

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 8<sup>th</sup> July 2015

The House met at 9.30 a.m.

*[The Deputy Speaker (Hon. (Dr.) Laboso) in the Chair]*

PRAYERS

QUORUM

**Hon. Deputy Speaker:** Can the Division Bell be rung?

*(The Division Bell was rung)*

Okay Members; settle down.

Hon. Members, we now have a quorum. Let us begin our business.

POINT OF ORDER

DISRUPTION OF COMMITTEE PROCEEDINGS

**Hon. Deputy Speaker:** What is your point of order, Hon. Wandayi?

**Hon. Wandayi:** On a point of order, hon. Deputy Speaker. I rise under Standing Order Nos. 191, 195 and 216(5) (e) on a very serious matter. I would like you to give me indulgence. At the end of my presentation, I will request that you make a considered ruling on this matter.

Under Standing Order No. 191, parliamentary committees enjoy all the powers and privileges bestowed on Parliament. Therefore, when a committee sits, it is like Parliament itself sitting. Under Standing Order No. 195, there is a clear provision on how non-members of a committee can take part in proceedings of a committee. The mandate of this House, under Article 95(5)(b), is quite extensive in the sense that it exercises oversight on all State organs. Under Article 95(4)(c), it also exercises oversight over national revenue and its expenditure. When the House appropriates funds to various State departments and organs, it also retains the power to oversee how those funds are expended. One avenue through which this House exercises its oversight mandate is the parliamentary committees.

Hon. Deputy Speaker, you will recall that yesterday, there was a sitting of the Departmental Committee on Finance, Planning and Trade. There was a matter which was referred to that Committee by this House, as clearly contemplated under the Standing Orders and the Constitution. Yesterday's sitting of that Committee was a sad episode in the history of the

11<sup>th</sup> Parliament. A sitting of a Committee of the House was turned into a political rally. Members of Parliament who do not belong to that Committee, within their rights, attended the Committee proceedings in large numbers. It is very clear, under Standing Order No. 195, how Members of Parliament who are not members of a Committee can participate in the proceedings of a committee. They have a right to participate but they do not have the right to partake in any voting.

Participation in proceedings of a committee by non-Members of that committee does not entail disruption of such proceedings. What happened yesterday was that Members who do not belong to that Committee invaded the meeting and eventually disrupted the proceedings. The end result was that, as the initiator of the Question that was supposed to be responded to by the Cabinet Secretary for Devolution and Planning, I was unable to successfully prosecute it. This happened in full glare of the public. That is a trend which cannot be allowed to take root in this House, because doing so would be setting a very dangerous precedent. It is not right that Members of Parliament can gang up and disrupt proceedings of a committee because they do not agree with the issues raised with a particular CS. It entrenches the culture of impunity that we have been fighting against in this country.

In your ruling---

**Hon. Deputy Speaker:** Hon. Wandayi, allow a point of order by Hon. Sakaja.

**Hon. Sakaja:** On a point of order, hon. Deputy, Speaker. Is Hon. Wandayi in order to mislead the House by saying that the sitting of the Committee was disrupted in any manner? If you consult the HANSARD of that particular sitting, as much as he is not a Member of that Committee---

**An hon. Member:** Do we have a record of the proceedings?

**Hon. Sakaja:** If you did not know, there is a record of Committee proceedings.

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon. Members, he is on a point of order. Please allow him to prosecute it.

**Hon. Sakaja:** Hon. Deputy Speaker, the Member was partly the cause of the disorder in that meeting. In fact, he referred to Members of the Committee as busybodies, which is unparliamentary language. Because he realised that he did not have enough content to pursue the matter, he decided to engage in side shows. The CS issued a very comprehensive response of about 200 pages and the matter was fully prosecuted. In addition, the Member himself decided to leave the proceeding of the Committee. Is the hon. Member in order to mislead the House by saying that his questions were not answered well, and that there was disorder knowing that he caused the disorder by insulting Members of the Committee, to which I am Member? He should be honest.

**Hon. Wandayi:** Hon. Deputy Speaker, I will proceed to conclude my matter. In your considered ruling ---

**Hon. Sakaja:---***(Off-record)*

**Hon. Wandayi:** Hon. Sakaja, relax because they have noticed you.

**Hon. Deputy Speaker:** Let us have order in the House! Hon. Members, allow him to finish.

**Hon. Wandayi:** Hon. Deputy Speaker, in your ruling I want you to make the following determinations:-

(i) whether yesterday's proceedings of the Departmental Committee were properly conducted in accordance with the Standing Orders and the relevant laws of this country; and,

(ii) whether the conduct of the Members of Parliament I have referred to does not amount to breach of privilege.

Hon. Deputy Speaker, there is a record of the HANSARD and video footage. The Members who disrupted the meeting are known. I will not name them here because it is not my prerogative to do so. Some Members are experts in---

**Hon. Deputy Speaker:** Finish what you wanted to say, Hon. Wandayi.

**Hon. Wandayi:** Hon. Deputy Speaker, the third and final determination I would like you to make is whether what happened yesterday does not amount to a mistrial in the sense that what was supposed to be prosecuted was not prosecuted.

**An hon. Member:---** (*Off-record*)

**Hon. Wandayi:** Understanding English here is a problem---

*(Loud consultations)*

**Hon. Deputy Speaker:** Order! Order, hon. Members!

**Hon. Wandayi:** Hon. Deputy Speaker, is it, therefore, not in order that you order the reappearance of the CS for Devolution and Planning before the appropriate Committee for me to interrogate her accordingly, so that I can prosecute my case conclusively for Kenyans to get answers to the various questions they have been asking all this time over corruption, mismanagement and impunity?

**Hon. Deputy Speaker:** I have indulged you sufficiently, Hon. Wandayi.

Hon. Members, since you have shown interest in this matter, I will give chance to a few of you to speak; no points of order will be heard but I will allow a few interventions before we agree on the way forward.

Hon. Serut.

**Hon. Serut:** Thank you, Hon. Deputy Speaker. I will raise two pertinent issues. Number one, this issue was supposed to be before the Departmental Committee on Labour and Social Welfare and not the Departmental Committee on Finance, Planning and Trade. The second issue I want to bring out is that what the Member is raising was before a Departmental Committee of the House and not in this House. In your ruling can you consider, also for future reference, whether any issue that arises out of a committee should be brought before this Chamber first or it should be taken to the Chairperson of that particular committee for consideration before it is brought to this House?

**Hon. Deputy Speaker:** Okay. Order, Members! Let us give each other a chance. I see Mbadi has something. Hon. Mbadi can you make your comment on this?

**Hon. Ng'ongo:** Thank you, Hon. Deputy Speaker. I want to start by saying that I am aware that this House has had its low moments at times but continuing to allow those low moments really ends up demeaning and erasing the confidence that the people of this country have in this House as the august House.

We all saw what happened. Actually, I also planned to attend that meeting but when I entered and found the place was chaotic, I decided to exclude myself. It cannot be denied that what transpired in the Departmental Committee on Finance, Planning and Trade did not amount to proper procedure of a committee of the House.

Hon. Deputy Speaker, I want to take you to two provisions of our Standing Orders. The first one is what Hon. Wandayi referred to. That is Standing Order No. 196(1) and it says:

“Except as and to the extent to which the chairperson may otherwise direct for the purpose of facilitating full consideration and discussion of a matter referred to a committee, the procedure in a select committee shall be as nearly as possible, the same as that in Committee of the whole House.”

So, the operating words here are that the procedure in a Select Committee should be as nearly as possible the same as that in the Committee of the whole House. One would expect that the kind of decorum, procedure, discipline and order that is exhibited in the Committee of the House to be as nearly as possible to that of Committee of the whole House.

Hon. Deputy Speaker, if you watched what happened in the Departmental Committee on Finance, Planning and Trade yesterday, I invite you to say whether it can be termed as anywhere as close as possible to the procedure of the House. I want to tie that to Standing Order No.112(1), which talks about grave disorder in the Assembly. It says that in the event of grave disorder arising in the House - I am referring to the House and I am tying it to a Committee because Standing Order No. 196 tells us that a committee should conduct its business in a procedure that is as close as possible to that of the House - the Speaker may adjourn the House forthwith or suspend any sitting for a period to be determined by him or her.

In a committee, the equivalent of the Speaker is a chairperson. I expected the Chairman of the Departmental Committee on Finance, Planning and Trade, who was my junior in school, Hon. Langat, although a lot of times I doubt whether he really finished school because of the way he sometimes conducts his business---

**Hon. Deputy Speaker:** Hon. Mbadi, stop casting aspersions please. Can you withdraw?

**Hon. Ng’ongo:** The product of Lower Kabete is usually very good but---

**Hon. Deputy Speaker:** Hon. Mbadi, can you withdraw that statement?

**Hon. Ng’ongo:** I withdraw that, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** He has withdrawn. Let us leave it.

**Hon. Ng’ongo:** I withdraw that, Hon. Deputy Speaker. I wanted to---

**Hon. Deputy Speaker:** Hon. Mbadi, why do you have to raise temperatures when it is not necessary? Do you really have to?

**Hon. Ng’ongo:** Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Why do you cast aspersions when it is not necessary? Are you doubting the qualifications of Hon. Langat?

**Hon. Ng’ongo:** Not really.

**Hon. Deputy Speaker:** Are you the authority that gave him his credentials, whatever they may be?

**Hon. Ng’ongo:** Not really. I want to withdraw and apologise and say that Hon. Langat is very sharp but he sometimes surprises me in public.

*(Loud consultations)*

**Hon. Deputy Speaker:** No, Hon. Mbadi. No, let us not go down that route. He has apologised. Let us just continue with what you are submitting.

**Hon. Ng'ongo:** Thank you, Hon. Deputy Speaker. I have done so. What I am saying is that I expected Hon. Benjamin Langat to have done what our Standing Orders dictate by adjourning the proceedings of the Departmental Committee on Finance, Planning and Trade because what transpired yesterday was not what one would expect in a committee of the House.

Finally---

**Hon. Deputy Speaker:** I think you have prosecuted it enough.

**Hon. Ng'ongo:** Finally, I want you to also rule on the following two issues. One has been raised by Hon. John Serut. If you look at our Standing Orders, this matter squarely falls under the Departmental Committee on Labour and Social Welfare. The other one that I want you to rule on is how Members of Parliament need to conduct themselves in a committee. Are we supposed to represent the Executive when we go to the committees? Are we supposed to answer questions on behalf of the committees? Are we supposed to act as advocates, or we are supposed to sit in committees and interrogate? Actually, our role is oversight. We are not part of the Government. I was a bit taken aback when I saw a contingent, a group of Members of Parliament led by the Chairman of the TNA Party. I now understand why TNA is doing very badly in terms of democracy in this country.

*(Loud consultations)*

If the Chairman of the TNA can behave that way, or represent a Cabinet Secretary (CS), then you will understand why the TNA can only remain in power for not more than 20 months.

Thank you, Hon. Deputy Speaker and I urge you to rule.

**Hon. Deputy Speaker:** Hon. Mbadi, you are also a Chairman of a political party. Members, let us not go down that route. The Leader of the Majority Party, we just need two more comments because we will wait for a ruling. You have asked me to rule.

**Hon. A.B. Duale:** Thank you, Hon. Deputy Speaker. From the outset, I want to say that I am happy you were there yesterday. So, the story you are being told is one that you followed as you sat through that. The matter that has been raised--- I want to direct you that in your ruling get the document which has over 200 pages presented by CS Waiguru. This is because in the eyes of the public CS Waiguru did very well. In fact, Opiyo Wandayi and his team ashamed Parliament.

**Hon. Deputy Speaker:** Hon. Leader of the Majority Party, we have said that let us not raise temperatures unnecessarily, please.

**Hon. A.B. Duale:** Let me reframe but the substantive Speaker and many of us watched the proceedings from our offices. It was live. Even in the news last night, the people who misbehaved and brought Parliament to its lowest were seen on television. Hon. Wandayi is one of them; Hon. Oburu and Hon. Onyonka were seen in the news that I watched; let him relax.

*(Hon. Wandayi stood up in his place)*

**Hon. Deputy Speaker:** Hon. Wandayi, we gave you a chance, please. You were given a chance.

Order, Hon. Members! Order, Hon. Members! Hon. Wandayi, you were given an opportunity. Please give others an opportunity.

**Hon. A.B. Duale:** You cannot call for order and you are the one causing disorder. He caused disorder yesterday; he is causing disorder this morning. Hon. Wandayi is a Member whom I respect a lot. He should differentiate between when we are in the Chamber and in Committees under the guidance of the Standing Orders and the Constitution and when we are in our private capacities in our constituencies. I think the beginning of that ruling should be for us to have decorum and order in this House. Hon. Wandayi must allow every Member to exercise their right to speak on this Floor. You cannot intimidate us, and more so the Leader of the Majority Party. He is the last person to be intimidated.

I am happy you were there in the Committee. You were not there during the afternoon session yesterday. The substantive Speaker ruled on the matter of jurisdiction between the Departmental Committee on Labour and Social Welfare and the Departmental Committee on Finance, Planning and Trade. A ruling was given. So, you do not need to go back to that one. The substantive Speaker has made a ruling on it. I am so happy this morning. Last night I felt so bad when I watched news because of the way Members were being described. Kenyans will applaud Madam Ann Waiguru. She remained sober and listened to you.

*(Applause)*

If you watched television, Madam Ann Waiguru and her staff were shocked when Members were misbehaving. I want to thank Hon. Benjamin Langat because, despite the situation, he tried all he could to manage the proceedings.

