause which says that if you have surplus, that surplus must be submitted to the Commission. I was wondering who will ever have money to submit to the Commission. I guess that is a provision we will have to look at.

Hon. Speaker, the penalty for contravening the above provision is Kshs2 million or 15-years imprisonment. I do not know whether the architects of this Bill want all of us to run away to Tanzania or to other countries. The proposed penalty and imprisonment terms are excessive. We must review this Bill because its intentions are very good. However, we need to take time to digest all the provisions contained therein. We do not need any professor to tell us what we have gone through to get to where we are today.

Therefore, I support the Bill because it will bring some order on the political arena. Other countries have similar laws. The Republic of South Africa has a very good statute on the management of political parties and candidates. The biggest problem in this country is the nomination process, which should be included in this Bill. Once we deal with the problems associated with the nomination process, the rest will become history.

As Members of Parliament, we should dedicate a lot of our energy on how to regulate the nomination processes. Otherwise, we will wait for the next four years, and political parties will be at it again.

Hon. Speaker, we are remaining with four years to the next general election. We still have ample time and we are not in a hurry. Let us look at the Bill very carefully. Let us compare it with similar laws in other African countries and Western countries with a view of coming up with a better law. I totally agree with what the engineer said. Today, we are not rushing. I remember that the 10<sup>th</sup> Parliament had to rush through Bills in order to beat constitutional deadlines. We also have to enact this law because the Constitution requires us to do so but this time round, we have ample time. Let the relevant Departmental Committee look at it before it gets to the Third Reading, so that we can come up with a law that we will be proud of. At this juncture, therefore, I would like to urge my colleagues that we do not kill this Bill, because we are afraid of the unknown. Let us know that which is unknown.

With those remarks, I beg to support.

**Hon. Speaker:** Yes, hon. Joyce Lay.

**Hon. (Ms.) Lay:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Bill for obvious reasons. It was my first experience in politics and once you show your interest, the first thing they come to get from you is in your pocket. Once the electorate finds that you do not give out money, they will say that maybe you do not belong there.

This Bill will give voters freedom to choose the right leaders. This is because when we go round campaigning all that they ask is money and handouts even though that does not help them at all. I kept on telling them when I was campaigning that if I went there with a briefcase full of money and gave out money wherever I went, it would be as if I was buying my way to leadership or Parliament. I also told them that once I got there, my first agenda would be how I would get my money back. So, my first agenda would not be development because I would have bought the voters. It is like give and take. So, once I got elected, I would not expect anybody to come and ask where his road or school was. That is what I told them.

However, if they elected me because I was the right leader without giving handouts, when I got to Parliament I would know that there was someone who had voted for me, and I would be responsible and make sure that I delivered to the people.

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

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

Hon. Temporary Deputy Speaker, we really need to empower our people. They always wait for election period to get whatever it is that *waheshimiwa* have collected for five years. Once we are elected some of us are busy doing their own business and we forget that we have the mandate to deliver to the people. All that the electorate waits for is the campaign time to get Kshs100 or Kshs500 which does not help them in any way. After that they remain in the same position and they keep on regretting why they voted for that leader. This is an issue that we really have to deal with because that is corruption.



If corruption begins when we start campaigning and is there during the voting period, it means that it will go on even as we become leaders.

My colleagues have talked about party nominations which are terrible. Without money, you will not be given a certificate or nomination. This was terrible because it denied the youth a chance to venture into politics because they did not have money. It also denied a chance to women who were coming up and would like to be leaders.

Hon. Temporary Deputy Speaker, as my colleague has said, we really need to look at this Bill and see how we can amend it, so that we do not appear like we are rushing into making decisions. On political parties, we used to see many parties, some of which were briefcase parties. It is good that most of them did not qualify when the Registrar of Parties decided to put some conditions which they did not meet. Even if we want to have multiparty democracy, we need to have a limit on how many parties we want to register.

As hon. Jakoyo said, we should not rush into decisions. I urge the Committee to sit down and look at all the grey areas that are raising eyebrows so that we can amend this Bill in order to come up with a clean law that we can use for 2017.

Thank you, hon. Temporary Deputy Speaker. I support the Bill.

**Hon. Abongotum:** Thank you, hon. Temporary Deputy Speaker, for granting me the opportunity to add my voice to this very important Bill. From the outset, I would like to say that I support it with amendments. We need many amendments to customize this Bill, so that it can serve politicians, who are beneficiaries.

Kenya is a very strange country. If you look at our politics, you will find that it has been commercialized. Politics is now a rich man's enclave. If you do not have money, you will not even get a Member of County Assembly (MCA) seat. This is what we must change.

If we base the election of leadership on what you have or money, we will always have wrong people doing the right job. I think as a country we need a paradigm shift. I do not know how we will start this because commercialization of politics is very entrenched. It is up to the level of the nook and cranny of this country. I do not know who will change this.

I am prepared to take the bull by the horns. I do not know how we will change Kenyans. This is because people will ask for money even for an election process like a referendum, this is something that is about their lives. They will say *leta pesa*. Forget about the election of Members of Parliament, Senators, Governors and so forth.

Conventionally, leaders are elected on the basis of their integrity and performance. You can use your oratorical prowess or display that you have the power of ideas to govern a particular constituency but these days money comes first. We need to change, and change will actually start from this House.

Let us give the ceilings but I do not know who will respect them. Most of us used a lot of money and we have to admit that. However, we need to change.

Let me tell you my story when I visited my friend somewhere in Botswana and it was during election time. When I asked him whether he used some money he told me that if you give money to *mwananchi* in Botswana, you will be taken to the police to justify why you are giving money to somebody without any work done for you. So, if you are hiring staff to assist you in the campaigns, you give them their rates and they will deliver

according to their terms of contract. However, the issue of giving out money to *wananchi* is not there in most African countries. Something must be done in this country.

On *Harambee*, this concept is a primitive African concept of cost-sharing poverty. You will not go to *Harambee* because you have a lot of money. Instead of working very hard to justify what you are supposed to get, poor people and even those who have little money contribute and end up cost-sharing poverty. Nobody will cross the rubicon of poverty because we are sharing everything. This concept is not in advanced countries. It is here in Kenya. Let us find a method of doing away with some *Harambee* because it has been used--- If you are a poor Member of Parliament, you will get rich entrepreneurs or briefcase carriers using *Harambee* to get you out of Parliament despite your ability to deliver, because people expect to be given money. So, we need to deal with that.

