

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 26th October, 2016

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

MESSAGE

THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL

Hon. Speaker: Hon. Members, Standing Order No.41(4) requires the Speaker to report to the House any messages received from the Senate at the first convenient opportunity. In this regard, I wish to report to the House that on Tuesday, 25th October, 2016, I received a message regarding the decision of the Senate on the Assisted Reproductive Technology Bill (National Assembly Bill No.36 of 2014). In part, the message reads:-

“The Assisted Reproductive Technology Bill (National Assembly Bill No.36 of 2014) was rejected at the Second Reading by the Senate on 19th October, 2016, the effect of which being that the said Bill is referred to a Mediation Committee.”

The Senate has also nominated five Senators to the foresaid Mediation Committee. With that decision by the Senate, the Bill is referred to a Mediation Committee in accordance with Article 112 of the Constitution.

Consequently, the leadership of the majority and the minority parties in the House are hereby directed to expeditiously nominate Members for appointment to the Mediation Committee to consider the Bill.

Once constituted, the Committee will be expected to speedily embark on the process of developing a mediated version of the Bill in accordance with Article 113 of the Constitution.

Thank you.

PETITION

ESTABLISHMENT OF DUMPSITE IN HEKIMA ESTATE

Hon. Speaker: Indications are that Hon. Jude Njomo has a petition on pollution and establishment of a dumpsite in Hekima Estate, Kiambu County. Is that correct? The Member being absent, the petition, at least, for purposes of procedure, is for the time being dropped.

(Petition dropped)

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House:-

The 2016 Budget Review and Outlook Paper for the Financial Year 2017/2018 Medium Term Budget.

Hon. Speaker: Let us now have the Chair of the Departmental Committee on Justice and Legal Affairs Committee.

Hon. Chepkong'a: Hon. Speaker, I beg to lay the following Paper on the Table of the House---

Hon. Speaker, the people who typed this paper are still living in yesterday. May I rephrase it so that it can be for today?

Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday, 26th October, 2016:-

The Report of the Departmental Committee on Justice and Legal Affairs on the approval for appointment of Hon. Lady Justice Philomena Mbete Mwilu as the Deputy Chief Justice of the Republic of Kenya.

Thank you.

Hon. Speaker: Next Order!

NOTICE OF MOTION

APPROVAL OF PHILOMENA MBETE MWILU
AS DEPUTY CHIEF JUSTICE

Hon. Chepkong'a: Hon. Speaker, I beg to give notice of the following Motion:-

THAT, pursuant to the provisions of Article 166(1)(a) of the Constitution and Section 8(1)(i) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order No.216(5)(f), this House adopts the Report of the Departmental Committee on Justice and Legal Affairs laid on the Table of the House on Wednesday, 26th October, 2016, and approves the appointment of Hon. Lady Justice Philomena Mbete Mwilu as the Deputy Chief Justice of the Republic of Kenya.

Thank you.

(Applause)

(Hon. Speaker consulted with Hon. (Ms.) Odhiambo-Mabona)

**NOTICE OF MOTION FOR ADJOURNMENT
UNDER STANDING ORDER NO.33**

INSECURITY IN THE COUNTRY

Hon. Speaker: The Member for Elgeyo Marakwet, Dr. Susan Chebet, move to a place with a working microphone. You may not be very regular in the usage of the Chamber.

Hon. (Ms.) Chebet: Hon. Speaker, pursuant to Standing Order No.33(1), I seek leave of the House for the purpose of discussing the increased cases of insecurity across the country occasioned by cattle rustling.

Hon. Speaker, in particular, cases of cattle rustling have been experienced in Kerio Valley between the Pokot and the Marakwet communities leading to loss of several lives, livestock and property. These retaliatory attacks have and continue to impact negatively on the socio-economic activities of the two communities. School-going children have not been spared either since they have been forced to flee to safer areas thereby disrupting learning in schools oblivious of the upcoming national examinations.

Hon. Speaker, the Ministry of Interior and Coordination of National Government is seemingly unable to deal with this menace. I, therefore, seek for the adjournment of the House in order to discuss this matter so as to chart the way forward on possible lasting solutions to this recurring problem.

Thank you.

Hon. Speaker: Do you have the necessary support?

(Several Hon. Members stood up in their places)

Hon. Members: What is happening?

Hon. Speaker: Hon. Members, resume your seats although some of you are on your feet and are asking what this is about. Nevertheless, you are on your feet.

Hon. Members, I had given permission for this particular Motion to be dealt with in the morning but I am told that inadvertently, rather than the House being suspended, you decided to adjourn. Therefore, Hon. Chebet having realised the necessary quorum or support, I order that the House adjourns at exactly 5.30 p.m. this evening in order to allow her move the Motion about the matter she says is of grave and national importance which she says the Ministry of Interior and Coordination of National Government has been unable to resolve, but she believes this House will.

Hon. Members, as you debate, do so with a view of resolving this matter. If you listen to the Motion as couched, you will realise that the other arm of the Government has been unable to resolve it. So, when you debate it, do so with a view to resolving the matter.

In the event the House rises as it happened in the morning for reasons other than lack of business, then Hon. (Dr.) Chebet should be given the opportunity, 15 minutes thereafter, to come back and move the Motion for Adjournment. In the event the House, as it has happened on many occasions, does not realise quorum and one of you decides that you need to take a break, the House will only be suspended and not be adjourned.

Business will be suspended and resumed within 15 minutes in order to allow Hon. (Dr.) Chebet to move that Motion for Adjournment. That is the guidance I would like to give if I am not in the Chair. Even if you rise for whatever reasons other than the ones you normally rise for, it will only be for 15 minutes. Do not walk away completely.

Let us move on to the next Order.

STATEMENTS

BUSINESS PENDING BEFORE THE COMMITTEE ON DELEGATED LEGISLATION

Hon. Speaker: Before Hon. Cheptumo apprises the House on what is happening in his Committee, allow me to recognise students and pupils from the following institutions: In the Speaker's Gallery, we have Gikumene Girls High School from North Imenti Constituency, Meru County and Kahithe Primary School from Kiharu Constituency in Murang'a County. They are both encouraged to observe the proceedings and are welcome in the National Assembly.

Hon. Cheptumo, proceed.

Hon. Cheptumo: Hon. Speaker, I wish to apprise the House on matters pending before my Committee.

The Select Committee on Delegated Legislation is established pursuant to provisions of Standing Order No.210. It is mandated to consider whether - and approve - any statutory instruments are in accordance with the Constitution of the Republic of Kenya, the Statutory Instruments Act, 2013 and all other legal laws, rules and regulations in force in Kenya.

Before I give the status of the matters pending---

Hon. Speaker: Hon. Cheptumo, you only have a maximum of 10 minutes. Be economical in your presentation.

Hon. Cheptumo: Hon. Speaker, Standing Order No.210(4) provides that if the Committee resolves that the instrument be acceded to, the Clerk shall convey that resolution to the relevant State department or the authority that publishes the statutory instrument. If it does not accede to it, the law requires that the Committee also recommends to the House that they have simply resolved that all or part of the instrument be annulled.

So far, since we are updating the House, we have been able to accede to 62 instruments. We have been able to communicate the resolution of the Committee in terms of approving those statutory instruments to the institutions that make those regulations through letters that are conveyed from the Office of the Clerk.

The instruments before the Committee as at today are the Environment Management and Coordination (E-Waste (Management) Regulations, 2015; and, the Environment Management and Coordination (Waste Tyre) Regulations, 2015.

For those two regulations, draft regulations have been forwarded to my Committee. We have gone through the same and have been able to discuss with the National Environment Management Authority (NEMA) and the Ministry concerned. We are awaiting their input for our recommendations. Once they forward the same to the Committee, we will either approve or reject the same depending on their presentation in terms of meeting the requirements as stated under the Standing Orders.

We also have the draft Kenya Defence Forces Regulations, 2016; the draft Kenya National Commission on Human Rights Regulations, 2016; the draft Election Campaign Finance Regulations, 2016; the draft Political Parties Funding Regulations; the draft Political Parties Registration Regulations; the draft Political Parties Liaison Committee Regulations; and, finally, the Parliamentary Service Senate Monitoring and Evaluation Procedures for Management of Funds Regulations, 2016. Those are the regulations that are before my Committee at various levels of discussion and within a short time, we will make decisions as to whether we will approve them or annul either part or whole instruments.

Hon. Speaker: Will the Chairperson of the Committee on Regional Integration apprise the House very quickly?

BUSINESS PENDING BEFORE THE
COMMITTEE ON REGIONAL INTEGRATION

Hon. (Ms.) Kajuju: Hon. Speaker, the Committee on Regional Integration has business pending before it.

First, we have the Bills from the East African Legislative Assembly (EALA) namely, The East African Community (EAC) Counter-trafficking in Persons Bill, 2016; The East African Community Prohibition of Female Genital Mutilation Bill, 2016; and, The East African Community Retirement Benefits for Specified Heads of Organs Bill, 2015. These were committed to the Committee on 5th October, 2016.

The Committee is in the process of considering those Bills. The Committee has a meeting with various stakeholders so that it can finalise with the Bills and table them before the House.

We do not have any petitions pending before the Committee. However, we have several Papers pending before the Committee that were committed to us on 5th October, 2016. We have the Report of the Committee on Agriculture, Tourism and Natural Resources on the oversight activity on poaching. We also have the Report of the Committee on Agriculture, Tourism and Natural Resources on the oversight activity on hotel classification and preparedness for a single tourist visa.

We have the Report of EALA chapters on the sensitisation activities in EAC partner states as from 9th to 28th June, 2015 and the Report of the Committee on Accounts on the audited accounts of the EAC for the year ended 30th June, 2015. These were committed to the Committee on 5th October, 2016 and the Committee had a meeting with the various stakeholders. Once we finalise the report, we will table in the House.

We have several protocols. The first protocol is the memorandum on the ratification of the EAC Protocol on privileges and immunities. We also have memorandum on the ratification of the EAC Protocol to operationalise the extended jurisdiction of the East African Court of Justice.

Lastly, we have the memorandum on the ratification of the Nile Basin Cooperative Framework Agreement and the Agreement on the Nile Basin Cooperative Framework. The Committee has finalised discussions on these protocols and we are awaiting adoption by the Committee and tabling in the House.

Hon. Speaker: Are there any interventions on the two reports? Since there are no interventions, we can move on to the next Order.

BILL

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

(Hon. Chepkong'a on 25.10.2016)

(Resumption of Debate interrupted on 25.10.2016)

Hon. Speaker: Hon. Members, at the conclusion of business yesterday, 20 Members had contributed to this Bill. The 21st Member, Hon. Sunjeev Birdi was on the Floor. She had a balance of nine minutes. The Member being absent and not desiring to be present or having lost

interest in the matter as the case may be, forfeits her opportunity to further contribute. Do I assume that the other Members, looking at the board---

Hon. Members, this machine shows that Hon. Otuoma is also on the list but he is not here. Hon. Cecily Mbarire is there but as far as I am concerned, she is also absent. The Member for Kisumu County, having shown great interest to contribute to the debate gets the first shot. Come to the Dispatch Box.

Hon. (Ms.) Nyamunga: My microphone is working.

Hon. Speaker: Very well. Proceed.

Hon. (Ms.) Nyamunga: Thank you, Hon. Speaker. I want to take this opportunity to oppose the Bill. I do not oppose it for the sake of opposing it. Issues that concern women have been a very big struggle in this country. Every time any issue touching on women is brought to this House or any other place, there is always a general negative attitude towards it. I do not think by now, as women sitting in this House, we should continue--- No! It is about the women. I do not think that we should continue---

Hon. Speaker: Hon. Members, this Bill reads “The Constitution of Kenya (Amendment) Bill (No.3) (National Assembly Bill No18 of 2015)”. I do not think either the title or anything in it---

Hon. (Ms.) Nyamunga: That is my preamble. It has nothing to do with the Bill, but I am building my case which is very serious.

(Laughter)

Hon. Speaker: It is just a preamble.

Proceed.

Hon. (Ms.) Nyamunga: The gender struggle in this nation has been touching on women because it is the female gender that has been marginalised. When we talk about gender generally, it is acceptable that we are talking about the female gender.

Any issue touching on the female gender has always been treated with a lot of impunity. I do not think women should continue taking this type of treatment lying down. I think it is high time we said enough is enough and moved forward. If anything, it is women who vote men into this House. When it comes to anything touching on our issues it has always received a very raw deal. I think time has come, as women, to say enough is enough and move on.

The Bill which is before this House must be rejected in totality no matter the amount of mobilising other people. We have tried our best and even taken these men for dinner. What was the dinner for?

(Laughter)

The idea was to make them understand that we are their sisters, mothers and children. It is high time that we became very serious with our issues. This Bill must---

(Loud consultations)

Hon. Speaker: Order, Members! Order, Members! The County Women Representative for Kisumu should be heard in silence.

Hon. Members: Yes!

Hon. (Ms.) Nyamunga: What I am raising is very serious. The Leader of the Majority Party, please listen in silence. I want to be categorical. What the court came up with was a formula to cure an anomaly which is already in the Constitution. This House can be dissolved anytime. I think women should go to court and be enjoined in the case which is there because enough is enough. We cannot take it anymore. We must be given what is due to us. What we want is a formula. This Bill was meant to have been passed on 27th August, this year. The date came and passed.

We want a Bill. I want the female Members to reject this Bill and come up with another Bill. This is because if we accept this Bill or let it pass, that is the end of our story and it is a very serious thing. The men are just sitting there pretty telling their fellow men that if this Bill is not passed all of you are going home plus you have very many debts and you have not paid your loans. That is your problem, if you have not paid your loans.

So, whether you want to go home or not that is your problem, but the issue is we want a formula put in place that takes care of our case. When we brought ours; the one which would favour us, you rejected it despite the fact that we tried our best and went overboard. This time round there is no more pleading and dinners. There is nothing.

(Laughter)

I oppose this Bill and I want all women to oppose this Bill. Women have fought enough. We went to Beijing, we have done everything that we needed to do but nothing is working. So, this time, it is finished.

Thank you, Hon. Speaker.

Hon. Speaker: Order, Members! The Member for Kipipiri, walk to the Dispatch Box. Hon. Members, let us encourage each other to speak our mind in silence because some of the ideas coming in are extremely interesting. Nobody has been told to take anything lying down nor will anyone be forced to agree with another person's ideas.

Hon. Gichigi.

Hon. Gichigi: Thank you, Hon. Speaker. I rise to support this Bill. The Constitution is very clear under Article 81 that Parliament will come up with the necessary law to deal with this issue.

I have heard very many people talk about threats from the courts. I urge them to have a look at the Constitution and they will understand that the Government has three arms. If someone thinks they can dissolve Parliament, they should know that there will be no Government in this country. Let people look at the Constitution and not be threatened that this and that is going to happen.

Secondly, I want our lady Members and colleagues to listen to this. There was affirmative action that brought 47 Members to this House. Four years down the line with this law, I want to hear about a lady who has brought a Bill proposing a solution to the problem we are in.

(Loud consultations)

Hon. Speaker: Order! Order, Members! The Member for Mbita, you spoke yesterday.

Hon. Gichigi: The greatest friend of ladies in this House is Hon. Duale. He is the one who brought a Bill to deal with this issue. If somebody is a friend of this country, they should be bringing proposals to reduce the number of Members of Parliament so that we can actually

achieve this gender parity without increasing numbers in this House. This is because the people I represent including the more than 50 per cent who are women, do not want more representation. They are looking for better representation, improvement of roads and provision of water. They are saying that they have a President, Deputy President, Governor, Deputy Governor, Senator, Women Representative, Member of Parliament, Members of County Assemblies (MCAs), Ward Administrator and Sub-county Administrator. They are tired of paying salaries. That is what is happening in this country.

I think it is important for us to go back to the drawing board. Instead of saying the route to resolve the gender issue is getting more Members of Parliament in this House or in the other House, I would rather we reduce the numbers so that we raise the number of women. I support this Bill but perhaps to address the ladies' concerns, I would rather we also indicate dates on when this is going to be achieved so that we do not leave this issue hanging. I ask my colleagues of the fair gender to please give us alternatives. Do not just blame this provision without providing an alternative.

