

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 21st April, 2016

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Can we have the Quorum Bell rung?

(The Quorum Bell was rung)

Members, we can begin business.

BILL

Third Reading

THE COMMUNITY LAND BILL

Hon. Deputy Speaker: Hon. Members, we have three Motions and Bills to be passed. So, we ask your indulgence to be patient even if you need to go to other meetings for us to complete that business. On Order No. 8, we have the Community Land Bill. I will put the Question because it was already debated.

(Question put and agreed to)

Next Order.

MOTIONS

INITIATIVE TO PROMOTE CLEAN ENVIRONMENT

THAT, aware that Article 42 of our Constitution accords every person the right to a clean and healthy environment and that Article 69(1)(d) mandates the State to encourage public participation in the management, protection and conservation of the environment; deeply concerned that our homes, roads, public and private premises, work places, recreational areas and general environment are littered with plastics, solid and liquid wastes as well as lacking good general

environmental aesthetics, this House resolves that the Government declares one Thursday of each month be dedicated by every Kenyan household, organised groups, public and private institutions and corporate organisations to cleaning and beautifying their immediate environment and public places and also initiates a proactive programme in all our schools to inculcate the culture of keeping our environment clean and healthy.

Hon. Deputy Speaker: This is a Motion that was debated and completed but the Question was not put. I, therefore, put the Question.

(Question put and agreed to)

APPROVAL OF THE MEDIATED VERSION OF THE
POLITICAL PARTIES (AMENDMENT) BILL, 2014

THAT, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order No. 150, this House adopts the Report of the Mediation Committee on the Consideration of the Political Parties (Amendment) Bill (Senate Bill No. 3 of 2014), laid on the Table of the House on Tuesday, 12th April 2016, and approves the mediated version of the Political Parties (Amendment) Bill (Senate Bill No. 3 of 2014).

Hon. Deputy Speaker: This Motion was sufficiently debated and concluded. However, the Question was not put.

(Question put and agreed to)

PROCEDURAL MOTION

EXTENSION OF THE PERIOD FOR CONSIDERATION OF A PETITION

Hon. ole Kenta: Hon. Deputy Speaker, I beg to move the following Motion:-

THAT, notwithstanding the provisions of Standing Order 227 (2), this House resolves to extend the period for consideration of the Petition submitted by one Maj. (Rtd) Joel Kiprono Rop regarding a proposed Comprehensive Constitutional Amendment Bill, referred to the Constitutional Implementation Oversight Committee by a further period of twenty one (21) days from 14th April, 2016.

This Procedural Motion is informed by the fact that the Committee listened to several stakeholders. Some of them appeared before the Committee like the *Boresha Katiba* Initiative, *Tunza Kenya*, *Punguza Mizigo* and several others. Our work was supposed to be complete on 10th April 2016. Because of the fact that we did much more than was expected, we request to be allowed to table the outcome of the Petition by a further 21 days. We will go for a retreat this evening to ensure that we prepare the report and present it before the House.

With those few remarks, I beg to move. I request Hon. ole Lemein to second.

Hon. ole Lemein: Thank you, Hon. Deputy Speaker. The highlights and the reasons given by the Mover are straight forward. I, therefore, second.

(Question proposed)

Hon. Deputy Speaker: I can allow the Members who are retreating to retreat.

(Question put and agreed to)

Hon. Members, as we proceed to Committee of the whole House, I want to inform you that the Senate Bill, the County Governments (Amendment) (No. 2) Bill, is sponsored by Senator Wangari. She has asked that no business takes place in the county assemblies before the nominated Members of County Assemblies come in so that they also have an equal opportunity of participating in the leadership of the House, from Speakers to Deputy Speakers and all the other positions available, which is not the case at the moment. Those positions are filled before the nominees come in. That is the import of the Senate Bill, which they would like us to quickly expedite its conclusion. We can proceed to the next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Deputy Chairman (Hon. Cheboi) took the Chair]

THE COUNTY GOVERNMENTS (AMENDMENT) BILL

The Temporary Deputy Chairman (Hon. Cheboi): Order, Hon. Members! We will start with the County Governments (Amendment) (No. 2) Bill (Senate Bill No. 2 of 2014).

(Clause 3 agreed to)

Hon. Chepkong'a: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): What is your point of order, Hon. Chepkong'a?

Hon. Chepkong'a: Thank you, Hon. Temporary Deputy Chairman. Some members are complaining that they are not aware about this Bill. It is Order No. 12 in the Order Paper. The Committee deliberated on this Bill. In fact, we agreed that we have no proposed amendments as a Committee.

The Temporary Deputy Chairman (Hon. Cheboi): You might be giving some very good information but why are the members not complaining to the Temporary Deputy Chairman. They are complaining to Hon. Chepkong'a. That is the position and the substantive Deputy

Speaker has also put some information forth to the members. I do not think there is anything contentious about this.

Hon. Dido: On a point of order, Hon. Temporary Deputy Chairman

The Temporary Deputy Chairman (Hon. Cheboi): What is your point of order, Member for Saku?

Hon. Dido: Thank you very much, Hon. Temporary Deputy Chairman. I have looked at the Order Paper and noticed that there are amendments to the Political Parties (Amendment) Bill but I do not see any amendments to the County Governments (Amendment) (No. 2) Bill.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Rasso, there cannot be anything because there are no amendments. To clarify further to the members, this is a proposal by Senator Wangari suggesting that before any activity like election of a Speaker or Committees in the county assemblies, the nominated members must have already taken their place so that they can participate happily.

