

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 17th April, 2013

The House met at 9.00 a.m.

[Hon. Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

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

Hon. (Ms.) Kiptui Grace Jemutai

PAPER LAID

The following Paper was laid on the Table:-

The Presidential Address

(By hon. A.B. Duale)

NOTICE OF MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

The Member for Garissa Township (Hon. A.B. Duale): Hon. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, the thanks of the House be recorded for the exposition of public policy contained in the Presidential Address from the Chair on 16th April, 2013.

PROCEDURAL MOTION

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

THAT, the business appearing in today's Order Paper be exempted from the provisions of Standing Order 40(3) being a Wednesday Morning, a day allocated for business not sponsored by the Majority or Minority Party or a Member belonging to the Majority or Minority Party or business sponsored by a committee.

Hon. Speaker, Sir, Wednesday is a day, particularly the morning session that is preserved for Members who do not belong to either the Majority Party or the Minority Party. Being our

first day, this Procedural Motion asks for that exemption. I will now ask hon. Nyenze, the Minority Leader, to second.

The Member for Kitui West (Hon. Nyenze): Hon. Speaker, Sir, I rise to Second. Thank you.

(Question proposed)

Hon. Speaker: Hon. Members, I am sure for the new Members, it might be strange. But if any member is desirous of making a comment, this is the chance when you can do so, but only on the basis of the Motion as proposed.

The Member for Tongaren (Hon. (Dr.) Eseli): Thank you hon. Speaker, Sir. I believe that, that Motion is quite in order and I support it in the sense that we actually have no business to transact. So, we need to actually lay our structures first. So, I support the Motion and I do not know whether I will be in order to suggest that you put the question.

Hon. Speaker: Yes, hon. Rachael Shebesh.

Hon. (Ms.) Shebesh: Hon. Speaker, Sir, would I be in order to ask you to put the question as has been suggested by Dr. Eseli? That is because he contributed and asked you to put the question. I am asking you officially to put the question, so that we can get on with the business of the House.

Hon. Speaker: Hon. Shebesh, you do not have to rise claiming to be on a point of order. You could actually just contribute and say that the Speaker should put the question if there are no other contributors. Very well; I will put the question.

(Question put and agreed to)

MOTIONS

APPOINTMENT OF HOUSE BUSINESS COMMITTEE

Hon. A.B. Duale: Hon. Speaker, Sir, I beg to move the following Motion:-

THAT, pursuant to the provisions of Standing Order No. 171, the House approves the appointment of the following Members to the House Business Committee:-

1. Hon. Justin Muturi, MP - Speaker of the National Assembly, Chairperson
2. Hon. Aden Duale, MP - Leader of Majority Party
3. Hon. Francis Nyenze, MP - Leader of Minority Party
4. Hon. Jamleck Kamau, MP
5. Hon. Katoo ole Metito, MP
6. Hon. (Eng.) M.M. Maalim, MP
7. Hon. (Dr.) Naomi Shaban, MP
8. Hon. Cecilia Ngetich, MP
9. Hon. Priscilla Nyokabi, MP
10. Hon. John Serut, MP - Independent Party
11. Hon. Rachael Shebesh, MP
12. Hon. (Dr.) Victor Munyaka, MP
13. Hon. (Dr.) Rachael Nyamai, MP

14. Hon. Peter Shehe, MP
15. Hon. David Were, MP
16. Hon. Zebedeo Opore, MP
17. Hon. Z.K. Cheruiyot, MP
18. Hon. Joyce Emanikor Akai, MP
19. Hon. Mithika Linturi, MP
20. Hon. Johnson Sakaja, MP
21. Hon. Gideon Mung'aro, MP
22. Hon. Jakoyo Midiwo, MP
23. Hon. Aden Keynan, MP
24. Hon. Thomas Mwadeghu, MP
25. Hon. Wafula Wamunyinyi, MP
26. Hon. Paul Otuoma, MP
27. Hon. Makali Mulu, MP
28. Hon. Mwashetani Khatib Abdalla, MP
29. Hon. Ghati Dennitah, MP
30. Hon. Jessica Mbalu, MP
31. Hon. Gladys Nyasuna, MP

Hon. Speaker, Sir, this is---

Hon. Speaker: Order! Leader of Majority Party, you have omitted the person whose name appears as number five. So, he may not be considered.

Hon. A.B. Duale: Sorry, hon. Speaker, Sir. Thanks for your indulgence. We also have the hon. William Cheptumo, my good friend and MP.

Hon. Speaker, Sir, this is the nerve centre of parliamentary business. This is the most important committee that meets every Tuesday and sets the daily, weekly and the annual legislative agenda for Parliament. It is a very important committee.

These men and women are not the best amongst you. We are not saying that they are the best because all Members of Parliament, the 349 men and women, are all up to the task to be members of this committee. But Standing Order No. 171 provides that 29 Members must be selected from 349 hon. Members of this House, plus the Speaker, the Leader of Majority Party and his counterpart the Leader of Minority Party.