I support.

The Speaker: Hon. Members, it is also fair to know that there have been many initiatives including the initiative by Hon. Moses Kuria dubbed, "*Punguza Mzigo, Punda Amechoka*". I hope it is still being pushed. All these are initiatives worth exploring. Maybe, the donkey is saying something different. Maybe Moses Kuria got tired of the donkey. Was he carrying it or it was the donkey carrying him?

Yes, the Member for Ugunja.

Hon. Wandayi: Thank you very much, Hon. Speaker, for according me this very important opportunity to add my voice to this matter.

From the outset, I wish to oppose this Bill. I am very clear in my mind about what I am doing. You will recall that when the other Bill was brought before this House, none other than the leader of my party, the Rt. Hon. Raila Amolo Odinga, came here to rally his Members to vote for that Bill.

(Applause)

Therefore, from the position of my party, I had no other alternative but to support it.

That was very important, but from a personal perspective, I want to remind ourselves of the words of the great President of the United States of America (USA), Barrack Obama, when he visited us here some time back. He addressed us at Kasarani. If I recall clearly, he said that you do not expect to achieve much if half of the members of your team are kept inactive.

The women of this country constitute about 52 per cent of the population. What we are talking about here is not anything about pleading; it is a requirement in our Constitution. The 2010 Constitution that many Kenyans fought for, got maimed and died in the process, eventually ushered in a new dispensation. What this House really needs to do to is to ensure that we enact a legislation that gives effect to that very constitutional requirement.

As proposed by *Mheshimiwa* Chepkong'a---

Hon. Chepkong'a: The Justice and Legal Affairs Committee!

Hon. Wandayi: Yes, the Chepkong'a-led Committee is mischievous, to say the least because when you say "progressive", you have no end to it. It can go on forever until, perhaps, this generation is gone. What shall you have done? You will in effect have circumvented the

requirements of the Constitution that we all swore to defend. Therefore, I want to plead with my colleagues that we have a historic moment or a historic opportunity to stand up and be counted.

As a country, we cannot afford to remain behind. We cannot live as an island. Many progressive countries have taken the direction the Constitution is demanding that we take. Why on earth would we want to remain behind as a country?

With those very many words, I wish to oppose, totally, this Bill. I plead with my colleagues to join me.

Thank you.

Hon. Speaker: Hon. Members, even as you support or oppose, please look at pages 794 and 795 of the Bill. Speak to the intentions. Among them, the objective being the intention to

“strengthen the institutional framework for monitoring the implementation of equality policies not only in representation but also in ensuring increased participation in the political processes; emphasize more on election of women in addition to nominations through building capacities, civic education, facilitation and participation in political party affairs; build on the gains so far realised and incrementally achieve the two-thirds gender principle; provide for sanctions for political parties who fail to meet certain thresholds; and, empower the Independent Electoral and Boundaries Commission and the Registrar of Political Parties to gazette the necessary mechanisms and procedures, from time to time, by way of subsidiary legislation.”

Even as we speak, let us not speak like people who have not read the Bill. You should be addressing this and not the people seated in some other places. I am not too sure whether the names as they appear here are proper. If I do, we will have the Member for Nyeri Town.

Hon. Members: She spoke!

The Speaker: You see that is why I am not able to use this machine. It is still undergoing repairs. Let me get the Member for Cherangany, Hon. Wesley Korir. Since the machine is not working and like I did yesterday, you are encouraged to smile at me, raise your hand or wink at me because you must catch my eye. You must catch my eye.

(Laughter)

Hon. Korir: Thank you, Hon. Speaker, for giving me a chance to support this Bill. I rise here to support this Bill because of one reason. I come from Cherangany and the people of Cherangany have told me to support this Bill. My wife has also told me to support it.

There were many things that needed to be changed when this Constitution came into being, and this is one of them. I support those Members who have stood here today and said we should not be talking about adding more Members in Parliament, but we need to look for a way of achieving this with subtraction of Members of Parliament. Parliament is overloaded. We cannot even find a place for parking our cars. We cannot allow more Members here.

The best thing to do to achieve this because we are in a democratic country is to listen to the people. You cannot force people to vote for any gender in a democratic country. If we have achieved something in the nomination--- The Government is supposed to follow the two-thirds gender rule in its appointments. That is where we need to go first, but we cannot force people to vote for any gender.

Empower women by educating them and giving them the tools to be able to compete with anybody else. If somebody comes to my constituency and competes with me as a woman and wins, that is the best option for this country.

(Applause)

An hon. Member: Like Hillary Clinton!

Hon. Korir: Like Hillary Clinton, Hon. Speaker. The United States of America (USA), a country that has had independence for very many years - 96 to 100 years - has never had a Bill to force people to vote for a woman. However, they are, for the first time, going to vote for a woman as the President. That is real democracy. It is a democracy that gives people the power to select people who are competitive and people who will represent them well. That is what I support.

So, what we should be doing is going to the Constitution and deleting the part that says "elective positions". We should say it is only those who are nominated on any appointed positions. Elective positions should not be forced because those are the choices of the people of Kenya.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. Let everybody be heard. I can see the Member for Makueni is smiling at me. It is good to do that. Let us also address the issue on Chapter 7 of the Constitution on representation of people. That serious Article 81 starts by saying: "The electoral system shall comply with these principles." Even as we discuss what we are discussing, it is fair for us to remember what our electoral system is. The electoral system we have is one of first-past-the-post. We should be going further to address this because it may well be that the electoral system we have is the one that disenfranchises women.

Hon. Maanzo, proceed.

Hon. Maanzo: Thank you, Hon. Speaker. I rise to contribute to this very important constitutional amendment Bill. Even under Article 27(8), appointive positions have to progressively be compliant with the two-thirds gender rule. It is not possible to achieve that even with some of the appointments that we were involved in during vetting here. It is important that we progressively build consensus within this House because we are representatives of the people of this country. It is also good to move together with the whole country. If we move faster than the country, it may appear that we are failing to represent the people.

One important area the law has to look at is political parties. Unless nominations through political parties are favourable to the two-thirds gender rule, we risk engaging in an exercise in futility for a long time. If you look at other jurisdictions in the world, you will find that the two-thirds gender rule was achieved over many years. This is the case even in very mature democracies.

We are a nation of different cultural backgrounds and so, certain aspects of culture have to be considered. Therefore, we would definitely, as a nation, need sufficient time to grow in the system. We will need time to build it and educate people to lobby, especially through the political parties. This is because political parties control political processes. It is also good to empower women in the country through education. This is a process that can also take a long time.

As much as I support the two-thirds gender rule and as much as there has been guidance by the courts, it is only fair that we move together as a nation. I urge Members to consider their

positions so that we move together as a nation. Eventually, I believe every Member seated in this House would like to have the two-thirds gender rule achieved. I believe it is better if we also empower the electoral commission so that it ensures that nominations and other electoral processes in the country favour the two-thirds gender rule. I believe the whole nation, the current Government, the current Opposition and the House is for the two-thirds gender rule. However, for purposes of amending the Constitution, I want to support this amendment. After that, we must move, as a nation, and progressively achieve the two-thirds gender rule.

Thank you. I support.

Hon. Speaker: The Member for Magarini is smiling very broadly. That is the only way he has got my eye.

Hon. Kombe: Thank you, Hon. Speaker. I beg to oppose the Bill. With all due respect, I am of the opinion that we would rather reduce the number of constituencies to the original 210. If we decide to go that way we will have 210 constituencies plus 47 county Members of Parliament. That will give us 257 Members. One-third of that comes to around 85.667, which is approximately 86. Out of 86 women we need to have in this House, we already have 47 of them. That brings the number down to 39. Assuming that the ladies have gone for it and they manage to beat, at least, 16 men like they did previously, we shall have a deficit of 23 female Members of Parliament and the 23 ladies can be nominated on party strength. There we are. We meet the two-thirds gender rule.

If we decide to go the other way round and maintain the 12 nominations then we will have a House of 269 Members. One-third of that gives us approximately 90. From 90, we subtract 47 and we are left with 43. Out of 43, assuming again the ladies have gone for it, and they beat this time 20 men, we shall have a deficit of 23 to add to that. I know my friend, Hon. Duale who is here does not understand what I am saying because of his selfishness. Let us not be selfish. The ladies are also people ---

Hon. A.B. Duale: On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Kombe, take your seat. Hon. Duale is on a point of order. The rules are that when another Member is on a point of order, you resume your seat.

Hon. A.B. Duale: Hon. Speaker, one, I do not know whether the Member for Magarini is a gynaecologist or if he has clients in this House. Can he substantiate his remarks that I am selfish? More so, the House wants to understand the Bill he is discussing. That was my problem. He is talking about figures. He is talking about his own Bill.

The Bill before us is not about 90 seats or reducing the number of seats in the Constitution to 210. That is not the Bill of Hon. Chepkong'a. More so, let him say whether I am selfish. The only woman who can complain that I am selfish is my wife. In as far as this Bill is concerned, I do not care whether I am selfish to others or not. I can be selfish to the other women who are either in or out of this House. There are only two women I cannot be selfish to and they are my own mother and my wife because I do not have daughters. Can he explain where the word "selfish" comes from? How am I selfish?

Hon. Kombe: Thank you, Hon. Speaker. It is unfortunate that Hon. Duale was out to take part of my time. This Bill has nothing to do with being a gynaecologist and all that; this is something to do with numbers. How are we going to realise the one-third gender rule? That is all we are talking about. How are we going to achieve that? My piece of advice to Hon. Chepkong'a is to get back this Bill, find out how to reduce the number of constituencies and do the calculations right. This question of being self-conceited will never help this country. We do not want to add the numbers and we do not want to reduce them. How are we going to achieve the

one-third gender rule? We must understand that ladies also have a share. If one day they say no more men in this House, it will be us struggling for the one-third gender rule. This is because they will be the majority. Some of us in this House have more than four wives. If they say this time round we are going to say no to the men and that they are not going to vote them in, what will happen? This House will be like Rwandan Parliament, where the majority are ladies.

Thank you, Hon. Speaker.

Hon. Speaker: Of course, under our current electoral system, that is also possible. Therefore, Hon. Kombe is right to encourage the other gender to do as he has said; to say no and bring 95 per cent one gender to the House.

The County Women Representative for Taita Taveta, Hon. Joyce Lay, you have the Floor.

Hon. (Ms.) Lay: Thank you, Hon. Speaker, for this opportunity. I rise to oppose this Bill. The reason why we are talking about women being marginalised is because this Bill affects us at this particular time. This is because we have fewer women in this House. The Supreme Court Advisory asked Parliament to come up with a formula on how we are going to achieve the two-third gender rule. Talking about progressive does not give us a formula. If this is about shielding Parliament from dissolution, even with this Bill, it will be dissolved. We will go home because we have not come up with a formula.

I want to support the Member for Magarini. He has made a very good point. He said that at this time, we are the ones who are affected. I believe that the women of Kenya and the women of Africa are rising up. They are going to stand and win most of the seats in future. Our male Members should realise that time will come – and it will come very soon – when they will need this formula.

One day, you will sit down and regret not passing a Bill that was brought here previously. This is because we are empowering our women. The male members of the society have taken a back seat. They are not even empowering the boy child. They are absent in their families.

Even when it comes to school meetings, the majority of those who attend are women. If you go to churches, you will also find that the majority are women. We are doing their jobs. We are empowering the girl-child and the boy child at the same time. The men are missing in action. They are not there to mentor the boys. This shows that there is danger ahead. The danger is that women will be empowered. Women in future will take up these positions.

The male Members of Parliament should come out clearly and tell us why they not are supporting the one-third gender principle. Is it because it is women who are going to be added to the membership of Parliament or is it because they want to cut down the number of constituencies? If that is the case, we have not seen anybody bringing that Bill to Parliament. They are only saying it but they are not acting. Let the truth be told. That is another way of reducing the number of constituencies. We have the current number of elected Members because everything was centralised then. People wanted representation. That is why they kept on calling for more constituencies to be created.

After the new Constitution, we got devolved. We have the ward as the smallest unit or representation. We have the ward representative, who is the leader closest to the people. That tells us that we do not need to burden the taxpayer. If that is the formula we need, somebody should bring it to the House so that we do not have shallow talks without anybody taking action. It is time we bit the bullet and said; “yes, we need to reduce the number of constituencies and retain the 47 County Women Representatives.” If we retain the 47 County Women Representatives, we will not talk about gender balance again.

With those remarks, I oppose and oppose.

(Applause)

An hon. Member: Yes!

Hon. Speaker: The respected Member over there, when you want to cheer in the House, it is not done as if you are in a public rally. Hon. Members, let us also appreciate the fact that each one of us has a right to propose any form of legislation. When we contribute and say we have not seen any Member proposing this or that, we are failing in our duty. We are also Members. We are actually pointing accusing fingers at ourselves because other than me, all of you have a right to bring legislative proposals to implement this principle. Each one of the 349 Members has a right to do so.

I am the only lucky one to escape the burden of proposing legislation. However, the 349 of you have equal rights to bring legislative proposals to implement this principle. This is because there is a principle in the Bill of rights. When we lament, we are actually lamenting about our inabilities. I am using that word in plural not so much to include myself because it is meant for you, as Members of this Assembly.

Let us now hear the Member for Sakwa, Hon. Rasso.

Hon. Dido: Thank you, Hon. Speaker. I rise to support this Bill.

We, in this House, must pass laws that will stand the test of time. We must reason using our heads, and not our hearts. It is important for us to realise that women are a major constituency of this Republic. Women are our daughters, mothers, sisters and wives. We salute women such as the late Wangari Mathai as well as Charity Ngilu and Martha Karua who ran for the presidency not because they were women but because they realised that they were intellectually endowed to stand before crowds of Kenyans and say that they were ready to lead this nation.

The Constitution is very clear but we must also appreciate the fact that it is not cast in stone. It is a progressive Constitution. That is why we must amend it from time to time to ensure that it serves Kenya best within space and time, especially when we realise that certain issues are important or have been overtaken by time.

As Members of the Departmental Committee on Defence and Foreign Relations, we recently visited Rwanda and Burundi. Those two countries have addressed the issue of women representation through parties. This is where they provide party list. However, women also compete for election through the constituencies, just as the men do. They do not have any nomination to the national assemblies.

In our case, we are saying that we should legislate through a Bill for women to represent us in Parliament. We are not objecting to the 47 County Women Representatives who are already representing the counties. We are saying that there are no freebies just because we need more women in the National Assembly.

Hon. Speaker, with those remarks, I beg to support.

Hon. Speaker: Hon. Members, I told you that Members who are smiling at me like the Member for Kathiani will get a chance to speak.

Yes, the Member for Kathiani.

Hon. Mbui: Thank you, Hon. Speaker for giving me this opportunity. My observation on this discussion is that it seems to be based on competition between male Members and female Members. That is not the intention of the Bill.

Ideally, we are trying to come up with a solution to an anomaly that is in the Constitution. In my opinion, when the Constitution insisted that we are not going to have not more than two-thirds of members of elective public bodies coming from the same gender, it was a tall order. It is important to note that with issues to do with elections, it is almost impossible to determine who gets elected.

The austerity measures this country has come up with are such that we are trying to ensure that as we go into the future, we save as much as possible on the public budget. If we go the way many Members are proposing here, we are going to increase the wage bill. Apparently, as it is right now, Kenyans are complaining about how much money is being paid to Members of Parliament and the number of Members this House has. As we move forward, we need to look for ways through which we shall reduce these numbers and not increase them.

I support this Bill fully. I support it because the Mover intends to create a progression within which we can solve this problem. Many Members are complaining and saying no to this, but what solution do we have? What is the option against this? This gives us time to think or reason out and come up with solutions that can drive us to the next level.

Kenyan women have always fought for affirmative action. I have noted that there are times when affirmative action works against them. In the last elections, I know women who attempted to vie for the 290 constituency seats and were told by the constituents that there are special seats for women.