We will proceed. Hon. Rasso, there cannot be much in the Order Paper because there are no amendments. If there are issues, you can talk to your neighbour there. He seems to have more information.

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): That marks the end of that particular Bill. Let me call the Mover to move reporting.

Hon. Chepkong'a: Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the County Governments (Amendment) (No. 2) Bill (Senate Bill No. 2 of 2014) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

THE POLITICAL PARTIES (AMENDMENT) BILL

The Temporary Deputy Chairman (Hon. Cheboi): We will proceed to the next Bill so that we can handle them together. We will proceed to the Political Parties (Amendment) Bill (National Assembly Bill No. 2 of 2016).

(Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 agreed to)

Clause 15

The Temporary Deputy Chairman (Hon. Cheboi): I see Hon. Chepkong'a has a proposed amendment. Proceed.

Hon. Chepkong'a: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 15 of the Bill be amended in paragraph (a) by inserting the following new sub-paragraph immediately paragraph (i)-

(j) has contravened the provisions of Article 81(b) of the Constitution;

The import of this is to link the contravention to Article 81 (b) of the Constitution so that it is part of those contraventions that are contained in that particular clause.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will give two members a chance. Let us start with Hon. Makali Mulu.

Hon. Mulu: Thank you, Hon. Temporary Deputy Chairman. I support this amendment, even though it would have made a lot of sense if the Committee Chair told members what is in Article 81 of the Constitution. It is good that he aligned it to the Constitution.

Hon. Tong'i: I support the amendment, though it would be nice to have more information on the intent of the changes. However, we can do with it as it is.

*(Question, that the words to be inserted be inserted,
put and agreed to)*

(Clause 15 as amended agreed to)

Clause 16

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Chepkong'a.

Hon. Chepkong'a: I thank you, Hon. Temporary Deputy Chairman. I beg to move:-

THAT, Clause 16 of the Bill be amended by inserting the following new paragraph immediately before paragraph (a)--

(aa) by deleting sub-section (1) and substituting therefor the following new sub-section-

(1) The Fund shall be distributed as follows-

- (a) eighty percent of the Fund proportionately by reference to the total number of votes secured by each political party in the preceding general election;
- (b) fifteen percent of the Fund proportionately by reference to the proportion of women elected within each party in Parliament; and
- (c) five per cent for the administration expenses of the Fund

The import of the amendment is to require political parties to ensure that they have women representation in their organs. This will ensure that we implement Article 27 of the Constitution by encouraging political parties to have representation of more women in their parties and party organs. It is important that we encourage this practice.

I do not know why women Members are not in attendance today. Although I am supporting, most of the women Members have just run away from the Chamber.

I thank you, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): Let us proceed. You do not have to worry. In this House there are only Hon. Members of the Assembly.

(Question of the amendment proposed)

Let us hear the Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Temporary Deputy Chairman. I want to plead with the Chair of the Departmental Committee on Justice and Legal Affairs. Let us not discriminate people. This amendment is basically discriminative. Political parties are for the people of Kenya. This Fund is based on what the universal electorate will vote for. If you are going to deny a political party funding because their constituencies refused to elect a certain gender, that is discriminatory. I have never disagreed with the Chair, but on this amendment I want him not to take us through a lot of debate. He should just withdraw the amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, I know we have agreed that only two Members will be speaking to each clause, but on this one I am going to give opportunity to a little more Members. It is an issue that we really want to discuss.

Let us hear Hon. Fatuma Ibrahim.

Hon. (Ms.) F.I. Ali: Thank you, Hon. Temporary Deputy Chairman. I stand to strongly support the amendment. Our Constitution is very clear that we are supposed to promote positive discrimination. This is a form of positive discrimination. It is very evident in this country that political parties have not encouraged women. Instead, they have discouraged women. I concur with our Chair. I want to stress here that the Chairman of the Departmental Committee on Justice and Legal Affairs is a very progressive Chair. I want to plead with the Leader of the Majority Party to support women as he has been doing.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Fatuma, you know the niceties can be saved for a later time. Let us hear Hon. Lemein.

Hon. ole Lemein: Thank you, Hon. Temporary Deputy Chairman. With all due respect to my brother, Hon. Chepkong'a, this particular amendment is discriminatory. I want to urge him, just as the Leader of the Majority Party has said, to withdraw the amendment. I wish the legal---

(Loud consultations)

The Temporary Deputy Chairman (Hon. Cheboi): Order, Members! You will make your decision.

Proceed, Hon. Lemein.

Hon. ole Lemein: Hon. Temporary Deputy Chairman, this amendment is discriminatory. I want to urge Hon. Chepkong'a to withdraw it. I oppose the amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Let us hear Hon. Kangogo Bowen, the Member for Marakwet East. As you prepare, let us hear Hon. Kaluma.

Hon. Kaluma: Hon. Temporary Deputy Chairman, this provision can only come in democracies where political parties give lists and not where candidates run and compete to be voted for.

In Kisumu West, we gave the ODM Party nomination to Rosa Buyu but she was still defeated by Hon. Olago Aluoch. Do you punish the ODM Party for the failure of the people to

elect Rosa Buyu? What we are saying is that if you went the South African way, where political parties have to give lists, you can have this provision. In a democracy where each individual is seeking votes, it is up to the people to choose their leaders. I ask Hon. Chepkong'a to withdraw this amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Kangogo, let me give an opportunity to Hon. Zuleikha as you prepare yourself.