So, what we are saying here is that these men and women when we are choosing here are going to steer the calendar of this House. They are going to make sure that we have the Order Paper and that there is business for all of us to transact.

With those few remarks, I urge my colleagues to support this list, so that from this afternoon, we have an agenda for this country, for the people who voted for us and an agenda to execute our mandate.

So, I will ask my counterpart, the Leader of Minority Party to second this list of the House Business Committee for approval by the whole House.

Hon. Speaker: Would you like to move?

Hon. Nyenze: Hon. Speaker, Sir, I beg to second that list.

Hon. Speaker: Yes, Member for Magarini!

The Member for Magarini (Hon. Kombe): Hon. Speaker, Sir, before I support the Motion, I wish to take this opportunity to thank my constituents for electing me to this august House.

Hon. Speaker, Sir, as much as we would like to approve the names on this list, the proposal falls short of the requirements of the Constitution. Whatever we are going to do, we are supposed to have not more than two thirds of either gender on this list. As far as this list is concerned, a simple calculation shows that we should have 11 lady hon. Members on it. Unfortunately, we have only eight. Could the person concerned, therefore, conform to the requirement of the Constitution?

With those remarks, I beg to oppose the list.

Hon. Speaker: You beg to oppose?

The Member for Magarini (Hon. Kombe): I beg to oppose the list, Hon. Speaker, Sir.

Hon. Speaker: Hon. Kombe, it is also good to be consistent. When you caught the Speaker's eye, you begun by saying that before you support--- It is good to be clear on what you intend to say, so that you say it in a manner that is consistent and clear. Nevertheless, it is your right to make the statement on your position.

Hon. Speaker: Yes, hon. Abass.

The Member for Wajir East (Hon. Abass): Thank you, Hon. Speaker, Sir. I rise to support the Motion.

Looking at the actual membership of the ladies on this, you will see that it is nine. My understanding is that the membership of the Committee is 29, exclusive of the Leader of the Majority Party and the Leader of the Minority Party. So, nine ladies out of the 29 Members come up to 31 per cent.

Therefore, I support.

Hon. Speaker: Yes, hon. Amina Abdalla.

The Nominated Member (Hon. (Ms.) Abdalla): Hon. Speaker, Sir, from the outset, I would like to congratulate you on your election as our Speaker.

I would like to support this list. However, when you look at it, it does not meet the one-third gender rule. The Fifth Schedule of our Constitution stipulates that the one-third gender rule must be effective by 2015. In the light of the progressive ruling from the Supreme Court on this matter, we will bear with this figure of less than one-third. But I urge hon. Members that when we bring amendments to the Constitution to remember the one-third gender principle in the National Assembly and the Senate, also support it.

With those few remarks, I beg to support.

Hon. Speaker: Is that hon. Jakoyo Midiwo?

The Member for Gem (Hon. Midiwo): Yes, hon. Speaker, Sir.

You realise that we are having teething problems. I would like to request you that as we begin the business of the House, your technical staff gives us the cards that identify us, so that we are not like a market place.

Hon. Speaker, Sir, let me also take this opportunity to congratulate you on your election as our new Speaker, and welcome all our new colleagues.

I rise to support this list. I do not think it should be controversial. All the sentiments of hon. Kombe and Ms. Abdalla should be noted. As we move forward, the membership of this House needs to realise that we have technical issues.

There is a ruling from the Chair on the issue of one-third gender rule, and it is in totality; not per committee. We do not want to have a situation where every time we come to approve a membership of a committee, we run into this problem. I see that it may set precedent where we will be arguing on this issue over and over again. I think we are all supporting it. Many of us supported it.

So, I want to plead with our colleagues to understand that the list that we prepared was prepared in good faith and we will forever strive to live by the Constitution.

I beg to support, hon. Speaker, Sir.

Hon. Speaker: Yes, hon. Shebesh.

Hon. Shebesh: On a point of order, Hon. Speaker, Sir. I rise on a point of order. I want to quote our Standing Orders which we passed in this House just before the end of the Tenth Parliament. Standing Order No.173 (2) states as follows:-

“173(2) The Committee on Selection shall give consideration to the need for gender balance and shall, so far as may be practicable, ensure that no more than two-thirds of the members of a committee of the Assembly, including a committee established through a resolution of the House, shall be of the same gender.”

Hon. Speaker, Sir, on the basis of this Standing Order, I am asking that you give us guidance and the way forward because we do not want to take this House through the circus of the Tenth Parliament, when we had to keep on fighting for conformity of the provisions of the Constitution. This is now clearly stated in our Standing Orders.

Hon. Speaker, Sir, I am seeking your guidance for the sake of moving forward quickly as we form committees, and for the sake of clarity on this issue.