Apparently, because there were 47 women seats, they were told when they vied for the constituency seats that they were not for them. They were told to vie for seats for women. It is important to know that the more we fight to have affirmative action, the more we seem to be weak, and the more the gains we are making as a gender get eroded. I want us to be careful that we do not support things that are going to get us out of way.

There is the issue of how the Supreme Court may make decisions. It may possibly decide that this House be dissolved because we have not achieved the two-thirds gender rule. The courts of Kenya have to understand that even as we passed this Constitution, it was clear that it was not 100 per cent perfect. There has to be time for the country to go through it, find out what we can amend and how we can amend it so that as we move into the future we have a solution to these things. I have seen courts being misused.

Recently, we saw one of our governors going to court to say that the Ethics and Anti-Corruption Commission (EACC) should not investigate him and the Director of Public Prosecutions (DPP) should not prosecute him and that he should not be taken to court. You know what? That has been issued four times. The courts of Kenya have to also rise to the occasion and ensure that the laws being created in this country are progressive and are going to help us.

With those remarks, I accept that we progressively implement the legislation that is going to help us achieve the two-thirds gender rule for this country.

Thank you, Hon. Speaker for giving me the opportunity.

Hon. Speaker: Yes, the Member for Kajiado East. Hon. Members, there are many of that gender who spoke yesterday. When I look at the list, it appears to me that everyone spoke. Nevertheless, some of you are not doing what I said you do to catch my eye. You must catch my eye.

(Laughter)

Hon. (Ms.) Tobiko: Thank you, Hon. Speaker. I rise to oppose this Bill. It surprises me that every day when we transact business in this House and are legislating, people forget that we are doing so for posterity. We are not doing it for now, or for the female Members of Parliament who are here today. If that was the case, I would not oppose this Bill because I came from a single constituency. I floored men to come to this House. So, I am looking at the future, the way socialisation is happening in our communities today, the way the economy of this country is going and the challenges the boy-child faces as he grows.

In future, history will judge this House harshly that the 11th Parliament passed laws that did not stand the test of time. In future, I believe the female gender will continue growing in representation and we will be talking about the boy-child who will be marginalised by then. Both girls and boys are our children and we want them to finally be included. So, we are talking about inclusivity and laws that will stand the test of time.

Kenyans spent a lot of resources and time to come up with the 2010 Constitution which entrenched the two-thirds gender rule. We will be circumventing the same Constitution if we amend Article 81 and leave out Article 97. Some of these laws are entrenched in the Bill of Rights and you cannot amend them without a referendum.

I rise to oppose this Bill and feel that Hon. Chepkong'a was speaking for himself and not for the Committee that he chairs. Members of that Committee, including the Vice Chair have opposed this Bill. It means that Hon. Chepkong'a did not even seek consensus in his Committee before he brought this Bill to the House.

Kenyan women are watching and looking upon the honourable men of this House to represent and give them a fair chance for their voices to be heard and for them to be included in every aspect of life. We can no longer continue to have a country where only one gender is represented and only a section of the society feels enabled.

It has taken a lot of struggle for some of us to make it to this House. We cannot use the cultures of our communities today to oppress a section of society. I come from a conservative society, they elected me and I know they are going to elect other women. The Constitution has given us a fair chance by enabling us and protecting our right by giving the two-thirds gender rule. So, what this House should do is to get a formula. We must burn the midnight oil. We have tried it and must continue trying but if the worst was to happen that this House goes home, let it happen. Let us all go home. Let Kenyans elect women back into this House if the gentlemen in this House cannot support women.

I oppose the Bill.

Hon. Speaker: Fortunately, as I keep reminding you, the same Constitution says that it is only you people who have the vote. I cannot tell who the Member raising his arm is. Hon. Mishi Mboko, Member for Mombasa, approach the Dispatch Box. You looked a bit tiny from there.

Hon. (Ms.) Khamisi: Asante sana, Mhe. Spika. Nami pia ningependa kuunga mkono wenzangu wengi ambao wameongea kuhusu Mswada huu.

Kutoka mwanzo, mimi niko hapa kupinga vikali sana Mswada huu ambao umeletwa na Mhe. Chepkong'a. Napinga Mswada huu kwa sababu umeletwa eti utekeleze matakwa ya Katiba. Wakati Katiba ilikuwa ikitengezwa, maoni yalitolewa na Wakenya wengi. Kwa wakati huo, tulisema kuwa "Wanjiku, Kadzo, Anyango, Chebet, Kibet na Onyango wameongea. Haikuwa ni maneno ya Wabunge zaidi ya 300 ambao tuko katika Bunge hili la taifa.

Wakenya walifikiria kuwa hapo awali kulikuwa na dhuluma za kihistoria katika mambo ya uongozi. Tunajua akina mama wamenyanyaswa kwa misingi ya desturi zetu, tamaduni zetu na hata dini zingine ambazo zinasema kuwa kazi ya mama ni ya nyumbani kama vile kupika, kufua

na pengine kumstarehesha mzee. Kweli, tunakubali kwamba kuna zile kazi ambazo ni mwafaka kwa kina mama kuzifanya. Lakini wakati huu, nchi yetu, katika Riwaza 2030, ilizungumzia kuwa akina mama ni lazima wajenge uwezo kisiasa, kijamii na pia kiuchumi. Iwapo tutapitisha Mswada ambao unasema eti tutatekeleza sheria hii ya Katiba pole pole, pasina kutueleza kinaga ubaga njia mwafaka itakayotumika, watueleze ni kwa muda gani tutatekeleza na ni idadi ya asimilia ngapi ambayo itaweza kuwekwa kuhakikisha kwamba zaidi ya thuluthi mbili haitakuwa ya jinsia moja.

Tunawapenda sana ndugu zangu Wabunge wanaume. Nataka niwaambie kwamba Mswada huu ni wa akina mama. Ni Mswada wa jinsia kumaanisha kwamba itafika wakati ambapo nyinyi pia mtahitaji kusaidika na Mswada huu. Kwa hivyo, unapochimba kisima, usije ukaingia wewe mwenyewe.

Sura ya 27(8) inazungumzia kuwa Serikali iweke mikakati na sera zitakazohakikisha kwamba makundi ambayo yalikuwa yametengwa katika jamii, ambayo tunaita kwa Kiingereza, *affirmative groups*, yatafikia uongozi na kuwa sawa na zile jinsia zote. Iwapo sisi ni wakweli kama watunzi wa sheria katika Jamhuri yetu ya Kenya, lazima tuweke sheria za ukweli. Tusiweke sheria tu ati kwa sababu tumesikia Bunge litavunjwa iwapo hatutaweka sheria hii.

Mahakama Kuu, tunayoiita kwa Kiingereza *Supreme Court*, ilitupatia mawaidha na kusema tutengeneze sheria mwafaka itakayotupatia njia sahihi ya kueleweka na kuhakikisha kwamba sheria ambayo iko katika Sura 81 imetekelezwa.

Kwa hivyo, tukisema tunapitisha Mswada huu, bado hatujafanya jambo lolote. Bado tutarudi nyumbani hivyo hivyo. Sasa tunasikia kuwa kuna kesi. Kama tutaendelea kwenda hivi, basi sisi tutakuwa mashakani sana kuweza kuhakikisha kuwa ukweli umepatikana.

Tuna mifano mingi. Mhe. Rais alimteua Mama Amina Mohamed katika Wizara ya Mashauri ya Nchi za Nje. Leo hii, alijengeka uwezo mpaka sasa anataka kupigania kiti kikubwa katika Umoja wa Mataifa ya Africa nzima. Kama hangeteuliwa na kupewa kiti kama kile, angepata nguvu gani za kumwezesha kusimama? Mifano tunayo.

Mhe. Cecily Mbarire kwanza aliteuliwa kisha akaweza kusimama na sasa atakwenda kupigania kiti cha ugavana. Hiyo ndio njia. Mimi mwenyewe nimechaguliwa kama mwakilishi wa akina mama. Nimepata nguvu, nimejenga uwezo na sasa nitapambana na yule Mbunge wa Eneo Bunge la Likoni. Najua nitaweza na nitakuja katika Bunge hili kama Mbunge wa Likoni.

Kwa hivyo, ndugu zangu akina baba, hamuoni raha nyinyi tukiwa hapa Bunge tumekaa sako kwa bako, mama hapa na baba pale? Sasa hivi, mumeniona nimekaa hapa na Mhe. Bedzimba yupo karibu na mimi. Hata wakati anachangia, ana raha kwa sababu Waingereza walisema, *“unlike poles attract, like poles repel”*. Haya si maneno ya kuzungumza tu ya sayansi. Ni lazima jinsia zikiwa pamoja, mambo huenda sambamba na tukaweza kujenga nchi yetu.

An hon. Member: Nyege ni kunyegezana.

Hon. (Ms.) Khamisi: Ndugu yangu Mheshimwa ananikumbusha kuwa nyege ni kunyegezana. Kunyegezana lazima kuwe na mume na mke. Hakuwezi kuwa na jinsia moja. Kwa hivyo, lazima tujue ya kwamba hizi sheria tunazileta kwa sababu tunataka kesho wale akina mama ambao watakuwa wamejengwa uwezo kwa kupitia sheria hii wawe na nguvu na tajiriba ili waweze kushindana na akina baba, tuwe tuko sawasawa.

Ni aibu sana tukiangalia nchi jirani kama Rwanda, Uganda na Tanzania. Akina mama wamejengwa uwezo na wameingia katika viti vile vya kuweka maamuzi katika taasisi za umma katika nchi zao. Sisi Wakenya ambao tumebobea, tukienda Tanzania tunaambiwa kuwa tuko juu lakini, tunataka kujibwaga kwa sababu ya kuleta sheria ambazo hazieleweki. Sheria ambazo

hatuelewi zitatekeleza vipi sheria ambazo zimezungumziwa katika sheria mama inayoitwa Katiba?

Lazima tuangalie kule tunakotoka na kule tunakoenda. Leo hii tukisema hatutaweza kutekeleza sheria hii, kesho kutwa tutakuwa na Bunge ambalo lina akina mama kumi. Itakuwa ni aibu na fedheha. Lazima pia tuwe tunazingatia nyanja hizo. Leo wewe kama Mbunge mwanaume pengine umejaaliwa watoto wa kike pekee, lazima upitishie sheria ambazo haswa zinamlenga mtoto wa kike.

Ijapokuwa ni jinsia, ukweli ni kwamba mama alikuwa amegandamizwa kihistoria, kidesturi, kimila na pia katika mambo ya kupigwa na mambo ya kiuchumi. Tulikuwa tumegandamizwa sana. Hatusemi kuwa sisi tunaomba lakini tunataka tuiweke Kenya yetu iwe inapendeza hata miongoni mwa yale mataifa mengine. Pia sisi kama Wakenya, tuna sheria kama ile mikataba ya kiulimwengu ambayo tumetia sahihi ya kwamba tutahakikisha haki za akina mama katika kisiasa, uchumi na jamii. Leo hii mambo haya yote tunayafahamu lakini tukirudi nyuma, tunamwalia mwanamke kana kwamba ni chombo tu.

Mjue akina mama kura tunazo na kura zetu ni nyingi. Tukiamua wakati huu kuwa dawa ya moto ni moto, naona wengine watapata shida hapa Bungeni. Maanake tutaongea na hatutanyamaza. Tutaongea kinaga ubaga kwa sababu nipe nikupe ndio biashara iliyoko sasa. Hakuna biashara nyingine. Biashara ni nipe nikupe. Hatutakuwa tunawasaidia. Hapa kulikuwa na Mswada wa mambo ya Hazina ya Kitaifa ya Maeneo Bunge na sisi kama Wawakilishi wa Akina Mama ambao hatuna hiyo Hazina tulisimama kidete tukaunga mkono kwa sababu sisi tuko pamoja na ni wapenzi, sako kwa bako, tusonge mbele kama Wakenya. Leo hii mbona nyinyi mwatubwaga? Itakuwa si sawa jamani. Palipo na wema lazima kurudi wema. Sisi tunapowafanyia wema lazima nanyi mregeshe wema.

Kwa hivyo, mimi najua hatujachoka. Najua ndugu zangu viongozi wa kiume mnatupenda. Najua hata leo ukipinga Mswada huu na useme tutengeze Mswada mwafaka, hata ukifika nyumbani makaribisho yako yatakuwa tofauti.

(Laughter)

Maanake akina mama watajua kwamba unasimama kidete kuangalia haki zao. Na hata sisi manyumbani tutajua lazima ile haki nyingine tuifanye kwa njia sambamba kwa sababu wametupatia nguvu sana.

Akina mama tumejaribu sana. Dada yangu Rose Nyamunga amesema kuwa tuliwanunulia *dinner*. Lakini sisi hatutaki kuwadai. Ile ilikuwa ni mapenzi yetu. Natutaendelea kufanya mengi mazuri ili sisi tuwe kitu kimoja, tuwe na upendo na mapenzi jamani. Wenzetu hapa Tanzania, Makamu wa Rais wao ni mama. Hiyo ndiyo njia ambayo sisi tunastahili kuendelea nayo. Lakini hivi hivi bila kuwajenga kiuwezo akina mama, hatutafikia pale. Na kama tunataka kutajika katika ulimwengu kwa mambo ya uongozi, lazima tuhakikishe akina mama wako mbele, tumewasaidia na wamepata haki yao. Natukifanya hivyo, basi Kenya itakuwa miongoni mwa inchi ambazo zimestawi na kuboea kiuchumi, mambo ya kijamii na siasa.

Kwa hayo mengi ama machache, naomba jamani mtuunge mkono hata mkibadilisha na kuweka hicho kilma '*progressive*'. Lakini kama hamutaweza kugeuza kile Kipengele cha 97 ambacho kinazungumzia muundo wa Bunge utakuwa na akina nani, ikiwa hamutakuwa mumezungumza na kutupatia njia mwafaka, tutakuwa tumefanya kazi ambayo haitakuwa na mshahara. Kwa hayo mengi ama machache, mwendo utakuwa ni ule wa aste aste ama kama ni wa kobe, tuungane mikono pamoja Kenya isonge mbele. Asanteni.

(Applause)

Hon. Speaker: Well spoken, Hon. Mishi notwithstanding the phrase *akina mama kufurahisha wazee*, but nevertheless, well spoken. The Member for Meru County, have you contributed? Is that why you are smiling? Take the microphone.

Hon. (Ms.) Kajuju: Thank you, Hon. Speaker for this opportunity to contribute to this debate and to strongly oppose the amendment as presented by my Chairman. There is a reason why Kenyans voted for the Constitution in 2010. The intention and spirit of the Constitution still stands.

I would not want the 11th Parliament to become the one that killed the spirit of the Constitution that was passed by over 65 per cent of Kenyans in 2010. If we were to accept this amendment and include the word ‘progressive’, then, we, as legislators, are accepting that we have failed in our initiative to ensure that we comply with what is in the Constitution. I just want to correct Hon. Gichigi, my good classmate, because he said that women legislators in this House have not come up with any initiative. I just want to remind him that Hon. Cecily Mbarire brought a Bill which we sat together as a caucus and agreed that it be presented through the office of the Leader of the Majority Party, Hon. Duale. We also remember that Senator Judith Sijeny brought such an initiative that was not passed in the Senate.

Therefore, it is wrong to condemn female legislators in Parliament and allege that they have not made any initiative to ensure that this legislation and amendments are effected. When I look at the objectives of this amendment, they are self defeatist, not workable and are made in bad faith. The first objective says that the purpose of this amendment is to strengthen the institutional framework for monitoring the implementation and equality policies not only in representation, but also in ensuring increased participation in the political process.

The Constitution’s intention was to have a law that is going to ensure that no more than two-thirds of any gender is in Parliament. By passing this amendment, we are reducing the spirit of the law to a policy. We know how policies are taken in this country and we are not ready or willing to have the female gender reduced to a policy. The second objective talks about emphasising more on the election of women, so that, they can be nominated by way of capacity building, civic education, facilitation and participation in political party affairs. That objective is totally misleading because there is no way you can tell the women of Kenya to go to boardrooms to have capacity building so that they can come back and fight for seats.