Hon. (Ms.) Juma: Thank you, Hon. Temporary Deputy Chairman, for this opportunity. I rise to support this amendment because as Hon. Kaluma was saying, ODM Party, for instance, nominated a woman who was defeated by a man. Rwanda, for instance, is the country in the world with many women in Parliament. It is because political parties put more women to stand in general elections. So, we will be encouraging political parties to do so. The more women are nominated by political parties, the more women will be elected.

Hon. Bowen: Thank you, Hon. Temporary Deputy Chairman. I stand to oppose this amendment. It is unconstitutional because in elective positions, you do not need to create funds for women or say that one constituency can elect only a woman and another constituency can elect only a man. This amendment is totally unconstitutional. This House makes laws for posterity and not for individuals. So, I totally oppose the amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Bishop Mutemi.

Hon. (Bishop) R. Mutua: Thank you, Hon. Temporary Deputy Chairman. I am totally opposed to this amendment. We cannot force people to elect somebody they do not want. If it was saying the parties have to have had women candidates, then that would be okay. When you talk about the ones who have been elected, then we have no control over that. This amendment is not constitutional.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Kedogo.

Hon. Kedogo: Thank you, Hon. Temporary Deputy Chairman.

Hon. (Hon.) F.I. Ali: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): What is your point of order, Hon. Fatuma? You have already spoken. Honestly, you could allow other Members to also contribute. Let us hear Hon. Kedogo.

Hon. (Ms.) Kedogo: I think 15 per cent is too little. I thought you were talking of 50 or 80 per cent. We should support Hon. Chepkong'a because we need political parties to do their work. If they nominate, they should make sure that whoever they have nominated goes through. So, I support the amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Okay, you will make the decision, Hon. Members.

Hon. Member: One more chance.

The Temporary Deputy Chairman (Hon. Cheboi): Not any more. I have gone beyond where I should have.

*(Question, that the words to be inserted
be inserted, put and negatived)*

(Clause 16 agreed to)

Hon. Lati: On a point of order.

The Temporary Deputy Chairman (Hon. Cheboi): What is it Hon. Member for Samburu West? Hon. Lelelit, what is it?

Hon. Lati: Hon. Temporary Deputy Chairman, I am completely disturbed. This is a House that represents the people of Kenya. The image we portray in this House these days is one that indicates complete barriers between the genders. If you look at what is happening today and it is good the gender Bill is sponsored by Hon. A.B. Duale, women seem to be in one side in this House and men on the other.

The Temporary Deputy Chairman (Hon. Cheboi): What is out of order there?

Hon. Lati: Let me just say that it looks very bad before our people. Every man in this world is a woman and every woman a man. I am married to a woman. I represent my wife, daughter and my female constituents. All these women represent their husbands. There is no difference between men and women. I do not know why we are so separated along gender.

The Temporary Deputy Chairman (Hon. Cheboi): The constituency which you were trying to pass the information to has heard you.

Let us proceed.

*(Clauses 17, 18, 19, 20, 21, 22, 23,
24, 25, 26, 27 and 28 agreed to)*

New Clause 16A

Hon. Chepkong'a: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Bill be amended by inserting the following new clause 16A immediately after clause 16-

Insertion of 16A. The principal Act is amended by inserting the following new new section immediately after section 26- section 26A in

No. 11 of 2011 26A. (1) There is established a Fund to be known as the Special Election Fund which shall be administered by the Registrar.

The Special Elections Fund (2) The sources of the Fund shall consist of-
(a) such moneys as may be provided by Parliament for that purpose;

(b) contributions and donations to the Fund from any other lawful source;

(3) Moneys from the Fund shall be used to support women candidates in an election carried out under this Act.

Hon. Chepkong'a: Hon. Temporary Deputy Chairman, the import of this amendment is to establish a Special Election Fund which will assist women vying for positions as Members of Parliament. The argument that has been put forward many times is that women do not have money to campaign. We are saying that in the unlikely event that Hon. Duale's Bill fails, this will be the fall back position to allow women to be funded so that they can compete with men. We are of the opinion that the Registrar of Political Parties establishes a Fund to assist women to campaign and compete with men effectively.

Hon. Members: No! No!

Hon. Chepkong'a: Men control resources; they control capital. Therefore, women must also be empowered so that they can have sufficient monies to run elective positions.

Hon. Members: No! No!

The Temporary Deputy Chairman (Hon. Cheboi): You have made your point, Hon. Chepkong'a.

(Question of the new clause proposed)

(New clause read the First time)

(Question, that the new clause be read a Second Time, proposed)

Hon. Members, I will give priority, as per the Standing Orders, to the Leader of the Majority Party. Let us hear what he has to say.

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, again, with a heavy heart, I oppose the amendment. Hon. Chepkong'a is one of my best friends but I oppose the amendment for the reason that you cannot discriminate in how you disburse taxpayers' money. In fact, that is against the Public Finance Management Act. One of the principles of public finance is equity. You cannot say that you will give certain money to a certain gender and discriminate the other gender. That is against the Constitution. Hon. Chepkong'a is a renowned lawyer. Secondly, a principle of the Public Finance Management Act is being violated.