Hon. Speaker: Hon. Shebesh, fortunately, you read Standing Order No.172 (3), which talks about the Selection Committee. This list is not prepared by that Committee. Therefore, I rule that you are out of order.

Yes, hon. Katoo.

The Member for Kajiado South (Hon. Katoo): Hon. Speaker, Sir, I want to, very briefly, support this Motion. The list is quite balanced. Out of the 32 Members, if you remove the first three Members who are there by virtue of the offices they occupy, we will be left with 29 Members. Out of 29 Members, 10 are women. What really impresses me is the diversity of the membership on the list. Out of the 29 Members, those who are serving their first term are 11 Members. That makes one-third. So, the diversity is across the board, and I urge hon. Members that we support this list, because this is the Committee that is going to prepare business for this House. Without our approval of this Motion, we will not have any business to transact in this House. Therefore, I urge my colleagues that we support this Motion and give the Committee approval to bring business to the House.

With those remarks, I beg to support.

Hon. Speaker: Yes, hon. Olago Aluoch.

The Member for Kisumu West (hon. Aluoch): Hon. Speaker, Sir, in supporting this Motion, I wish to say that the House has set the climate that is required by the consultative process that we underwent in preparing this list. We are starting on the right footing. But I wish to add my voice to the gender parity debate that has been mentioned by a few Members here. It has been decided by a court that the process of gender parity is progressive. There is no doubt about that. The number of our female sisters in this House is also fairly low. If we are going to insist, as somebody would like to do, that we must have that parity of 30 per cent, we are going to overwork our sisters here. We do not want to overwork them, not in the sitting of this House. To that extent, therefore, my view is that this list should be accepted by the House and I support it.

Hon. Speaker: I think there should be no contention about this. Is there any contention? Let me just recognize hon. Neto; he is travelling out of the country.

The Member for Ndhiwa (Hon. Oyugi): Hon. Speaker, Sir, first, receive my congratulations on your election as Speaker of this Eleventh Parliament.

There is a substantive contention in this particular list. First of all, I will be opposing this list for a variety of reasons. We passed a Constitution that entrenches the one-third gender rule. It is not good to start allowing the House Business Committee, the most important committee of the House, to go this way. There is enough number of ladies, people who are capable of being in this committee. It is very dangerous for Members to start on this footing, and not to respect the one-third gender rule. It is this Eleventh Parliament, which is hoping to achieve it. It is a dangerous precedent to set and if the ladies of this House can sit and have this passed, they will have themselves to blame. This should be opposed and we should make sure that this House Business Committee, however much we want to progressively achieve the rule, a third must be realized. I oppose the list.

Kiambu County Women Representative (Hon. (Ms). Gathecha): Hon. Speaker, Sir, I take this opportunity to congratulate you on your election as the Speaker of the National Assembly.

I rise to support this Motion. If we look at all the Members of the Committee, the first three are the Speaker, the Leader of Majority Party and the Leader of Minority Party. Apart from those three, the list meets the gender requirement of one-third. I also would like to emphasize that we have not said, as women, that we are tired or we will be overworked. If that happens, we shall inform you, but as far as the one-third gender requirement is concerned, in all committees, we would like the House to observe that.

The Member for Rongo (Hon. Anyango): Hon. Speaker, Sir, from the arguments on the Floor, it is clear that we need to set this straight right from the beginning. In Article 10 of the Constitution, there are principles and values which we must start practising in this House. Applicable to this list is transparency, regional balance and the gender principle. We have 69 ladies in the National Assembly, exactly 20 per cent of the Members. So, the minimum that we should allocate in any committee without having to wait for all the 27 or so committees and hoping somebody will calculate on some basis to see whether we have complied with these principles, basically, it should be committee by committee basis and the minimum should be 20 per cent ladies. As to the regional balance, we have presented the Members just by their names and this cannot show us whether we are not, by practice, allowing some regions to dominate committees in this House. It is important we start practising the principle of regional balance as well, and show which county women representative represents, so that those of us who are mathematically oriented can quickly assess the regional diversity to see whether the Whips have done a good job in compiling the lists.

In future, committee by committee, the Whips and the House leaders should make sure that the three principles, and they could even add equity, are complied with. I wish to support this for now, because the Committee on Selection, after it has participated in the selection of all the other Committee Members, it most likely will die off and will not be a very busy committee. We should let it pass. We could not tell whether the principles of gender and regional diversity have been complied with in selection of Members to the House Business Committee but we have passed it. The House leaders, namely the Leader of Majority Party and the Leader of Minority Party, their deputies, the Whips and their deputies should make sure that when they bring another list, it is visible on the face of it that it is regionally balanced, gender compliant and transparency is achieved in whatever they will be bringing to the House.

I beg to support.

Hon. Speaker: Hon. Members, even though hon. Otieno spoke through the next Motion, finally, he said he was supporting. But it is your business, Members.