Hon. Deputy Speaker, I also want you to use the HANSARD, which is the official record of proceedings. Even on 18<sup>th</sup> of December 2014, when this House went to the lowest point, a court said the only official record of Parliament is the HANSARD. So, I want you to go back to the HANSARD and find out who between the Cabinet Secretary (CS) and our colleagues is supposed to face a privilege question. Who should be punished? I do not want to say it is only one side of the House; it was both sides of the House. So, the matter you are going to rule on is how to deal with our colleagues who abused their privilege in that Committee sitting. It has nothing to do with the CS for Devolution and Planning. She came and listened to you. I even tweeted and said despite the chaotic Departmental Committee on Finance, Planning and Trade meeting CS Ann Waiguru presented her case well. If there are people to be ashamed, it is our colleagues from both sides of the House, led by Hon. Opiyo Wandayi.

As I conclude, Hon. Opiyo Wandayi cannot have his cake and eat it. You cannot be the custodian of chaos and then ask for order.

*(Loud consultations)*

**Hon. Wandayi:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Order, Hon. Wandayi!

**Hon. A.B Duale:** Finally, if it is about party democracy, Hon. Mbadi, you lead the most chaotic political party. You cannot accuse The National Alliance (TNA). You do not do elections.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Members! Eng. Gumbo.

**Hon. (Eng.) Gumbo:** Hon. Deputy Speaker, I thank you. Mine is very brief. As you make your ruling, I would request my colleagues to have confidence in the abilities of committees. I am saying this because as Public Accounts Committee (PAC), we have asked for a special audit on this matter and the CS, among other people, is expected to appear before us. Honestly, if what we saw yesterday is the way we expect to conduct proceedings, then this House will lose its meaning. As Parliament, we need to have confidence in the abilities of committees to discharge their roles. If we are sitting here thinking that we are holding forte for some people who are not in this House, then we are losing it as a House. So, as you rule, it is important that, as a House, we realise that the same order we demand when we are in plenary should be extended to committees. Committees should do their work, present their reports and then we can have a chance to debate them in plenary.

Finally, I noticed that when Hon. Wandayi was prosecuting his point of order, some people still stood on points of order. I was just wondering: Have we now mutilated the Standing Orders? When you are on a point of order, you must execute it.

**Hon. Deputy Speaker:** That was an oversight. I saw his request at the point of Statements. I did not hear him rise on a point of order.

**Hon. (Eng.) Gumbo:** I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. William Cheptumo.

**Hon. Cheptumo:** Thank you, Hon. Deputy Speaker. What my colleague, Hon. Wandayi, has done is to approach this House for protection in terms of what happened yesterday. If you want protection, we have a maxim in law which says: "Whoever goes to court must go to court with clean hands."

*(Applause)*

In your ruling, I would urge you to very carefully consider the conduct of Hon. Wandayi; if, indeed, what Hon. Sakaja is saying is true, then you should provide in your ruling that any Member of this House who behaved in those proceedings in a manner that was not proper should not receive the protection of this House. The conduct of a few Members of this House yesterday affected every Member of this House. Even those of us who were in the Chamber are already seen to be behaving in the manner Hon. Wandayi and others did, if at all they acted that way. The ruling you are going to give must be for posterity and for this country to understand the issues. So, I want you to use this opportunity to more specifically look at the conduct of Hon. Wandayi in those proceedings.

Finally, I also heard Hon. Wandayi saying that those proceedings were turned into a political rally. This would be sad. Again, the HANSARD should be very clear. The words 'a political rally' are used in a manner that is not proper in terms of the language of the House.

Yesterday my son, who is taking a law course, asked me a question on what he saw in the news at 9.00 p.m. He was asking me whether we are responsible citizens and leaders of this country. So, even as you address this issue, I would like to call upon all of us as leaders of this country to realise the fact that we are leaders and parents, and our future generations will look at the way we did things. We can begin to spoil our future by the way we conduct ourselves.

**Hon. Deputy Speaker:** Hon. Kaluma.

**Hon. Kaluma:** Hon. Deputy Speaker, it is humbling to speak on this issue after Hon. Cheptumo and, of course, our other colleagues; we should put aside those small issues some of us tried to bring into the matter.

It is a serious matter if we are seen as leaders to be conducting ourselves in the manner my colleagues, who have spoken before, have confirmed. Hon. Wandayi, who moved this matter, Hon. Sakaja, the Leader of the Majority Party and every leader who has spoken in the House today confirmed there was chaos in the proceedings. Without taking sides, that is a matter that should be investigated and appropriate action taken.

I say this because committee business in our parliamentary system constitutes about 90 per cent of our parliamentary business. That is the forum at which we perform our oversight role and seriously transact parliamentary matters. So, could there be clear directions? There is an attempt to restrict this matter to reviewing the HANSARD, but I also want to alert Members that the HANSARD will not pick every issue happening in the Committee. In fact, things like chaos will be indicated in the HANSARD as applause, jeers or cheers. It may not be very specific. This is a matter in which we need to go beyond the HANSARD to check through the proceedings in detail. If there is need for investigation by the Powers and Privileges Committee that investigated PAC, let us go to that Committee, so that we are seen to be a dignified House.

I also wanted to remind my colleagues in the House that ours is a presidential system. In fact, the hope of the Kenyan people is that when we execute parliamentary business, there should be no big division. We should deal with issues as mandated under Article 95, and without thinking of whether I am CORD or whoever. Let us try to remember that in the old times, even President Moi would sit here as Ministers were being interrogated. Party lines were never seen when Parliament executed its mandate.

Hon. Deputy Speaker, recently I was watching proceedings of the South African Parliament in a session. I saw a young Member of Parliament, in fact a new Member of Parliament interrogating the conduct of the President, while President Zuma was seated there. No Member of Parliament, including those of his party, the African National Congress (ANC), ran to protect the President. Let us execute our mandate because it is important.

Lastly, may I seek your direction on how disciplinary measures are taken in the House. I am concerned that Members of Parliament are permitted to participate in disciplinary process of this House. You saw what happened on the day that I believe we went so low, the day when Members of Parliament were even attacking the Speaker and beating one another within the House, that shameful day. Does it appear right that Members of Parliament can sit properly in a rule of law system, in that situation, to vote in determining who misbehaved and who did not? I wanted to urge that really we look beyond this matter and review the House Rules and Standing Orders.

There are are situations where you will have the majority engaging in misbehavior with abandon. Look at the situation we have now. If your determination will be that some immunities



and privilege issues be interrogated and, for instance, the side of the majority's side Member was affected, it will fall flat because Standing Orders require the Members of Parliament to vote. Could we go beyond that and if there are strict recommendations in terms of amendments to our House procedure rules we effect them, so that disciplinary procedure is never left exclusively in the control of the membership of the House, more so in matters they could be partisan like that one.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Gichigi.

**Hon. Gichigi:** Thank you, Hon. Deputy Speaker. I listened to Hon. Wandayi prosecute his issue. You should not have permitted him to divert from the actual position. There is no vacuum just to ask you to make a ruling without him being very specific on the Standing Orders he was rising under.

If Hon. Wandayi is saying that there are specific Members who conducted themselves inappropriately during the proceedings, let him go to the relevant Standing Order Nos.107 and 108 and the Speaker will deal with this particular issue. The procedure against misconduct is clearly spelt out. That way, we will deal with this issue; but if you are being asked to make a ruling on what happened, under which Standing Order will you do that? The Standing Orders he quoted do not require you to give rulings on the conduct of the Committee. I think that if Hon. Wandayi has an issue with conduct, let him use the relevant provisions. I am afraid that Hon. Wandayi is diverting attention because he knows if he tries to name any Member, he will top the list. That is exactly why he is asking you to give an amorphous and ambiguous ruling on this particular issue.

Finally, it is very sad that the culprits will always try to appear to be innocent and seek refuge. It is now common knowledge that Hon. Wandayi was one of the Members of his party who held a meeting in the morning and got orders to come and character assassinate the Cabinet Secretary for Devolution and Planning. They were under clear orders that they must not let her leave that particular meeting unblemished. When it appeared that that would not happen, the person who was asking those questions personally caused chaos and stormed out of that particular meeting. I request that you do not make any ruling on a request that is not based on any Standing Order. Tell Hon. Wandayi to move this House under the relevant Standing Orders, otherwise we should not be playing with this. What is happening today is actually a choreographed extension of the committee proceedings to keep this issue alive and in the Press.

**Hon. Deputy Speaker:** Hon. Members, you have ventilated on this matter enough. There is a lot more that could be said but in general the main issues have been raised. Hon. Wandayi has asked me to rule on certain issues which are before us and the rest of you have also added, because I was also present in that particular meeting, I will leave the Speaker to make the ruling. I remove myself as I was there as the Member for Sotik. So, hon. Members we will get a ruling on this matter because it is important for Members. The Speaker can then decide whether it will go to the Powers and Privileges Committee who will use all the evidence available whether it is the HANSARD or video clippings. At the end of the day, I know we will come up with a ruling that takes cognizance of everything that happened in that meeting yesterday.

Members, we are slowly seeing political temperatures rising, but we must stick to our Standing Orders and the Constitution. So, even though Hon. Wandayi is the presenter of the request for a ruling or a direction, it is all Members who shall be investigated on how they

behaved and how they prosecuted issues of yesterday. I will provide some of the evidence, as I was also present in that meeting. So, Hon. Members, let us leave this matter to be prosecuted in the right way.

I so order.

## BILL

### THE POLITICAL PARTIES (AMENDMENT) BILL

#### *Second Reading*

*(Hon. Wakhungu on 1.7.2015)*

*(Resumption of Debate interrupted on  
1.7. 2015 - Morning Sitting)*

**Hon. Deputy Speaker:** There was no Member on the Floor. So, this is just a continuation. I see on my list Hon. Francis Njenga, I hope you had not spoken on this Bill.

**Hon. Njenga:** Thank you, Hon. Deputy Speaker. I have not spoken on this Bill. Parliament is the custodian of democracy, fairness and equity. In our representative role, we are expected to advocate for transparency and accountability. When we talk of external funds being brought into a political party, it encourages a sort of monopoly where those who can manoeuvre political parties and the leadership get favours. In 2007, I was a victim of such manoeuvres. I won the PNU nomination and someone else was given the party flag in the elections. I felt very bad. In TNA things were better. Those who were in other parties may have suffered the way I did in 2007, especially in parties on the other side. This kind of external funding denies the youth, poor and those who have divergent views a chance to practise politics. They are discriminated against and this is unconstitutional, inhuman and illegal. So, the issue of external funding is one that this House should address. I believe that we should rely on internal funding.

The Auditor-General may have limitations or constraints but when it is funds from the taxpayers, the Auditor-General and the Ethics and Anti-Corruption Commission (EACC) can perform their roles of detecting and nabbing culprits who misuse such funds. Increasing beneficiaries of political parties is democracy. When a Member comes to this House, he becomes a Member like any other; the vehicle you used to come here is like any other political vehicle. It is my feeling that the money that is financing political parties comes from the taxpayers. Even Members in the smallest parties, including independent Members, are taxpayers. Therefore, they should also be given a share of this money once they are elected to this House.

As much, as I support equity and democracy, I also support that transparency and accountability should be part of our daily work, as Members of Parliament. Therefore, I support that this Bill be adopted by this House and request other hon. Members to support it too.

**Hon. Deputy Speaker:** Hon. Nyikal.

**Hon. (Prof.) Nyikal:** Thank you, Hon. Speaker, for giving me an opportunity to record my thoughts on this debate, in a rather sober way. I usually have difficulty looking into the eyes of the public, including my children's, when there is disorder.

Back to the point, I stand to support this amendment which seeks to make it easy for political parties, including small ones, to get support from the taxpayers' funds. Political parties are the main instruments of democracy. Facilitating participation of the people in a democracy, in a structured manner, brings results and orderly governance. That being the case, there is need for free and full ownership of the parties by the Members, so that they can express their sovereign rights as expressed in Article 1 of our Constitution. The only way the people can own political parties is if they themselves fund them through their taxes.

Hon. Speaker, that ownership gives strength to the parties---

**Hon. Deputy Speaker:** Hon. Nyikal is not seeing that it is not the Hon. Speaker who is in the Chair.

*(Laughter)*

**Hon. (Prof.) Nyikal:** I am sorry, Hon. Deputy Speaker. I now see and I will continue seeing.

Free ownership of political parties by the people, through their taxes, is critical in the functioning of a democracy. The other alternative that we have used is that parties have been funded by wealthy individuals, by contributors, including external contributors. The result has been domination of political parties by individuals who contribute large sums of money. In a way, even those Members who are not well endowed with funds feel excluded, and therefore cannot participate fully. In the end, this results in ownership of political parties by individuals, who become dictators within such parties. Many a times you never know, particularly in a country like ours, the sources of the funds that get into the party. I personally believe that many a times these funds are obtained through corruption. Therefore, corruption infiltrates into the structures of the parties.

Political parties should have finances, so that they can have proper structures that are manned by personnel who are neither volunteers nor hiring of wealthy party members. That will result in proper management of the parties and will separate the management of party matters from the political affairs of the party. Some Members may wonder whether there is a distinction. I personally believe that there is a clear distinction between political party activities and management of parties. Parties are organizations like any other organisation that should be managed professionally. That can only be done if funds are available to be freely utilized.

If we have such structures, it will be possible for parties to conduct proper primaries. A Member has just indicated that he was denied nomination, and he felt very bad. Definitely, if there are people who financially own the parties they will seek to give nomination to the people they feel will support them regardless of their abilities. I can see that the Leader of the Majority Party agrees with me. I am sure he realises that this is a cross-cutting matter all over the world. Therefore, we must encourage that parties get their resources from the people, through the taxes that the people pay. The money should be appropriated by Parliament as provided by law.