The Temporary Deputy Chairman (Hon. Cheboi): I will give chance to more Members to speak to it. I will start looking out to the lady Members of the House. I will start with Hon. Ombaka and then I will come to Hon. Wamalwa.

Hon. (Ms.) Ombaka: Thank you, Hon. Temporary Deputy Chairman.

I support this amendment because women never have enough resources to campaign. That is why many of them do not get involved in politics. Finances are so limited to them that they can never campaign and win. This will support them to participate in politics. We want more women in Parliament. This is just a sort of an affirmative action that will allow them to have an opportunity to campaign like any other person.

I support.

The Temporary Deputy Chairman (Hon. Cheboi): I will give chance to Hon. Aisha Katana.

Hon. (Ms.) Katana: Asante sana, Naibu Spika wa Muda.

Nimesimama kuunga mkono Mswada huu wa marekebisho. Ni wajibu wa kila mmoja kuwa katika uongozi. Akina mama wameshindwa kufika kwenye Bunge la kitaifa na kwenye mabunge mengine kule nyanjani kwa sababu ya ukosefu na udhaifu wa kiraslimali.

Kwa hayo machache, naunga mkono.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Wamalwa then I will give chance to many more Members. All of you will be fine.

(Loud consultation)

Relax Hon. Members, I see you. I will give you the opportunity to speak.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Chairman. I am here on grounds of being in the leadership.

The Constitution is very clear. Particularly, when you look at the PFM Act on equity, you will realise that you cannot discriminate along gender. The person who came up with this amendment wants to spoil the mood of the two-thirds gender rule that we want to pass in this House.

Let us not set a wrong precedent. I call upon our lady legislators to tread carefully. We are concerned about the two-thirds gender rule. There is no way you can put such a funny clause here.

I oppose.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Janet Nangabo.

Hon. (Ms.) Wanyama: Thank you, Hon. Temporary Deputy Chairman. I support this amendment. The culture of our people in Kenya is not to believe in women. In fact, some of our colleagues who are talking here have their wives at home. These wives can also become Members and they can be supported through this money.

Thank you.

The Temporary Deputy Chairman (Hon. Cheboi): I will give Hon. Malulu Injendi.

Hon. Injendi: Thank you, Hon. Temporary Deputy Chairman. I rise to oppose this Motion. Women have money. For example, when you look at the head of Hon. Janet Nangabo here, what she spends on her hair is Kshs10,000 every week, which means they have money.

Hon. Gichigi: I also rise to oppose. A reading of Article 27 of the Constitution is very clear. It says that equality includes the full and equal enjoyment of all rights and fundamental freedoms. Women and men have the right to equal treatment including the right to equal opportunities in political and economic culture. This Bill is actually unconstitutional.

Two, in situations where an aspirant who is a woman has more money than the man, how is that going to be dealt with?

I oppose.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Jackson Kiptanui.

(Loud consultations)

Order, Hon. Members! I cannot give everybody an opportunity. I am balancing.

Hon. Kiptanui: Thank you, Hon. Temporary Deputy Chairman. I stand to support this proposal. I am surprised that the Leader of the Majority Party is opposing this proposal yet he has come up with a proposal before this House on how we can increase the number of women in this House. We must encourage women to participate in elective positions. This is one of the ways of aiding in sorting out the issue of the one-third gender rule. We should support this process.

I support. Thank you.

The Temporary Deputy Chairman (Hon. Cheboi): Member for Banissa.

Hon. Mohamed Abdi: Thank you, Hon. Temporary Deputy Chairman. I stand to oppose this proposal. If we allow this, other people will also start demanding for a fund like this. For example, the disabled, the youth and all the cadres who will want to be represented in this House will want funds to be given. This is going to open a Pandora's Box. We oppose it.

Thank you.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, I am now putting the Question. As I put the Question, make your decision loud and clear.

*(Question, that the new clause be read
a Second Time, put and negatived)*

(New Clause 16A negatived)

New Clause 16B

Hon. Chepkong'a: Hon. Temporary Deputy Chairman, I was going to move New Clause 16B and New Clause 21A. This would have been a consequence of amendment of Clause 16A. I did not know that there are very many anti-progressive forces here.

The Temporary Deputy Chairman (Hon. Cheboi): That is very sweeping, Hon. Chairman of Departmental Committee on Justice and Legal Affairs.

Hon. A.B. Duale: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): What is it Hon. Duale?

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, Hon. Chepkonga's must withdraw. We are here to make legislation on behalf of people of Kenya. From his amendments, he is the one who is not progressive because he should have read the mood of his Committee Members and the Committee of the whole House. His own Committee Members are defecting. He should withdraw.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Leader of the Majority Party, I would have wanted Hon. Chepkong'a to withdraw but I realised that you also made that kind of statement against Chepkong'a. You cannot come into equity with unclean hands. So, your hands are already unclean. It cancels out. We will assume that none of you stated any of the wordings that you stated.

Proceed, Hon. Chepkong'a.

Hon. Chepkong'a: Hon. Temporary Deputy Chairman, the most surprising thing is that--

The Temporary Deputy Chairman (Hon. Cheboi): Let us leave the surprises for now. Why do you not simply hit the nail on the head?

Hon. Chepkong'a: It is important to say because as a Committee, we all agreed. When some Members come here and defect, it is very unfair to the Committee. We all agreed in the Committee that we support. I am completely pained to see some very progressive Members defecting in this house.