(Question put and agreed to)

APPOINTMENT OF COMMITTEE ON SELECTION

Hon. A.B. Duale: Hon. Speaker, Sir, I beg to move the following Motion:-

THAT, pursuant to the provisions of Standing Order 172, the House approves the appointment of the following Members to the Committee on Selection: -

1. Hon. Aden Duale, MP, Leader of Majority Party, Chairperson
2. Hon. Francis Nyenze, MP - Leader of Minority Party
3. Hon. Benjamin Langat, MP
4. Hon. Mary Emase, MP
5. Hon. Maina Kamanda, MP
6. Hon. Alex Muiru, MP
7. Hon. Elias Barre Shill, MP
8. Hon. Robi Mathias, MP
9. Hon. Tiyah Galgalo, MP
10. Hon. Katoo ole Metito, MP
11. Hon. Alice Ng'ang'a, MP
12. Hon. Abdulrahman Dawood, MP
13. Hon. Benjamin Washiali, MP
14. Hon. Ken Obura, MP
15. Hon. Gideon Mung'aro, MP
16. Hon. Chris Wamalwa, MP
17. Hon. Rachael Ameso Amollo, MP
18. Hon. Joyce Wanjala Lay, MP
19. Hon. Mohamed Elmi, MP
20. Hon. Ghat Dennitah, MP

Hon. Speaker, Sir, this is a new committee which was not there in the Tenth Parliament. The business of this committee was previously done by the Whips of the various parliamentary political parties. However, in reviewing and reforming the Standing Orders, Parliament in its wisdom has seen that transparency, accountability and Article 10 that hon. Dalmas Otieno has stated will only be done fairly if a Committee of the House on Selection is formed in order to place hon. Members in their respective Committees based on the three principles of regional balance, gender parity, and diversity.

This is a very important committee at the beginning of the House. Why do I say so? This is a committee that between now and, maybe the next sitting of the House, or between now and next Tuesday, must place hon. Members in various committees. Under the new presidential system, parliamentary committees are very important. The nerve centre of the Eleventh Parliament under the presidential system is the work and functions of the parliamentary committees. We, as the leadership of the Eleventh Parliament, want to state it very clearly that we will use the constitutional provisions and we will be very fair. We will look at regional diversity and gender parity. We will make sure that hon. Members go to committees of their

preference for the single reason that hon. Members want to contribute effectively in a committee where they have the expertise, knowledge and skill.

This committee is very important because these 349 hon. Members who will form the Standing, Joint and Departmental Committees that we have in this House, it is the sole responsibility--- It is on the shoulders of these 20 men and women of this Committee to make sure that in a very short time various committees are formed and chairpersons elected so that committees of the Eleventh Parliament begin their work.

Hon. Speaker, Sir, I will be very happy if hon. Members are taken through the use of the electronic system before Friday this week. I urge hon. Members to avail time, be it Thursday morning or on Friday under the Speaker's instructions so that we come back here in an informal session to go through the electronic way of conducting parliamentary business. That way, the Speaker will know who is on the line. Right now we have a bit of confusion because some hon. Members are about to stand up, others are about to shout, others are on points of order, yet the Speaker cannot hear them.

Hon. Speaker, Sir, I seek your indulgence that before the end of the week, hon. Members be given the electronic cards, so that they can constructively and effectively contribute to the business of the House.

I urge my colleague, the Leader of the Minority Party to second.

Hon. Nyenze: Hon. Speaker, Sir, I stand to second the Motion.

(Question proposed)

Hon. Ng'ongo: On a point of order, Hon. Speaker, Sir.

Hon. Speaker: Hon. Ng'ongo, you do not have to rise in your place claiming to stand on a point of order if, indeed, it is not a point of order. What is out of order? Under what standing order are you standing to claim to be rising on a point of order?

Hon. Ng'ongo: Hon. Speaker, Sir, our standing orders are very clear that when you are forming the committees you have to base it on the party strength. This House cannot debate a matter that is unconstitutional and is in breach of our standing orders. We have two major coalitions. If we assume that the Jubilee Coalition has 216 hon. Members that they have constantly and continuously talked about, and you work it with the numbers that we have here, it is very evident that the Jubilee Coalition could have only been entitled to a maximum of 20 Members in the House Business Committee. This is because the calculation translates to 19.8 Members.

Hon. Speaker: Hon. Ng'ongo, are you on Motion No.10 or are you on Motion No.9?

Hon. Ng'ongo: Hon. Speaker, Sir, I am on Motion No.10, but this Standing Order covers the entire membership of committees in the House. The ones that we are discussing---

Hon. Speaker: Hon. Ng'ongo, the House has already resolved Motion No.9. So, please, steer clear of it.