For those reasons, I support these amendments.

**Hon. Deputy Speaker:** Thank you. Hon. Members, before we go to the next contributor, I want to welcome in the Public Gallery, students of Githimu Day Mixed Secondary School in Kandara Constituency, Murang'a County, and students of St. Anne's Kiboko Girls High School in Kibwezi East Constituency, Makueni County.

You are welcome to the National Assembly.

Hon. Cyprian Iringo.

**Hon. Iringo Kubai:** Thank you, Hon. Deputy Speaker, for giving me the opportunity to support this Bill.

Kenya, being a young democracy, needs to be nurtured very carefully and tended to ensure growth of small political parties. In big democracies like the United Kingdom (UK) and the United States of America (USA), parties have evolved from many small ones to big ones, until they settled on main big parties, which form the government or the opposition. The citizenry in those democracies participate in elections in big numbers. As a small democracy, we cannot say that we have reached a stage where we have got two big parties that need to be funded and carry the order of democracy in this county, given that even the big parties are coalitions of many small parties.

They have evolved from many parties and have changed names, guard and leadership and the same trend continues. We have not reached a saturation point where we can say we have reached that level. Therefore, I strongly feel that even the other small parties should be considered for funding. Even if it is a party with one person, provided it is represented in this House or in a county government. We have Members in this Parliament who were in the so called big parties. In one way or the other, they were either rigged out or something happened and they were not nominated. They went solo, joined independent and small parties and fought the war. This showed that on the ground they were capable. If there are parties represented here, I strongly believe and feel that they should be considered for funding like other parties; at the end of the day, we have not come to that age where we can talk of two or three big parties in this country. We will remain with many parties as long as this democracy is growing. We need to give a chance to every aspiring leader to have a chance and share in the national cake.

**Hon. Deputy Speaker:** Hon. Timothy Wanyonyi.

**Hon. Wetang'ula:** Thank you, Hon. Deputy Speaker. I also wish to add my voice to this amendment. Kenya is a young democratic country. For us to keep growing our democracy, we must allow the existence of these so called small parties. Some of these small parties may exist in certain regions of this country. For example, we may have small political parties in some counties where they may even form the county government, but they may not have presence at the national level. These small political parties in other jurisdictions we may refer to them as regional parties. These parties, if not adequately funded, may just disappear or just survive on the whims of individuals, but this may just work against developing a strong democracy.

I support this amendment, so that it is not just the mainstream political parties that are funded from the Political Parties Fund but also regional or small parties that may have roots in some regions and may not even be felt at the national level. You find that mainstream political parties, even the ones that are in this House today, are small political parties that have formed a coalition. Some of these political parties that have added numbers to the existence of mainstream political parties are not beneficiaries of State funds. Therefore, you find they are weak and will just survive on tokens or just handouts, from their owners.

We must move away from this culture of forming political parties only at the time of election and then after election they disappear. We must have parties that have structures that have developed in such a way that they can exist beyond an election. They can have structures and maybe in future they will transform from small parties to mainstream political parties. If you

look at India for example, the current ruling party in India, the BJP was a small party in 1984. It managed only four Members in the national parliament. Right now they have risen from that level to the national and have now formed a national government. If these political parties benefit from these funds, I am sure they may reach the national level and form a government. I support this amendment. Let us make these funds available to these political parties, so that we may grow our democracy in a more civilized way.

**Hon. Chea:** Thank you, Hon. Deputy Speaker for this opportunity. From the outset, I wish to say that I support this Bill. I equally wish to thank Hon. Wamalwa for moving it. It is true that we have moved from the one party system to a multiparty system. There are so many political parties existing now, whether in Parliament or even outside there.

The truth of the matter is that political parties actually find a place in our Constitution. If you look at Article 91 of our own Constitution, there are responsibilities that have been bestowed upon political parties. Under Article 91, political parties are supposed to promote the Constitution as well as uphold the rule of law. Political parties are, amongst other things, required to promote national unity. It is my humble view that these very important constitutional duties cannot be discharged in the absence of funding to these parties. I support the view that even small political parties that have a representation here in Parliament, or even in a county assembly deserve to get funding. You realise that every political party has its own programmes that it has to implement. The current Political Parties Act requires political parties to have offices in counties. So, these offices are occupied by staff and the staff requires to be paid. In the absence of funding to these small political parties, the risk is that they are parties that are going to be done away with and the major political parties are likely to take advantage of this.

The most important thing, which is a fact and we really have to look at it seriously, is that when people go to the ballot box, as it is now they do not vote for a political party. They vote for an individual. When the individual makes their way to the Chamber, he or she has a vote. The position is, even for my good friend Hon. Mwanjoha, who is a Member of the Orange Democratic Party--- I am also informed that he is the branch chair of ODM in Kwale County. His vote is the same as my vote and I am a Member of Kenya African Democratic Union (Asili). I have one vote and Hon. Mwanjoha has one vote. So, I do not see the reason why that party has to get funding and my party does not get funding. If we are to have equity, then I propose that all the parties that have representation in this Chamber or in county assembly deserve to be funded.

I wish to support this Bill.

**Hon. Deputy Speaker:** Hon. Samuel Gichigi.

**Hon. Gichigi:** Asante sana Mhe. Naibu Spika. Ninasimama kuunga mkono huu Mswada ambao mhe Wamalwa ameleta hapa. Wale wanaojua historia yangu ya kuja Bunge hawawezi kuuliza kwa nini ninaunga mkono. Katika uteuzi wa chama cha TNA, chama ambacho nilianza nacho, nilishindwa sana, hata hakukuwa na cha kuongea wala majadiliano. Nilinyang'anywa tikiti kwa sababu chama kilikuwa na wenyewe wakati huo. Wale ambao walitengeneza sheria hii walikuwa na nia nzuri kwa sababu walifikiria Kenya ina demokrasia na haki katika uteuzi wa vyama. Ukweli ni kwamba hatujafika hapo. Isipokuwa wale wachache ambao ni viongozi wa vyama hapa, hakuna mtu atapinga Mswada huu. Labda tu viongozi wachache wa vyama ambao wana hakika kuwa siku ya uteuzi ukifika, wana tikiti mfukoni kwa sababu ndio wanaotia sahihi. Ninawaomba wenzangu kwamba siku ambapo tutasema kwamba ni vyama vichache tu

vinavyostahili kupata pesa hizi kutoka kwa kodi ambayo tunalipa ni siku ambayo demokrasia, haki, usawa na uwajibikaji zitaingia katika vyama vyetu.

Vyama vidogo huhitajika sana tukija hapa Bungeni, Seneti au katika Bunge za Kaunti kwa sababu ya kura walizonazo katika Bunge na katika Seneti. Hata hivyo, wakati pesa zinapogawanywa huko nje, havikumbukwi. Vinahitajika tu wakati kura zao zinatakikana kutumika kusaidia Serikali na kusaidia kama ni mrengo wa CORD au Jubilee. Pesa ambazo vyama vinapewa zinatoka kwa kila Mkenya kwa hivyo ubaguzi huu wa vyama vidogo kutopewa pesa lazima tuumalize.

Nikielekea kumaliza, kuna kitu ambacho ninataka kuuliza. Pesa hizi ambazo zinapatiwa vyama wakati huu na zinachukuliwa na vyama vikubwa zinaenda kusaidia vyama vilivyoko sasa. Kwa nini zisaidie vyama vichache na ziache vyama vingine ambavyo vina viongozi katika Serikali? Sababu ni ipi? Mtu asimame hapa aseme ni kwa nini kama chama changu cha Alliance Party of Kenya (APK), New FORD Kenya ama FORD Kenya visipatiwe na vyama vya TNA na ODM vipatiwe? Sababu ni gani? Mtu atueleze tuelewe kwa sababu sheria iliyoko ni mbaya. Ukiwa Mheshimiwa hapa, hujui ni kipi kitafanyika kesho. Hujui utakuwa wapi, upande wa kulia ama wa kushoto. Chukua kitu tunaita bima kwa kuunga mkono Mswada huu. Ninarudia kwamba siku ile tutakuwa na demokrasia katika vyama ndipo tutakapokubali sheria iliyoko sasa. Kwa wakati huu, tubadilishe sheria na tuwe na haki.

Asanteni sana.

**Hon. Wamunyinyi:** Thank you, Hon. Deputy Speaker for giving me a chance to also express myself on this important Motion.

First, the intent and spirit of the Political Parties Act was to strengthen democracy, particularly multi-party democracy in our country. The reason why it was felt that this was necessary was that political parties were allied to individuals. When an individual bankrolled a political party, he or she owned the party, made decisions in the party and everything entirely depended on the person. Therefore, other members of the party had no freedom. They were not allowed to think. They could not do anything other than to remain loyal and beyond loyal, they must be followers of the owner of the party. So, that promoted democracy of dictatorship. That promoted democracy within the political parties.

*(Laughter)*

Therefore, when this Political Parties Act was initiated, it was intended to deal with those problems which were prevalent at the time. For us to ensure that we realise the objective of the Political Parties Act, we must make sure that there is a balance and that all political parties benefit from the money that comes from the taxpayer in Kenya to fund political parties. There should not be an exception of a political party. This is because all parties are the same and they belong to the people. Hon. Members representing the people have been elected through those political parties.

We have seen big parties. We had only one big party which was the mother and father, and that is the Kenya African National Union (KANU). Right now it has hardly five Members in this House. My party, FORD Kenya, is doing much better than them. So, we also need to strengthen even KANU.

*(Laughter)*

Let us think beyond and not just for ourselves, particularly those who belong to the big parties like ODM, TNA and URP. Like Hon. Gichigi has said, you do not know what is going to happen tomorrow. You could be the smaller parties after the next elections. So, be very careful when you are voting on this one.

Having said that, I would like to appeal to colleagues that for sustainability, think about how the parties sustain themselves if you do not want them to be funded. For instance, the small parties have offices which must be kept. They must pay rent, hire staff, keep stationery and everything that is required to run those offices in the country. The law provides that they must have a minimum of 24 offices in the country. It requires a substantial amount of money and it is only fair they are funded.

With these few remarks, I thank you for giving me the chance. I support the Bill.

*Asante, Mhe. Naibu Spika.*

**Hon. Deputy Speaker:** The Leader of the Majority Party.

**Hon. A.B. Duale:** Thank you, Hon. Deputy Speaker. I stand to oppose this Bill.

**Hon. Members:** No!

**Hon. Deputy Speaker:** Order, Hon. Members! Order! Hon. Members, remember it is his opinion. It will be put vote. Allow the Leader of the Majority Party to give his contribution.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I sat and listened to all people who were supporting. They must listen to me so that I inform the other Members. What is Hon. Chrisantus Wamalwa trying to amend? He is trying to amend Section 25 of the Political Parties Act. What does it say? Section 25(1)(a) says:-

“The Fund shall be distributed as follows –

- (a) Ninety five per cent of the Fund proportionately by reference to the total number of votes secured by each political party in the preceding general election.”

Section 25 (1) (b) says:-

“Five per cent for the administration expenses of the Fund.”

From the outset, even if one or five of you are elected to this House from one political party, you will find that the money does not come to you. It runs your political party. Members of Parliament were complaining that no money has come to them. The money that goes to TNA, URP and ODM does not trickle down to the individual Members of Parliament. This is because it is used to run the political parties. Why do I oppose?

I was in the last Parliament.

Under Section 25(2), the principle consideration in the disbursement of funds to political parties was to make sure that no political party is entitled to funding if that party has less than five per cent of the total number of votes in a preceding general election. We do not want to create political parties for business. That is number one. We do not want to have a situation where tomorrow I get a political party, I wait for fallout in the nomination, I get five Members of Parliament in this House, I open a very big office in Upper Hill and I get money. Political parties will act like a clearing agent. It will be like forming a small kiosk. So, let us delink political parties from business.

Section 25(2)(b) says:-

“more than two-thirds of its registered office bearers are of the same gender”.

This is another thing which Hon. Chris Wamalwa is avoiding. Why are you only caring about amending the resource aspect of it? Why can you not amend the two-third gender rule and say that any political party can be of only one gender?

Today, one of the hottest issues in our country is the two-third gender rule. If you allow me, these amendments want to reduce the 5 per cent threshold in Section 25(2)(a) to 2 per cent. I want to tell Members that Hon. Wamalwa also wants to add a new paragraph (c) to section 2 to provide thus:

“A political party must secure, at least, five elected Members of the National Assembly, the Senate, five governors, or at least 25 members of the county assembly”.

Kenya wants to become united. We want to create a cohesive nation. In fact, we should develop in a way that we are going to have two political parties like in the USA where we will have only two serious political presidential candidates.

In my Somali community, we have 115 clans. So, this law is telling us that every clan should have its own political party. The Kisii will have 50 political parties. With regard to what the hon. Member for KADU was saying, yes, there is poor nomination in political parties.

Today, we have 47 political parties in our country. This is because in the Political Parties Act, we have said, if you are a party, you must have 24 registered offices out of 47 counties. If that rule was not there, we could be having more than 500 political parties today. However, the briefcase guys could not open 44 county offices. The ODM, Wiper, FORD Kenya, URP, TNA and UDF managed to do that. I am now being told that the UDF transformed to something called “Amani”. However, we do not have Amani but UDF in the House.

What does this amendment means? By amending the Act to reduce the threshold of political parties to qualify for the benefits from the Fund from 5 per cent to 2 per cent, the political parties that will benefit from the Fund are likely to increase from the present three.