I want to say that this commission has been given a lot of powers and we need to see them trimmed. The ceiling should actually be shown so that we are aware of what is expected of us.

Hon. Temporary Deputy Speaker, on the issue of degrees, some two hon. Members came with those amendments at midnight. We need a pre-condition for 2018; people must be encouraged to go to college. For those who do not have degrees, we still have four years for them to do them. There are universities all over the country. Let them have degrees so that next time, Sarah Serem will not be telling us that we have been given a certain ceiling because we can even go to Parliament with an identity card. That is the current scenario. Let us elevate, at least, the standards of this House.

Hon. Temporary Deputy Speaker, I want us to introduce a lot of amendments, so that we fully support this Bill.

With those remarks, I support the Bill with amendments.

**Hon. Gikaria:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to air my views about this Bill. From the outset, I want to support this Bill, of course, with the amendments that we will bring.

Hon. Temporary Deputy Speaker, this Bill introduces the aspect where every candidate will be given an opportunity, a level playing field for every person to participate and contest an elective position. One hon. Member has just said this is especially in favour of candidates who are young and the women who have always been disadvantaged because of not having money.

Hon. Temporary Deputy Speaker, if you look at the proposed Bill, there are issues of committees which have been introduced to regulate spending capability or the spending aspect of each candidate and political party. I think, as the Leader of Majority Party has said, the Bill will provide equal opportunity for us to participate evenly in an election. I agree with hon. Abongotum. Yes, there is an aspect of sharing of poverty, but *Harambees* will go towards assisting members, candidates and political parties that might not have enough money for them to participate effectively in an election. Of course, as it has been said, in this country it is known from time immemorial that for you to participate in an election you need money. I agree with hon. Abongotum that every person looks at a politician, irrespective of your background or financial position, they just think of money and this works negatively, especially for young people.

Hon. Temporary Deputy Speaker, recently when we were campaigning in the last general election, the very same young people we were trying to support at the grassroots, especially the MCA candidates everywhere you went with them they would be asked

about money. So, I want to agree that if this Bill passes the aspect of *Harambee* will go towards assisting some of them to be able to participate in elections. Of course, the Bill introduces the legal source; it has the measures that will be taken if you receive money from an illegal source to use in an election.

Hon. Temporary Deputy Speaker, I want also to agree that one of the sections has given the IEBC the mandate to give us a nomination date. What we went through in the last general election was pathetic and unacceptable. Political parties took advantage and fixed nomination dates next to the deadlines. It was very difficult for people who were aggrieved to seek some redress in court. I was actually a victim. I was taken to court after winning my nomination on some very flimsy grounds. Thank God we have a reformed Judiciary which upheld my nomination. If my nomination had been withdrawn, it would have taken a long time for me to---

Hon. Temporary Deputy Speaker, so many people went to court at the very last time; they went to the Political Parties Tribunal and the High Court to try and get redress. I want to say, again, thanks to the reformed Judiciary. Most of the people got assisted despite the punitive mechanisms within some of the political parties. They wanted to take the nomination certificates from some candidates. I would want to really appreciate and support that the nomination date be set and gazetted by the IEBC well in advance, so that every person can work with the deadline in mind.

Hon. Temporary Deputy Speaker, of course the spending limits, as indicated under Section 14, just give an indication that no undue advantage will be given to some of the participants in an election. Of course, powers are given to the commission to do investigations and determine all issues provided for in this Bill. This is a well-thought out idea and the commission is going to have powers over the political parties under this Bill to regulate them and investigate issues that might arise.

Hon. Temporary Deputy Speaker, as Eng. Gumbo said earlier, there are some amendments which need to be taken on board. As regards giving out a report on how you and your party spent money, I would want to support that idea. As much as you will be thinking about winning an election, it has provisions that give you some time, maybe a few days just before your nomination and then three months after the election. I think it is high time we supported this kind of reporting. As it has been indicated, failure to disclose might disqualify you. If you do not do that, then the whole deal will become useless. I think the reporting part of it is good because it has given ample time and the final report will be given after a candidate has been elected to an elective position. Three months will be enough for one to sit down and compile a comprehensive final report that will be submitted to the commission and to the other relevant bodies.

Hon. Temporary Deputy Speaker, I agree with hon. Members when they say that, if you look at that section on disclosure where it says that a political party will not be allowed--- It will be very unfortunate if a political party, by virtue of a mistake of an individual candidate, will be denied an opportunity to replace a candidate who will have been found to have breached some of the regulations. I think these are some of the areas that need amendments. I totally agree with hon. Gumbo that this needs to be taken on board so as to amplify and regulate this process.

If we leave these limits to be set by the IEBC, this is one of the areas that we will also be moving amendments. In the last general election, the IEBC, under the then existing law was given the mandate to set the amount candidates were to pay at the

county level and at the constituency level. Parliamentary candidates were supposed to pay about Kshs500,000 or thereabout. If we leave this to be set by the commission, it will not be proper and right because they might want to put punitive fees that we might not afford to pay. I want to agree that this Parliament, through this Bill and the amendments that we are going to bring, should set some of the limits in terms of spending. If we leave it to the IEBC, that will not be right. Clause 14(e) is very important and I want to read it. It is about the limits.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member, your time is out. It was a good contribution. Let us have hon. Stephen Mutinda Mule. Maybe we will take this opportunity to congratulate you for the Matungulu by-election. We welcome you back to the House.

**The Member for Matungulu** (Hon. Stephen Mutinda Mule): Hon. Temporary Deputy Speaker, I will be very brief. I want to thank the people of Matungulu and my colleagues in this House from both sides of the divide for their support. I am happy I recaptured this noble seat to represent the people of Matungulu for the next four years.

First and foremost, I want to concur with Eng. Gumbo. This Bill needs serious tooth-combing. We need to introduce quite a number of amendments to this Bill. If you undergo what I have undergone in the last three months, with this kind of a Bill, nobody will come to this House. I want to agree with hon. Kamama that this is a Bill for the future. It determines the life of every Member in this House. From whichever side, you will be back in this House. So, we must first tailor the entire Bill to the needs of the customers, who are the politicians in Kenya, before we even do anything else.

Secondly, we need to align this Bill with other laws in this country. Who will implement this Bill? Is it the IEBC? A commission that cannot even count votes in a constituency wants to count the millions which you have spent? They want to make sure that they know exactly how much you are spending. We must have somebody else to implement the kind of a Bill that we are looking at. Hon. Members, we need to be very serious. The laws that we will make will turn against us in 2017. I totally agree that we need to amend quite a number of clauses in this Bill.