In line with the defeat of New Clause 16A, I withdraw New Clause 16B and new Clause 21A.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. That is perfectly within your right. That is withdrawn.

*(Proposed New Clause 16B and New Clause 21A
by Hon. Chepkong'a withdrawn)*

Clause 2

Hon. Chepkong'a: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 2 of the Bill be amended by inserting the following new definition in proper alphabetical sequence-

“party primary” means the process through which a political party elects or selects its candidates for a forthcoming general election or for a forthcoming by-election.

This is just purely an amendment to correct some interpretations in the interpretation section. It is meant to define the various terms that have been used in the Act. I thank you.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will give two Members. I see an interest from Member for Kaiti, Hon. Makenga.

Hon. Makenga: Thank you, Hon. Temporary Deputy Chairman. I rise to support the amendment as proposed by the Chairman of the Committee. This is simply to align the definition of this clause. I support.

Hon. Kisang: Thank you, Hon. Temporary Deputy Chairman. I rise to support this amendment by the Chairman of the Departmental Committee on Justice and Legal Affairs to clarify and define ‘party primary’. Finally, I hope the women of Kenya are seeing those Members who are not supporting them so that at least next time they see what to do with them. We need affirmative action. Why are we having affirmative action in---

Hon. (Dr.) Pukose: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): What is your point of order, Hon. (Dr.) Pukose? Order, Hon. Kisang!

Hon. (Dr.) Pukose: Thank you, Hon. Temporary Deputy Chairman. Is Hon. Kisang in order to say that the women of Kenya have seen those who have voted against the amendment yet the voting was “Ayes” or “Nay”? Considering that we do not know whether he voted “Nay” or “Aye”, he is indirectly seeking favours which do not exist. Thank you.

The Temporary Deputy Chairman (Hon. Cheboi): He is actually misleading the House and the Republic.

Proceed, Hon. Kisang.

Hon. Kisang: Hon. Temporary Deputy Chairman, I am finalising. I had requested an opportunity to support the earlier amendment but I did not get it. If I had got it, I would have supported the women.

The Temporary Deputy Chairman (Hon. Cheboi): That is water under the bridge. You said nothing in that one. I will give an opportunity to someone else.

*(Question, that the words to be inserted be inserted,
put and agreed to)*

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): That marks the end of the Political Parties (Amendment) Bill. I ask the Mover to move reporting.

Hon. Chepkong'a: Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Political Parties (Amendment) Bill (National Assembly Bill No.2 of 2016) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORTS AND THIRD READINGS

Hon. Deputy Speaker: We will proceed with the Reports of the two Bills.

THE COUNTY GOVERNMENTS (AMENDMENT) BILL

Hon. Cheboi: Hon. Deputy Speaker, I beg to report that a Committee of the whole House has considered the County Governments (Amendment) (No.2) Bill (Senate Bill No.2 of 2014) and approved the same without amendments.

Hon. Chepkong'a: Hon. Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. Pukose to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. (Dr.) Pukose: Hon. Deputy Speaker, I second the Motion.

(Loud consultations)

Hon. Deputy Speaker: Order, Members! I would like to propose the Question. I am waiting for the Leader of the Majority Party, Hon. Sambu and Hon. Wario to sit down.

(Question proposed)

(Question put and agreed to)

Hon. Chepkong'a: Hon. Deputy Speaker, I beg to move that the Political Parties (Amendment) Bill (National Assembly Bill No.2 of 2015) ---

Hon. Deputy Speaker: We are not considering the Political Parties (Amendment) Bill.

Hon. Chepkong'a: I apologise for that. I am moving two Bills.

Hon. Deputy Speaker, I beg to move that the County Governments (Amendment) (No.2) Bill (Senate Bill No.2 of 2014) be now read the Third Time. I also request Hon. Pukose to second.

Hon. (Dr.) Pukose: Hon. Deputy Speaker, I second.

(Question proposed)

Hon. Members: Put the Question!

Hon. Deputy Speaker: Are all these requests for the second Bill and not the first one?

Hon. Members: Yes.

Hon. Deputy Speaker: Are we in a position to put the Question?

Hon. Members: Yes.

Hon. Deputy Speaker: Are we okay? Please confirm, Hon. Washiali?

Hon. Washiali: Yes.

Hon. Deputy Speaker: Having confirmed that we are properly constituted, I will proceed to put the Question.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

We will proceed to the next Report.

THE POLITICAL PARTIES (AMENDMENT) BILL

Hon. Cheboi: Hon. Deputy Speaker, I beg to report that a Committee of the whole House has considered the Political Parties (Amendment) Bill (National Assembly Bill No.2 of 2016) and approved the same with amendments.

Hon. Chepkong'a: Hon. Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I request Hon. Sabina Chege to second.

Hon. (Ms.) S.W. Chege: I second.

Hon. (Eng.) Gumbo: On a point of order, Hon. Deputy Speaker.

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

Hon. (Eng.) Gumbo: Hon. Deputy Speaker, I wish to know if the Member for Murang'a knows what she is seconding. I have just seen her walking in. Is it in order for the Chair of the Committee to ambush her like that? She has just walked in and now she is seconding.

Hon. Deputy Speaker: Can the Member for Murang'a confirm that she knows what she is seconding? You are not the Member for Murang'a, Hon. Chepkong'a.

Hon. (Ms.) S.W. Chege: Hon. Deputy Speaker, I want to go on record that I know what I am seconding. Although I had some reservations, the House already passed the Bill and made a decision. I second.