Hon. Ng'ongo: Hon. Speaker, Sir, regarding Motion No.10, if you work with the numbers that I have talked about then the Jubilee Coalition should be entitled to a maximum of 12 hon. Members and not 13 hon. Members. If this is repeated then Coalition for Reforms and Democracy (CORD) is going to be disadvantaged not only in the formation and composition of this committee, but also in subsequent committees. I, therefore, urge that you rule that this Motion before us is in breach of our Standing Orders and is in breach of the Constitution. This is because we need to restrict ourselves to the numbers of Members of each party in this House.

Hon. Speaker, Sir, you will realize that the Jubilee Coalition, together with their adopted “kids”, including the Amani Coalition, has taken 13 hon. Members, yet they are supposed to be entitled to a maximum of 12 hon. Members.

Hon. Midiwo: On a point of order, hon. Speaker, Sir. I rise on a point of order to correct my good friend hon. Ng’ongo. The business of making these committees is not an easy task for the leadership of this House. Remember many people who are in the leadership are as new as the majority of these Members. I looked at these figures and they are correct. I think it will be wrong for Mr. Ng’ongo not to read the Standing Orders correctly, and purport to be guiding the House or seeking your indulgence.

Mr. Speaker, Sir, I urge you to rule him out of order on the point that the leadership of the House cannot be counted on by members of the House, especially if their slots have been given by the Standing Orders. So, you deal with other Members.

(Applause)

I think it will not be fair for hon. Ng’ongo to say that we did not do a good job because we did that and I think we are right.

Hon. Members: On a point of order, Mr. Speaker, Sir.

Hon. Speaker: You do not have to claim to be rising on a point of order if you just want to advance some argument. If you want to advance some points, because most of you have not been taken through the electronic system---

Hon. Members: On a point of order, Mr. Speaker, Sir.

Hon. Speaker: I am speaking and I am on my feet! It is totally out of order for any hon. Member to purport, or claim, to be rising on a point of order. What is out of order? When the Speaker is speaking, there cannot be something out of order! You must continuously be guided that the Chair cannot be out of order when he is speaking.

For the time being, I want us to follow the procedures. If somebody has a point that he or she wants to advance, please, just catch the Speaker’s eye.

The Member for Kigumo (Hon. Kamau): Thank you very much, Mr. Speaker, Sir. I rise to support this Motion.

The Member for Kajiado South (Hon. Katoo): On a point of order, Mr. Speaker, Sir.

(Hon. Angwenyi murmured something)

Mr. Speaker: Hon Angwenyi, I am sure you have been out of Parliament for some time and things have changed. People do not just start shouting from their places. Therefore, you are out of order!

Yes, hon. Katoo!

The Member for Kajiado South (Hon. Katoo): Thank you, hon. Speaker, Sir. I rise on a point of order under Standing Order No.172. This will guide the debate on this Motion. I would like to say that the list is not conclusive, because one name is missing. According to Standing Order No.172 (1), the membership of this Committee is supposed to be 21 Members including the Leader of the Majority Party and the Leader of Minority Party.

In that case, the Jubilee Coalition forwarded 13 names but one name is missing. That is the name of hon. Alice Muthoni Wahome. Therefore, the list is not conclusive. This is not really an amendment; the list I signed and forwarded to your office by the Chief Whip of the Majority

Party; it includes the name of hon. Alice Muthoni Wahome. If that is rectified, the total number of Members in that list will be 21. The list that has been presented here is composed of 20 Members.

(Applause)

Hon. Speaker: Hon. Members, I do confirm that the list forwarded by the Chief Whip, Majority Party, actually had 13 names, and the name of the hon. Member mentioned was in it.

Yes, the Leader of Majority party.

Hon. A.B. Duale: Mr. Speaker, Sir, as you ask the Clerk to sort out that issue, I want to bring to the attention of this House that, as the Jubilee Coalition with over 216 Members, the agreements we signed with individual parties making them part of our coalition, and which have been deposited with the Registrar of Political Parties, we have availed copies of those documents to the Speaker. I think my good friend, and old colleague, Hon. Ng'ongo, did not cite any provision in the Constitution or Standing Orders that the Jubilee Coalition is breaching.

Hon. Speaker, Sir, I want to state here that the document that the 212 Members from various political parties, who signed agreements with us, has been availed; it is from the Registrar of Political Parties. They are not adopted but they are Jubilee Coalition affiliates. "Adoption" is a bad term and it is not parliamentary.

The other four are our independents and will speak for themselves. They vote with their conscience. I would like to tell hon. Ng'ongo that our numbers are very clear, and are within the law, the Constitution and the Standing Orders.

As hon. Midiwo said, the formation of these Committees is a very difficult task. However, these two Committees are very important and will enable us to move on from this afternoon. Hon. Members, as the Speaker looks at that technical hitch, I would like to urge you that we move ahead and approve the membership of these two crucial Committees. One committee will give us the agenda while the other will give us the committees Members.

Thank you.

Hon. Speaker: I will allow debate to continue as we await information from the Clerk's Office.