Eng. Gumbo has put it very clearly that we should be keen, and ask the Committee to go back and look at our needs here in Kenya, and not to copy laws from the Western and Eastern worlds, bring them here and ask this House to pass them to fulfill the requirements of the Constitution which we passed. We passed a Constitution and left gaps for laws to be made within the Kenyan context. So, I urge my colleagues to amend the Bill.

I have seen that some of the clauses are extraordinary. You cannot be in the middle of campaign and start preparing a report on how much you have spent. It is impossible. The best thing is that we should be sober, go back and look at the entire Bill and make sure that we propose clear amendments which make sense to this country and to the future of this country. The legislators who will come to this House in 20 years' time will say that there was the 11<sup>th</sup> Parliament which made good laws in this country.

I want to highlight a few things which are good experiences. I want to share them with the Members. This is happening in every constituency. For three months, I was back with the people who elected me, but we have serious gaps in this county. I want the nation to wake up. This is a wakeup call to the nation. If you look at the way district hospitals are operating, I can assure you that within the next one month, we will not have

any health care in this country. We passed a law that all the revenue that they collect should be deposited in a certain account within the county government headquarters. They cannot even buy water for patients because they cannot access that money. I want to urge the Speaker, if possible, to convene a joint House Committee of the National Assembly and the Senate, so that we can address this serious issue on health facilities in this country. All the health centres in this country have not, since June, received any penny from the Exchequer.

The sub-county hospitals do not have even a single coin in their accounts to attend to any emergency to rescue lives. The national Government is not bothered. Whenever you talk to them, they say that they need to talk to the county governments, but the county governments do not have money. How do you tell somebody to deposit money in a county account which he cannot access? This is a serious matter and I urge Members from both sides that we put our foot down and think what we are going to do about our hospitals in the country. I am very sure that if we do not do anything, by December we will be in a crisis.

Secondly, I want to talk about insecurity in the country. I experienced it when I was campaigning. If you want to know things are terrible, there is no hierarchy or structure of security agents in the country. We have a county commissioner and sub-county commissioner who reports to him. If you go to the sub-county, you will find that we have an AP Commandant and an OCPD. These three security agents, namely the OCPD, the AP Commander and the sub-county commissioner need to work in tandem to make sure that we do not see scenes like we saw yesterday in Maseno. There is a lapse and the common *mwananchi* reports incidents of insecurity to officers who do not have any command to report to. It is a serious issue because at the end of the day, everybody is rushing to the sub-county level. I urge the entire House and the Jubilee Government that we need to move with speed. I can see hon. Sakaja here; he is the Chairman of the TNA. We need to do something.

We need to do something because there is no proper coordination of security agents at the grassroots where the common *mwananchi* lives.

Last is the issue of disconnect between what we used to call the urban councils and the county councils. The urban councils are right now doing what they want. The county governments have no clue. They are dealing with people who have been in county councils for the last 15 years and they are told that everything is okay but in reality it is pure looting in the local authorities as it used to happen. I ask and urge the 47 governors in this country to wake up and see the looting which is happening at the grassroots. It is pathetic. It is shocking. I am talking like this hon. Sakaja because when you were here, I was on leave and when you go on leave, meet with the people on the ground.

So, hon. Temporary Deputy Speaker, as leaders in this country let us save it. Let us urge the hon. Speaker of the National Assembly of Kenya and the hon. Speaker of the Senate to call for a joint committee of the entire House and we discuss serious national issues about the counties, which are health and security.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you hon. Mule for your maiden speech. Hon. Humphrey Kimani Njuguna.

**Hon. H.K. Njuguna:** Thank you, hon. Temporary Deputy Speaker. I rise in support of this Bill. The spirit of this Bill is such that because all of us have gone through

this Bill, we have something to say. Whether you are rich or poor as long as you are focused to go for an election, it is important that our resources in this regard are controlled. Since we have gone through this process, we can comment with authority. I went through party nominations. I know the injustice in party nominations particularly when you win. I won in the party nominations and then three days later, my certificate was taken and your guess is as good as mine. That is a lot of injustice and all of it points to the issue of commercialisation of the election process.

Hon. Temporary Deputy Speaker, so, as I stand here, I am for a controlled electoral process because it would deliver justice to our nation. It would deliver justice to our people and to the leadership. The fact that this Bill is before the House is an admission that we have serious misgivings in our electoral process. We are admitting that we have commercialised our politics to a level that we need sobriety. If we go down history, when we look at our forefathers during those days when we were fighting for independence and thereafter, those leaders used to come to this House not because of the money they had spent in the electoral process but because they had what it takes to be leaders. Fast forward 2013, all of us will know the amount of money we spent. I heard colleagues who said that they spent close to Kshs30million or Kshs40 million. Is that fair? In Kenya today, 90 per cent of what determines whether you come to this august House is how much money you have. Other issues are peripheral and I am tempted to think even the issue of Serem with the Members of County Assemblies (MCAs) is because perhaps you look at what you are getting versus what you spent and you cannot marry the two.

So, it is important that the Members of this House give credit where it is due. I have had time to look at Section 14 where the Commission shall have power to set ceilings of how much a party candidate or candidate can spend in the electoral process. As long as that ceiling is fair to everyone; youth, women, business and everybody then that is good. This is because what we are looking for is transparency and accountability in the electoral process such that the leaders who are finally elected are able to address issues of this nation in a way that we deliver social and economic justice. So, if that ceiling is fair to everybody then that spirit should be supported.

Hon. Temporary Deputy Speaker, I particularly looked at Section 14(1)(e) where we are saying we are even going to have a media coverage ceiling. Some candidates are able to buy the Press such that if you go to radio stations, television stations and other forms of media, you find it is just them. Those of us who might not have the finances might not have the time. You might even never be covered. So, we are saying through this Bill it will be possible to address issues of media coverage where it is not only hon. "X" and other hon. Members who will be given air time. So, that justice should be upheld. That spirit should be supported.

Now, one issue perhaps this Bill should properly address is that of party nominations. Where does democracy start? In my opinion, it starts at party nominations. If we cannot control the fiasco at the party nominations stage, because that is where certificates are bought and that is where money changes hands, then we are in trouble. That must be addressed. When does the election process start? Does it start after the party nominations or way before party nominations? Some people even start campaigning two years before the party nominations. So, perhaps this Bill should also address the period before party nominations. That period is so crucial because that is where the process

actually starts and the fiasco in party nominations is too much. Personally, what I went through I would not want anybody to go through it. This is where everybody is compromised. The police are compromised. It is leadership on hire. If this Bill is able to address such areas of mischief, then we should support it.