(Question proposed)

(Question put and agreed to)

Hon. Chepkong'a: Hon. Deputy Speaker, I beg to move that the Political Parties (Amendment) Bill (National Assembly Bill No.2 of 2016) be now read the Third Time.

I can confirm that Hon. Sabina Chege is totally aware of what has been going on. She seconded the Motion with some reservations because she is very unhappy that the part in the Bill that allows for her financing to run for elections in Murang'a County was rejected. Hon. Kajuju claims that she was unwell and that is the reason she arrived late, otherwise, she would have supported this Bill. We hope next time they will be present, but it is unfortunate that we did not support the fund for women and yet, we supported the fund for Senators. The one for the Senators is a grant. The Women Fund is to support women to ensure that they come in big numbers to this House. This thing of giving people free goodies is not very good. It is like proposing that women should be freely nominated into this House. We want them to compete effectively with men. In fact, Hon. Sabina Chege has identified a constituency that she intends to run because Hon. Jamleck Kamau is going for governorship. She wants to go for--- I am not promoting her.

Hon. Deputy Speaker: Are we sure that the Chairman is speaking to relevance?

Hon. Chepkong'a: With those remarks, I would like to request Hon. Sabina Chege to second.

Hon. Member: Second what?

Hon. (Ms.) S.W. Chege: Hon. Deputy Speaker, as I second, I do not know why the Chair is on my case today. But I want to go on record that I am duly elected by the people of Murang'a as their Women Representative. I am happy to be in that position. I represent the county.

It would have been important for this House--- It is sad that we made a decision that women are not going to be assisted with the funds but, we know that we have women who are capable and are good leaders. We actually do not need free seats. We do not want nominations. We just need empowerment, a little bit of push and some assistance.

As I second, protect me from the Leader of the Majority Party. We know much of the money by African women is with the men. They keep it in their accounts and so, they decide how to use the money. I know the Chair and the Leader of the Majority Party here, if they would tell us the truth, they know that is the position. He is the head of the family and so, he decides where the money is put - unless he wants to tell us otherwise.

Many women sacrifice and do not go to work so that they can bring up their husbands and children at the same time. We have to make sure that they look okay and smart when they are going to work and when they are representing the people. So, when we need to take leadership positions or political positions, we would like to have that assistance so that women can have an opportunity to go and ask for votes. We do not need to be nominated. We have the capacity, apart from the financial problems.

As I second, I request the male Members in this House that every time they make a decision about women, they should not just look at the women they are competing against, but to look at their mothers and how they have managed their families. They should judge the women as they would judge their mothers.

Thank you. I second.

(Several Hon. Members stood on the gangway)

Hon. Deputy Speaker: Can I have some order so that I can propose the Question? People at the back!

(Question proposed)

I will allow some Members to make their contributions. I do not see your card, Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Deputy Speaker. I support this Bill. Because the Hon. Member for Murang'a County who has just walked in and did not know what was going on this morning, I want to make it very clear that the Chair has appealed before this House, which has denied women their seats. That is why after I saw what he did – and he has left - I decided to do one for them. But the matter before this House this morning was about funding.

If you look at Chapter 12 of the Constitution on public finance, principles and framework of public finance, Article 201(b) says that the public finance system shall promote an equitable society. In particular, the burden of taxation shall be shared fairly. There are a number of scenarios. For example, in Kiminini, in 20 years to come, there might be a very poor man who wants to contest for that seat against a very rich woman. We have very rich women in this country. What happens then is that you will give that rich woman more money based on this law and leave the poor man to contest against her. So, we looked at all those scenarios. We are saying that we have no problem with the "Duale Bill". I ask my colleagues to come in large numbers, but let us not create---

I was in the UK and I will share that with Members when I come to reply to my Bill. Let us not create an impression that women in this country are poor and have no money and that is why they are not winning political seats. Hon. Kaluma raised a very good example. He said in Kisumu West Constituency, where Hon. Olago Aluoch is the Member of Parliament on FORD (K) Party, the ODM party has always decided, for many years, to give Rose Buya a direct ticket. They refused to give my friend, Hon. Olago Aluoch, the ticket. But the people of Kisumu West told ODM that they were going to elect Hon. Olago Aluoch. The people of Kenya elect leaders not on the basis of gender, but on the basis of their performance. That is why the Deputy Speaker is a Member for Sotik and that is why Hon. Alice Ng'ang'a is a very great member for Thika Town Constituency. That is why we have great county women leaders. Our women leaders should not look for excuses to ascend to power. Do not look for excess resources. Let us make this law for posterity and not where you favour one gender.

Kenyans have a right to elect anyone they want. If they want to fill this House with 349 women, they will do it.

I beg to support.

Hon. (Dr.) Pukose: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Pukose, what is your point of order?

Hon. (Dr.) Pukose: Hon. Deputy Speaker, without showing disrespect to the Leader of the Majority Party, is the Hon. Member on the left side in order to raise her hand when the Leader of the Majority Party is contributing?

Hon. Deputy Speaker: Who is the Hon. Member?

Hon. (Dr.) Pukose: There is a Member who has been busy raising her hand. She is now laughing and yet, we are in Parliament.

(Loud consultations)

Hon. Deputy Speaker: Okay. Members, let us carry ourselves with decorum. Hon. Makali Mulu. Members, remember this is the Third Reading. Let us make brief comments. Do not take too much time as the Leader of the Majority Party.