I remember one of the things we did in the Departmental Committee on Justice and Legal Affairs was to ensure or propose that women are granted some funding, so that they can have a base from which they can seek political seats. That request, amendment or proposal by the Departmental Committee on Justice and Legal Affairs was rejected by the same House we are seated in today. Therefore, we cannot come back with this amendment and say that one of the objectives is capacity building for the women, giving them civic education and facilitating them. Why would you talk about facilitating women today yet when we were trying to put a law in place to ensure women are given some funding this House brought it down?

We cannot talk about incremental achievement of the two-thirds gender rule as contained in objective (c), neither can we leave this issue to political parties. We have seen political parties have not acted in good faith. Most of the people who have been nominated have never participated in political affairs. Therefore, it is not an issue of political parties neither can we talk about the Independent Electoral and Boundaries Commission (IEBC) or the Registrar of Political

Parties. The mechanisms which are being sought by Part (e) of the objectives cannot be implemented. How will sanctions be brought and who is going to ensure that what we say today is going to be implemented in an electoral situation?

There is no point of massaging the female gender at this point. We have tried in this House and I remember we requested our male Members to have dinner with us. We were ready to go out and dance, but they refused. So, we are now pleading with them and telling them that they are not doing this for the women who are seated in this House today. They are doing it for their daughters, sisters and the next generation. When we talk about Article 100 of the Constitution, we have the youth and persons with disabilities. We are talking about a whole new constituency that needs to be taken care of. Therefore, by talking about the progressive requirement, it is not the right thing to do and we cannot pass this law to ensure that we strike any balance.

In my view, we are not striking any balance. As Hon. Mishi has said, there are lady legislators who are nominated, empowered and are going out there to seek for gubernatorial positions. The presidential candidate in the United States of America (USA), Hillary Clinton, was given many opportunities and was the Secretary of State among other things. Now, she is going for the seat of the superpower in this world. This is because she was empowered. Why are we being so mean when the Constitution just asked for very little from the other sex? It requires that we ensure there is some balance of equality in the political process. This amendment is not being made in good faith. It raises a lot of red flags that at the end of the day, there no one is willing to ensure that there is some balance in this House.

Our neighbours in the East African Community (EAC) have tried. Tanzania has fulfilled this two-thirds gender rule. Uganda has done a good job. Rwanda has done the best. What is so strange with Kenya that we cannot give our women the little they are asking for?

What is being said here is not about the issue of wage bill. We sat with the Economic Forum and they told us that fulfilling the two-thirds gender rule will not impact negatively on the economy of this country. I, therefore, very strongly oppose this amendment to the Constitution and also say that these objectives are not right. It says that this Bill has no provision seeking to limit the rights and fundamental freedoms. That is not right. In fact, it is wrong because the passage of this Bill is going to interfere with the rights and freedoms of the other gender.

I, therefore, request my fellow Members that we stand strongly for the woman of this country and oppose this Bill.

Hon. Midiwo: This Bill is not about women. It is about gender.

The Speaker: The Member for Machakos County, Dr. Susan Musyoka? The failure by the equipment is testing our ability to show whether we recognise everyone who is in the Chamber by their names.

Hon. (Ms.) Musyoka: Thank you, Hon. Speaker. I stand to oppose this amendment.

(Applause)

I would like to state right from the start that what is trending in the world today are words like “inclusivity”. In the United Nations (UN), it is issues like “No One Left Behind”. When we, as Kenyans, are trying not to have more women included in our decision making processes, we are not doing what the world wants to do.

As women, we all know that we should be striving for greatness. We should empower ourselves. We should become relevant, not just in the kitchen, the sitting room, not just in that other room, but in the House of Representatives.

(Laughter)

We need to be here and we need to make decisions for this country and any other country as women.

As a Christian, I know that Jesus said he was coming soon when he left this world. That word “soon” is just like the word “progressive”. It has taken centuries and he is yet to come. Now we do not want “progressive” to be used in this House to delay women forever. Jesus Christ might come even before we have this House represented by more women.

So, I would like to oppose this simply because of that word “progressive”. We should instead be more scientific and have the numbers included in the Bill. We want numbers and deadlines to know exactly where we are going so that we are well focused as women. I urge our male counterparts, please, do not support this Bill. Let us bring in the compromise Bill which is still pending, so that we can debate it, implement it and use it. So far, as women, we have had so many gains.

The Speaker: Hon. Musyoka, which is that compromise Bill? I have not seen one so that I can fast-track it.

Hon. (Ms.) Musyoka: It is the Duale 1 Bill.

The Speaker: Duale 1?

Hon. (Ms.) Musyoka: Yes, Duale Bill. The one we debated. We should have it.

The Speaker: The one that was rejected or failed here?

Hon. (Ms.) Musyoka: Yes, Hon. Speaker.

The Speaker: I see.

Hon. (Ms.) Musyoka: So that we can have alternatives instead of this progressive Bill. I know that as a House, we can bring in a workable Bill that can make us achieve what we want to achieve and get the two-thirds gender rule implemented.

The Speaker: Please, I want to appeal to all of us who have seen those compromise Bills to go and sift through the various places to bring them, so that we can fast-track and the House can pass that which is agreeable to all of you. If you know there is one, it is only fair that you bring it up just like the Departmental Committee on Justice and Legal Affairs has done.

Hon. (Ms.) Musyoka: That is what we are driving at instead of that which is being pushed down our throats yet it is not palatable.

The Speaker: But there is no such Bill.

Hon. (Ms.) Musyoka: Duale 2.

Hon. Speaker: Hon. Members, there is no other Bill to amend the Constitution with regard to this principle other than the one that failed in April, but you all know that it is well after six months since April. You could have attempted again. If you are working or may be working - you never know with caucuses - on some Bill, it may be active in your mind and then assume it is a Bill. It is not. It is only in your heads. It is not before me. Nevertheless, bring it if you know there is one.

Hon. (Ms.) Musyoka: It is in our heads?

Hon. Speaker: Yes, because you are referring to a compromise Bill, Duale 1 and Duale 2. There are no such Bills. It must be existing somewhere in your minds, but, please, remove it from your minds now and bring it to the Floor of the House.

Hon. (Ms.) Odhiambo-Mabona: On a point of information.

The Speaker: You cannot inform me. Where did you learn?

Hon. (Ms.) Odhiambo-Mabona: I want to inform her.

The Speaker: No. Proceed. I have not given you permission. I have noticed that many of you take advantage of my absence from the Chair to merely stand and say “I want to inform that one and that one”. You still must get the permission of the Speaker to inform. The Speaker has not given you permission to inform or misinform. So, stay with your information.

Hon. Susan Musyoka, proceed.

Hon. (Ms.) Musyoka: Thank you, Hon. Speaker. Over the years, women have had several gains which we should not withdraw by bringing this “progressive” Bill. The rights guaranteed in Article 27 could be taken away by amending Article 81 and this may not be constitutional.

So, I again oppose the Bill. I hope everybody is going to support us and we do what is right.

The Speaker: Please, do what is right. Let us have the Member from Taita Taveta, the Deputy Leader of the Majority Party.

An hon. Member: Why?

Hon. Speaker: She smiled.

Hon. (Dr.) Shaban: Asante sana Mhe. Spika. Nami pia najiunga na wenzangu kupinga Mswada huu ambao unarekebisha Kipengele cha 81 cha Katiba. Si utani kuwa Kipengele cha 81 kiko pale, si utani kuwa Kipengele cha 27 kiko ndani ya Katiba haswa kwenye ukurasa wa masuala ya haki za kibinadamu.

Hakuna uwezekano kuwa Wakenya wataweza kufanya shughuli za kimaendeleo na uongozi bila kuhusisha akina mama, walemavu ama wale ambao ni wanyonge katika jamii na ulimwenguni ili kupata suluhu kwa masuala mengi yanayowakabili Wakenya.

La kusikitisha ni kwamba wengi wetu tumeongea mara kwa mara kuhusu jambo hili ambalo linahusu Wakenya wote na hata ulimwengu mzima. Ni suala ambao limeleta kero kwa wale wengi ambao wameachwa nje bila kuhusika kwenye masuala ya uongozi nchini.

Mhe. Spika, ni wazi kwamba Katiba hii ambayo tulipata mwaka wa 2010 iliongeza idadi ya akina mama Bungeni. Haikuongeza idadi inavyotakikana lakini mabunge ya magatuzi yameweza kupata idadi ya akina mama inavyostahili. Katika Bunge la taifa na Bunge la Seneti, tunasikitika kuwa idadi ya jinsia moja haikufika theluthi moja ambayo imetajwa katika Katiba. Ninayosema si utani. Wakenya walifanya uamuzi. Wakati huo nilikuwa na wasiwasi sana kuwa hatukuweka kipengele cha kutuonyesha jinsi idadi hii itafikiwa. Niliona kama kungekuwa na tatizo. Ukweli ni kwamba tatizo hilo tunalo sasa. Tuna wasiwasi kuwa mahakama yetu huenda yakaamua kwamba Bunge hili halijaridhia haja za Katiba yetu. Wakati ule nilikataa kuafikiana na kielelezo cha Katiba kwa sababu nilifikiri tutapata matatizo makubwa kupata suluhu. Niliona ingekuwa vigumu kupata nafasi zaidi za wanyonge katika Bunge hili. Idadi ya akina mama Bungeni yafaa kuongezwa kwa sababu wananchi ndio walifanya uamuzi. Ninayo furaha kuwa sasa hivi, kuna akina mama 47 ambao wamekuja hapa kwa kupitia kipengele maalum ili waweze kuchukua viti ambavyo wao wenyewe wanapigania katika kusimamia uongozi. La kusikitisha ni kuwa, bado, Wakenya hawajaamua kuchagua akina mama wa kutosha. Kwa sababu ya

masikitiko hayo niliyonayo, ninawaomba ndugu zangu katika Bunge hili tushikane mikono pamoja ili tutafute suluhisho la tatizo hili.

Mswada huu ulioko mbele yetu sasa hivi hautupatii suluhisho bali unatuweka kwenye matatizo. Mswada huu unanua kwamba tatizo hili lishughulikiwe siku za baadaye. Hakuna Bunge lingine ambalo lingeweza kutatua tatizo hili. Hii ni kwa sababu Bunge hili, hivi maajuzi, karibu lipitishie idadi inayostahili ya theluthi moja tunayoulizia kikatiba. Theluthi moja siyo kubwa sana. Hivyo basi, ninatumaini kuwa Mswada huu, kama tutakubaliana, uwekwe kando ili tuweze kupata Mswada wa kuleta sheria ambayo itatupatia suluhisho na idadi iweze kutimia. Hata kama tutakubaliana kusonga mbele pole pole, basi Mswada huu usongezwe mbele baada ya sisi kupitisha idadi jinsi inavyotakikana katika Katiba. Haijalishi hata kama itakuwa ni asilimia 30 au 40. Hivyo, tutakuwa tunakaribia kufikia kiwango hicho. Lakini kwa sasa hivi, tukiacha mambo yabaki yalivyo, itakuwa kama kwamba tunafunga mlango. Sisi hatutakubaliana kama Bunge la 11 kuwa hii ni sawa. Walemavu bado wako nje. Idadi yao haijatimia. Aidha idadi ya vijana haijatimia.

Ninapinga Mswada huu nikiwaomba ndugu zangu, haswa, wale wa jinsia ya kiume, tushikane pamoja tuweze kutekeleza suala hili na kupata suluhisho bila sisi kukosana. Sisi ni watu wa umoja na tuko Bunge la 11 siyo tu kwa bahati na sibu. Wananchi walituchagua na kutupatia nafasi hii ya kuwawakilisha katika Bunge hili.

Naomba kupinga Mswada huu.

Hon. Speaker: Hon. Members, even as we debate this Bill, it is important to always remain alive to the provisions of Chapter 18, Article 261, on Transitional and Consequential Legislation and more particularly Clauses 5, 6, 7, 8 and 9, which provide that:-

“(5) If Parliament fails to enact any particular legislation within the specified time, any person may petition the High Court on the matter.

(6) The High Court in determining a petition under clause (5) may —

(a) make a declaratory order on the matter; and

(b) transmit an order directing Parliament and the Attorney-General to take steps to ensure that the required legislation is enacted, within the period specified in the order, and to report the progress to the Chief Justice.

(7) If Parliament fails to enact legislation in accordance with an order under clause (6)(b), the Chief Justice shall advise the President to dissolve Parliament and the President shall dissolve Parliament.

(8) If Parliament has been dissolved under clause (7), the new Parliament shall enact the required legislation within the periods specified in the Fifth Schedule beginning with the date of commencement of the term of the new Parliament.”

What that means is that if this comes in the new Parliament and an order is directed to the new Parliament, then the period specified in the Fifth Schedule is five years. That is the long and short of it. Even as we discuss this, it is good to know that there is no crisis. However, it is fair, like many of you have said, to come up with legislation that is able to address these issues with finality if it is possible. It is within your power and mandate to do so.

Nobody is smiling on this side. The Member for Kibra is obviously smiling.

Hon. Okoth: Thank you, Hon. Speaker. The Member for Gem has said something absolutely profound that I want to put on record. He says Hon. Okoth reasons like Hon. Nyikal.

That is high praise. Dr. Nyikal is my role model. He says he loves women. Of course, I do! Let me put it on record that I have zero hate for women. I love them!

(Laughter)

Wamama hi?

Hon. Members: Hi!

Hon. Okoth: Sorry, Hon. Speaker, I withdraw. I got carried away

Hon. Speaker: Order! Can you withdraw that and apologise?

Hon. Okoth: I withdraw and apologise. I was got in the spirit. I apologise.

Hon. Speaker: You are not in a public rally!

Hon. Okoth: Love is a good thing. I rise to oppose the Bill presented by Hon. Chepkong'a. Instead of dealing with things that the next Parliament will be required to put together, and know many Members in this Parliament will not even be here to make those laws in the next Parliament, let us make laws that we have been charged to make in this term as the 11th Parliament. We need to actualise the Constitution and all its provisions for human rights, participation of everyone, including people with disability, the youth and inclusion of all genders and minorities in governance. We want a Kenya that is all inclusive.

In East African region, the other countries have taken steps, and radical steps for that matter, in order to achieve this. Rwanda, for example, attained the 50 per cent threshold. In Kenya, we can achieve a one-third minimum if we do it properly.

Hon. Speaker, you mentioned that there are no other live Bills in the House except the one that was rejected in April by Hon. Duale. I would like to mention that I know Hon. Aghostinho, on behalf of the human rights caucus, had brought a Bill that had passed through the Budget and Appropriations Committee and had been scheduled for debate in the Departmental Committee on Justice and Legal Affairs. The Bill never went beyond that stage. That Bill seeks to amend the Constitution along the same lines as the one we are discussing. It also proposes a formula which could help us attain the minimum number of 94 women in this House. It is part of the green amendment campaign. We also have a formula that could expand the size of the House without reducing the size of the House and get us more women to be elected *ab initio* as opposed to being nominated by the parties after the elections. It is time for us to put our hands together and reject the proposal by Hon. Chepkong'a.

Hon. Speaker, you have just read for us the constitutional provision and progressive means that even the next Parliament can have the same window for five years to absolutely stop action on this issue. The Parliament after the next Parliament can also have the same five year window, unless I misunderstood you. It is time we took the bull by the horns and do justice. We need to put down our names in the history books of Africa and the world as the people who made sure that governance in Kenya became inclusive.

I feel a little bit sad when this debate is reduced to who supports women and who does not. Hon. Jakoyo puts it in terms of those who love women and those who do not. I know he also loves them because he has his mother, sister and wife. None of us here hates women. Therefore, this debate should not be boiled down to that kind of thinking.

The cost of having the two-third gender rule actualised in this Parliament is not so much. it is doable. The benefits are so much. The leadership that women Members of this House have been giving is outstanding, right from Chairs of Committees to the Deputy Speaker. We will be sending a message to young people around the country, both boys and girls, that each of them

can aspire to leadership. As a presidential candidate in the United States of America (USA), Hillary Clinton is fighting a bruising battle, but she is showing all signs of cruising to victory. She is doing it gracefully in a very nasty campaign. To show that we do not send girls to school to become second fiddles or to be limited in certain realms, but we send them to school to get education so that their full potential can be unleashed for the development of this country, their creativity and ideas should be respected.