Hon. Temporary Deputy Speaker, I agree with the various hon. Members who have said that we should be able to address certain issues like the timeframe so that we are also not subjected to issues that we cannot handle. When you say within this time period I should be able to do this and we know the election process can be very tiring and grueling--- So, it should be possible that those areas of shortcomings can be addressed.

Hon. Members, for me the spirit of this Bill is such that I feel I support it, particularly if those amendments to address the shortcomings are brought. Thank you, hon. Temporary Deputy Speaker.

**Hon. (Ms.) Ghati:** Thank you, hon. Temporary Deputy Speaker. I rise to support the Bill with amendments. We have to regulate the way we do politics in this country. For a long time our people have been influenced by money. We have a culture in this country that if you do not have money, you cannot make it in politics. That is what this Bill seeks to change. We want to focus on issue-based politics.

I support this Bill simply because it seeks to look at women and young people. Traditionally, we know that in this country women and young people do not have money to campaign. For the first time, compelling political parties to account for their funding is very important. This is because it will provide a level playing field for those who have money and those who do not have. Most of us, I included, went through harrowing experiences in the campaigns, nominations, elections and even petitions. We want to have a situation where people have an equal opportunity to contest. It does not matter whether you have money or not. This is a very clear framework that is going to ensure that women and young people campaign and get elected.

We have to change a culture in this country where people choose wealth over ideologies. That is what this Bill seeks to address. I expect that this Bill will look at issues to do with penalties even for political parties. We have notorious political parties that go through processes of nomination--- We have culprits there who even sell nomination papers. People do not have money, but they are at times compelled to buy the nomination papers. There are people who have committed suicide because they have given money to some bogus individuals who masquerade as officials of political parties and they end up not getting those nomination papers. This is a good Bill and I seek to support it.

Hon. Temporary Deputy Speaker, the Bill needs to set minimum or maximum requirement in terms of payment. How much does a candidate pay for nomination? You cannot wake up one day and you find a political party saying that a candidate has to pay, say, Kshs200,000 to contest for the seat of Woman Representative or Kshs300,000 for governor position and yet another political party is asking for Kshs50,000 or Kshs70,000 for the same slots.

For the first time in this country we are going to have a level playing field for all the candidates contesting. With those few remarks I beg to support this Bill with amendments.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Ghati. Hon. Jacob Waweru Macharia.

**Hon. Macharia:** Hon. Temporary Deputy Speaker, I rise to support this Bill. I want to thank the people of Molo Constituency for voting for me even though I was the most underfunded candidate in that election. In Kenya, as all of us know, elections are like small civil wars where we do not fight with weapons, but we fight with money and where *wananchi*, both young and old have the guts to tell you: “*Nipatie nikule sasa.*” When you get elected *ni yako na bibi yako*. We have heard these kinds of phrases. There are those of us who used a lot of money and they are broke now. They were “eaten” by *wananchi* and they are somewhere suffering from blood pressure or stroke. Some of them, indeed, have died.

We need order like yesterday in the political field. This is because we do not need the culture of voting in the person who flashes more notes. We know that the more you flash, the more you spend and once you are elected the more you will start saying, “I want to recover.” That is why there are some constituencies in this country where constituents have never seen their Members of Parliament. They are busy doing business to recover and prepare for 2017 or other positions in future.

We know that order has to prevail so that this country starts looking for ideology, as hon. Ghati put it. We do not look for ideology in this country. Political parties look for who has more money. We have stories where contestants donate to political leaders money to the tune of Kshs500 million and they end up getting a direct ticket. Some of them are so direct while others are indirect. These are the things we are crying about. Probably the people of the affected constituencies would have wanted to elect someone else but leaders are imposed on them because they financed political parties.

I pity the young people and women of this country. I also pity some men of this country who want to aspire to come to Parliament or who want to be MCAs, but they do not have money. Some of them can become very good leaders. These people exist. When I started vying way back in 2002, I used Kshs17,000 only. I went through this and I was told, “*Nenda utengeneze pesa kwanza.*” We would like to give these people a chance to also participate and be elected. If you tell a fresh graduate from the university to give Kshs250,000 as nomination fee and probably this is the most popular political party where this candidate comes from, surely, this person will just walk away and look for a party that will ask him for Kshs50,000. He will then hold a *harambee* and then lack money and slide into oblivion.

I support this Bill with amendments. Thank you very much.

**Hon. Baiya:** Thank you, hon. Temporary Deputy Speaker. I also rise to support this Bill. This Bill is part of the process of implementing the Constitution and specifically Article 88(4)(a) which provision of the Constitution requires the IEBC to regulate campaign financing and the amount of money spent in election campaigns in the country.

Under Schedule Five of the Constitution, legislation is required to be enacted pursuant to Article 88 of the Constitution. This was to be done within one year. Therefore, it can be said that Parliament today has an opportunity to make good a default which has been outstanding. We have not fully enacted legislation to implement Article 88 of the Constitution. It has been argued that the IEBC could still proceed to regulate expenses notwithstanding that no legislation has been passed. However, it is a fact that IEBC can only implement legislation even--- Were it to enact regulations even if they do not have the backing of the main legislating body, that is, Parliament, it would actually go nowhere.



It is, therefore, incumbent upon Members of Parliament to view this Bill as an opportunity to make good the particular provisions of the Constitution. Under Schedule Five of the Constitution, we are supposed to enact various legislations, of which this is one.

Hon. Temporary Deputy Speaker, it is also important for us to own up to the fact that the Tenth Parliament attempted to deal with this legislation. It was, indeed, unfortunate that the Bill was brought during the last stretch of the Tenth Parliament, just before Parliament broke up for elections. When we were invited to debate the Bill, hon. Members viewed it more as an impediment to their campaigns. So, it was rejected. Therefore, this Parliament has an opportunity to consider this Bill way before the electioneering period to ensure that it is considered in the most impartial and objective manner, so that we can come up with a legislation that can serve this country during the next general election.

This Bill has been given a lot of importance by the Justice and Legal Affairs Committee, of which I am a Member as well as the Constitutional Implementation Oversight Committee (CIOOC), which I chair, so that it can be brought early enough for hon. Members to discuss before they take positions based on their own anticipated political positions as we approach the electioneering period. As it has been said, the purpose of this Bill is to basically create a mechanism of regulation and control of the amount of resources to be used for campaign purposes. The mechanism set out in this Bill is that it imposes an obligation on candidates to open and keep bank accounts, keep records of payments to those accounts and withdrawals from them; and prepare and present a report to the IEBC.