In some of the big coalitions, for example, CORD or ODM said that it would share the money with its brothers and sisters. We said in Jubilee that the money that TNA and URP will get, we will share with UDF and *Chama cha Baba na Mama*. I remember the CORD Principal saying: “FORD Kenya, do not worry. Wiper, do not amend the law because we will give you some little money”. They have given you some money but now you want to snatch their money by force through legislation. What is happening is like FORD Kenya and Wiper Party want to use force through legislation to get money from ODM when ODM is already giving. The TNA and URP are also giving out some money. Our parties are giving out some money.

This amendment may, however, encourage political parties to campaign only for the purpose of obtaining minimum votes required to enable them benefit from the Fund.

*(An Hon. Member spoke off record)*

If you allow me, please, I listened to you.

What is the objective and the principle of a political party? It is to ascend to power. Political parties are created to sell their policies, appeal to the voters, ascend to power and go to State House. If they miss State House, they become a very strong opposition. The die is cast.



You are either a serious opposition political party or you are in Government. You cannot have your cake and eat it. The amendment is saying that if I lose in the next election, I will go look for a political party and the money that I will get from a political party will help me.

In fact, Kenyans will not even look for jobs. They will form political parties in order to make money. Everywhere in the world, the essence of the formation of political party is to acquire political power, to form government or be a very strong alternative voice of government. This amendment wants to create business for political parties.

Secondly and finally, there was a petition which was taken before Judge Majanja. This was Petition No.436 of 2013. It was entitled Political Parties' Forum Coalition and Three Others Versus the Registrar of Political Parties. This petition was about the same amendment that this Bill is bringing. Political party coalitions went to court and said: "We want to reduce you because you cannot discriminate against us." I want to read to the house what Judge Majanja ruled, if you allow me.

The petitioner said it was unconstitutional because some small political parties were being discriminated. The judge said: "Where Parliament is vested with authority to legislate the court will not interfere".

This is true. He said Article 94 as read together with Article 92 of the Constitution has vested Parliament with the mandate to enact legislation governing the management and funding of political parties fund. As a result, Parliament now has established a criterion for eligibility of public funding under Section 25 of the Act.

The judge is saying that it is you people who went and created this law. Just because you lost in the nomination of TNA, and you were very lucky in URP or in ODM because God the Almighty was on your side and you won in a small party does not make you amend the law. Just because you decided to form a tribal party and you got only 14 MPs from your community does not make you amend the law. We must make laws for posterity. We must make laws---

**Hon. Njagagua:** On a point of order.

**Hon. Deputy Speaker:** Order! Hon. Njagagua is on a point of order.

**Hon. Njagagua:** On a point of order, Hon. Deputy Speaker. I have listened to the Leader of the Majority Party go on his tirade. Is he in order to assert that this Bill seeks to create businesses for political parties? I have gone through this Bill and there is nowhere it seeks to create businesses for political parties. Is he also in order to state that there are tribal parties? Can he elaborate? Is he in order on that matter?

**Hon. Deputy Speaker:** The Leader of the Majority Party, can you substantiate that?

**Hon. A.B Duale:** Hon. Deputy Speaker that is my opinion. It is enshrined under the Standing Orders and the Constitution. Every Member will give his opinion.

In my opinion, amending this law will create tribal parties. When you have 25 Members of Parliament, for example, you have done very well. In the next elections, you should target to reach 50. Next election you will beat TNA, URP or ODM and you will form a coalition. In parties, you work hard. The same way when you leave university, you must work hard and have career progression. Political parties must have progression.

What is the script of a political party? You sell your ideology and follow the Constitution. In my opinion, Parliament has established a threshold for political parties funding. It can go either way. I can lose it but I am entitled on the other side of the coin. If you look at developed democracies like the United States of America (USA) and United Kingdom (UK), you will find

that there are always two horses. I am happy in our country even in 2017, we will have two horses - President Uhuru Kenyatta versus the Former Prime Minister. The race will be the same. That is my own opinion again. If you allow me, Hon. Deputy Speaker, the proposed threshold does not---

**Hon. Deputy Speaker:** Your opinion is raising temperatures again, Hon. A.B. Duale.

**Hon. A.B. Duale:** My opinion cannot raise temperatures. There must be tolerance in the House because it is a good virtue. My opinion cannot make you intolerant.

**Hon. Deputy Speaker:** How much longer does the Leader of the Majority Party have because he is raising temperatures here again? Yes, Hon. Stephen Mule

**Hon. Mule:** Hon. Deputy Speaker, I want to find out whether Hon. A. B. Duale---

**Hon. Deputy Speaker:** You are on a point of order. What is out of order?

**Hon. Mule:** Is Hon. A. B. Duale in order to insinuate that we will have two horses in 2017? He does not belong to the Opposition and he does not know our candidate. It is our card. Please do not pre-empt us to do what you want. Hon. Deputy Speaker, you need to rule him out of order.

**Hon. A.B. Duale:** Hon. Deputy Speaker, before I joined Jubilee, I was a senior member of ODM. I know the intrigues of politics and the future of ODM. I know the candidates and the ones who are the horses and donkeys. There are always horses and donkeys in every election.

*(Laughter)*

In my opinion, there will be two horses. There will be a repeat of the match of 2013. From where I sit, we are only focussing on the horses. We are not focussing on the donkeys. We are a serious coalition. We do not deal with perception. I am happy that Members are very tolerant. They have to be tolerant. That is a good virtue to divergent opinion in our country. Parliament has established a threshold for public funding of political parties to encourage democracy, create cohesion and make sure that we move away from tribal parties so that those of us who are from marginalised communities--- Today, we have over 58 Members from the Parliamentary Pastoral Group (PPG) in this House but we have no business creating a pastoralists political party. We believe in one Kenya but the big tribes want to create their own political parties. These are the Kikuyu from central Kenya, the Kalenjin and the people from western and Nyanza. They want to create parties. We want to ask our colleagues to create two parties- Republican or the Democracy.

With those many remarks, I oppose.

**Hon. Deputy Speaker:** Your time is up, the Leader of the Majority Party. Yes, Hon. Regina Muia.

**Hon. (Ms.) Muia:** Thank you, Hon. Deputy Speaker. I rise to support this Motion. During nominations, many women lose their tickets because most of the political parties are male dominated. Many a time, women are denied certificates just because they think that they are unable to fund those political parties or they lack support from such fields.

*[Hon. Deputy Speaker  
(Hon. (Dr.) Laboso) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. Kajwang') took the Chair]*

Hon. Temporary Deputy Speaker, do I continue?

**The Temporary Deputy Speaker** (Hon. Kajwang'): Yes.

**Hon. (Ms.) Muia:** I will continue, Hon. Temporary Deputy Speaker. I am not going to mention Hon. Deputy Speaker now. I was waiting for you to settle.

During the nominations, most of the female candidates are denied certificates because they are seen as if they cannot fund those political parties. Sometimes they lack support because of male dominated fields. I wish Hon. A.B. Duale was here so that I can remind him that the formation of Jubilee is from small political parties. They are about six or seven small political parties which came forward to give them the strength that they have on the Floor of the House. So, I was expecting him to stand here and support those small political parties to be funded.

Hon. A.B. Duale has talked about democracy but our political parties have no democracy. He has also talked about other countries where there is democracy. During nomination, people sit somewhere at a corner and even when you are doing very well, you are denied a certificate. So, we also need other political parties to be funded so that they can give people a safe landing during nominations.

As a woman, I know what goes on in political parties. There is no democracy. They always think that women cannot make it. Mostly, women are denied certificates. You have heard very many Members of Parliament talking of what happened at the eleventh hour.

We should bring a Bill to the Floor of this House to the effect that we will be given 24 hours so that once you are denied a certificate, you can get another political party where you get a certificate and move on. If you walk with Hon. Sakaja today or you are seen eating lunch with him, the following day he is told that he is a Jubilee mole, a rebel and not faithful to the party. You are put in those black books and when time for nomination comes, you hear that this one has not been straight. So, you are denied a ticket by that political party.

We want several parties to be funded so that they can compete. We want democracy. There is no democracy in those big political parties. It depends with who you are, who you kneel down to and who is your---

**An hon. Member:** Godfather!

**Hon. (Ms.) Muia:** No, I am not using that word! It also depends on who is your godfather in that political party. I want to remind the Hon. Member that he is just talking about the party he represents without thinking about 2017. Other candidates will come forward and put a lot of money in those political parties. You are going to lose your ticket even if you are doing very well on the ground. So, I am requesting all of you to support this Bill because it is good. You can see even *Mheshimiwa* Katatha came here through The Independent Party (TIP). If we said that since he comes from Ukambani he should be in Wiper Democratic Movement, *Mhe*. Katatha would be at home today. So, I support that all political parties be funded and you forget this issue of two horses. There are no two horses. You can even have a donkey following you in that two-horse race.

I support the Bill.

**The Temporary Deputy Speaker** (Hon.Kajwang'): I am new to this donkey and horse debate. I am still trying to find out where the camels are. Yes, nominated Member, Hon. Bishop Mutua.

**Hon. (Bishop) R. Mutua:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute. I rise to support this great amendment. I want to begin by saying that not everything that works well for USA and UK can necessarily work well for Kenya. The imagination that everything that works well in the USA is good for Kenya is wrong and misplaced.

For example, in the USA, the gay issue is legal but in Kenya, it remains illegal. So, it is wrong when you say because in the USA, we have two parties we need to follow their way. They have two parties after 100 years of democracy. We are only beginning to experience some democratic space. Therefore, we need to allow small parties to grow.

Hon. Deputy Speaker, everything that is small grows. We do not want a scenario where political parties will remain there because they have nobody to challenge them just because the party leaders dominate those parties. We should allow other parties to grow, so that we can tap new brains and better visions that other Kenyans may come up with.

Today's small parties may not necessarily be small 20 years from now. There was a time when the KANU was the strongest political party in this country, but today it is not. Suppose at that time we decided that the ODM and the Jubilee Coalition should not come up; suppose we disallowed them to come up. We would still be trying to fight day in, day out. Therefore, political parties should be recognised and funded so that they can grow and provide alternative leadership to this country.

Another reason for funding all political parties that have Members in Parliament is that the more parties we have, the less dictatorship we will experience. This is because parties that win elections from time will not be able to form governments on their own. They have to talk to small parties to join them and form coalition government. A coalition government is healthy for this country for three reasons.

First, it encourages inclusivity because it must give concessions for other parties to negotiate for their space. If we have only two parties and the winner takes it all, we will have a scenario where one group controls the resources and enjoys the services of this country. When we have more parties in a coalition, we have an opportunity for more Kenyans to participate in the politics of this nation.

Secondly, as we talk about financing parties, we grow our democracy. How do you grow democracy of the already grown parties? We need to grow democracy even in the upcoming parties. We can only do that if we facilitate them to put in place the required structures so that they can continue competing.

I heard somebody say that the small parties are surviving on handouts from major parties, suggesting that parties can have gentleman's agreement. Why do we need gentlemen's agreements in a democratic country? We need to do everything in accordance with the law. Let the law say what you need to get or what you do not need to get. We do not need to enter into gentlemen's agreements because such arrangements promote the tendency of some people dominating others.

Therefore, we should allow all the parties that make it to Parliament to have a share of the cake of the political parties fund. That way, we will have an active democracy in this House. Otherwise, we will go back to the days of one party rule.

A two horse race is not a race but a compromise. Let us have as many horses as possible participating in the race. The horse that wins can call the other horses that participated in the race to negotiate so that they can form a coalition government that takes care of all the other parties in this country. Let us allow this to be the turning point in Kenya politics.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you very much. Let us hear the Member for Isiolo.

**Hon. (Ms.) T.G. Ali:** Thank you, Hon. Temporary Deputy Speaker. I rise to oppose the amendment.

On the issue of giving political parties money, we are not here to give everybody money. Even the big parties have grown from small to big. I know that they have been looking for money to improve their systems so that they can attract more people to join them. We should not bring in the issue of giving money to political parties. Instead, we should look at the best ways of improving the integrity of the party leaderships. We also need to look at the systems and structures that will help in ensuring that nobody is rigged out during elections. This can be improved before elections. Monies given to political parties are supposed to help them put up offices and undertake programmes to improve on what they do.

Political parties can use alternative strategies to raise money for such purposes instead of fighting for the little money from the political parties fund. People can approach the various development partners who are interested in ensuring that we have democracy in our political parties. The small parties should look at the best ways of strengthen their system and structures instead of fighting for the little money from the Political Parties Fund.

From the discussion, it is clear that the people who have a serious problem with the proposed amendments to this Bill are those in Opposition. In the Jubilee Coalition, we already have structures to ensure that the money that comes to the political parties---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Member for Isiolo, can you come back to the new Constitution, where we only have the Majority Party and the Minority Party? Can you correct yourself and come back to the new constitutional order? Are you able to hear me before you can speak? Can you come back to the new constitutional order, where we have only the Minority Party and the Majority party? Can you press your intervention button?

**Hon. (Ms.) T.G. Ali:** Hon. Temporary Deputy Speaker, yes, we have the two parties. When we look at sharing out---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Members were complaining when you said something about the “Opposition” and “ruling.” Members are complaining about those terminologies. Can you change that so that we move on?

**Hon. (Ms.) T.G. Ali:** Okay. We are looking at the Majority and Minority party. If that is what Members were complaining about, then I withdraw that. We are looking at the amendment on this Political Party Bill.

In the current situation where we have coalitions for political parties, the arrangement of taking care of different political parties under our coalition is taken care of. For Example, in the

Jubilee coalition, parties are already being taken care of under a certain arrangement. The same should happen to the other political parties.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Let us hear the Member for Nambale.