(Hon. Okoth raised his hand)

The hon. Member for Kibra, I just want to advise that raising of hands in the National Assembly, as if you are in a primary school, is not honourable at all.

(Laughter)

However, this is in good faith. You can see that the rest of the Members are not raising their hands. But you have a point you want to put forward. Kindly, take the microphone.

The Member for Kibra (Mr. Okoth): Thank you, Mr. Speaker, Sir. I congratulate you once again for your leadership and thank you for the guidance that this is not the primary school. I will endeavour to remember that.

I have a concern that I want to raise under this debate in connection with diversity. It is also the issue of regional balance in the Committees and the business of the House. In the two Committees that we are dealing with right now, we have noticed that in the first Committee

membership, which we approved, only hon. Shebesh from Nairobi was included. I can also see that only hon. Kamanda from Nairobi was considered for the second committee. So, I just want to say, as someone from Nairobi County, that we be consistently included in committees in line with our numbers in this House. We should not be sidelined.

To aid that process and transparency, as hon. Anyango has mentioned, we should really come up with lists that indicate to us the regional representation of people. As a young and new Member of this House, I would like to raise concern against the tyranny of longevity; Members, who are known to have been here for several terms, and whose wisdom and experience we appreciate, should not be the only ones in everything. New Members are equally entitled and should be allowed to speak, participate and be involved in all Committees. So, let us find a way of doing that in these committees as we move on. Is there a preference for leaders who have been here longer than others, and who are not giving chances to new leaders to also participate equally?

Hon. Speaker: Yes, hon. Ganya.

The Member for North Horr (Hon. Ganya): Hon. Speaker, Sir, I also want to congratulate you on your election as the Speaker of this Eleventh Parliament.

I want to support this Motion; I want to do so because there is a major reform as far as our Standing Orders are concerned. I served in the Tenth Parliament; I recall that at that time being appointed to a Committee was basically at the mercy of the whip; the names appeared at the House Business Committee (HBC) and eventually ended up here. I recall that at the time a member of the Pentagon of and party, a deputy leader of that party, was rejected, together with some of us, because he did not tow the party line at the time; you were at the mercy of an individual called the whip. Now, we have a Selection Committee, an organ of this House, which will debate and pick Members on their merits to respective committees.

The Leader of the Majority Party mentioned that all the 349 hon. Members of this House are up to the task, but a few of us have been selected to serve in the HBC as well as on the Selection Committee. What we oppose is seeing the same names recycled to serve on the Committee on Selection and other strategic committees of this House. We will oppose that because all of us are up to the task, and are willing and capable of serving this nation and this House.

With that condition, I beg to support.

The Member for Garissa Township (Hon. A. B. Duale): Hon. Speaker, Sir, on procedure, the name of Hon. (Ms) Wahome was technically removed – it was technically an error by the Office of the Clerk, and we have confirmed that the Committee is supposed to have 21 Members, 13 members from the Jubilee Coalition and eight from the CORD Coalition. So the letter that we have submitted from the Majority Whip's Office has the name of Hon. (Ms). Wahome, Member for Kandara. I seek your indulgence that we do the correction and Ms. Wahome be a member of the Selection Committee.

The Member for Rarieda (Hon. (Eng). Gumbo): Hon. Speaker, Sir, I have been sitting here and many times I have heard mentioned Jubilee and CORD coalitions, but this House is a House of rules; I think what we talk about here – I stand to be corrected if I am wrong – is parliamentary parties. So, what is the position of the Jubilee and CORD coalitions? Judging by what you said earlier outside this House, which parties are parliamentary and which are not. When we start now going into Jubilee and CORD coalitions, are we really debating within the rules of this House? I stand to be guided.

Hon. Speaker: On this one, for avoidance of doubt, I know hon. Members who were in the Tenth Parliament, and who played an active part in the campaigns for the adoption of the new Constitution, I would advise that you very quickly look at Article 108 of the Constitution; you will realize that it recognizes coalitions. Our Standing Orders have merely reflected what is in the Constitution. So, you should have no doubt about the reference to coalitions. They have been formed and recognized in the Constitution itself, which is the supreme law of the land; it is also in the Political Parties Act. So, if you have any issues about one coalition or the other---

The only other thing that I may want to guide the House on is that even as we have these coalitions, it is important to appreciate that we also have independent candidates. They are equal members of this House. They are also Members of this House, who are not supported by parties; maybe there is only one or two of them. They will equally be entitled to placement within various Committees.

The Member for Gwassi (Hon. Ng'ongo): On a point of order, Hon. Speaker, Sir. I stand under Standing Order Nos.54 and 55. Regarding the request by the Leader of the Majority Party, I would ask you to direct that the amendment that the Leader of the Majority Party is moving following Standing Order Nos. 54 and 55--- Invoke Standing Order No.55 (2) and allow the Member to move an amendment to the Motion without having to give notice two hours before; the amendment of the Leader of the Majority Party should be transacted procedurally.