Hon. Temporary Deputy Speaker, I want to bring to the attention of this House the fact that this is the standard mechanism that is used even in other democracies. If you go to countries like the United Kingdom (UK), France and the USA, you will appreciate that this is the mechanism they use. The whole idea is to ensure that you have created a track record of what you have spent. You will be compelled to make a report. In case any issue is subsequently raised, the record that you will have kept will be the basis for confirming what you spent and what you did not spend. If you look at the proposed legislation, you will appreciate that it does not seek to simply penalise you because you have exceeded the set limit. The law requires you to give an explanation as to why you exceeded the set limit. The mechanism proposed in this Bill is that the IEBC will come up with the limits. The proposed mechanism will apply to presidential candidates, parliamentary candidates, senatorial candidates and candidates at all other levels, including county assembly candidates as well as gubernatorial candidates.

Since the figures will change from time to time, in terms of the anticipated legitimate expenses, it will be left to the electoral body to ascertain the figures. We are actually trying to provide for a criteria in the Bill, which they will apply to ascertain how much money will be needed. Certain hon. Members complained that this is not a proper Bill and proceeded to complain about Kenyans expecting to be given handouts during campaigns. That is playing double-standards. It is because we do not have such laws that Kenyans can come to you and demand money. If we have a law that actually stops candidates from giving out money to the electorate, take it from me; you will not give money.

Hon. Temporary Deputy Speaker, an example has been cited of the regulation we made with regard to *Harambee*. We said that eight months before elections, the law bars you from engaging in *Harambee* activities. That law was applied and we know for sure that no *Harambee* functions took place within that period of time. The application of that law did not stop the elections from taking place though. If anything, it contributed a lot to making elections more free. So, we want to borrow a leaf from that success story and tell hon. Members that what we have today is a state of lawlessness. There is no law regulating that kind of practice. This is the first time we are proposing regulations that will serve as the basis for us to have a level playing ground during elections.

There are many things we are looking forward to regulate. It is not just about the amount of money that one can spend. Through the proposed legislation, we are going to outlaw misuse of public resources for purposes of funding political campaigns. This country has gone through bad experiences such as the Anglo-Leasing and Goldenberg scandals, which were attributed to attempts by certain political players to obtain money from public coffers to fund political campaigns. These are things which should be stopped. The enactment of this Bill into law will come in handy in terms of addressing those concerns.

Hon. Temporary Deputy Speaker, another issue captured in this Bill relates to contribution. Who can contribute to your campaign financing? Can we entertain certain corporation, be they multinational or whoever they maybe, to fund individuals? Can we allow some big corporate players in this country to fund individuals so as to influence public policies in the way they want? This is the forum we have to outlaw those kinds of practices, where corporations that have stakes in certain proposed legislations brought to Parliament try to influence elected leaders or even campaign against certain individuals due to legislative or political positions that such individuals may have taken.

Even foreign institutions, including foreign governments, know that they can influence decision and policy making in this country through influencing the kinds of candidates to be elected through funding. This Bill is an opportunity for us to regulate, control and stop some of the things that would have adverse effects on our democratic processes. It is obvious that a democratic process can only be as good as the mechanisms that have been used to produce the results. Where an election system allows free flow of money---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): I am sorry, your time is up, hon. Baiya. Thank you very much for your contribution.

Next is hon. George Omondi.

**Hon. G.W. Omondi:** Thank you, hon. Temporary Deputy Speaker. Let me say from the outset that I will support this Bill now and even when it comes back with amendments. I say so because many evils that have taken place in our country are as a result of unchecked usage of funds during the electioneering periods. As it was said here before, it is true that the second regime that we had in this country perfected this art. This evil practice denied the good people of Kenya quality and able leadership because what has taken root in our country is that anybody who does not have even a single development record to talk about, but who has got tonnes of money, has always been elected to represent the people in Parliament. This has retarded development in our country because once you are elected to Parliament because you have given out money, you will not attend to the development needs of the people.

Hon. Temporary Deputy Speaker, the youth who roam around in market places and the county centres are a creation of this evil practice. To them, the politician has to give them money all the time. Where I come from, the youth have coined the word “*gonya*”, which means “untie me”. If you do not untie them, you will never see the doors of Parliament again.

Even political sycophancy that is practised in this country comes as a result of this because a youth who does not have money to contest for elections, and he only knows that it is money that will make him go to Parliament, will turn to political heavy weights and become a sycophant. What kind of leadership will you get if you bring a sycophant to Parliament? He will always be referring to his master and he cannot serve his or her people.

The enactment of this Bill is the next step and the other one is the enforcement. As it is now, it is true that it is illegal to bribe voters but what happened with the IEBC? We have got evidence that voters were bribed, they were caught on cameras and videos and this was reported to the IEBC but it did nothing. That is an area the amendments that will be moved should address.

It is true that the free spending that takes place has denied the people good representation in Parliament. I represent Alego Usonga Constituency and we did a lot of civic education. So, it is true that with civic education, people will know that they elect a Member of Parliament to bring development and change their lives. I am a living example of what Kenyans can do.

I salute the people of Alego Usonga because they did not go for the money or the party. However, they elected me because of my development record. I think that those who are saying that Kenyans are not ready for this are lying. Given time and proper civic education, Kenyans can change because I am a living example.

Hon. Temporary Deputy Speaker, in conclusion, I recommend that once we enact this Bill, the Government should go ahead and engage the voters through intense civic education so that they are enlightened. In the first Government that we had of the late Mzee Jomo Kenyatta, people were elected because of who they were and Members of Parliament were really respected.

We are still the same people but it is only that we are confused a little bit in between---

*(Hon. A.B. Duale consulted with some hon. Members)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The Leader of the Majority Party, we need your concentration. Thank you.

**Hon. G.W. Omondi:** Thank you, hon. Temporary Deputy Speaker for warning him. We are the same Kenyans and we can still go back to where we were when Mzee Jomo Kenyatta was ruling us. At that time, it was what you could do for the people that mattered. So, once this Bill is passed with the amendments that have been proposed so that it does not hurt people, it will go a long way to show Kenyans what should be done to elect people to this Parliament who will change their lives. At the moment, changing the lives of the voter is not the core business of parliamentarian but the core business is how much you can give them.

Hon. Temporary Deputy Speaker, with those few remarks, I support the Bill. I will support this Bill with amendments when it goes to the Committee stage.