When it comes to issues of peace, security and sustainable development, putting more women leaders at the table, even in the private sector, leads to a massive growth of the economy. Our country is thriving in a way that is a little bit different and that could take us to the next level. Recently, President Obama was in our country. He told us that going to a soccer game and leaving half of your team behind does not make sense. As the National Assembly, it is our duty to think of how to bring to the table our full squad of brilliant people like Dr. Naomi Shaban. We should also bring on board people like Hon. Korere, who has a background of human rights at the grassroot levels. Let us bring all these people here and have them in our Committees, so that they can share their ideas with us. Let them help us to balance the Budget of Kenya. Let them give us a new thinking in terms of how to fight the war against terrorism and bring peace in our country and within the region.

The Member of Parliament for Nairobi County, Hon. Shebesh, can assist us to deal with the issue of indignity arising from huge populations living in deplorable conditions in slums in Mombasa, Kisumu and Nairobi. If we bring on board mothers with that background and sensitivity, they will add value to what we do here. Their presence here will not be in vain. That is the argument I want to ask all Members to help us advance. Let us reject the Chepkong'a Bill and find a way of engaging the Speaker's Office with a view to bringing a proposal that will help us to elect more women in the forthcoming general elections. We should not wait for them to be nominated as top-up in the way it has happened in county assemblies. That is an important step, but it is not ideal for democracy even though our county assemblies are using Article 177 of the Constitution. Most of the female Members of the county assemblies got there through nomination because the people were not convinced to overcome their cultural reasons for not electing women or they knew that, after all, the women would be nominated through a top up mechanism.

The economic cost of the mop up mechanism is a little bit expensive. We can have leaner county assemblies if women are elected upfront, or if they are given ways of competing upfront, to enable us comply with the law rather than to wait for it to happen at the other side. It is a struggle. Those of us who understand this principle and want to fight for it should not give up. Those who think it is a luxury to bring more women to the table of leadership should think twice. Even God, in His wisdom, created Adam and Eve. He did not create Adam and Adam or Eve and Eve. He created the full diversity to start this together.

With those few remarks, I beg to respectfully oppose Hon. Chepkonga's Bill and encourage my colleagues who are willing to find compromise legislation. Let us engage each other and bring it to the House.

I beg to oppose.

Hon. Speaker: Member for Nairobi County, the Floor is yours. Hon. Members, I said you can use various methods, including raising your hands, smiling or winking to get my attention since the machines are not working.

Hon. (Ms.) Shebesh: Thank you, Hon. Speaker. Let me first thank the Member for Kibra, who always stands with us in our fight for women's rights.

I respect the Departmental Committee on Justice and Legal Affairs. I also respect the Chair of the Committee. However, with all due respect, but most of the Members of the Committee are lawyers and they know that you cannot blindly use the word “progressive” and say that you have legislated. It is not fair. It is a smack on women’s faces because you think we do not understand. There is nothing a woman hates more than being taken for a fool. I keep saying that the women in this Parliament, whether elected or nominated, are not clowns. We did not come here by mistake. We are on an equal footing with our male colleagues.

Talking about issues that affect women, we have been through hell. In order to get the 47 County Women Representatives seats in the last Parliament, we went through hell. With all due respect to this Parliament, they are even better. The way the male Members are talking about this issue is much better than what we experienced when we were pushing the agenda for the 47 County Women Representatives. Many of us cried tears because of the words that came from the mouths of our colleagues. What does progressive mean? This reminds me of an attempt, in the last Parliament, to block the appointment of some woman nominees to a State office because they lacked “passion”, a word you do not even know how to define. I wish somebody could define for me the word “progressive”. My understanding of “progressive” in relation to this Bill is that “I am not interested in doing it and I do not intend to do it. In fact, I am looking for a way of killing it.”

That represents the voice of everybody who is in this plenary. It is unfair for the Committee to put us in the situation we are today. If the House decides, they can pass it. If this House were to pass it, it would have taken back the gains made by the women movement spearheaded by the likes of Phoebe Asiyo, Julia Ojiambo, Nyiva Mwendwa and Ziporah Kitony. You would have taken us back. As women in the 11th Parliament, we would be held to account for letting down the course of women in this country. I am begging this House to stand with us. We have been ridiculed. There is no name we have not been called, but we still fight and come back to this House. If a Committee of this House can bring a Bill to “kill” the women’s movement and water down the gains that the women of this country have made, as the 11th Parliament, we are culpable for short-changing the women of this country. Since you have heard other women speak here, I would rather we find a compromise. As a House, we can find a compromise. As a woman, if you tell me that you want to give me my rights progressively, it is like telling me that you want to love me progressively.

(Laughter)

What does “progressively” mean in this sense? It means that you want to love me a little today and a little more tomorrow, or that I give you tomorrow and in years to come, I consider giving you. That is what “progressive” means to us. I would rather you say we do not agree and we do not want this thing. It is better you had just been brave enough as a Committee and said that you do not want this “thing” and left it alone. When you tell us you will implement it progressively, you are insulting us, as women.

From the time we started seeing this problem, and the women seated here are my witnesses, we have also decided to go to the ground because you told us to do so. I cannot speak for the Coalition for Reforms and Democracy (CORD), but I can speak for the Jubilee Party, that we are going to deliver elected women. Right now, we have 16 women elected in constituencies. Our Jubilee side had 12, but through God’s grace, we have brought in another two. So, we have 14. CORD has two elected women. In the big party called Orange Democratic Movement

(ODM), they only have one. They only delivered one woman to this Parliament called Hon. Millie Mabona, Member for Mbita. It is the saddest story. As Jubilee, we have said, and I cannot speak for CORD, we are folding our sleeves. Women have never been unable to campaign. In fact, most men here have women as their biggest campaigners. For long, we have tried to be diplomatic. The diplomacy is done. We are going to deliver as Jubilee, a minimum of 25 elected women, hold me to account. Four governors and 5 senators and you can hold me to account. How are we going to do that? Our party is serious about elective positions for women. I throw the challenge to the CORD side. Support the election of women through your party structures like we are doing in Jubilee. Do a campaign that is open and sincere. Our campaign is called women for women. We are telling women to be there for women and to vote for women.

So, today, as we are all seated here, because you have told us in no uncertain terms that you are not giving us freebies, we have said it is fine. A constitutional requirement has become a freebie; I do not know. You have also told us to go to the ground and ask for votes and we are doing exactly that. So, please, my good friend, Hon. T. J. Kajwang', one of my Members in Nairobi, whom I respect and who also sits in the Departmental Committee on Justice and Legal Affairs which has brought us this "thing" called "progressive", should not blame me when I campaign for a woman in Ruaraka Constituency.

(Applause)

Do not blame me because you have told me "endeni to the ground. Sorry, I have mixed English and Kiswahili, Hon. Speaker, can I go on?"

Hon. Speaker: Fortunately, I have not heard.

(Laughter)

Hon. (Ms.) Shebesh: Thank you, Hon. Speaker. That is what we are going to do because that is what you have told us to do. We have organised ourselves in a way that we will make sure this happens.

On the issue of this constitutional provision, you know very well what will happen. You were reading for us the Constitution and so, you know. If the men decide to pass this "thing", because I cannot call it anything else except this "thing".

Hon. (Dr.) Nyikal: On a point of information, Hon. Speaker.

Hon. (Ms.) Shebesh: Hon. Speaker, you refused people to be informed.

Hon. Speaker: Would you mind being informed by Hon. (Dr.) Nyikal?

Hon. (Ms.) Shebesh: I do not mind at all.

Hon. Speaker: I allow you to inform her.

Hon. (Dr.) Nyikal: Hon. Speaker, the Hon. Member has really touched my heart except on the point of insinuating that ODM may not be really in support of women. I want to inform her that of the four men who have opposed this Bill in the House, three are from CORD, myself, Opiyo Wandayi and Hon. Okoth. What happened in the past may not happen again.

(Applause)

Hon. Speaker: I certainly do not believe that that was information. It was a point of argument. What is already on record does not form part of information to a contribution. Nevertheless, proceed.

Hon. (Ms.) Shebesh: Thank you for the support and I really appreciate. Hon. (Dr.) Nyikal is one of those people who have stood with the truth. The truth is simple that there is a constitutional provision which this House risks violating. All avenues are open and Parliament is one of them and the court is another. As legislators, we would have preferred to solve this problem here where we are Members, but of course, if we cannot, we will join the other women's movement in court because we have no choice. If people gave us a choice here, we should give the answers from Parliament. Anything that is legislative, we should not allow courts to decide on it for us. We should sit down, get consensus and deliver for Kenyans on the Floor of this House.

In conclusion, let us do our duty as legislators. Let us not throw this thing to women Members. It is not a women Members' problem. It is a Parliament problem because it is a constitutional provision. Let us put the truth where it is and the facts where they are.

Hon. Speaker: Member for Mwingi North. He must have smiled even though he is in spectacles. He did not wink. He only smiled.

Hon. Mati: Thank you, Hon. Speaker. From the outset, I want to support this Bill painfully so because I understand the weight and importance of increasing the number of women in this House. However, I am also very good in looking at matters from different angles.

From an economic perspective, this cannot be implemented. We went through a very difficult time as a Parliament at the beginning when people camped at the gates and called us "Mpigs" because the wage bill of Members of Parliament was going through the roof. We went through a very difficult time rationalising why this House should be as bloated as it is.

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

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

My constituency has people walking as far as 40 kilometres one way to get water. A borehole will cost about Kshs1million which is what it costs to keep a Member of Parliament here for a month. The 90 new Members of Parliament is equivalent to 90 new boreholes. If you divide that by five, it means about 16 water pans. I have very good friends and I was invited to the dance and dinner. I tried to go, but I did not manage. This matter is not only taking a gender dimension, but also a class dimension. The poor woman in Mwingi North who has to walk 30 kilometres to get water and the poor parent in Mwingi North whose child is going to be kicked out of school because they cannot afford Kshs5,000 school fees in a day secondary school would find this a very bitter pill to swallow. That we are increasing the number of parliamentarians at the expense of her child who may not get secondary education although it costs only Kshs15,000, not per month, but per year.

The word "progressive" is not very good. It does not mean much. I wish and pray that we could come up with another Bill that I could support that would decrease the number of current Members of Parliament, so that the 30 per cent becomes a number that can be managed within the current confines of the total number of Members that we have.

The women of this country have struggled very hard. I have been to almost every corner of this world and I have not seen many countries, especially the donors that push this agenda, pushing for this. I was in the United Kingdom (UK) for their elections. I have virtually been everywhere and have not seen any of those Governments pushing their own legislatures to increase the number of women in their parliaments.

Let us look at the numbers right now. We have the highest number of women in this august House since Independence in 1963. Let us give accolades and credence to the Kenyan people because we have more women than we have ever had before. I liked the contribution by my sister, who is now sitting in the Chair who has said that they will roll up their sleeves and make sure that they bring more women into this House by removing men. I am quite happy with that because that is the only way to go. This economy cannot sustain an extra Member of Parliament. We have the maximum number. I would not mind it if the number of constituencies was decreased from the current figure so as to deliver more services to the Kenyan people.

The Kenyan taxpayer is groaning. They are groaning because the middle-class is disappearing under the heavy weight of the cost of living and taxation. Do we want to tax them some more because of gender-balance? Absolutely not. I speak for the Kenyan worker, the peasant and the poor student who has to get an education. I find it difficult. With a heavy heart, I have no choice, but to support the Departmental Committee on Justice and Legal Affairs Bill because under the circumstances, I would not find a solution.

This country has a problem. We have a situation where our middle class is disappearing very fast. We have the top layer of people who live well and a middle-class which is so purely by name. It does not exist. We have the rich and the poor. I have a problem if we will increase the numbers of people earning Kshs1 million plus per month, not by one or two, but by 90 plus. That is Kshs90 million plus every month. My constituency would kneel down and kiss anybody's feet who can give us Kshs90 million to get an extra borehole, construct our first kilometre of tarmac, get 10 per cent of our population to access clean water and construct classrooms for our children who study under trees. That is why I am talking about the class character of this debate. About 40 out of 210 schools in my constituency have at, least one, two or three classes sitting under trees or in very difficult conditions in grass-thatched classes. Last week, two of the schools in my constituency collapsed. In one case, 12 children were seriously hurt. There was even no hospital to take them and I took them to Embu. That is happening in the Republic of Kenya. Can you tell them that gender is much more important, so that they continue sitting on stones and studying under trees?

Hon. Temporary Deputy Speaker, you are my friend. I am a friend of women. I respect women's rights. At one time, I was even a crusader. However, I am persuaded to vote with the poor on this matter, not because of any other reason, but because Kenyans need more and better services. Obtaining more funds and good living conditions for ourselves, massaging our rights and egos so that we can have 500 people driving Mercedes Benzes is not something that I will support. As a matter of fact, it is something that could make me very quickly lose a seat that I cherish so much and would wish to come back to this House.

I was a Member of the Departmental Committee on Justice and Legal Affairs before I was removed by people that I will not talk about. The class character of this struggle will show that middle-class women hired women from Mathare and Kibera, paid them Kshs2,000 by their own confession, and brought them here to fight for the right to have more seats for women. Is there a Kibera or Mathare woman who was paid Kshs1,000 who is now waiting to come to this august House? Let us look at the class dimensions of this struggle and the living conditions of

the Kenyan people. This Parliament should not waste its time talking about giving 90 people some comfort. It should be talking about how we can get water to everybody. How do we give every Kenyan a right to access medical care? How do we make sure that every Kenyan has a right to education?

I wish to very strongly advise the lobby to come up with an alternative Bill. Standing here and saying that we had a dance at the Intercontinental and a dinner at this place will not help us.

With those few remarks, thank you for giving me that opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Catching my eye is difficult. I do not see anybody on this side who is interested. Let us have the Member for Uasin Gishu.

Hon. (Ms.) Ngeny: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to oppose the Chepkong’ a Bill. Hon. Chepkong’ a comes from Uasin Gishu County and we know very clearly that he hates women. The word “progressive” is not applicable in the 21st Century. Women are educated and they can see what we are talking about. They all have a right. Let us have a proper formula of getting many women in Parliament, so that they can support other women.

Secondly, let us all understand that the first Constitution did not consider women’s rights at all. It is our time with the new Constitution. Let us support all the women in Parliament. When Obama visited Kenya, he spoke about it clearly. He mentioned that a team should be all inclusive and women should not be left behind. Let us support women’s issues and do away with anything progressive. Let us have a formula and clear numbers for women in Parliament.

I oppose the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now call upon the Member for Nandi.

Hon. (Ms.) Kering: Thank you so much, Hon. Temporary Deputy Speaker for giving me this opportunity. From the outset, I oppose this Bill. Just like the rest of the speakers have said, there are women who came to Parliament for the first time and we know what they went through for us to be in Parliament today. We know very well that the Supreme Court gave an advice saying that Parliament should go back and find a formula to bring more women to Parliament. This is a constitutional amendment. It is not an issue about men and women.

Hon. Chepkong’ a has tried to run away from this Bill yet he said it is his Committee’s. Just like a Hon. Member has spoken, the Committee has put us in a very awkward situation. The Members who are here know that already people have gone to court and with or without supporting this Bill, we know what is going to happen.

We are being threatened that if we do not pass this Bill, we will be sent home. I stand here to say that whether we support it or not, it goes through or not, Hon. Chepkong’ a knows he has not done the right thing by calling this Bill progressive. In the first place, it does not show timelines and how many Members are going to be added at one given time. I am a teacher and the word ‘progressive’ is taking us back to where we came from as women.

Women in this country are loyal voters and they are more than 50 per cent of the population. Just like my colleagues have said, the greatest and honest supporters of the male Members are women. They also know that when women say yes, it remains that way. If you watch a polling station when an election is going on, most of the early morning voters are women. This means that they leave their duties just to vote for these men, go back home and wait for them to be announced as winners.