Hon. Mulu: I will be brief, Hon. Deputy Speaker. Thank you for giving me this opportunity. The constituency that I represent, where the good people of Kitui Central have elected me, was represented by a lady for 20 years. The lady was not given any favours to win that seat. So, we have been fair to the Bill. At the same time, our colleagues should also take matters seriously.

Hon. Deputy Speaker, you were here by 9.30 a.m. as I was. Very few of our colleagues were in the House for this important Bill. I was surprised that they were not here when the Bill concerns them. You have no vote when you are seated there. The reason they lost, despite Hon. Fatuma's continuous push, is because they were not in the House. So, let them take some of these things seriously so that even as we support, they are there to be supported.

Thank you.

Hon. Deputy Speaker: Hon. Wanjiku Muhia, one word, please!

Hon. (Ms.) Muhia: Thank you, Hon. Deputy Speaker, though I wanted to support the coming one. I support though with reservations. This was a very good Bill. What Members are trying to bring on board is really far from the truth because we know very good leaders who are chairladies of churches and groups, but have no capacity to vie for any seat when they are given an opportunity.

I support.

Hon. Deputy Speaker: Hon. Chris Wamalwa.

Hon. Wakhungu: Hon. Deputy Speaker, this was a very important (Amendment) Bill. We are happy to have passed it. As we sit in this House, there is a very serious Bill about the two-thirds gender rule also known as the "Duale Bill." We, as Members of Parliament, are very committed to ensure that, that Bill is going to pass. We know of many women who are rich. It does not mean that when you are a woman, you do not have money. We have many poor men. I want to give an example of the gracious lady, Hon Wambui Kibaki, the Member for Othaya.

(Laughter)

I am told her opponent was very rich and she vied twice for the elections and she managed to trounce the opponent. She is a very tough lady and we want women to come up that way. I thank you.

(Loud consultations)

Hon. Deputy Speaker: Order, Members! Let us have Hon. Florence Kajuju. The Hon. Member looks like she is probably a fairly wealthy woman.

Hon. (Ms.) Kajuju: Thank you, Hon. Deputy Speaker. I am a little bit sad that this amendment did not pass because this matter was raised in the Departmental Committee on Justice and Legal Affairs. We agreed that this is a matter that needs to pass in this House. The Constitution was passed by Kenyans. Article 27(6) states:

“To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.”

One of the ways the Committee thought about was to support women so that they can go for elective positions. It is sad because without that kind of support, we are not going to have more women elected.

Hon. Deputy Speaker: Hon. Members, I would urge you not to leave the Chamber. I know some of you need to go to committees. I am about to put the Question and so, please, allow us to complete this process.

Hon. (Ms.) Kajuju: Hon. Deputy Speaker, I am finishing. The failure to support this Bill means that we will not have many women going for elective positions. The end result will be that we will still go for nominations. I wish Members understood that position because either way, there must be a third of women in the county assemblies and Parliament. So, failure to pass this Bill means that we are going to nominate more women to sit in those Houses meaning, we are going to eat into the taxpayers’ money. So, it is very sad and I hope that we can move further and respect the Constitution and implement it as per the drafters’ spirit and intention.

Thank you.

Hon. Deputy Speaker: Order, Members! We have ventilated enough and having confirmed that we have the requisite quorum for purposes of making this decision, I now proceed to put the Question.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

Next Order!

BILL

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

(Hon. A.B. Duale on 22.3.2016)

(Resumption of Debate interrupted on 19.4.2016)

Hon. Deputy Speaker: Hon. Cecilia Ng’etich had a balance of eight minutes. Is she in the House? If not, we move to the next Member on the list. Hon. Fatuma Ibrahim.

Hon. (Ms.) F.I. Ali: Thank you, Hon. Deputy Speaker, I would like to support the Two Thirds Gender Bill of Hon. Duale. I was here in the morning when the Political Parties (Amendment) Bill was passed. The intention of that amendment was to introduce some formal support to increase the number of women in elected positions to Parliament. The two-third gender rule is as a result of the requirement of the Constitution. All over the world, the best

practice and committed democracies create special arrangements to boost the leadership of women. The drafters and people who agitated for this Constitution pursued the line of increasing the positions of women in leadership and, in particular, in politics.

I request our male and female Members of Parliament (MPs) to support this Bill so as to increase the voice of women through contributions and the focus of women in this Parliament in the next election. This Bill is very crucial in terms of securing representation of both men and women because we are only looking at the current scenario where men are almost 80 per cent of the membership of the two Houses and women are about 20 per cent.

This country needs to move forward in a progressive way by increasing quality debates and contributions from both male and female legislators, so that they are at par in terms of their role in building this nation. I urge our male Members to support this Bill so that we enact a law that fulfills the requirement of our Constitution in terms of securing the two-thirds gender representation in both Houses.

If this does not happen, there will be serious challenges in this House in terms of meeting the constitutional requirement. This country is in the global picture for good practices and not for bad practices, where they practise authoritarian leadership. Many countries want to learn best practices from us. I strongly feel that this country is at the right moment to bring legislation that will enhance the two-thirds gender representation in this country. Currently, 80 per cent of the Members of both Houses are male. Maybe, in the next 20 years, there might be 80 per cent of women in this House. It is possible and there will be need to reverse some of the practices which men do not see happening now.