**Hon. (Ms.) Muia:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Bill. I want to point out that if some few clauses are amended, we will not face the problems that we faced in the last general elections. You will remember that this Bill was also passed by the Tenth Parliament although they did it in a hurry. There was the issue of giving voters money. If you complained to the National Security Intelligence Service (NSIS) or the District Commissioner, you were referred to a commission which was headed by Kibunja. That commission was very useless because it did nothing. That commission told people that they were not given powers by Parliament. I want to say that this Bill is not meant only for women because one of the hon. Members stood here and said that if this Bill is amended, it will help women gain seats. That hon. Member referred to County Women Representatives. I want to tell him that some of these Members campaigned in 11 constituencies. These Members could not be here if they did not have money. So, when we start talking about amending Bills, do not refer to women.

Some of us went to the constituency level where we fought with men. Women Members will be very rough in your constituencies and they will win those seats. So, this Bill is for everybody. These days, we do the same work in offices. We compete with men these days and that is why we are here. Therefore, saying that women do not have enough money or cannot access money is not true. We will give you loans this time so that you can also make it in your constituencies.

Sometimes we debate Bills and amend them but after we are through with them, we do not know what happens. This is because they are never implemented. I would like to propose an amendment on this Bill; this House should consider creating a committee that will oversee the activities of IEBC. Most of the petitions that were filed were as a result of the mistakes that were committed by the IEBC. This is an independent commission that does what it wants. If they want to take you through a petition, they will do that. I propose that we debate this Bill and point out the loopholes in it.

During the last general election, there was buying of votes. People were reported, videos and pictures were taken but when they were forwarded to the authority, we were told to go back they would get back to us. So, let this Bill be implemented to the letter once it is passed because there is no need of debating it again in this House after the next general elections.

I will also support the amendments on this Bill once they are moved in this House. I will raise a few issues at that time because I need to consult more.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Regina. Yes, hon. Charles Muriuki.

**Hon. Njagagua:** Thank you hon. Temporary Deputy Speaker, for giving me this chance to contribute to this Bill. From the outset, I must say that I support the Bill because what has happened in the course of time is that we turned hon. Members into cash cows. Anybody wishing to come to Parliament has been turned into a cash cow; the reason being that the moment you indicate that you want to be a Member of Parliament people imagine that you have made so much money and they will always be coming to you begging for money.

In fact, even some threaten that if you do not give them handouts, they will not vote for you. I must say that the Bill is very timely because what has happened in the course of time is that - I do not want to cast any aspersions against my colleagues - you find that there are those who are elected and who do not qualify. They buy their way into this Parliament or other elective positions. Somebody does not even have a trait or a single iota of development idea in his mind, but because he has deep pockets, he finds his way into an elective position. We have actually commercialized our campaigns, politics and leadership. Other than this Parliament, in the previous Parliaments, with a lot of respect to those that graced those Parliaments, you could not find youth. They did not have money until we had some semblance of order in the election that was held in March, 2013. It has been a turnaround, young men and ladies have found themselves in this august House and elective positions. I support this Bill because it is going to make a level playing field for all of us.

Lastly, I want to say that the reporting bit on how much you spend as is envisaged in the Bill, is going to bring an element of transparency and accountability such that we are going to have leaders who are accountable to the people and with moral ethics to be leaders of this country. Like one hon. Member said, there are those people, once elected they do not even visit their constituencies basically because they bought their way into Parliament. They come here, make their money, do their business and wait for the next five years when they will meet any competition. Since they would have made money and have trained in the business of buying their way into Parliament, they will spend that money in buying votes again. The bottom line of that is that we do not have a developed country because the leadership does not care. The attitude is, in as much as I have more money, I will go to Parliament.

I stand here to support this Bill with amendments that we intend to bring so that we may have a level playing field for political candidates.

Thank you.

**Hon. Anami:** Thank you for giving me this opportunity to contribute to this very important Bill as it is required by our Constitution. It is very important if we have to move forward in a progressive way to improve the aspect of democracy in our country.

Hon. Temporary Deputy Speaker, I would like to say from the outset that the text, the spirit and the word of this Bill requires a lot of amendments. It requires a lot of overhaul because as it is, it can only happen in an ideal situation or under circumstances outside this country.

Hon. Temporary Deputy Speaker, good proposals have been made here but good spirit cannot be realized because the circumstance under which they will be applied will not be conducive. I am talking about our social arrangements. Our people know that election is a competition for the moneyed group. They know a lot of other things and it is not their mistake. It is because of the circumstances that they find themselves in. This is because they have had experience of leaders who tell them about heaven and disappear. So, they want to benefit for the short time from the benefits that might be available. Therefore, I propose that we look at this Bill with a tooth comb so that we analyze every aspect of it and make sure that it responds to the realities in our society. We need to look at it critically and analyze the situations and find a way of intervention that will bring everyone on board, including the voter. This way, the voter can understand that he is a beneficiary of good leadership. Otherwise, if we do not do that, we will continue missing

out on great leadership that could potentially help this country. We have people who take shortcuts and buy their way into leadership, and that is not how leadership is nurtured.

Hon. Temporary Deputy Speaker, we talk about many nice things like accountability. Accountability is not about money or resources only. It should be seen and viewed across the board where we have to consider the behaviour of leaders. Leaders should be able to account for their behaviour. Our people who turn up as voters should also account for their behaviour. We should account for our performance as well. This is what this Bill should endeavor to achieve.

The clear objectives of this Bill will create harmony between the contestants; people seeking leadership and those who are providing leadership. The role of the leaders should be harmonized through the text of such Bill. That is why we will do better if we revisit this text and project it in such a way that everyone will be a participant.

Hon. Temporary Deputy Speaker, I am talking about participation. Our Constitution talks about citizen participation. We need to look at all these Articles and ask ourselves: Where is the citizen participation in it? How can we prepare our youth and the younger generation to participate in choosing credible leaders without asking for money?

To be an elected leader, you must be prepared for a lot of blackmail and this is happening every day. You are told many things and threatened with the election of 2017/2018. We need to have an atmosphere where we can have leadership that is interactive; leadership that serves the purpose of our people today and tomorrow and brings up positive attitudes and characters that will bring sustainable development in this country.