Why is it that when this Bill, which touches on women, is brought to the House, it becomes a tussle and war between men and women? Just like other Hon. Members have said, I am sure we are no longer begging, but saying enough is enough. We want to stand our ground as women, go back to the ground and tell the women of this nation to watch and see those who are pro or against women. I want us to begin with Hon. Chepkonga's constituency. Women should never be intimidated again. Looking at women in high positions today, we can see what they are doing. We have always been told that we have been given an equal opportunity and, after all, this entire Bill is about equalisation and giving everybody a level playing ground.

I stand to oppose this Bill and tell Hon. Chepkong'a not to take us back to the dark days. As a House, we should be ready to go home. We will make history as the only Parliament that was not able to complete its term because it did not do what was right. I respect Hon. Chepkong'a because he is a lawyer and I expect him to be in the lead showing us the way. I want to thank the male Members in Parliament starting with Hon. Nyikal, who sits in the same Committee with me. I hope as he sits here, he is learning more about this Bill on the gender rule.

With those many remarks, I strongly oppose the Bill and everywhere I go, I will speak about it for the women to realise why men are against us. The other day, we requested for a kitty for the 47 women representatives. Our money is called affirmative because men in this House do not see the sense of us being given this kitty to help our people down there. Otherwise, I stand to oppose this Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, let me give a word of advice. At 5.30 p.m., we have a Motion for Adjournment. So as you speak, think of your other colleagues who want to say something on this. So, do not take too much time. Hon. Fathia.

Hon. (Ms.) Fathia: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I oppose this Bill and feel it is mischievous, misleading, not open and has something funny in it. That is why it is being called progressive. It does not have definite timelines and I feel that it is not good.

The reasons why Kenyans voted for the Constitution of Kenya, 2010, was to have inclusivity of the marginalised, women, youth and the disabled. I feel that this Bill is misleading, not open and that is why majority of the women in this House oppose it. Women are more than 60 per cent of the population of Kenya and majority of the men in this House were voted in by women. Unfortunately, male legislators in this House do not support anything to do with women. I want the Kenyan women to know that when they vote for men, they come to Parliament and forget about them.

Women outside there should know that not all male representatives have good hearts to give them everything that is promised to them by the Constitution. For example, in Rwanda, 64 per cent of parliamentarians are women, Tanzania has 35 per cent and Uganda 23 per cent. Kenya is the most developed and civilised country in East Africa, but when it comes to anything to do with women, male counterparts take us back.

I stand to support the women in Kenya and that is why I oppose this Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): The Member for Bomet, please, do three minutes, so that other ladies and gentlemen who want to speak can get a chance.

Hon. (Ms.) Ngetich: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to add my voice to those who have spoken before me and oppose this Bill. The Bill is, indeed, retrogressive, discriminative and to say the least, faulty. One of the reasons why I am opposing the Bill is because it does not fulfill the constitutional obligation of Parliament

particularly under in the Fifth Schedule, that requires Parliament to enact, within five years, legislation to facilitate the implementation of the two-thirds gender rule.

For those of us who were in the House when the Speaker quoted the transformative clause, if I heard it correctly, he said that if we fail to enact it as the 11th Parliament, then the incoming 12th Parliament will have to enact it. I do not see why we would not want to leave a legacy of having enacted legislation for posterity, leave it to others in future and then go down in history as people who were opposed to the Constitution.

I want to give an opportunity to my colleagues to speak, but also draw the attention of the Members to what is quoted in the Bill on the Supreme Court's ruling. Allow me to read it and it says:-

“In the year 2012, the Attorney-General sought the advisory opinion of the Supreme Court No.2 of 2012 as to whether the two-thirds gender principle is to be realised by the 1st general elections under the new Constitution in March 2013 or progressively over a longer period of time. The Supreme Court on 11th December 2012, held that Article 81(b) was to be progressively realised and gave Parliament up to 27th August 2015 to come up with a legislation on how the two-thirds gender rule will be met in the 2017 General Elections.”

In other words, it did not give a timeframe nor was it an infinity. It was seeking for a formula on how this can be implemented in 2017. As I end, I want to say that the notion of alluding to the fact that when we are trying to abide by the constitutional requirements, it just means that it is about giving free seats to vie for, is very wrong. We are aware this arises from historical injustices, traditions and other cultural practices. I want to give an example. Recently, the Garre Council of Elders unveiled a line-up of leaders to contest in the 2017 election. Not a single woman was in that list.

As women, we do not fear to go and vie in our constituencies. I am one of the examples that have decided to vie following the declaration by Hon. Deputy Speaker who is also going to make history of being one of the first women Governors in Bomet County. I want to vie in Sotik Constituency. Right now, there are about 14 men who are also aspirants. I am sure I will clinch the seat through the support of women and men who respect the Constitution.

Thank you, Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Sakaja? Please, three minutes people.

Hon. Sakaja: Thank you very much, Temporary Deputy Speaker. Any country's claim to democracy is tainted whenever more than a half of its population cannot find space to participate. It is for that reason that I wish to oppose this Constitution of Kenya (Amendment) (No. 3) Bill.

It is true that these are provisions that were put in the Constitution that the 11th Parliament has found difficult to actualise. But I would like all of those who believe that it was not put in the Constitution by mistake not to give up in the continuous pursuit for consensus. What we have only been able to demonstrate is – and I think the blame is on all of us male and female Members - lack of creativity in finding a solution that gives life to the provisions of the Constitution and allays the fears that many may have.

I always tell my male colleagues that a candle does not lose its light by lighting another. If anything, it burns brighter. These provisions must never be seen as a competition between men and women in terms of gender parity. Indeed, our country stands to gain a lot when we get the flavour from both genders in representation.

I would like to say that saying “progressive” is kicking the can down the road. It is shacking responsibility. It is saying: “Let others deal with it ahead.” Yet, it is us who are here in this day, time and season and it is upon us to come up with the solution. If you see a provision where those who are the most affected or those who have been the biggest proponents not supporting, I do not think it is fair for us, as male Members or whoever it is, to try and push this down the throat of the women Members. It is not for us or the women here. It is for this country.

I would like to urge the Departmental Committee on Justice and Legal Affairs - because I do not think this is good – to relook at this issue. Of course, it is difficult to legislate on electoral outcome. That is true. The arguments from both sides make sense. The men are saying that we cannot define how the outcome of an election can be but, we have been able to do a few things. One, we have been able to debunk the myth that the wage bill will be inordinately high because of that addition.

I hope and pray that we can be able to sit down and come up with proposals that, number one, do not put unnecessary burden on the taxpayer. Two, look at the outcome of the election so that we do not create specific numbers anywhere that once people have been elected, we can do the top-up according to party lists. In my opinion, it is that simple.

In pushing this, I urge the caucus of women, through you, Hon. Temporary Deputy Speaker, to use certain political skills. Let us talk about young women as well and have a zebra kind of arrangement because Article 100 also foresees the representation of youth and persons with disability. Let us say that for every three women who come through the party list based on the numbers that need to be filled in terms of a gap, one will be a woman above 35 years, one will be a woman below the age of 35 who is a youth and one will be a woman living with disability. I think it is not as difficult as we keep on saying.

So, I want to oppose this proposal. I ask all Members of this House to take leadership. I urge my colleagues of the same gender as I am not to see this as a---

(Hon. (Ms.) Changorok crossed the Floor without bowing)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, you cannot cross the Floor the way you have done. You cannot cross the Floor that way. You need to go to the Bar. The rules do not allow you to cross the Floor like that. You are not a new Member. Please, just do what is necessary so that you can respect the House. Just go and bow and come back.

(Hon. (Ms.) Changorok went to the Bar and bowed)

Hon. Sakaja, please conclude.

Hon. Sakaja: Hon. Temporary Deputy Speaker, as I move to conclude, I would just like to say yes, the courts--- I see a problem in terms of how the courts have also shacked their own responsibility because, by saying that Parliament must progressively get a solution, it is them saying that they cannot think of creating a solution for it but, the ball is in our court as this Parliament. I do not think this is something that needs to go to the next Parliament, the 12th Parliament. We can, in a very sober way, just come together and get solutions. It is a mathematical formula at most in terms of what needs to be done. We are willing to sit down with the leadership of the women caucus.

For those of us who think it is a women issue, we need to realise we are wrong. Next time, it may not be a women issue. So, for those who will be in the 12th Parliament - because I do not intend to be in the 12th Parliament; I intend to be near you at the City Hall as Governor of Nairobi - I wish you all the best. I hope that in the next parliament, we are going to have two-thirds represented by means of a top-up.

It is the simplest and best way. Thank you, Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you Hon. Sakaja. I give the Floor to the Member for Embu County. Hon. Mitaru, you need to come here.

(Hon. (Ms.) Mitaru moved to the Dispatch Box)

Hon. (Ms.) Mitaru: Thank you very much, Temporary Deputy Speaker, for giving me this chance. I have worked with women of this nation for many years. I have worked with youth and children. I have realised that if women can go on strike even for one day or half a day, even men will not eat. The men will be confused and children will not be supported. At the same time, we have been here for the last three or four years supporting the men in this House. Then, all over a sudden, we want to be told that women should wait and join in slowly by slowly.

I want to oppose with all my heart. I want to tell all the women of this nation that when we go to vote, over 52 per cent of voters are women. Men can wait. They have been given a chance by God himself. They can go out in the night. They can own a lot of property. They even sell things without consulting their wives, sisters or brothers, so that they are able to go out and support the development and everything that this nation is doing. But most of the people who support those men are women.

Now, time has come in our nation that we want women to stand and be part and parcel of development through Parliament, county assemblies, chiefs and leaders. For how long is Kenya going to stay behind?

We have gone to many parts of this nation. Many women who are leaders are the ones who bring development to this country. Peace initiatives are mainly by women. We know that development in African countries with more women as leaders in Parliament is faster than the other countries. I have also gone to some countries out of Africa where women are participating in parliament affairs or working for their country. Development has moved very fast.

So, I want to oppose what our Member of Parliament (MP) - a whole lawyer, a whole person who is a leader in a very big Committee - has said. He has said that women should not benefit from the one-third gender rule which we passed by asking all the youth, men and women of this nation. We agreed we were going to get the one-third gender rule being either men or women. The women are working very hard. The girl-child is working very hard.

One day, we might be asked by men to support the boy-child because this Parliament might be full of women. It is because men are not working very hard.

We want to support women. I oppose and I want to tell the women of this nation that we need to hold hands so that come 2017, we bring in more women as Members of Parliament. That will be a good thing to do.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, hon. Member. I now give the Floor to the Member for Kisii County.

Hon. (Ms.) Keraa: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to oppose this Bill. This Bill wants us to amend Article 81. We cannot amend 81

without amending Article 97, which gives the composition of Members of Parliament. The Committee says that we do it progressively, but it does not give a formula for doing this progressively. A formula should be given. A formula has timeliness and numbers. This particular one has no timeliness and numbers. It is, therefore, retrogressive.

We are equal partners in development with men. I do not see why these men are opposing the idea of bringing more women to Parliament. They are telling us to go and compete with men. Indeed, we should go back to the constituencies and look for women and support them. That is what we are going to do starting this short recess. We are going to crusade and champion for more women to vie in the single constituencies so that we can achieve the two-thirds gender rule.

I oppose this Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to Member for Laikipia. Please, try to speak for three minutes so that we can give another two or three Members an opportunity to speak.

Hon. (Ms.) Korere: Ahsante Mhe. Naibu Spika wa Muda. Ningependa kuongeza sauti yangu katika kuupinga Mswada huu ambao umewasilishwa hapa na Mhe. Chepkong'a. Inafaa ifahamike kwamba Katiba hii inayowapatia akina mama nafasi zaidi katika Bunge haikupitishwa na akina mama peke yao, bali ilipitishwa na wananchi wa nchi tukufu ya Kenya. Iwapo Katiba itatupatia kwa mkono wa kulia na Bunge itunyanyang'anye kwa mkono wa kushoto, itakuwa aibu, fedheha na dhuluma. Sisi kama akina mama ambao tumehesabika katika Bunge hili la kumi na moja, tutaingia katika vitabu vya historia kama akina mama waliohudumu katika Bunge ambalo lilinyanyasa na kudhulumu akina mama. Mimi nikiwa Mbunge kutoka Laikipia, nimeingia Bunge hili kupitia uteuzi. Iwapo nisingepata fursa ya kuingia katika Bunge hili, nisingekuwa nazungumzia maneno ya kugombea kiti cha ubunge cha Laikipia Kaskazini mwaka wa 2017.

Tunasema kwamba mtoto akizaliwa ni sharti umpe chakula ili akue. Jinsi akina mama waliwezesha kuingia humu Bungeni ni njia mojawapo ya kutayarisha miundo misingi ili kukuza maazimio yao ya kugombea viti na kuhesabika katika uongozi wa nchi hii tukufu ya Kenya.

Mswada ambao umeletwa na Mhe. Chepkong'a unaturudisha nyuma. Mswada huo unadhulumu na kunajisi Kenya. Sote tunajua kunajisi ni kitendo chafu. Ni dhambi na hata hakitajiki. Hatuwezi kukubali Mswada ambao unanajisi Katiba ya Kenya ambayo sisi wenyewe tulipigia kura na ikawa sheria kuu inayoongoza nchi hii.

Mwisho, ningependa kusema kwamba mimi ninakienzi chama cha Jubilee. Ninajivunia kuwa mmoja wa wanajubilee. Nakienzi kwa sababu hii: Ni chama ambacho kimesifika na kina umaarufu wa kutetea haki za wanawake. Chama hiki kinawatambua akina mama na kuwaheshimu. Ifikapo hiyo 2017, ninataka kuwarai wanawake wa Kenya nzima wasije wakauliza chama ni gani. Waangalie chama kinachoheshimu na kutetea akina mama. Katika upande ule wa Upinzani wa ODM, tumemwona mama mmoja peke yake ambaye ni Millie Odhiambo, ambaye amechaguliwa katika Eneo Bunge la Mbita. Yeye hupigwa vita kila mara. Hata tunapozungumza hapa--- Mimi si mwanachama wa ODM lakini ninajua Mhe. Millie Odhiambo anapigwa vita na wale mabwanyenye ambao wanajiita vigogo wa ODM.

Kwa hivyo, ninawarai akina mama wavuke na kuungana na chama cha Jubilee ili tulete akina mama hapa Bungeni na tupunguze mzigo aliobeba punda ambaye wanasema amechoka. Tuchague akina mama, mimi nikiwa mmoja wao, kutoka idadi ya 60 kuendelea.

Ninapinga.

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

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): What is out of order Hon. Junet? Remember the microphones are not working; you have to come to the Dispatch Box. If it is going to take you too long, I will give *Mama Chidzuga* an opportunity to speak as you come to the microphone.

Hon. Nuh: Hon. Temporary Deputy Speaker, I wanted to know whether the hon. Member is in order *kwa kusema eti Mbunge wa Mbita, Hon. Millie, anapigwa na mabwanyenye wa ODM. Vile ninavyojua, hakuna mabwanyenye wa ODM. Kama kunao, mimi ni moja wao na nimekaa na yeye hapo nyuma. Tumekaa pamoja pale.* Could that be expunged from the records of the House?

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Chidzuga.

Hon. (Ms.) Chidzuga: Shukrani Mhe. Naibu Spika wa Muda. Ninachukua fursa hii kuupinga huu Mswada wa rafiki yangu Chepkong'a . Kwanza ninatoa mwito kwa wananchi wa Kenya nikianza na vijana, walemavu na akina mama, Mswada huu siyo wa mwanamke bali ni wa kutuweka katika hali ya usawa wa kijinsia. Leo ni sisi akina mama ndio tunalia, kesho itakuwa wanaume, kesho kutwa vijana na walemavu. Kwa hivyo, akina mama wa Kenya wanalilia Mswada huu kwa sababu mama ndiye mzazi wa kila mtu.