What is your point of order, Hon. Bunyasi?

**Hon. Bunyasi:** Thank you, Hon. Temporary Deputy Speaker. Is the County Women Representative for Isiolo in order to allege that all the parties in the Jubilee Coalition have been taken care of? They have not been taken care of.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Give that information to the person on the Floor, Hon. Bunyasi.

**Hon. (Ms.) T.G. Ali:** Hon. Temporary Deputy Speaker, I will allow Hon. Sakaja to make some clarification on that matter.

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right, let us hear Hon. Johnson Sakaja.

**Hon. Sakaja:** Hon. Temporary Deputy Speaker, I would like to inform the Member who was on the Floor that within Jubilee, we have arrangements through which we take care of all other political parties. For example, with the Alliance Party of Kenya (APK), we have agreed on how much money they are supposed to get. The only issue is that we do not know whether to fund the United Democratic Front (UDF) or the Amani National Congress (ANC). They should clarify to us but we will still give that support to UDF. That is on a light touch. However, that is an agreement that is within the coalition and our coalition documents.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. (Ms.) Ali, that was for your information. Can you now respond to the point of order that was raised by the Member behind you?

**Hon. (Ms.) T.G. Ali:** Hon. Temporary Deputy Speaker, we have not had any problem raised in terms of the arrangement under the coalition. If there are issues that have not been handled they will be looked at.

**The Temporary Deputy Speaker** (Hon. Kajwang’): The point of order is on whether you are not misleading the House in suggesting that some minority parties have been taken care of. Do you have that information as a matter of fact? Depending on the information that you have got, can you respond to that Member?

**Hon. (Ms.) T.G. Ali:** I think Hon. Sakaja has already said so and I have no reason for contradicting and repeating what he has already said.

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right. Continue and finish.

**Hon. (Ms.) T.G. Ali:** Hon. Temporary Deputy Speaker, this issue can be taken care of in other ways rather than just amending this Bill. What is coming out clearly is that we have serious issues that need to be looked into in terms of ensuring that political parties have integrity when they are doing party nominations. There are serious issues that need to be looked into in terms of systems and structures to ensure that nobody who has won a nomination is put aside because the people in that party do not like them.

We also need to look at the issue of personalities who are heading those political parties. Instead of ensuring that we divide out the little money that comes, we need to concentrate more on ensuring that political parties are not personalised, people look at individuals and if they do not like them then they are pushed out during nominations. Let us not legislate laws to benefit us.

We know that the 2017 General Election will be coming and if we, as Members of Parliament, at this time look at ourselves and make legislations to favour us, it is going to be very unfortunate. Let us make laws that will look into the future so that we improve areas that require to be improved rather than looking at taking care of ourselves.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. (Ms.) Ali, if you keep yourself brief then others will have the opportunity to say something. Is this the time that you want to rest your prosecution or do you still want to go on? I am suggesting that you keep it as short as possible so that other Members can also have an opportunity to contribute to this Bill.

**Hon. (Ms.) T.G. Ali:** Hon. Temporary Deputy Speaker, I rise to oppose this amendment.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you very much. Nominated Member, Hon. Johnson Sakaja, you have been on my screen for a long time.

**Hon. Sakaja:** Thank you, Hon. Temporary Deputy Speaker. It is very difficult for me to oppose this amendment by my good friend and neighbour, Dr. Chris Wamalwa. I would urge him to be open to certain amendments so that we can support it to the end. For now, it is difficult. I support the idea. Opening up space for many political parties is good but there are a number of myths that need to be debunked.

First of all, the quality of a nomination process in terms of whether parties are doing free and fair nominations or not is not about the funding from political parties. It is about the character of the leadership that is conducting those nominations. Parties that did nominations in the last election are well known.

I have heard a Member saying that he was rigged out in his party and later left for another party where he was given a direct nomination. That was not democracy versus democracy. Where he went he was given a direct nomination. Apart from him and maybe only one other Member, I would like to challenge whether there are Members from the TNA who can say that there was corruption or a bungling of the nomination process. We did a very free and fair nomination and that is why we are one of the most popular parties in this country.

In addition to that, we have the highest number of members for a party that was formed very close to election. We have heard someone saying that these big parties usually do not allow women to participate fully during the nomination processes and have a fair chance. Out of the 16 women elected in single member constituencies, eight of them are members of TNA. If there was no free and fair nomination, they would not have made it through that process because, in addition to making sure that the nomination was free and fair, we put in place affirmative action procedures to make sure that the women have an edge.

For example, the women paid a quarter of the nomination fees that the men were paying. I apologise. It was half of the nomination fees. I am being corrected by Hon. Shaban. The sanctions against anybody who was trying to bring violence and intimidate women during the nomination process were so high that no man would dare intimidate women who were vying for seats. That is why we have the highest number of members of the female gender elected from single member constituencies.

There is this idea that to increase democratic space you need more political parties. I do not think that is correct. Right now, in this country, we have 56 political parties. Look around the world. Nigeria, which has had a very democratic election, has two strong political parties namely All People's Congress (APC) and the People's Democratic Party (PDP).

The USA, what we call the quintessence of the modern-day democracy has very few political parties. One of them is the Democratic Party and the second one is the Republican Party. The United Kingdom has less than five political parties, namely, the Labour Party, Liberal Democrats, the Conservatives, the United Kingdom Independence Party (UKIP) and the Scottish National Party (SNP).

It is not automatic that the more political parties you have the more democracy you have. I think we are trying to address the wrong problem with the wrong solution. We need to look at the governance structures within political parties and the systems and procedures through which nominations are conducted. We need to look at the character of those holding office, whether we have room for all genders, for the youth and for persons with disabilities so that we cure the problem of democracy.

Moving to the main issue in this Bill, I support the reduction of the threshold from five per cent. That is a noble idea. We need to get more political parties. However, if you look at the original intentions of the mother Act, which is the Political Parties Act, one of the intentions of that Act was to make sure that we can as much as possible, detribalise our political parties. If we have the provision that a party can qualify if it has 25 MCAs, we need to make it very clear that those 25 MCAs are not MCAs in one county.

I will create a party that only fields candidates in Kitale and because I am from Kitale, I will get 25 MCAs and just because of that I will be able to get political funding. We want to bring parties together. I would like to ask my friend to borrow a leaf from what Jubilee is doing. Because of that same aspiration, we are bringing our parties together into one national political party named "Jubilee". The reason for that is that going forward, we want to make sure that Kenyans either from Wajir, Lokichar, Kakamega, Vihiga or Mombasa can feel that they are part of a national political party. That is the aspiration of the people of this country. Let us not just proliferate and have very many small parties that will serve either regional, tribal or religious agenda. That goes against the provisions of the law.

I would like to urge the Members, instead of disintegrating, let us form strong political institutions that will serve to unite this country.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Just one minute the Member for Homa Bay.

**Hon. (Ms.) Nyasuna:** On a point of order, Hon. Temporary Deputy Speaker. Is Hon. Johnson Sakaja who is also the Chairperson of TNA in order to urge us to copy the example of Jubilee of bringing all parties into one so that we have a national representation yet we know that the Orange Democratic Movement (ODM) as a party has representation from Vanga to Nyatike, from North Horr to Kakamega and from every corner of this country? ODM is the single largest party in this country.

Hon. Temporary Deputy Speaker, forming a conglomeration of parties to have a political face is not the solution.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. (Ms.) Nyasuna, I do not read that as a point of order.

Proceed Hon. Sakaja.

**Hon. Sakaja:** Hon. Temporary Deputy Speaker, it is not a point of order but it is a point of opinion.



A political party whose party leader, chairman and executive director are from one community is an extremely undemocratic national party. Members know the details of what I have just said. The point is that we need to detribalise our national parties. That is the future we are headed to. I will be pushing for an amendment with my brother Chris Wamalwa to make it clear that whereas 25 members of a county assembly qualify a party, those members should be from different parts of the country.

Hon. Temporary Deputy Speaker, we have had the issue of accountability for these funds. That is a very important issue. We need to strengthen the provision for accountability of these funds. It is true that the Auditor-General audits the Political Parties Fund. It is very difficult for anybody to try and do anything with these funds. However, we do not want to see Members pushing for more parties to get funding for reasons other than institutionalising the political parties that we have, and making sure political parties run programmes.

I am speaking as the national chairman of the most popular party in this country by virtue of the fact that it is a ruling party. I have 32 offices in 32 counties. The little money that we receive right now cannot sustain office rent, salaries and party activities. That is why our Members of Parliament and members of the county assemblies have been very magnanimous to also contribute.

As we pursue for more parties to come into this fold, we must ensure that the law is followed to the later. This is because the Political Act provides that the amount to be shared to political parties must be 0.3 per cent of the national revenue. This provision has not been followed so far. This is a matter which we have been pushing the Budget and Appropriations Committee to address and ensure that political parties are given what is due to them. This year, we are supposed to receive Kshs1 billion but what we are getting is a far cry from that amount.

Hon. Temporary Deputy Speaker, looking at democracy within political parties, TNA conducted five-ballot nominations in almost 200 constituencies to pick candidates for parliamentary, gubernatorial, senatorial, County Women Representatives and Members of County Assembly elections. By then the presidential candidate had already been chosen. We conducted that exercise with less than 1.3 per cent of the budget that the Independent Electoral and Boundaries Commission (IEBC) used to conduct a similar exercise. Despite that, we had ballot boxes and not buckets, like I saw elsewhere. We had coloured ballot papers with photos for less than 1.3 per cent of the IEBC budget for a similar exercise. In order for us to strengthen democracy, we need to strength political parties' nomination processes.

I would like to urge my good friend, Hon. Chris Wamalwa, to be open in order for us to strengthen this provision. We are supporting our parties within our coalition in the best way we can with the little resources that we have. I would urge the same to be done in his coalition. As we address the issue of funding, let us move towards detribalising political parties and creating strong political institutions that are known for their issues and not for individuals that lead those institutions.

With those remarks, I support.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Yes, the Member for Mwingi North.

**Hon. Mati:** Thank you, Hon. Temporary Deputy Speaker. I have been waiting patiently for a while. While the pecking order has to be observed, at times it is very difficult and painful to see Hon. Sakaja speak before me when he walked in an hour after me.

I will be a bad chairman at some point if we allow this Bill to---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Mati, we have to finish this first but you will not get away with it. You know very well, from the Commonwealth practice; that the privilege of recognizing Members is domiciled in the Speaker. The Standing Orders are clear. While we have brought this digital gadget to assist in the recognition, there are a lot of things that the Speaker takes into consideration.

There are nominated Members, Members from small political parties and Members from big political parties. There are also independent Members. Issues of gender and Members living with disabilities also must be considered. Therefore, if you contradict the Speaker in exercise of his discretion, you cannot get away with it.

Hon. Mati, can you apologise before you proceed?

**Hon. Mati:** I withdraw, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Apology accepted.

**Hon. Mati:** Hon. Temporary Deputy Speaker, I stand guided.

I rise here to very strongly support the Bill. I support it because, although we have had very many examples given, including those of the USA and other jurisdictions in terms of the small number of political parties, we do not have a culture of democracy in this country.

I want us to be a country where not only horses take to the field but also donkeys, camels and possibly goats are allowed to participate in the race through a process that allows for equity and transparency.

In my estimation, 40 per cent of the Members of this House would not be here if we had only two political parties. This is because what we have in some cases is what is called in some countries “Personal Political Parties (PPPs), where a big man or woman sits and appoints people to represent the party.

In other cases, we have others we call “Family Political Parties” (FPPs). We also have “Briefcase Political Parties” (BPP). All these are euphuisms for different kind of political formations that pretend to promote democracy while within those political parties there is a lot of oppression and dictatorship.

If it was not for the space for small political parties, I can point many people who would not be here with us. Hon. Katatha would not be here if it were not for Hon. Kalembe Ndile, who rescued him at the last minute.

Today, he is representing the people of Kangundo. The dominant political party in Ukambani managed to get three seats out of five seats in Machakos County because of preferential treatment of some members. I am a victim of that treatment. Let us take political parties as *matatus*, which are found at every stage in towns across the country. A passenger goes to the stage and chooses which *matatu* to board. If you pay your due fare, nobody will prevent you from getting to Nairobi in good time.

Hon. Temporary Deputy Speaker, let us allow democracy to prevail in this country by allowing the proliferation of political parties. Let us fund them proportionate to the strength they have in Parliament. Even after elected Members come to Parliament, there is provision for entering into post-election coalitions. Therefore, we should tie democracy at the level of the voter. It is the voter who decides who is best for them. It is not two or three people deciding for the voters by giving them only two political parties. Let us allow everybody to participate in the democratic process and have a chance to be elected or rejected by the people.

We have had a very difficult time in this country. This country has come from a very difficult time when a single political party was everything. You could not do anything unless you belonged to that political party. Limiting the number of political parties is tantamount to going back to the one party dictatorship – a dictatorship which caused untold suffering for many of us, including being detained without trial and being pushed to exile.

I would not have a problem with the 40 million Kenyans becoming a walking political party as long as everybody is able to exercise their democracy. We have had a situation in this country where political parties would dictate who you should associate with.

My sister, who is seated behind me, was once a victim of such machinations. That is against the current Constitution, which guarantees us freedom of movement and association. How can a political party decide to curtail such rights not at the level of the voter but at the level of an Hon. Member of Parliament? How can you be told that you may not have lunch with certain people or attend a certain function or church? Members of Parliament are elected by people but when they get here, three or four people determine the fate of the 180,000 voters who elected my sister, Hon. Kalekye Chidzuga, who originates from my constituency.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Member for Mwingi North Constituency, will you speak about yourself? These Members are adults and they can speak for themselves.