Hon. Temporary Deputy Speaker, I want to look at the universal living values, which we have outlined in our Constitution. We have talked about universal living values like tolerance, responsibility, freedom, love and respect, but this does not happen. This Bill is not demonstrating that it aims at inculcating those living values. We should look at this Bill again. We should look at the text of the Bill and inject the right spirit where everyone will be responsible and we will create an ideal situation that serves the greatest majority of the citizens of this country. I wish to support this Bill, but as you can see, I am advocating for a comprehensive behavioural change that cuts through the leadership and the society up to the younger generations. This Bill should aim at including everyone, for example, education institutions and the current leadership. We should not just go for deterrent measures, but for interventions that build positive character and behaviour and create an atmosphere where we can have interactive leadership.

I support this Bill, but with the idea of going through the text with a toothcomb to get the amendments that we require to make the Bill more functional.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Lisamula. Next is hon. Phillip Rotino. You can put your sentiments clear and loud now.

**Hon. Rotino:** Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to add my voice to what my colleagues have said. This is a very important Bill and the drafters had good intentions. They had all the good intentions to make sure this country goes ahead as far as elections are concerned. All of us have gone through elections and we know all the nitty-gritty and all the problems that we go through during campaigns. This Bill intends to address those problems, so that we can have smooth and

good elections, so that the leaders that come to this House are credible and can move this country forward.

I support this Motion, of course with a few amendments. One of the functions of the commission that is supposed to be constituted through the IEBC is to supervise candidates, political parties and referendum committees. The modalities and technicalities of supervising the different candidates are not clear. For example, if you are contesting as a Member of Parliament through a party, the modalities of the commission supervising this are not clear. We need amendments so that we have a clear-cut way of supervising these specific committees. If I have an account, the regulations should indicate how that account is supposed to be managed. This should be regulated by this committee. We should have ways of looking at this and ensuring any candidate or party gets the money.

For example, when a party or an individual gets contribution for election, we should understand that anybody can get money from different sources. How do we ensure that the source of the money for a particular candidate is credible? You can get money from different sources, but how will the commission analyze to understand where the money has come from? I want to speak about the issue of contributions. The Bill intends to regulate the way we raise funds for different activities in our campaign. The committee should analyze this and give us the way forward in terms of the logistics of following up different candidates.

Political parties use different ways of raising funds. I can raise funds through family contributions, friends and political party support, but the way you spend money is another story. I want to be educated on how the commission is going to analyze the report. When I prepare my report, how are they going to know how much money I have used, for example, for advertisement? These are some of the things that are not going to create a level playing ground for the different candidates and parties. The committee should bring some amendments, so that we can look at them critically and create a level playing ground for every candidate. Those who do not have funds should not fail to go for the campaigns because of lack of funds.

I want to support the Bill together with the amendments that are going to be brought. With those few remarks, I beg to support.

**Hon. (Ms.) Mitaru:** Thank you, hon. Temporary Deputy Speaker, for giving me this chance. I have been waiting for this opportunity because this Bill is very important, not just to the Members of Parliament here, but to the whole of Kenya. For the first time, I campaigned for myself and I realised that it was not the same as when I was campaigning for my party. This time, everybody was asking for money and more money. This is a culture that we have created in this country. The Bill is going to help the poorest of the poor, who have leadership skills, especially the youth that I admire, to get into leadership.

A person leaves university after having been the chairperson of the university students' union with over 40,000 students and when he goes to our rural areas, the people with money are the ones who speak. The same young people are told to wait and are given many excuses. They are told: "No, this is not the right time. Can you wait until this and that is done"?

So, I want to support this Bill wholeheartedly because it will not just help the very rich. We will never be equal when we go to campaign. There are many challenges. There

are those of us who campaigned in five districts; there are those who did it in 16 constituencies; there are those who campaigned in only one constituency and all of us had to use money. However, I believe this House will pass this Bill so that next time, 2017, when we go for elections, there will be a level playing ground.

Hon. Temporary Deputy Speaker, I can assure you that you will see leadership change in this country because we will not go for money or be influenced by other things. We will go for good leaders who love our nation, people and counties so that Kenya can change positively.

Hon. Temporary Deputy Speaker, before I finish I want to say this: Just passing that Bill will not be enough. We need people to go out there and train our people that they do not have to elect us because we have money. That money is short-lived. Some parts of Kenya have not developed because people put money first. Some of the leaders say: "It is my money that made you to vote for me." Following this, there is zero development. We must be serious. We must train our people to understand what leadership is all about in our nation. We should understand the difference between money, leadership and development. When we have money being returned to the Treasury after the Budget is read one year down the line it means that leaders are not serious. They get money and do not utilize it. They are in leadership for five years and no development takes place.

Thank you, hon. Temporary Deputy Speaker. You have given me a chance to share my views. This is important to me and this nation. *Asante sana.*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Rose Rwamba. Let us have hon. Dalmas Otieno Anyango.

**Hon. Anyango:** Hon. Temporary Deputy Speaker, I would like to support this Bill. I have had six general elections and I have had the opportunity to observe the use of money during campaign times. We are developing this country towards a scenario where any elective post shall be for the highest bidder. This Motion is a good effort but still is not sufficient. We have reached a point where, when I compare 1988 and 2013, voters themselves are now even forcing the candidates to pay. If we allow this trend to continue and we are controlling corruption throughout the country through so many other mechanisms, what are we going to do with the leadership of the Members of Parliament? It will turn out, and we have heard some rumours, to be survival of the fittest in terms of financial resources. This House is going to be raided from outside by people who will attempt to "buy" Members of Parliament because they know the voters are literally lynching the very Members of Parliament outside.

I would appeal to the Departmental Committee that will be looking at this Bill that we should also have a clause that would bar voters, during the campaign period, from taking any handouts from Members of Parliament or from any candidate, even if it will be difficult to enforce. It shall be in the law so that a Member who wishes to maintain his or her integrity will say: "The law does not allow me to give handouts to you and if anybody takes pictures of any handing out of funds, I will be accused. Equally, the voter who has received money from me should also be guilty of an offence for asking for money."

Hon. Temporary Deputy Speaker, most of the Members here are aware that whereas the parties must have their own nominations, many candidates had to buy parties somewhere else. Even the party bosses had to be paid to give you a ticket to be a candidate. When you ask the parties why they have to do that, they will tell you: "I have a



party to run; let them pay.” So, it is time we regulated not just the money spent by the candidate but also the money paid for nominations. We have young leaders who have not accumulated that kind of money and we have accepted in principle that we should allow this leadership to develop for the benefit of the country and its future.