Mhe. Chepkong'a na timu yake wanafaa waelewe kwamba ni huyu mama, kijana na mlemavu ndio wamewafanya wachaguliwe kuja hapa Bunge. Walemavu, akina mama na vijana wanastahili kupewa nafasi zao kamili ndani ya hili Bunge kama ambavyo Katiba inatarajia. Hili si jambo tunataka eti kwa ajili ya ubinafsi. Ni wanaume hawa walioketi katika Bunge lililopita na kugawanya maeneo bunge. Walijiongezea maeneo bunge. Ni wao waliwatwika mzigo mkubwa wananchi wa Kenya. Kama kweli wao wanazungumzia mzigo, tunataka tuwaone wakijitokeza waseme: "Ninatoa eneo langu la uwakilishi Bungeni liunganishwe na lingine ili tutoe nafasi ili Bunge lipunguze uzito."

Ni Wabunge hawa hawa wa kiume ambao wamelemaza uchumi wa nchi ya Kenya maana wao ndio wengi hapa. Sisi ni wachache. Ni Wabunge hawa hawa waliopiga kura katika mpangilio wa Bunge wakanyima wawakilishi wa akina mama pesa ya kutosha sawa na National Government Constituencies Development Fund (NG-CDF). Tukapewa chache, wakachukua nyingi. Mbona hamkusema kwamba sisi pia tuongezewe pesa tuwe sawa nanyi? Inamaanisha kwamba Waheshimiwa wenzetu wa kiume hawako tayari kuondoa mzigo kwa mwananchi wa Kenya.

Wakati ni huu. Tukaeni tuzungumze tutoke kortini tuwe na uwiano. Tuondoe maeneo ya Bunge mengine, turejeshe yale ya zamani.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Chidzuga, you have one minute because of time.

Hon. (Ms.) Chidzuga: Tukifanya hivyo, tutaweza kuokoa hili Bunge lizifedheheke. Tuepukeni fedheha. Huu Mswada ninaupinga vilivyoo. Wakenya waungane na sisi tuupinge pamoja.

Shukrani, Mhe. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Members. I apologise to those who are not able to contribute today. There will be another chance to contribute.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33

INSECURITY IN THE COUNTRY

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, we are now going to begin debate on the Motion for Adjournment on insecurity in the country brought by the Member for Elgeyo-Marakwet, Hon. Susan Chebet.

Please come to the Dispatch Box because those microphones are not working. You have 10 minutes. You do not need a seconder. As soon as you finish your presentation, we will open it up for debate. We will give each Member five minutes.

Hon. (Ms.) Chebet: Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I sought for the adjournment of this House this afternoon because of the insecurity in various parts of Kenya, particularly in the Kerio Valley. We have lost many people in the past few days; we are burying like three people every weekend and that has been very painful.

Secondly, we have lost a lot of livestock because two communities are fighting: the Pokot and the Marakwet communities. We have lost livestock which we cannot even estimate their numbers at the moment. We have also lost opportunities for our students. Our children were going to school. The education sector has really suffered because of this problem. We have children going to school. We have children who have been preparing for exams and they cannot sit for their exams in the usual manner because they are terrified, traumatised and confused. They do not know how they will sit for the exams because they are not in their usual environment. These children are not in their homes. They live in caves at the moment. They share the caves with snakes. In fact, some of the children have been bitten by snakes as they seek refuge in those caves. Men and women are not sleeping in their homes and babies are suffering because they are exposed to cold or hot weather in the new environment they find themselves in.

Those are some of the problems, just to name a few. Economic activities cannot be undertaken in the usual manner, as it is not business as usual in Kerio Valley. Every morning when people wake up, they do not know when gunshots will be fired.

Last week when people were burying a dead person, gunshots were heard close to 300 metres from where they were. Everybody had to flee leaving the dead person to be buried later on. The situation in Kerio Valley is very serious and we do not know how it will improve.

This is not the first time that this House is hearing reports or debating about insecurity in Kerio Valley. We have done it several times. The area Member of Parliament has done. We have all talked about it. The media have given it coverage and exposed it; only that we do not know when it will stop.

We have the security personnel in Kerio Valley. They have been there close to three months, but we have not seen the situation improving. I do not think the security personnel deployed there have the interest of the people at heart. You find them patrolling the pathways and roads, but they do not go into the forests where the cattle rustlers hide. Sometimes you wonder whether they were deployed to just parade along the road with their weapons and then they vanish to their rooms or wherever they stay.

In most cases, we have seen them court young girls. They are given biscuits for their upkeep, but they use those biscuits to lure young girls maybe for sexual favours. Those are some of the things that we have observed as a community and we would like an overhaul of the security personnel deployed to Kerio Valley so that we can get serious people ready to defend the people of Elgeyo Marakwet County.

If we do not speak about this matter, history will judge us harshly for keeping quiet when our people are dying, when our livestock are being stolen and when our farms are drying up.

There is no cultivation going on, so we will experience a lot of hunger. My prayer is to criminalise cattle rustling and equate it to robbery with violence so that culprits can be given enough punishment that can remove them from the community. Maybe they should remain in jail for a long time or they get life sentence.

Secondly, we need dialogue between the communities. These are two communities that live close to one another. If we engage them in dialogue, maybe in future we will come up with a solution to this problem. We need the two communities to live in harmony so that we do not experience such problems. We have for a long time suffered through cattle rustling in Kerio Valley and other places. The Government should change tactic and see how we are going to come up with a permanent solution to this problem so that we do not raise generations that only know how to do cattle rustling and nothing else.

I want to ask a question to the law enforcers or people who take care of our arms. One of these questions is: How can firearms get into the wrong hands of our population? How can we have ammunition supplied constantly to the people who have arms in the wrong hands? We need to ask ourselves as lawmakers and as a Government.

Finally, if we still have the Chairperson of the Departmental Committee on Administration and National Security in this House and the same Chairperson comes from one of the constituencies that is warring or fighting, then it means we are not serious enough. If he is genuine in what he is doing, he should resign. There is no need of having a Chairman of the Departmental Committee on Administration and National Security who comes from that constituency and people are fighting since the time he has been in Parliament, he is going for the fifteenth year. If we are going to continue having him there, it means we are going to suffer a lot. I do not think the people of Elgeyo-Marakwet are waiting---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member! Hon. Member! When you hear the Speaker, you stop. I do not think it is right to discuss the conduct of a Member of Parliament unless you bring a substantive Motion. Those are the rules of the House. You cannot talk the way you are talking about a Chair of a Committee. Because you are casting aspersions on him, please bring a substantive Motion.

Hon. (Ms.) Chebet: Much obliged, Hon. Temporary Deputy Speaker. I take your advice. But what I know is that it is going to take a lot of time for our people to recover from the damages that have been caused to their livestock, their farms and their lives. It is very hard to replace life which has been lost.

I beg this House to support me in getting a permanent solution to the problems that we face in Kerio Valley and other parts of Kenya.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, you will have five minutes each so that everybody can get a chance. I will start with the Member sitting next to the Member for Igembe North, Hon. Mwiti.

Hon. Irea: Thank you, Hon. Temporary Deputy Speaker. Protect me from my colleagues so that I contribute. In some areas a cattle rustling has been a problem since Independence and in the places where it is practiced, it is in the minds of the people. The people in those areas take cattle rustling to be a very important enterprise.

It is time the Government invested some substantial amounts of money in those areas to train people on other areas of earnings. People cannot depend on cattle to earn a living since Independence. The Government should start irrigation schemes in those areas and other ways of earning money so that they stop thinking about cattle rustling all the time.

I wonder why they kill each other and leave the meat with nobody to eat. This is very sad. They should be taught other modern ways of handling cattle. Even zero grazing would be a better way for these people to practise. They should be trained so that they leave that method or way of living where people are pastoralists and the only thing they know is to chase and kill each other because of cattle. They can be taught how cattle can be of greater use to them when they do not kill each other. The Government should invest money from primary school up to university to change the way of thinking of those people.

The issue of security agents being changed from one area to another because of cattle rustling has become a problem and it will not solve the problem. Cattle rustling should be taken as a very serious menace which should be researched on so that the Government comes up with a blueprint on how to solve this problem. This problem will not be solved by moving security officers from one area to another one. There should be a way of dealing with it so that it is stopped completely. The only way is for us to invest and stop thinking the way we have been thinking all through. Changing security officers and going there to seize the guns the cattle rustlers have is not solving the problem. Let us change the mind-set of these people.

I support the Member who brought this Motion. This is a very important Motion. Before this research is done, I urge the security officers in those areas to take stern measures to make sure it is curbed before our people are finished by cattle rustling.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I give the Floor to the Member for Pokot.

Hon. (Ms.) Changorok: Ahsante sana, Bi. Naibu Spika wa Muda.

Ningependa kuchukua nafasi hii kusema kwamba utovu wa usalama nchini Kenya umekuwa jambo la kuhuzunisha. Umeumiza watu wengi katika jamii nyingi. Hivi tunavyozungumza, tumepoteza watu wengi kwenye visa vya wizi wa mifugo, hali ambayo imesababisha kudorora kwa usalama katika nchi hii. Tunapozungumzia Kerio Valley, na haswa maeneo ya Tot, Marakwet, Pokot, Tiaty na Pokot Magharibi, tunafaa kufahamu kwamba haya ni maeneo ambako usalama umedorora. Nimeishi katika sehemu hiyo, na ninaelewa jinsi hali vilivyo. Kuuawa kwa watu kiholelaholela ni jambo la kuhuzunisha sana. Kifo ni tukio la kawaida. Kifo kinapowatembelea kulingana na mpango wa Mwenyezi Mungu, hatuna uwezo; lakini kifo kinachosababishwa na binadamu wenzetu kwa sababu ya kuzorota kwa usalama huwaumiza waathiriwa zaidi.

Watu wengi nchini Kenya wamepoteza maisha yao kwa sababu ya kutokuwepo kwa ulinzi wa kutosha. Kwa mfano, jana watu wengi walipoteza maisha yao mjini Mendera. Hili ni jambo la kuhuzunisha sana. Ni jambo ambalo linafaa kutusukuma tuchukue hatua ya dharura. Ukosefu wa usalama nchini humu ni jambo ambalo linafaa kuzungumziwa. Hatufai kuketi chini tukiangalia tu huku watu wetu wakiuawa. Jambo hili pia linasababisha watoto wetu kuacha kwenda shuleni.

Kuhusu mzozo unaoendelea kati ya jamii zinazoisih katika sehemu za Marakwet Magharibi na Baringo, tumezungumzia jambo hili kwa muda mrefu. Ni lazima tuchukue hatua kwa sababu wakazi katika Kaunti hizo mbili ni Wakenya. Mimi ni mkaaji wa Chesegon. Kwa muda mrefu sasa akina mama wamekuwa wakijifungua wakitembea, na kwa sababu hiyo tumepoteza watoto wengi. Tunaishi nje ya nyumba zetu kwa sababu ya kudorora kwa usalama. Tumepoteza watoto wengi kutokana na magonjwa yanayosababishwa na baridi.

Huu ni msimu wa mitihani ya kitaifa ya Kidato cha Nne na Darasa la Nane. Watahiniwa katika shule kama vile Chesegon, Tot na Liter watafanya mtihani namna gani kama usalama

haupo? Matokeo ya mitihani ya wanafunzi katika shule za Tot na Chesezon yatalinganishwaje na matokeo ya mitihani ya wanafunzi katika sehemu nyingine humu nchini? Hakuna atakayekumbuka kwamba watoto wengine walifanya mitihani kwenye mazingira ambayo hayakuwa na usalama. Matokeo ya mitihani ya watoto kote yatasawazishwa kutumia vigezo sawia bila ya kujali kwamba watoto wengine waliathirika kwa sababu ya kukosekana kwa usalama. Tunaomba usalama uimarishwe katika sehemu hizo kwa sababu wakazi hawana utulivu ama usalama. Hatuwezi kukosa suluhu. Ninaamini ya kwamba tuna uwezo wa kumaliza shida hiyo.

Watu wengi wameuchangia mjadala huu, wakiwemo wakazi wa sehemu hizo wenyewe. Kwa hivyo tunaomba sheria ichukue mkondo wake. Ningependa maafisa wa polisi na wananchi katika sehemu hizo washirikiane ili waweze kuleta suluhu kwa jambo hili.

Hon. (Ms.) Shebesh: Hon. Member, your time is up.

Hon. (Ms.) Changorok: Kwa hayo machache, ninaiunga mkono Hoja hii ili masuala ya usalama yaweze kupewa uzito unaostahili.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to the Member for Nyaribari Masaba, Hon. Moindi.

Hon. Moindi: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the debate about the insecurity situation in the country. Insecurity in this country is out of hand and the Government is not taking it seriously. Let me inform the House that for the last five months, there has been terrible fighting between my constituents of Nyaribari Masaba and those of Emurua Dikirr. In the last two weeks, five people have been killed and more than 10 have been maimed with some in critical conditions. The Government is not taking security seriously.

On 24th of August, I saw the Cabinet Secretary (CS) for Interior and Coordination of National Government, Hon. Nkaissery and informed him that there was fighting going on between my constituents of Nyaribari Masaba and those of Emurua Dikirr and requested him to send security forces there. He never took any step. From that time more than five people have died and 10 are in hospital.

I took the National Government Constituencies Development Fund (NG-CDF) money and built decent houses for police officers and requested the Ministry to post police officers there, but they have not done it. People from Emurua Dikirr have destroyed crops and burned houses. They are doing it day by day as the Government watches.

There are many Kisiis and my colleagues from Sotik who have bought land in Trans Mara. The people from Kisii have been displaced and their crops have been harvested by my neighbours and some have been destroyed. They have extended from Emurua Dikirr in Trans Mara to the interior of Kisii. As a Member of Parliament, I saw the CS for Interior and Coordination of National Government and informed him of the situation but four months down the line people are dying and no one is doing anything. The Government has not built the houses but I have used my money to build police posts so that the Government can save people's lives but nobody has responded.

It is high time the Government took security seriously. People cannot fight for six months and yet the Government and security agencies watch as people die and do nothing. Two days ago, they sent the police who blew people's heads away by shooting them. Instead of employing qualified security agents to stop this menace, the Government is not doing anything. It is high time the House invited the CS for Interior and Coordination of National Government to come

here and answer questions. We cannot watch people dying. If the Government cannot protect her citizens, who will do it?

Thank you, Hon. Temporary Deputy Speaker for the opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Member for Njoro, Hon Kiuna.

Hon. J.K. Ng'ang'a: Thank you, Hon. Temporary Deputy Speaker. I also want to thank the Mover of this Motion. It is very shameful and painful for a country like Kenya to discuss issues of insecurity just because of cattle rustling

(Hon. M'uthari crossed the Floor without bowing)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, please use the right way to cross the Floor of the House. Hon. Kiuna, please, go ahead. I was talking to that Member who crossed the Floor unprocedurally.

Hon. J.K. Ng'ang'a: Thank you, Hon. Temporary Deputy Speaker. It is very shameful to talk about cattle rustling in this country after getting Independence over 50 years ago. It is high time the communities which normally practise cattle rustling as a way of life and of earning money and getting their daily bread, changed that attitude. It is very painful to hear that some lives have been lost or some people have been injured in the process of cattle rustling. It is an outdated practice which should be condemned and disregarded by those who practise it. It pains me a lot when I hear that there are some people who are killed, injured or their property and cattle stolen. It is the high time those people changed their attitude.

It is very important for the leadership of those communities to sit down and try to educate their residents on the fact that cattle rustling is outdated. It is high time that the leadership of those counties which are fighting and killing each other because of cattle rustling know that they are not assisting their people. There is no gain they will get by encouraging cattle rustling. In some areas, it is the leadership of those communities who fund and aid cattle rustlers. They are well-known. After doing so, they take whatever they steal to their masters. From there, they take it for sale in various markets.

It is very painful to hear that some Hon. Members and even governors are encouraging their community. I come from Rift Valley and I know that cattle rustling or tension is not created by ordinary *mwananchi*. It is the leadership of that particular area which engages and sometimes funds the community to arm themselves and fight or steal the other community's cattle for their own selfish benefits. As you blame the Government, we need to first blame the leadership of those particular areas where we have cattle rustling because they are the ones encouraging it by mobilising security personnel through transferring those who are in charge of security in that area. It is high time the leadership of those particular areas which are highly affected desisted and maintained peace and harmony.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, your time is up. Let us have the Member for Lafey.