**Hon. Mati:** Well, we are a House, Hon. Temporary Deputy Speaker. When we are a House, we can interact and talk about ourselves. I am only giving an example which is a legitimate intellectual way of proving your point.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Yes, it is in the Hon. Temporary Deputy Speaker’s knowledge that you have enough examples of your own to give us.

**Hon. Mati:** Okay. If you want me to give my own, I will give an example. I sit in this House because the people of Mwingi North refused to have imposed candidates. I beat my nearest rival by 8,000 votes. My nearest rival had 3,000 votes and I had 11,000 votes. However, nothing stopped the person with the 3,000 votes from getting the certificate. I am only here because the people of Mwingi North Constituency demonstrated and objected to my being removed from being the candidate for my party. Of course, when the candidate with 3,000 voters went to another party, I thrashed him. I doubt whether he got even 1,000 votes.

So, while I support having democracy prevail and having strong political parties, I am for the strengthening of political parties. After post-elections they coalesce and decide that they are going to work together. If we had freedom of association and to choose whatever parties we want, there will be no problem of political parties deciding on who will be their flag-bearers. The problem of two or three people sitting somewhere and saying “every nominee must bring Kshs1,000,000”, those who will be unable to give are disallowed and discriminated against in terms of participating in a democratic process that should be guaranteed for all Kenyans should be solved.

Hon. Temporary Deputy Speaker, I want to congratulate Hon. Wamalwa for coming up with this grand idea. This is an idea which has taken long to come. I would like to see a situation where all political parties represented in this noble House are allocated money according to their strength in this House. If we have 392 seats, we divide by the amount of money and then multiply by the number of seats that a party has in this honourable House. That will completely do away with the PPPs and FPPs because that is what we have in this place.

As a matter of fact, if you check most of these political parties, you will see that their offices are owned by the political party leader. That means that that political party leader can even deny access to offices where you cannot even plead your case because the office or residence where political party is domiciled is a personal property of a particular person.

If we subscribe to democracy and want to grow it in this country, before we start comparing ourselves with the USA which has had 200 years of democracy; before we start comparing ourselves with the UK which went through 200 or 300 years of turmoil before they came up with some form of workers' space, let us allow our social formations to continue the way they are. Let us allow a situation where every political formation can express itself. I do not have a problem about political parties that are tribal because all of them are.

**Hon. Ganya:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Yes, the Hon. Member for North Horr. I cannot see you on my intervention list, Hon. Chachu Ganya.

**Hon. Ganya:** Thank you, Hon. Temporary Deputy Speaker. Is my brother, the Hon. Member, in order to mislead the House by stating that it is only in the USA or other modern democracies that we have strong political parties?

In Tanzania, Chama Cha Mapinduzi (CCM) is a strong viable political party and yet we gained Independence during the same period with them. Is he in order to mislead the House that this only happens in the USA and other democracies when it is happening here in Tanzania?

**The Temporary Deputy Speaker** (Hon. Kajwang'): Well, I will not give that Member a chance to respond because that is just going to give him more time to debate. He has had enough, but I think that you have stated yourself, the Member for North Horr Constituency and that has gone on record. Let us move on.

Hon. Member for Navakholo Constituency, where are you?

**Hon. Wangwe:** Thank you, Hon. Temporary Deputy Speaker, for allowing me to contribute to this very noble Bill. At the outset, I would like to thank Hon. Chris Wamalwa for thinking on behalf of those of us who are represented here by small parties. There was a quote here by the Leader of the Majority Party referring to the constitutional ruling by Justice Majanja which alluded to the fact that the Political Parties Act as it is is unconstitutional. That was only a ruling to depict the separation of powers. What I want to bring to the attention of the House is that there is a constitutional issue which is the right to vote. There is also a constitutional issue which is the right not to be discriminated. It is enshrined in our Constitution that no one can be discriminated against because of various factors.

By virtue of confining the voter into only a cocoon of political parties which are being funded is in itself a very great offence which we should correct today in this House. We need to correct it through the Bill that we have so that we create political parties that can initiate themselves from the lowest level to grow and open up space so that voters can choose who they want to vote.

There is the issue of opening up of democracy. Most of my colleagues have mentioned it. It is a big challenge. You will find that it is an issue of who you know during nomination. It is also an issue of how long you have been in politics. It is an issue of how you relate. Let us open up the space. The parties that are leading today, the 'big boys' which we could refer to as the TNA, URP and ODM which I recognise very much did not just originate from nowhere.

We have the history of ODM. I was a member of ODM and I know it dates back to numerous steps. Should it not have been so and should it not have been built that way, it definitely would not have been a big party. We know the TNA came up towards the last days to the elections. It was built as a conglomerate by a few people who had money; thank the Lord that they had it that time. What happens to those people who do not have money but have ideas? You need to get a fallback. You need to have somewhere to originate and grow. This is a very noble idea and we must support small parties to pick up and grow.

However, I will be making proposing amendments during the Committee of the whole House. As much as Hon. Chris has proposed that there is the 2 per cent and 5 percent Members of Parliament meaning the National Assembly and the Senate or governors and the rest, I will be making a proposal to that effect and say: "As long as you are represented in the National Assembly, you are a party with a representation in the National Assembly." Let it be that you are a representative of your mother party. We cannot now say that we go back and set some discrimination which is also against the Constitution. Therefore, I will be coming up with that amendment and I will move it during the Committee of the whole House.

There is the issue of ownership of political parties. Many a times, they have been like private clubs. Most political parties have been run purely as a private members' club. What has made it difficult that these political parties can now open up the space? It is only when they are funded that there is going to be regulations and audit. The political parties will report to this House on the transactions and how they have used the monies they were given. Therefore, the space will be open and members will enjoy the freedom of the money which they have been given and we eliminate patronage from political parties.

Hon. Temporary Deputy Speaker, I also want to---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member, can you wind your submissions?

**Hon. Wangwe:** Thank you, Hon. Temporary Deputy Speaker. I stand guided. I just want to say that once we fund these political parties, there will be space which will create room for inter-political parties' competitions and set up of various manifestos. Those manifestos will guide the ruling party in order to govern this country positively.

With those many points and remarks, I support.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Kwale, can you defend yourself? Somebody seems to know so much about you.

**Hon. (Ms.) Chidzuga:** Shukrani, Mhe. Naibu Spika wa Muda. Nasimama kuunga mkono Mswada huu na kumpongeza Mhe. Wamalwa kwa sababu umekuja kwa wakati unaofaa, tukiwa tumebaki na muda mfupi kwenda kutafuta kura tena.

Naunga mkono Mswada huu kwa sababu hali ilivyo sasa katika kila chama - na nitazungumzia upande wa chama changu ili nisizungumzie wengine - kila mwezi mshahara wetu unakatwa. Zile ofisi ambazo zimewekwa mashinani inambidi Mhe. Mwanyoha atoe pesa mfukoni mwake ili azilipie. Unashangaa hizo pesa ziko wapi. Hata kabla pesa hizo kuzungumziwa zaidi, ningetaka Mkaguzi Mkuu wa Fedha ajitokeze waziwazi kukagua matumizi ya pesa hizo kwa sababu hatuelewi. Hakuna wakati ambapo tumeelezwa kuhusu matumizi ya pesa hizo kinagaubaga ili tujue zinatumika kwa njia gani.

Kwa sababu hiyo, hivi vyama vingine vimeshikiliwa kama vyombo binafsi. Vina ubaguzi na ukabila. Wengine wakizunguma na upande wa pili, ni haleluya! Lakini wengine kutoka eneo

fulani wakionekana wanashirikiana na upande wa pili, hao ni wasaliti na wanafaa kuadhibiwa. Kwa hivyo, huu Mswada utatusafishia hali ilivyo katika vyama vya kisiasa kwa wakati huu. Pia itatupatia nafasi tuzidi kuongeza vyama. Vyama vikiongezeka humu nchini, demokrasia itaeleweka. Kila mtu atatetea kile chama ambacho anakiona kina msimamo wa kuelekeza mapenzi na uwiano katika jamii zote. Vyama vingi tulivyonyavyo leo, tukiwa nje, vinazungumzia uwiano wa jamii. Lakini vikikaa peke yao vinasema: “Ni sisi kama kabila ama nyumba hii.” Hatuwezi kukubaliana na kauli hiyo kwa sababu haielekezi Kenya katika mwelekeo ambao unafaa. Inaelekeza Kenya katika hali ambayo inaleta utata katika jamii.

Hizo pesa zikichunguzwa zaidi, tutapata ukweli. Ndiyo mwananchi mlipa ushuru aelewe ni kwa nini vyama vinapewa pesa. Lakini kwa sasa, wananchi ambao pesa zao zinapewa vyama vya kisiasa hawajui zinafanya kazi gani. Hakuna siku utakuta chama kimemwita yule mwananchi kumweleza: “Pesa yako ikikatwa huwa inafanyiwa kazi hii na hii katika chama.” Kwa hivyo, naunga mkono Mswada huu. Mhe. Wamalwa, ahsante sana.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for North Horr, can you say what you want to say in three minutes?

**Hon. Ganya:** Yes, I will. Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity. At the outset, I strongly oppose this Bill. This is about institutionalising national political parties in our country. We need national political parties as institutions with character, values, ideologies and policies. We need cohesive parties that will bring Kenyans together.

This Bill is trying to change the number of votes garnered by a political party in any general election from 5 per cent to 2 per cent for the party to qualify for funding. In the last general elections, roughly 10 million voters voted in our country. So, by this amendment, you will just need 200,000 voters to vote for your party so that it can access political parties funding. What that means is that all the major communities in Kenya can form their own ethnic-based parties, balkanise this country and still have access to national funding. We cannot allow that. Modern democracies all over the world have formed strong parties which bring the nations and communities together. They are known for their values, policies and ideologies. Even in the USA, you can form parties, but for you to access State funding, you must reach a certain threshold of votes during any general election. In 1992, I was a first-year student in the US and Ross Perot, through independent party, managed to get enough votes when he stood against Clinton and was able to access funding for five years. Later on, he could not garner enough votes to meet the threshold and, because of that he could not continue accessing State funding. Let political parties compete nationally, garner votes to reach the threshold of 5 per cent and access State funding. As a nation, we cannot fund parties from all corners of this country which stand for nothing, but are just there to get votes from their own communities because they have the numbers and use that to access State funding. That is not right. It will not support this country or take it any further. We need parties that will bring Kenyans together. We need parties like the Orange Democratic Movement (ODM) which is truly a national party. I do not think The National Alliance (TNA) and United Republican Party (URP) are national parties at the moment. Those are regional parties to be honest, if you look at the base from where they have their members in this House.

*(Applause)*

This amendment will take us back. That is why my party leader left small parties and formed a strong party called ODM, which is a leader in this country in terms of bringing Kenyans together. That is why I am a member of ODM from North Horr, as much as somebody from Western Kenya, Wajir, and the entire Coast region and even from Meru in the central part of Kenya. Those are the parties we need; national parties that will bring Kenyans together, but not parties that are formed just for the purpose of accessing State funding. Reducing the threshold to 2 per cent will mean only 200,000---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Can you wind up your submissions?

**Hon. Ganya:** Hon. Temporary Deputy Speaker, the intent of these amendments is to enable all those small political parties to have access to political parties funds. It is all about money. We cannot have "briefcase" and ethnic-based Non-Governmental Organisations (NGOs), pretending to be national parties, having access to hard-earned taxpayers' money. I oppose in the strongest terms possible.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you. That is all the time we had for debate on this Bill. I now order that the Mover be called upon to reply.

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Speaker. Do I have time to give some two or three Members?

**The Temporary Deputy Speaker** (Hon. Kajwang'): Yes! You may if you wish.

**Hon. Wakhungu:** Thank you. I will start with Hon. Dawood from the other side, Hon. Bunyasi, Hon. Maweu and Hon. Jessica Mbalu because of the little time. Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang'): All right. Those Members that have been mentioned, could you, please, press your intervention buttons so that I can recognise you? I can see the request of the Member for North Imenti. Where are the rest? Are you willing to take the time donated to you? Press your intervention buttons.

**Hon. Dawood:** Thank you, Hon. Temporary Deputy Speaker. I want to support---

**The Temporary Deputy Speaker** (Hon. Kajwang'): No! Just a minute! Can I have the requests of all those Members on my screen? The Member for Kiminini, who else have you donated time to?

**Hon. Dawood:** Hon. Temporary Deputy Speaker, can I continue?

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hold on. Give me a minute. Member for Kiminini, I have the request of the Member for Nambale. Who else? Can you help the Member beside you to press his intervention button? Yes, Member for Kangundo. Who else?

**Hon. Wakhungu:** Hon. Jessica Mbalu.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Proceed. How many minutes for each of them?

**Hon. Wakhungu:** How many minutes do I have?

**The Temporary Deputy Speaker** (Hon. Kajwang'): Oh my God! You go and look at your Standing Orders. Proceed.

**Hon. Dawood:** Thank you, Hon. Temporary Deputy Speaker. I want to support this Bill. I am elected on the ticket of the Alliance Party of Kenya (APK). This is the way to go because all the major democracies have small parties as well.

Hon. Sakaja mentioned that TNA or Jubilee is sharing its money with all the other small parties. I believe that is not true because APK, up to date, has not received even a coin from TNA. This amendment will go a long way because we need parties which will be giving chances to women and youth to be given more money.

Hon. Temporary Deputy Speaker, with those few remarks, I want to end there. Thank you. I support.

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right. Member for Nambale.