(Several hon. Members stood up in their places)

Hon. Speaker: Order, hon. Members! Again, you cannot rise in your places and purport to give information to the Chair. That is out of order! Let us clear one issue at a time.

Hon. Ng'ongo rose on a point of order and I had drawn your attention, as a House, to Standing Order No.55 (2). In exercise of the powers given to the Speaker, given that the omission of Ms. Wahome was by the Office of the Clerk, I allow the Leader of the Majority Party to move the said amendment.

The Member for Garissa Township (Mr. A.B. Duale): Mr. Speaker, Sir, I seek your guidance and confirm that the mistake was by the Office of the Clerk and you have used Standing Order No.48.

Hon. Speaker, I beg to propose to move that the name of Hon. (Ms) Wahome be included in the list of Members to the Selection Committee. I ask the Leader of the Minority Party to second that amendment.

The Member for Kitui West (Hon. Nyenze): I second that amendment.

(Question of the amendment proposed)

(Question put and agreed to)

(Several Hon. Members stood up in their places)

Hon. Speaker: Please resume your seats! For the guidance of the House, we will go back to the original Motion.

The Member for South Mugirango (Hon. Nyamweya): On appoint of order, Hon. Speaker, sir.

Hon. Speaker: Order! The hon. Nyamweya, even before the Chair has resumed the seat, you are up on your feet! We must have order, please! Okay, I now give a chance to hon. Nyamweya.

The Member for South Mugirango (Hon. Nyamweya): Hon. Speaker, Sir, I want to raise a point here and I need your guidance. We are guided by Standing Order No.175. What we are doing is clear. If you read Standing Order No. 175 (2), it is very clear. You cannot alter the names or add! What is required is that we withdraw the entire list and then it comes to the House later. Please, we need your guidance on this.

It is very clear in Standing Order No.175! It does not allow amendments to the list. What can be done is to withdraw the list from the House and bring it afresh when the Members have agreed. We are having the first Sitting of Parliament and we cannot break our own Standing Orders, which we passed in this House! Mr. Speaker, Sir, please guide us.

Hon. Speaker: Again a very simple one. You are not rising in opposition to the name. This was merely an omission from the Clerk's Office; it was purely a secretarial error! Lets us go back to the Motion. The independent party, hon. Member for Buuri, you have the Floor.

The Member for Buuri (Hon. Kinoti): Thank you Hon. Speaker, Sir. I wish to request your guidance on an issue. But first of all, I congratulate you on your election as the hon. Speaker of the National Assembly.

Now, there is an issue we have been addressing so hard, the issue of gender parity. But then we have forgotten the affirmative action on an issue that is also by large national concern. That is the issue of the youth.

Going forward, I wish to request your guidance here in the Committee of Selection. We have about 28 per cent. That is way less than the third gender rule that was passed in the Constitution. Recognizing that the court ruled that it will be transitional to attain a third of the gender rule--- Now, I seek your guidance as to whether the selection in the remaining committees will consider the third gender rule or the representation that is here in this House. I wonder whether the Selection Committee will take that into consideration. Here, we have about one fifth being women, but then in the Constitution it requires a third. Now which rule will be followed, the representation of the House or the third gender rule?

Secondly, I wish to request your guidance on the issue of the youth, because it is also a matter for affirmative action.

Thirdly, I wish to request your guidance on the issue of independent candidates. I think going forward it must be reflected. It must be reflected on in relation to House Committees, whether it is the issue of the youth, gender or disability.

Thank you Mr. Speaker, Sir.

Hon. Speaker: For the new Member, Hon. Kinoti, one, this is a House of record. For that reason, in as much as you could be very loud, you must speak to the microphone. Two, at this point, the Chair cannot anticipate what is going to be done by the Selection Committee. Indeed, that Committee, once formed, should take into account the views being expressed here while placing Members in various Committees. I think the Leader of the Majority Party has clearly stated that it will be on the basis of regional balance, gender balance, competencies and so on and so forth. The values as enshrined in our Constitution have been quite ably stated by hon. Dalmas Otieno in the National Values in Article 10 of the Constitution.

Regarding what is likely to comprise this or the other, I think that is anticipatory. It is against the rules of the House for us to do so. Hon. Members, can we go back to the original Motion?

Hon. Member: Yes!

Hon. Speaker: The Hon. Jamleck Kamau was on the Floor before someone else claimed to rise on a point of order. Can we allow him to complete what he was saying?

The Member for Kigumo (Hon. Jamleck Kamau): Thank you very much Hon. Speaker, Sir. I rise to support this Motion as amended. For a start, I want to congratulate you for being elected the Speaker of the National Assembly. Looking at the list of hon. Members who are here in this list, the first thing that strikes me is that, 15 of the 21 hon. Members are actually new Members of this House. They were not there in the last Parliament. Therefore, these hon. Members will be able to take care of the interests of the new Members, who are coming in. I think as the Selection Committee, my challenge to them is to make sure that new hon. Members are included in as many Committees as possible, so that they can participate and even become chairmen of committees and women as chairpersons of committees.