Hon. Issack: Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity. Cattle rustling is barbaric. It is not supposed to be practised in modern times. It is a practice that should not be there. How can you kill a human being because of a cow? This is a matter that should not happen in independent Africa. We have governments and law and order. This country is now more than 50 years old. This is a practice that should not be there at all. We wonder why the Government would entertain such barbaric things to happen. Therefore, I condole the families whose loved ones have died because of such stupidity. You cannot kill a

human being just because of a cow. The sanctity of human life is important. It does not make any sense at all by all means to kill people.

Therefore, I call upon all the agencies of Government who are concerned with security to ensure that those who have killed innocent persons whether a child, adult or any citizen of Kenya are brought to book. I saw the Inspector-General in those areas talking loudly. It is not just a matter of sending condolences but bringing the culprits to book so that we do not have this kind of menace anymore in modern Kenya.

I also take this opportunity to condole with those families whose loved ones have been killed by very barbaric people. Innocent Kenyans have lost their lives like the teachers who had gone to Mandera and that should not have happened. Those who have killed those innocent persons are cowards. If they want to fight, we have the military and police and they should fight them. They should not go for soft targets and kill innocent people. They are cowards and will not win.

We have a Government and security forces and we will continue to deal with those people who are perpetuating these acts of violence and killing innocent Kenyans. Our security forces must be vigilant at all times to protect the lives and property of Kenyans. Any Government that cannot protect the lives of its people and property does not have any mandate to rule. I am therefore calling on all Government agencies who are concerned with security, the intelligence, the police or military to protect our territorial borders. Our integrity should not be spoilt by people who are wicked and have no means of challenging any Government.

We do not want to see any more lives of innocent Kenyans lost because we have security forces like the military and the intelligence. How can the centre of a county headquarters with all the intelligence, the Criminal Investigation Department (CID) and others---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Your time is up Hon. Member.

Hon. Isaack: Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I give the Floor to the Member for Kitui South.

Hon. (Ms.) R.K. Nyamai: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also participate in deliberating on this matter concerning insecurity in the country.

Security is extremely important in every country and it propels development in our country. I would like to focus on the matter that has been raised by the Hon. Member concerning insecurity within Kerio Valley and fighting between the Pokot and Marakwet communities. This is an area that has been discussed for a very long time. It is time the Government took more serious measures to curb insecurity and also remove the thought in people's minds that stealing cattle from each other is a way of life.

Hon. Temporary Deputy Speaker, I would like to say that it is more sensitive when it affects school children. It is more sensitive when it touches on women and violence. As the Mover of the Motion said, women are being violated sexually. To me, this is a matter that needs to be taken more seriously.

As I support the Mover, I would like to focus on my constituency. I would like to say without fear that insecurity is also a problem in Kitui South especially in a game reserve we refer to as the Kitui South Game Reserve. In this area, we have people from my constituency, the Kambas, who are in the forest burning charcoal. In the same place we have our friends from Tana River who are also herding cows and camels and because of competition for resources inside the forest, there are problems. There are schools within this area. I would like to name

these primary schools where you will find 100 children being taken care of by one teacher or two teachers because other teachers do not want to go to that place.

These schools are Musenge Primary School, Kalalani Primary School, Inyaali Primary School and Kyeni Primary School. These are children who live there and it is important that teachers and pupils feel safe. One way of doing this would be to provide alternative economic empowerment activities for the people from both areas; Kitui and Tana River so that they would not have to go into the forest to burn charcoal. If they had something else to do, then it means this place would be left on its own.

The other problem we have here which I would like to say is the problem of the border. The Tana River side is pulling saying it is on their side and the Kitui County side also feels it is in their county and because of this we have had problems of people being arrested. Instead of them being taken to court on the side of Kitui, they are taken to court on the side of Tana River. This has caused a lot of pain to my constituents. This is not fair. Because I know this area is important and it does not have animals, it should be declared as a place where people can live. If not, we should have chiefs, assistant chiefs who will support and ensure there is security.

I would like to thank our security officers even as I say this because we have not had deaths for the last one year. Before, we had people being killed there but, they have ensured there is peace. I take this opportunity to call for economic empowerment and for the matter of the border to be resolved. We know this area belongs to Kitui County and so it should be declared to be within Kitui County.

Thank you very much, Hon. Temporary Deputy Speaker, for the opportunity to speak.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you Hon. Member. I now give the Floor to Member for Igembe North Constituency.

Hon. M'uthari: Thank you, Temporary Deputy Speaker.

This menace of cattle rustling is a serious problem in this Republic. I do not know why it has never been declared a robbery with violence crime. Many times when people are involved in cattle rustling, there are a lot of negotiations. I wonder why the Government has to be involved in negotiating with criminals.

The question of stealing cows is a terrible thing after all these years of Independence. This should also be seen in the light of challenges associated even with political activity and local leadership in the areas prone to this problem. This is something that requires to be looked at in a more serious way. All these areas where these activities take place like Kerio Valley, Marakwet, borders of Meru County especially my constituency of Igembe North and Isiolo regions are areas where you realise there are various security agents working within the borders. At the same time, we have agents of the Government like the assistant chiefs, chiefs, village elders, Assistant County Commissioners, the Deputy Commissioners and even the intelligence officers. We wonder how this crime continues in these particular areas without perpetrators being caught and made to take responsibility for the crimes committed.

It is high time we thought outside the box. We brought in a very dynamic Constitution which has established two levels of Government. In these areas, you wonder about the extent to which the devolved units of the Government have been able to work towards reducing the suffering of the people and improving their living standards. Devolution has brought with it options in terms of livelihoods in those areas where people are prone to cattle rustling. I do not think it is wise, after all these years of Independence, that our people still rely totally on stealing and robbery as a way of livelihood in the name of culture.

It is true that this cattle rustling is a multi-million business. There are people involved in this practice as a serious business. These days, when livestock is stolen, it is ferried by known people in both lorries and small vehicles. It is a matter of requiring the Government to take serious action against the perpetrators of cattle rustling. If that is done, this will be a thing of the past. This matter should be taken seriously, especially at the level of the Cabinet Secretary of Interior and Coordination of National Government. This thing needs to be taken seriously so that people fear to get involved in cattle rustling. I wonder why we are not investing where we need to invest both at the county and at the national levels.

These activities are in remote areas of the country. I believe if there was a proper road infrastructure in those areas things could be different. That would be the case if these areas were provided with dams and water pans, which they could use for irrigation. Even where there are limited rains, there is a possibility of harvesting water, which could be utilised in rearing and breeding livestock. Even people who keep cattle can engage in farming and other economic activities. However, because cattle rustling is shrouded with a lot of interests, especially from local leaders, it has become very difficult to stem it. The challenge is that even the agents of Government sometimes collude with the criminals because they also benefit from the proceeds of crime. If this matter is taken seriously, I am sure we will prevent cattle rustling and enable the people of this country to lead a normal life without any fear.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member for Molo.

Hon. Macharia: Thank you, Hon. Temporary Deputy Speaker. Finally, I have been able to catch your eye. I would like to thank the Member for Elgeyo Marakwet who brought this Motion. Historically, Molo Constituency has been known for tribal violence. One of the key indicators that tribal violence is just about to break has been cattle rustling. There are also instances where cattle rustling has been commercialised. Unscrupulous business people feign tribal differences only for them to trade in cattle by taking advantage of the situation.

Hon. Temporary Deputy Speaker, I would like to take this opportunity to send condolences to the families of the people of Elgeyo Marakwet who have been killed. I urge the leaders, some of whom are in this House, to bring the communities together basically because this has been a difficult moment where fingers are being pointed towards certain ethnic communities by others. It is important that all ethnic communities living around there are able to work together towards ending this menace.

Hon. Temporary Deputy Speaker, other than cattle rustling, we have had other insecurity instances in my constituency. I take this opportunity to thank the police especially in Molo and Turi for being able to take charge of instances involving land which could have flared up.

Finally, I think it is time the Government of Kenya invested heavily in tackling cattle rustling. In Botswana there used to be serious cases of cattle rustling. These days there are no cases of cattle rustling because of a technology called bolus? Bolus is a technology where all livestock are filled with tracking devices like the one we put on vehicles. When they are stolen, you can see how they are moving, where they died, where they were slaughtered and who finally has them. This technology should be introduced here so that this kind of wrangling in the 21st Century over cattle must come to an end.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I give the Floor to the Member for Wajir South.

Hon. A.O. Ahmed: Thank you, Hon. Temporary Deputy Speaker. I am the Member for Wajir West.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I apologise.

Hon. A.O. Ahmed: Thank you for giving me this opportunity. Of late, we have been having problems of insecurity throughout the nation. Apart from cattle rustling we have had the issue of the attack in Mandera. We have had clan clashes and sporadic clashes all over the country. Generally, this is exaggerated by the fact that we are going to an electioneering year. As much as we have been blaming the security and the Ministry of Interior and Coordination of National Government, as leaders we have a role to play. We cannot keep on pointing fingers at the Ministry of Interior and Coordination of National Government. We have a role to play and we are part of this problem. As leaders, we should be able to talk to our community, take part in dialogue and be part of the solution. We cannot be complaining every time. We have been elected to offer leadership, stewardship and guidance. We can talk to our people but if we leave insecurity with the security personnel, we will not be able to do much. The security personnel have a role to keep law and order but as leaders, I feel strongly that we are failing in our role and responsibility.

We have a problem in terms of intelligence especially when it comes to attacks on our border. Now and again we have heard of attacks in Garissa and Mandera yet there were intelligence reports and security was informed. Why can we not use that information? We need to analyse the reports and prevent attacks. We have chiefs all over. We have made a budget for the Ministry of Interior and Coordination of National Government and we have been able to budget to the extent that chiefs will be facilitated to go to the interior to collect information and provide it to the security personnel. There should be no reason why when we have the information and intelligence, we should not be able to prevent these attacks.

Lastly, the community has a role. The community is aware and is hiding the people who are behind all these *Al Shabaab* and cattle rustling attacks. That particular person is not working alone, but with a household. He is sleeping somewhere and planning it from somewhere. That is where the ammunition and the grenades are. As a community, we should help our security forces and Government through the *Nyumba Kumi* Initiative. Let us remember as leaders that as we go towards the elections, it will not be any better unless we support the Government.

Thank you for giving me this opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I will now give the Floor to the Member for Baringo.

Hon. (Ms.) Kiptui: Thank you, Hon. Temporary Deputy Speaker, for the opportunity. I also stand to contribute to this Motion for Adjournment. It is unfortunate that we are talking about cattle rustling again.

In the greater part of last year, we took part in several meetings and caravans to address the issue of cattle rustling, which was flaring up in our region. It is unfortunate that the two communities in Baringo County, which I represent, and Elgeyo Marakwet County, which Hon. Chebet represents, were our best examples because they had previously entered into an agreement to keep peace. It is very unfortunate that at the moment, that peace is not being upheld. We are hearing a lot of reports of people who have been killed. The number has reached around 20 and now it has destabilised the region. Women and children are sleeping outside and yet our Government promises that it will guarantee peace for every Kenyan.

When we went round we came up with a blueprint of some steps that should be taken to ensure that these issues of cattle rustling become a thing of the past. The Cabinet Secretary for

Interior and Coordination of National Government should answer this. Very few of the points we proposed are being implemented. The problem is with the implementation of the issues. I remember we suggested that for those areas which have not been opened up, we need to open them up by building security roads. We suggested that children should compulsorily be taken to school and schools be built so that this barbaric attitude that our people have is eliminated in due course.

We also agreed that we needed to be very proactive whenever these things happened. However, the leaders from those regions have tried but not all of them. I am praying and asking the CS to provide the resources to enable us go back again and speak to these people. I am a believer of dialogue. I believe that I must win somebody over. However much force we use, if those guys are not convinced, they will not stop the problem. So, I ask the CS to provide resources so that we engage the communities and reason with them. I am sure with dialogue and a bit of firmness from the Government; this problem is going to stop.

The women and children of Elgeyo Marakwet have been singing songs remembering what they went through in yester years. We used those ones as examples saying that truly peace can reign between the Pokot Community and their neighbours. There is a lot of disruption. As the leadership of the affected areas, we commit ourselves to do our part in terms of engaging our people to stop that menace. There are also cases of cattle rustling in some parts of this country. Punitive measures should be enhanced. People should be given alternative ways of earning a living so that they can stop cattle rustling. Some of them think cattle rustling is the only source of their livelihoods.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, I will give the last five minutes to the Chairman of the Joint Committee on National Cohesion and Equal Opportunity.

Hon. Sakaja, you have heard the sentiments of Members. I hope you will give direction on what your Committee is doing.

Hon. Sakaja: Thank you, Hon. Temporary Deputy Speaker. I would, first, like to send my heartfelt condolences to the families of the victims who were affected in the recent spate of attacks in Elgeyo Marakwet County. Cattle rustling is not a new issue. It has been a huge thorn in the flesh of this country. Because of the occurrences of 2013 and 2014, my Committee went round the country to try and find out the root cause of cattle rustling. We visited Baragoi, Maralal, Lokwar and Nakuse in Turkana; Loruk, Nginyang and Sandai in Baringo County and Turkwel in West Pokot County. I must say that people in the North Rift want peace. They told the Committee that they desire and yearn for peace. We acknowledge that the old type of cattle rustling – which used to be seen as a cultural activity – is not what is going on today. Cattle rustling is now a commercial activity, and it must be treated as such.

Hon. Temporary Deputy Speaker, we further engaged security officers and the National Cohesion and Integration Commission (NCIC). I am proud to say that we got the first peace deal between the Samburu and Turkana people, who stay in Baragoi in Samburu County. In most of the areas, calm has been held.

As a Committee, we resolved to come to the House and bring a piece of legislation. I hope Members from areas affected by cattle rustling are listening. If you look at the Order Paper, there is the Penal Code (Amendment) Bill No. 13 of 2016. This Bill talks about cattle rustling. We have heard of several cases of cattle stolen, children killed and women raped and killed but in most cases, village elders were just told to sit down and agree to return the cows. Because we do not see cattle rustling as a capital offence, the security officers have also taken it lightly. This

Bill seeks to ensure that cattle rustling is treated as a capital offence. Where death occurs, it should be given the penalty of arson or murder or robbery with violence. The amendments are on the Floor of this House.

Without pre-empting debate, this Amendment Bill says: “When a person who, without lawful authority drives, conveys or transports any livestock without the permits required in law, commits an offence and will be liable to imprisonment for not less than five years”. We are also amending the Bill to say that a person shall not permit any livestock to be driven away. This relates to security officials in border points.

Section 278 of the Bill says that a person who steals livestock or produces or receives any livestock without knowing or having reason to believe that it was stolen has committed an offence. The person who receives that livestock knowing that it has been stolen has also committed an offence and is liable to imprisonment for 14 years.

The Bill further says that if a person, who in the course of stealing any livestock uses violence or threat of violence involving the use of a firearm or any offensive weapon, commits an offence and is liable upon conviction to imprisonment for life. These provisions are in an amendment Bill that is coming up for debate shortly.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Wind up, Hon. Sakaja.

Hon. Sakaja: Hon. Temporary Deputy Speaker, as I wind up, some of the meat we eat here at lunch time is a product of cattle rustling. Billions of shillings have been made at the export market. It has become a multi-billion industry because of cattle rustling. In as much we are bringing the Bill, I want to concur with the Member who spoke before me. There are certain agreements we made with the national Government, which must be implemented in order for us to fully do this.

With those remarks, I support this Motion and reiterate that we will be debating the amendment Motion soon.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Members. I congratulate the Member for Elgeyo/Marakwet for bringing a substantive Motion for Adjournment to this House on this particular matter. You are an example as to why we need more women in this House.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, the time being 6.30 p.m., the House stands adjourned until tomorrow Thursday, 27th October, 2016 at 2.30 p.m.

The House rose at 6.30 p.m.