**Hon. Bunyasi:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill.

We talk about political parties aiming to acquire power. Everybody thinks of getting the presidency. Power is like air. It is all around us. It is how you acquire and control it that matters. This could be regional or sub-regional. Even the big parties that we have mentioned, for example, on the Jubilee side, are not truly national. They are regional parties but they are big. They have a right to be where they are because they have the numbers. But the small parties have this chance to do what Article 6 says, to identify and train youth, women and to work to acquire democratic space where they are. Size is not the measure of how much democratic space you use and how well you use it.

The countries we have referred to, for example, Nigeria has many political parties but two major ones. The US has hundreds of parties literally, but two major ones. The smaller ones create the space and foundation. In Europe - and German is a good example - the Greens are now in power-sharing arrangements. Who thought that would be? By allowing political parties to grow those roots, we are supporting democracy in a fundamental way nationally.

I support these amendments. When we get to the Committee of the whole House, we will make specific proposals to strengthen the Bill. Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Member for Kangundo.

**Hon. Maweu:** Thank you, Hon. Temporary Deputy Speaker. I rise to support the Bill. If it were not for small political parties, I would not be in this House. So, I do not see why there should be monopoly in political parties. The comparisons we are giving with countries like the United States of America and Britain does not arise in this country because there is a lot of rigging in this country and, unless there are more political parties, many of us will not come to this House.

The fees that are charged by big political parties cannot be afforded by many of us. So, we need small parties so that they can charge less those who are disadvantaged or do not have enough money to pay for the high fees.

With those few remarks, I support the amendments.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Member for Kibwezi East.

**Hon. (Ms.) Mbalu:** Thank you, Hon. Temporary Deputy Speaker. At the outset, I must congratulate the young Member of Parliament, the very knowledgeable, Hon. Chris Wamalwa, for coming up with this Political Parties (Amendment) Bill, 2015. This is a young legislator whom I pray that the people of his constituency re-elect so that when we meet here again in the next Parliament, we move this country to greater heights.

Giving funds to small political parties will improve beneficiaries from the current three parties to more than eight. A well-financed party will enable it to build capacity of members. Members appreciate the improvement we have made since the inception of the 11<sup>th</sup> Parliament. It will ensure that political parties are mass movements and not parties that protect rich people.



I represent the Wiper Democratic Movement Party. Many of us from Ukambani came to this House through it and, of course, we joined a coalition. I appreciate our party because it embraces women representation. It is only in Makueni County that we have two women Members of Parliament representing constituencies. We encourage women to go for the single constituency parties so that we solve the problem of gender through political parties' participation.

The Bill, through the able hands of Hon. Chris Wamalwa, seeks to ensure that political parties funds are made available to all parties, including the small ones that do not necessarily secure, at least, 5 per cent of the total votes in a preceding general election. Parties have suffered because they have not got money. Had it not been for the coalition - and I thank ODM - even the Wiper Democratic Movement would not have got any funds.

We need to embrace growth in political parties. We will be supporting Hon. Chris Wamalwa in the next stage of the amendments. We will ensure that this Bill passes to see the light of the day.

Thank you, Hon. Temporary Deputy Speaker.

**Hon. Nuh:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member for Suna East, what is out of order?

**Hon. Nuh:** Hon. Temporary Deputy Speaker, there is a point of order I want to raise. Some Members have raised the issue of youth and women - that those parties will help women and youth. Even the strong parties have youth and women in them.

*(Hon. Wakhungu stood up in his place)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Kiminini, take your seat.

**Hon. Nuh:** This country requires a more homogeneous, strong and viable political parties. We do not need to fragment this country into small parties and small fiefdoms. The best way to go is to merge small political parties to form one strong party. That is the way the world is going. That is even the way the private sector is going. If we come here to change the law so that we can access funds even if we have five Members of Parliament in the House which has 349 Members, and then you say the threshold of accessing the Fund is five Members of Parliament, then we are going to have five divide by 50 which is 50 different parties in this House. This is not good for our country. Our country requires strong, viable and homogeneous parties.

For that reason, I oppose. Let us think of merging parties so that we can have strong parties that can compete on ideas, values and principles. If we form parties of villages where every village wants to have a party in this country, then we are going to have a country where everybody is going to have a party. Thank you so much.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Suna East. Do not sit there and start smiling. You know that you requested to be on intervention, meaning that something is out of order. But then you have stood up there to debate your case and sit down fully satisfied that you have raised what is out of order. You expect to take for a ride the 349 of us?

**Hon. Nuh:** Hon. Temporary Deputy Speaker, I stand guided. I was just building my case to the point of order. So, is it in order for the hon. colleague who contributed to say that my party, the strongest party in sub-Saharan Africa, does not have the youth and women components, when I have women and youth leagues in my party?

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right. Member for Kiminini, how many minutes do you have? You have two minutes. You are left with two minutes.

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Speaker. I want to thank all those who have made presentations. When it comes to compliance, one of the regulations is that you must have a minimum of 24 offices across the 47 counties. That tells you that for you to go through that compliance you are not a village party. At the same time, you must have a minimum of 1,000 members in every county. So, for you to comply for registration, you must be a political party of national nature. Parties like FORD (K), UDF, Wiper and APK have so many Members of Parliament. They are not village parties. It is, indeed, important to note that this is taxpayers’ money and they should access funding for purposes of growth. This is not yet a mature democracy like US, UK and all the other democracies. Even in the US, research shows that there are about 5,100 political parties. When you go to the UK, there are 33 political parties that are very active.

Justice Majanja’s Ruling said that we can correct that through legislation. This is what we are doing today. I call upon all hon. Members that when we come to the Committee of the whole House to do the amendments, we should strengthen those parties. We must have mature democracies to avoid dictatorship.

**The Temporary Deputy Speaker** (Hon. Kajwang’): A point of interest, Member of Kiminini; has the ruling which I keep hearing you people discuss, been tabled before the House?

**Hon. Wakhungu:** The ruling has not been tabled, but the Leader of the Majority Party was trying to mislead the House by saying that---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Well! He is not an authority. You can still---

**Hon. Wakhungu:** Justice Majanja had said that it is unconstitutional. But he said in the ruling that you can correct that through legislation. We are trying to reduce the threshold.

**The Temporary Deputy Speaker** (Hon. Kajwang’): I am trying to enrich my HANSARD so that when I review it, I am able to get this ruling. Do you have the citation of the ruling?

**Hon. Wakhungu:** The Leader of the Majority Party said that he was trying to do it selectively!

**The Temporary Deputy Speaker** (Hon. Kajwang’): Is there a citation of it?

**Hon. Wakhungu:** Yes! He said it was done selectively. But the judgment was made.

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right. Wind up!

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Speaker, I reply.

**The Temporary Deputy Speaker** (Hon. Kajwang’): I see that you are not ready to vote. I order that we go to the next business.

## MOTION

### PERIOD OF SERVICE FOR POLICE OFFICERS AFTER TRAINING

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**The Temporary Deputy Speaker** (Hon. Kajwang’): Member for Sirisia, are you there to prosecute your Motion.

**Hon. Koyi:** Thank you, Hon. Temporary Deputy Speaker. I beg to move the following Motion:-

THAT, aware that the Kenya Police Service spends considerable resources on training officers among the cadre of trainees; further aware that many of the police detectives are hired by other Government and private institutions as soon as they acquire the necessary expertise and experience; deeply concerned that this results in delayed and botched investigations and failed conclusion of critical prosecutions plus a high number of acquittals due to perennial shortage of specialized officers in critical departments such as ballistics, forensics, document examinations, fraud detection, money laundering, transnational crime and cyber crime; cognizant of the fact that private employers are able to offer superior terms, this House urges the Government to ensure that any Regular Police, Administration Police Officer and Prisons Officer who benefits from specialized training at the taxpayers’ expense should serve in the public sector for at least 10 years before leaving for the private sector or refund the public funds used in their training.

For some time now, the police force has been under criticism for the wrong reasons. Kenyans have not had good words or faith in our security forces. The recent events of insecurity, particularly terrorism attacks, have also made Kenyans want to have the activities of National Police Service looked at afresh. If need be, laws should be enacted that restore faith in the police. It has also been reported - and there are confirmed reports - that there has been lack of motivation in the force and the police are reported to be leaving for greener pastures. Because of poor working conditions, we must also accept that our police force has been targeted by organizations like *Al Shabaab* seeking out for better employment.

*(Hon. (Eng.) Gumbo stood up in his place)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): Ranking Member, you know that my eyes are not closed. So, if I am allowing you to resume your seat, please, just be civil. Proceed.

**Hon. Koyi:** While it is a fact that we have botched investigations and failure to conclude critical prosecutions---

**Hon.(Eng.) Gumbo:** On a point of order.

**The Temporary Deputy Speaker** (Hon. Kajwang’): You cannot have a point of order until a Motion is moved on the Floor of the House.

**Hon. Koyi:** Whose result in most cases are acquittals, while some---

**The Temporary Deputy Speaker** (Hon. Kajwang’): I want this Member to bring to us what he has first of all. Allow new Members to also grow. Do not frustrate them.

Proceed and finish. He has been here for two years.

**Hon. Koyi:** That has been so because of the shortage of specialized officers in critical departments such as ballistic, forensic, document examination, fraud detection, money

laundering, transnational crime and cyber crime. Those are serious crimes that this House must reflect on and find out how our forces can be made to deal with them. It is also a fact that technology and how things are done has changed. Parliament must also accept that the police force---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Member, I can see that you are referring to your notes, which is allowed under the Standing Orders.

**Hon. Koyi:** Yes. These are my notes.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Yes, I can see that, except keep your eyes up so that Members can see that you are referring to your notes.

**Hon. Koyi:** Hon. Temporary Deputy Speaker, I want to make a strong case for the police force. What are the reasons for that mass exodus? Policemen and women who are trained by the Government are leaving the force for the private sector like banks, insurance and audit agencies, who promise or give them better terms. Police officers work under very poor and traumatizing conditions. It is a fact this House must address these issues by passing this Motion. A Bill will be brought to this House that will seek to improve the working conditions and welfare of police officers. It will be through an amendment of the National Police Act. The recently appointed Inspector-General of Police (I-GP) Joseph Boinett has not spelt out his agenda of improving the welfare of police officers, and how they can be motivated so that they do not fall into temptation of giving away the secrets or being part and parcel of spreading insecurity in the country. The sponsors of terrorism pay a lot of money that may easily tempt our poorly paid police officers. The Government officer responsible for internal security---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Member, you will lose the interest of the Members of this House if you start reading your notes and making a dilatory Motion instead of prosecuting your Motion.

**Hon. Koyi:** Hon. Temporary Deputy Speaker, we must consider passing this Motion so that police officers do not leave employment before the expiry of 10 years. I am sorry to state that the force is not motivated at all. They are crying out there for a better pay package, better welfare and good working conditions, housing and respect for families. For the last 10 years alone, the Government has been a victim. At one time, it was reported that 17 officers from one station had resigned from the Service. That was just one case that was reported, amongst others, in the country.

For example, at the Central Police Station in Nairobi which is reported to be the face of the National Police Service and is expected to have better facilities, two officers share a two-bedroom house amongst themselves.

*(Hon. Maweu crossed the Floor without bowing to the Chair)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): Order, Member for Sirisia! Member for Kangundo, how have you found yourself in the right side of the Chamber? It is called the training school we all master--- Member for Sirisia, I suggest you make these Members follow your discussion and one of the ways is to stir the debate without referring to the notes.

**Hon. Koyi:** One of the reasons I brought this Motion is because there is something loose in the Act. Most of the officers are leaving their jobs because their contracts with the Government are not binding properly. That is why a recruit can finish his or her course and is

allowed to leave the force or even apply for resignation within 34 hours. That is why we have a shortage of police officers in this country. In the military, a recruit is given a contract of, at least, nine years before they think of resigning. In the police force, it is just loose because an officer can apply for resignation and is permitted to resign within 24 hours or three months. That is causing shortage of police officers and thus, insecurity in our country. When some of the officers resign or are sacked, they go home and become thieves. I urge this House to accept my proposal and go the military way. There, you are recruited to serve your country. You cannot leave the service after training because you are a trained police officer. You should not be allowed to go home like that and yet money has been used to train you. It is risky for somebody who has been trained to use a gun to just resign without any valid reason.

I kindly urge Members to consider this Motion because some officers who have resigned might have come to your home or met you somewhere to plead with you to help them come back to the force. I have seen many who have come to me seeking for help to rejoin the force. Why I want it to go the military way is because when an officer is sacked, sent home or has resigned, he is allowed to rejoin the armed forces. We should, therefore, allow those officers to come back. That is why I brought this Motion. I am sure it is going to be of good help to this nation.

When it comes to working conditions of our police officers, to me, they are underpaid. This House should look at the provisions and tools of work that those officers are using. Let us look for ways and means of motivating our police officers by giving them modern tools of trade. Is the Government doing enough to pay officers and improve their working conditions? What about insurance and other benefits? University lecturers must finish, at least, five years of service before they quit and look for greener pastures. The end result is this: We may have many good and trained officers leaving the force immediately upon completion of their training for greener pastures. It would be fair that those officers who have benefited from specialized training at the public expense are made to serve the Government for, at least, 10 years or refund the money to benefit deserving cases before they leave for the private sector. The Government must do its part to, at least, improve the welfare of the police. Officers in police service who desert the force should also face a penalty. In the military, even if you desert for a minute it is counted. In the military, if you do not have a leave pass to go home, you are not allowed to go away, the way police do.

I now call upon Hon. Lentoimaga to second the Motion. Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Just a minute Hon. Waluke! Can you move your Motion?