Therefore, without any question, I think this team is pretty representative of the entire House; it is a team that should be left to do its work. Some of the sentiments being expressed by hon. Members should be taken into account by this Committee. Let this Committee make sure that they actually appoint Members of various parties in the House with fairness; making sure that they look at representation of minorities, representation of those people with disabilities, making sure that women's interests are also taken care of, so that at the end of the day, we can have a committee where even those professionals who are qualified in various areas are put on them since they actually qualify for.

Therefore, I do support this list and wish hon. Members who are here will not have a lot of issues with regard to committees so that we can make progress.

Mr. Chanzu: Hon. Speaker, Sir, I also want to join my colleagues in congratulating you on your election as our Speaker, and also congratulate the hon. Members who have been elected to this House.

Looking at the list, all of us cannot be on it to do what we expect the Committee to do. So, I would like to appreciate the work that has so far been done by the party whips, the Leader of Majority and the Leader of Minority, who have put up these teams. I also want to congratulate those hon. Members who have been included in these teams. When they do their work, we want them to look through all that we expect them to do, taking into account the gender issue and the issue that has just been raised by our youthful colleague, so that we can move forward. We have a lot of work ahead. There is the Budget process, for which committee should be in place as soon as possible.

I wish to support.

Hon. Speaker: Yes, hon. Moses Cheboi.

Hon. Cheboi: Hon. Speaker, Sir, I also want to congratulate you for having been elected our Speaker and, on a light touch, say that I do not subscribe to the term "adopted kids" that was used by hon. Ng'ongo; looking at myself and him, your guess on the question of who is younger is as good as mine. So, we cannot be kids. As much as I am in "Jogoo" Party, I am also in the Jubilee Coalition.

Hon. Speaker, Sir, in support of the Motion, I would like to say that we should not really belabour the point, or keep on arguing for one reason: The Leader of the Majority Party moved the Motion. The Leader of the Minority Party seconded it. I believe that each of the coalition partners has put its house in order. So, for any hon. Member to come here and say that there is a problem with the mathematics used, only shows that he probably did not attend the meetings at which decisions were made.

Most importantly, while supporting this Committee, I want to give a suggestion and plea to hon. Members – that we are all Members of Parliament. As soon as we get to this House, we should forget that we are old timers or even old, like my good friend, hon. Nooru, who has been here many times; or even the Member for Kasipul Kabondo. All of us have been elected by people of all ages and gender.

We should forget that we are ladies, or that we have been here many times, because, ultimately, what we need to look at is the number of committees in which an hon. Member will serve. It will solve everything. If we agree that each hon. Member must serve in two or three committees, we will not come back here and talk about the one third gender rule. We will not talk about people like myself, who have been on sabbatical leave, and who are now in Parliament, because we will all serve in an equal number of committees.

Looking at the people who have been elected to various positions in this House, starting with the Leader of Majority Party and the Leader of Minority Party, who happens to go to the same church with me, the Chief Whip and the Minority Whips, the process looks very fair. They can only prove us wrong if they fail to do it correctly.

On the issue of the Selection Committee, I have a lot of confidence that we will have a good team and that this thing will sail through; membership of the committees will be shared equitably.

With those remarks, I beg to support.

Hon. Speaker: Hon. Members, for the guidance of the House, and so that we appreciate where we are headed, the House has to sit this afternoon, at 2.30 p.m. The House Business Committee that we have just appointed must sit and prepare business for this afternoon, tomorrow and next week. The Committee must also look at the proposed Calendar of Business for the entire Session. Therefore, I would want to plead with you, hon. Members, that unless there are serious issues about this list, we try and dispose of it as quickly as possible.

Hon. Members: Put the Question! Put the Question!

Hon Speaker: Hon. Members, let us hear hon. Wanyonyi.

The Member for Kwanza (Mr. F. K. Wanyonyi): Hon. Speaker, Sir, first of all, I would like to take this opportunity to thank the people of Kwanza for electing me to this august House.

I want us to move forward because, as the previous speaker said, this list has been prepared by the leadership of the majority and the minority of this House. Given that we even submitted our CVs when we came in, and that most of us are first timers, the list is very good. From the look of it, it provides for regional balance. There is also gender parity. The youth are also included.

Mr. Speaker, Sir, I propose that we approve the Motion.

Hon. Speaker: Hon. Members, I note the mood in the House, and will put the Question.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, as we have concluded the business on the Order Paper for this morning, the House stands adjourned until this afternoon at 2.30 p.m. The House Business Committee is supposed to meet in Committee Room No.7 in the next five minutes.

The House rose at 10.30 p.m.