Now, if we put the ceiling too high, we are training them not to lead but to steal. We are training them not to lead but to buy leadership. In the end, where will it come to? Even a presidential candidate will come under pressure. If you want your Member of Parliament to win in a particular constituency, we have heard stories of giving out Kshs20 million per candidate in any constituency, unless it is a constituency where you are benefitting from ethnic feelings and favours.

Hon. Temporary Deputy Speaker, so, this law is a good beginning but we have to develop it to limit this tendency to purchase leadership and to purchase it so blatantly in the eyes of everybody else. In the six years I have been in general elections, I have seen Members come to this House for one term and then they are fired and if you go back to check how they came in, you will find that one was a contractor who got a profit in one job of Kshs50 million, went and bought leadership for five years and left this place miserable after those five years. They have not had the experience that you will not make money when you are here unless you are able to lower your integrity. What you do not have, the utility value is much higher than what you already have. So, they will say: “Let me pump in Kshs50 million, dismantle the leadership of so-and-so and become the MP of this constituency.” However, once you have come in, you are stranded and this is because the practice that was the basis of your winning the election cannot be continued for five years.

Let us save the leadership in this country by supporting this Bill. In fact, I would have suggested that it is not only IEBC that should set the limit. Those limits should be brought for the approval of the House. It should not be one institution doing so. Under the subsidiary legislation, they should table those regulations for the approval by our Members.

Hon. Temporary Deputy Speaker, the trend is so bad. I was disturbed today that even in some Departmental Committees there are some people who feel that they can buy MPs. If we allow that, whether they are rumours or not, the trend is going to erode our integrity as hon. Members of the supreme organ of governance in this Republic. I support this so that we start this process.

Initially, when we proposed that *Harambees* should not be done eight months to the elections, it helped considerably. It saved a lot of candidates, particularly candidates who were sitting Members. New Members used to use the *Harambee* mechanism to overthrow the sitting Members. They would pump money every weekend in *Harambees*, in churches here and there. We stopped it and it worked well. We sealed that loophole. We should proceed to seal more loopholes so that the right integrity is found in the leadership of this country, beginning from all the county assemblies to the National Assembly and the Senate all the way to the presidency. The culture of buying leadership must stop. If we do not stop it, we are still paying lip service to corruption.

**Hon. (Ms.) Chebet:** Thank you, hon. Temporary Deputy Speaker. I want to add my voice to this debate. I am happy and encouraged that this Bill is being debated by hon. Members who have just come from elections; they know what it feels to go through an election especially now that there is this culture of using money in Kenya.

Political leadership in Kenya now is different from political leadership in the 1960s up to the 1980s. Things are worse now because everything you want to ask for in terms of leadership is attached to monetary value. Somebody said that women have money. Women use money from their families. The blessings from families to go to campaign go together with money. So, if the family is not happy about the performance of the woman, the support is withdrawn. This Bill will, therefore, help women and young men who do not have money yet. It will enable them to get money from their own sources. It is good to set limits in terms of expenditure during campaigns. Last time before we went for campaigns we had been made to understand that IEBC had restricted the amount of money to be used and also they had set a law that outlawed *Harambees* or contribution of money to individuals which translated to mean bribery. In some cases however, this was not achieved. Many people asked for money. Even the church was involved.

Therefore, we should save the church from corruption because even though *Harambee* has been banned, church institutions still coerced candidates to participate in their *Harambee*. The experience was not good, especially knowing that the church faithful knows that it is an offence or evil to coerce politicians to give them money. Therefore, I would like to support the Bill, subject to introduction of the various amendments that have been proposed. I support hon. Dalmas Otieno who said that the Bill should come back to Parliament with the ceilings as we do the final touches, so that we can know what is going to be included in it. That way, we will be protecting the current and future politicians from exploitation through voter bribery.

What I know is that in our local communities, even children have been politicized sufficiently to ask for money during the electioneering period. Children go to the roadside and ask for money to buy books, pens and sweets. So, you can imagine what will happen in future if we continue to entertain the culture of cash handouts for votes. It means that the situation will even intensify in future. If this situation is not arrested in time, we will entrench this bad culture, which will ruin future generations. I would like to urge Kenyans and the leadership of this country to be very sensible and realistic enough to support this Bill, so that we can discourage the practice of influencing election outcomes by use of money.

We also need to harmonize the area of coverage. We are now in the 11<sup>th</sup> Parliament, where we have County Women Representatives as Members of Parliament. We have the Members representing the constituencies. We need to harmonize the area of coverage, in terms of the two categories of Members, to see how they can work harmoniously. As it is now, County Women Representatives cover larger areas than constituency Members of Parliament. In terms of sharing of the resources going to be used in the field, it means that we might not have equal shares for the two categories of Members. So, that is one area of leveling the playground.

Therefore, I look forward to a future where money will not be used to influence the election of leaders.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Susan Kipketer.

Hon. Members, I must appreciate that this is one of the Bills that have been thoroughly ventilated. On my request list, there is still a good number of Members who

want to contribute to the Bill. I have hon. James Kimaru, hon. Bett Jackson, hon. Kipkorir, hon. Manson Ayongo Nyamweya and hon. Julius Kibiwot Melly. Apart from hon. Kirwa Steven Bitok, who has the Floor, I need to appreciate the intention of the other hon. Members who have placed requests so that they could speak on this Bill. The Bill we are debating is the Election Campaign Financing Bill (National Assembly Bill No.14 of 2013).

Next on my list is hon. Kirwa Steven Bitok.

**Hon. Bitok:** Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to support this important Bill touching on our core functions as Parliament, as well as on the electorate, whom we serve at home.

It is important to have election or appointment or nomination of Members of Parliament and other elected leaders coming from a position of integrity. In this country, it has been a problem to get leaders who are actually meant to lead the people genuinely, given that money is “Mr. Say-It-All”. If we legislate in this august House and give guidance on the way people should be elected into office, and how money should be used to steer the electioneering process, we will have people of integrity leading this country in future, and corruption will be eradicated countrywide.

Hon. Temporary Deputy Speaker, I have been thinking about when the election campaign period should start in this country, having realised that some people have already started campaigning for the next general elections---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Kirwa, you should be winding up.

**Hon. Bitok:** Thank you, hon. Temporary Deputy Speaker. So, what I would want to say is that we should have in place proper procedures on financing of campaigns covering the period from when general elections are concluded to the time we go to the next general elections.

With those remarks, I beg to support.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, it is now 6.30 p.m. Therefore, the House stands adjourned until tomorrow, Thursday, 31<sup>st</sup> October, 2013, at 2.30 p.m.

*The House rose 6.30 p.m.*

**END Y**