**Hon. Koyi:** Sorry! I beg to move.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Even for that one alone, you have to read your notes? Member for Samburu North, proceed.

**Hon. Lentoimaga:** Thank you, hon. Temporary Deputy Speaker. I thank the Mover of the Motion hon. Waluke, from Sirisia. I support the Motion and also say that in order for us to retain the police in the service for 10 years, something has to be done.

Policemen train for about nine to 15 months. For a policeman to be really trained and well conversant with the job, it takes another almost three years. That is the time you can now rate whether he or she should be promoted to the next rank to become a corporal. That is the time he or she matures. That takes a lot of money and resources. The Government puts a lot of resources to train them. To get another policeman within that time will also be very rigorous and

expensive. In my view, retaining them for 10 years is really important even for our country and even for themselves. That is because in the Retirement Benefits Act, you cannot earn pension unless you have worked for 10 years. So, it is good for policemen to remain in service for 10 years for the sake of their children. Human beings work because of the family. If you run away from the Service just after one, two or three years, then you are also doing a lot of disservice to your children. What can they inherit? We are not permanently there in life. When you pass on, you can leave something behind for your family. You also have to leave something for yourself in case you retire from the service.

This is a very timely Motion. We have to take some precautions because in any human resource organisation or company, you must have a policy to attract and retain staff. Even police service must have that organisation to make sure it attracts the best and retains those good people in the service. What should they do? They have to look at the salary. At the moment, police officers earn meagre salaries compared to the work they do. When we are deep asleep or working, those are the people who are outside there looking after our welfare and protecting our property and lives. If they are not paid well, then they will not work well. That is why they are running away from the service. That is why you see policemen in this town busy escorting bank vehicles, guarding banks and Parliament. That is where they get their allowances. That is why they look for greener pastures. They are busy studying in the universities because they want to run away. That is because the salary in the National Police Service is not very good. So, we need to look at the welfare of the police.

We also need to look at housing. In the rural areas where we come from, they live in tents. So, they live in very poor conditions. Their healthcare needs to be checked. They need to have insurance. They also need to have protective gear. In northern Kenya, they are grappling with cattle rustlers. Those cattle rustlers are more than 200 people in one go and they are armed. Those policemen do not have equipment. They need Armoured Personnel Carriers (APCs) because the terrain is very bad. They need protective gear like vests and air support for them to be retained in the service. So, as we look at the 10-year period for them to be in the public service, they should have that kind of assistance.

Policemen are being killed. Kenyans are not fair to the police. A total of 50 policemen were massacred in Baragoi in 2012. What picture does that show to the police? It creates fear and discouragement for citizens to join the service. How can we address those issues so that we can attract and retain them?

Human rights activists do not like the police. They attack and take them to the International Criminal Court (ICC). How does taking Hussein Ali to the ICC depict to the other policemen? What about a constable? What will they do? They will fear to work because while they are doing their normal duties, they know they can be taken to the Supreme Court here in Kenya. So, we need to address the welfare of the police in terms of how we relate to them. In other countries, killing a policeman is the highest crime you can ever commit. However, in this country, mob justice is meted on policemen. A single traffic policeman who is not even armed is just a civil policeman who is doing his job in the streets of Nairobi. However, when he does something small while enforcing that law, a mob is mobilised to lynch him. We need to do something so that we can maintain our police for 10 years in the service.

Lastly, I want to talk about promotions. It is terrible in the National Police Service. There is corruption. Unless you are connected, you cannot be promoted to the next rank. I have seen

policemen staying in one grade for more than 20 years just because they have no “tall” relatives in the hierarchy of the police. We need to look into that so that, as we talk about the 10-year period of service, we really need to do a lot of reforms in the police. This House should urge the Kenya Police Service to continue with reforms so that we can have very good officers who can serve us for a minimum of 10 years with a clean record and in a very efficient way. I am sure they will also be happy to work with us.

Hon. Temporary Deputy Speaker, I second this Motion.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): Let us have nominated Member, Hon. Wangamati.

**An hon. Member:** There is a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang’): You are not controlling this Chamber. I am! Please proceed.

**Hon. Wangamati:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to support this Motion. It is very timely. This country is undergoing a lot of insecurity because we have a few police officers. At times, it has come when we have officers who have no experience and they are few. This Motion gives us, as a House, an opportunity to find ways so that police officers are trained and, after training, they continue enjoying their work and gain experience as much as possible.

We also want our citizens to respect police force. When a police officer completes training and he or she is posted somewhere to work, he should get good facilities. I am happy that Hon. Waluke has brought this Motion. In his contribution to the Motion, he has educated some of us who have not been accessing police facilities. The Government should provide good facilities to police officers. Their salaries are low and so, they are not motivated to continue working to protect this country. They are forced to move to the private sector; say, the insurance companies.

This country needs experienced police officers. A police officer can only gain that experience while he is on duty. The fact that a good number of police officers are opting to work for, say, 10 years and then quit the police service means that we might end up lacking people to carry out the duty of protecting our people. This country needs police officers. There should be a programme to encourage the citizens of this country to love police officers. They are the people who can assist and protect us from anything.

With those few remarks, I strongly support the Motion and thank the Mover for having brought it timeously. Thank you very much.

**The Temporary Deputy Speaker** (Hon. Kajwang’): I appreciate you for taking such a short time and delivering everything you wanted to say. Member for Makueni.

**Hon. Maanzo:** Thank you, Hon. Temporary Deputy Speaker, I beg to move that the Motion be amended as follows:-

**The Temporary Deputy Speaker** (Hon. Kajwang’): Sorry! Do I have a text of your amendment?

**Hon. Maanzo:** Yes, you do. It is on the Order Paper.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Just give me a minute.

**Hon. Maanzo:** Hon. Temporary Deputy Speaker, I beg to move the following amendment:-

THAT, this Motion be amended by inserting the following words at the end thereof: “and further that the Government in turn, considers proper remuneration, accommodation and welfare of all police officers.”

This amendment complements the Motion because it did not feature in the main body. I have consulted Hon. Waluke and he has agreed that it is proper that I move this amendment.

The reason I am moving this amendment is this: Other than what has been argued before, you find that most times, the reason why policemen quit their service is because of the remuneration that they are offered elsewhere. Therefore, even though the Government has offered a lot of money, they opt to go for better offers elsewhere, other than within the country, despite having been trained for free by the Republic of Kenya.

Accommodation of police officers has been the talk in this country for quite a while. Up to date, nothing much has been done about their accommodation. They stay in police quarters where they do not have proper accommodation. That is a problem. Persons of good conduct want to live well; knowing that the reason why they are working is to better their lives. So, they leave the force and go to where they are accommodated better. As you know, they live in police quarters. They are not allowed to rent their own houses for the sake of their own security and the equipment that they carry while at work.

The welfare of police officers, which includes Administration Police and Prison Warders - in terms of insurance, has been argued before by the Mover. You know when police officers die – and some of them die in the line of duty - their families are left destitute. In most cases, compensation is not done promptly because there are no legal structures.

For those reasons, that is why I am moving this amendment. I request Hon. Junet to second.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Member for Suna East could you, please, touch your intervention button?

**Hon. Nuh:** Thank you, Hon. Temporary Deputy Speaker. I stand to second this amendment. The import of this amendment is to put the issue of remuneration of police officers as part of the Motion. I totally agree with him because issues of police have been a big issue in this country for many years. One of the issues that the new Constitution that was promulgated in 2010 was to address was police service. Kenyans have been having problems with police service. There are reforms that were envisaged in that Constitution, by the creation of a new office in the name of Inspector-General of Police. As you are aware, since Independence, the police force has been presided over by a police commissioner. The Office of the Inspector-General of Police was created in the Constitution as part of the reforms to make police service better, so that they can provide quality services to Kenyans.

In addition, a commission was created under Chapter 15 and called the National Police Service Commission, which was supposed to cater for the police in terms of their welfare, remuneration, promotions and other human resource requirements. The police have refused to reform in this country. If you read newspapers, even though I do not use them as evidence, in the last two days, a lot of rot has been reported in the police service. The reforms that were intended to be achieved through the constitutional provisions that were made have not been achieved five years since the new Constitution was put in place.



If you look at it critically, the police, at the moment, are even suffering from command issues. There are two services that have been put under the Inspector-General - the Kenya Police Service and the Administration Police Service. Both of them are taking command from different people. If you go to the counties, you will find two separate services that are operating separately and independently. The Kenya Police Service will take orders from the police line of orders and the Administration Police will take orders from their bosses. There is a big problem in this country. Unless that is addressed, that might be a big threat to the security of this country. Initially, the Administration Police used to be under the Provincial Administration. The new Constitution places them under the Inspector-General of Police. It looks like the Office of the Inspector-General has not come up with a clear policy on how those two commands should operate in this country.

Secondly, I want to talk about the welfare of the police. Housing for police officers has been talked about for the last 50 years. We do not need to say it again because it has been said many times that police officers of this country are living in poor conditions. They even share rooms and houses with married couples. Those rooms are shared and are partitioned with curtains. Now, I am coming to believe that the issue is not money. If you look at the Budget that was passed the other day in this House, you will realize that the security sector was given over Kshs200 billion.

That amount of money is equivalent to the amount of the money that has been taken to the 47 counties. The counties got Kshs287 billion and the security sector in this country got over Kshs200 billion. I do not know whether it is the will of the people who are in those offices to make sure that those reforms are achieved or whether it is politically tailor-made for those reforms not to be achieved so that they can serve the purposes of the politicians that are in power.

Hon. Temporary Deputy Speaker, insecurity is a major problem in our country. One of the biggest issues that this country is facing is insecurity, other than corruption. The people who are supposed to provide security are the police. Once you do not take the police service seriously and the reforms that were supposed to be implemented are not implemented, then this country will turn into anarchy. That is why the President is giving orders to Members of Parliament from the Mt. Kenya region to go and handle the issue of illicit brews. It looks like he has lost faith in the police and the Provincial Administration. They are the people who are supposed to do that work. So, when you see the President now calling politicians to go and do that work on his behalf, it just shows you that the system has collapsed. The system of the police and Provincial Administration - the chiefs and county commissioners- has collapsed. The issue of fighting illicit brews should now become a devolved function. The President needs to devolve it to the counties so that they can take the responsibility and fight those illicit brews.

The police service has been talked about in this country since Independence and it has never changed. It is becoming worse day-by-day. I do not think that this country can continue at this rate with the kind of police service that is in existence. We may not blame the officers who are working. For you to retain someone the way the Motion is proposing - that a police officer must stay in service for 10 years - as an employer, you must create a conducive environment. You employ 10,000 police officers this year and after the nine months training at Kiganjo, they have nowhere to stay. You give them uniforms once in 20 years. The shoes that they are given are never changed. You cannot retain that kind of person. If he or she gets greener pastures

somewhere in the private sector that requires the expertise to handle fraud, cyber crime and such kind of things, he or she will go for it.

So, for us to lock those people as the Motion proposes - that they should serve in the public sector for, at least, 10 years, we must provide a conducive environment for them to stay.

There is a new Inspector-General of Police who was put in office the other day. He must come up with a clear policy on how he wants to handle the police service in this country. We have insecurity in this country because there is a lot of corruption, laxity and the police have lost faith in their work stations. Unless he addresses those issues, this country will continue suffering from the insecurity that we are facing.

With those few remarks, Hon. Temporary Deputy Speaker, I wish to second the amendment as moved by the Member for Makueni.

**The Temporary Deputy Speaker** (Hon.Kajwang'): All right Members. I will propose the Motion as amended.

*(Question, that the words to be added be added, proposed)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Okay Members, we are now debating the amendment and we want to spend very little time on it. As you can see, it is introducing just one aspect of it, which is the remuneration and welfare of police officers. So, let us not take too long on it so that we go back to the Motion.

Do I take it that this is the list on how you want to debate the Motion of amendment? If this is the way, let us have the Hon. Member for Likuyani, who is the first one on the list.

**Hon. (Dr.) Kibunguchy:** Thank you, Hon. Temporary Deputy Speaker. The amendment has made a good Motion better and I support it. Before I talk about the amendment, I would like to pass my sincere condolences to the families, friends and relatives of our brothers and sisters who were killed in Mandera the other day. May their souls rest in eternal peace.

If I understand very well, the Motion as amended is talking about---

**The Temporary Deputy Speaker** (Hon. Kajwang'): I do not know whether we are clear. You are only speaking to the Motion to amend. If that is clear, then you may proceed.

**Hon. (Dr.) Kibunguchy:** Yes. I understand. This is my second term in this Parliament.

**The Temporary Deputy Speaker** (Hon. Kajwang'): My apologies!

**Hon. (Dr.) Kibunguchy:** Thank you. I am talking about the amendment. You cannot exclusively talk about it without touching on the main Motion. That is because the way I understand it, all the police officers, especially those who have undergone specialized training, should be bonded for 10 years before they can leave and look for other pastures, whether green or not.

The amendment makes the Motion better because some of the reasons why specialized police officers leave is because of exactly what has been covered in the amendment – that is their welfare, accommodation and so on. It is important that if we want to keep and retain people who have specialized in a certain field, we must look after their welfare. Otherwise, bonding them without looking after their welfare will be counter-productive in the long run.

With those few remarks, I support the Motion as amended. I hope that we can carry the Motion forward as amended and pass it. Soon after that, we should convert it into a Bill to look after the welfare of our officers, especially those who have undergone specialized training.

Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you very much Members. The Motion to amend will be carried forward to the next Private Member’s day.

### ADJOURNMENT

Order, Hon. Members! The time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m. It is so ordered.

The House rose at 1.00 p.m.