We think that women have been given the same platform as men. The reality on the ground is that of a society which is patriarchal and with strong entrenched cultural practices that do not recognize the talent and capacity of great women. At times, the qualities they look for in leaders can be found in women. However, because of socialization and traditions, sometimes we tend to have more preference for male members of the community to be given leadership. At times, girls are better trained and have better capacity. But the society discriminates against them and prefers men to take up leadership even when it is evident they do not have the capacity compared to women.

The reality is that women in this country are not in the same playing field in competitive political leadership. When campaigning for elected positions, women experience multiple challenges. If you listen to women elected in a constituency, they experience more challenges, face more attacks, abuses and use more money compared to the men whom they are competing against. The reality on the ground is that those challenges are not visible, but they are real and happening every day. Women, who want to vie for an elective position in a constituency, experience multiple challenges that discourage many of them from contesting for seats.

Personally, I am interested in contesting for a constituency seat and I am ready to confront that challenge. I am confident that I will secure that seat but I can also foresee serious challenges that might affect my likelihood of getting landslide votes and winning.

Kenya is highly respected globally and has adopted international obligations like the Convention on the Elimination of Discrimination against Women. Kenya has signed many other conventions that commit to promote legislation policies and programmes that will enhance women leadership and fight discrimination against girls. Also, we are expected to provide opportunities for the most disadvantaged group - that is women - and address the challenges and the discrimination that they experience.

Thank you, Hon. Deputy Speaker, I support this Motion.

Hon. Speaker: Hon. Nelson Gaichuhie. He is not in the House. Hon. James Lomenen.

Hon. Ekomwa: Thank you, Hon. Deputy Speaker, for giving me this opportunity. I stand to support this Bill with strong reasons. What I am is because of a woman. The first reason why I support this Bill is because it is a dedication to our mothers because, were it not for them, we could not be here. The President and His deputy could not be here. All the men could not be here. What appreciation do you have for your mum who took care of you? She persevered and carried you for nine months and took care of you in your early years. What thanks will you give to her?

This Bill appreciates women. That is not enough. The way you see me - I am very smart – it is the work of a woman. If Kenya stays without women, how will it look like? I want to tell the men who are here that, if we support this Bill, we will have a beautiful Parliament, well decorated, clean and entertaining. I also support this Bill because in all our homes, the people who have been very responsible and taking care of them are women. Even if you analyze critically, the women leaders in the world are very responsible and passionate. For men, it is biblical that a man will survive through sweat. Even when it comes to the obligations that we have, I am sure women leaders take care of dependants and the needy in the community more than men. I have proof of that.

Once women have been given the opportunity to lead this nation, I am very sure we will have responsible leaders in this nation. The needy in the community will be taken care of and we will have honest and responsible leaders in this nation. Let me confess today that I am a philosopher. I have learnt the philosophy of women; the feminism philosophy. I have discovered where discrimination against women came from. It is because of historical injustices of culture and what we call Eurocentrism. Even philosophers like Aristotle and Plato were all against women. They came up with ideas that oppressed them and never gave them opportunities. Maybe, they felt threatened. I want to support assertions by one of the philosophers called Heraclitus that: "You cannot step in the same river twice". Everything changes.

The historical dictums we have heard that women cannot perform are not true. Even when it comes to examinations, girl schools have been winning and getting "As". They have been performing well and we have mathematicians. Why do we doubt them? It is not written in the Bible that they cannot perform. We are all created in the image of God and we all bear the superscription of God. Why are we threatened?

I want to challenge the men here because this Bill is very good. By passing it, Kenyans will be very clever. They will say since women have been given these opportunities, they will elect more men. The more men elected, the more women will be nominated. It is an advantage and I do not know whether men know that. For example, if 290 men will be elected, automatically two-thirds of that figure will be nominated women. So those electing will have that consideration. Why do we worry? This is another question for us men because---

Hon. Deputy Speaker: Hon. Lomenen, are you sure you are really interpreting the meaning of the two-thirds. You want to elect 290 men.

Hon. Ekomwa: It is a probability.

Hon. Deputy Speaker: The idea is to reduce the number of elected men so that we can have more women elected and less nominated.

Hon. Ekomwa: Hon. Deputy Speaker, that is an assumption. I am telling you the reality on the ground of what will happen in the context of politics in Kenya. Let us call a spade a spade. I know that is an assumption, but I know the reality of what will be happening.

For us to follow the law and abide by our Constitution, we need to pass this law. If we pass this law, men, leaders and the voters of this nation will be respected. I am not a scientist but I know this will be proven. If you analyze gene mutations, the X-chromosomes are gradually dominating the Y-chromosomes. What we should anticipate is, in about 20 years to come, we will have more women than men. Therefore, the gender that will matter as far as voting is concerned will be women, whether we like it or not. Right now, for the male Members of Parliament who are here, they purely depend on women. If women have voted for you in a constituency, how will you honour them? This is a law that will make men to honour the women who voted for them in the constituencies. This is not just a Bill, it is a historical Bill. It will make us show the world that we respect everybody. Let us be sincere. Since the inception of the leadership of this nation, how many women have taken leadership positions compared to men? For us to deal with that injustice, we have to take affirmative action and pass this Bill. I would like to encourage men, if you love your mother, wife, women who voted for you and those in power now, support this Bill. God will support you wherever you are.

(Applause)

I am sure God hears the cries of women. That is why when it came to the crucifixion of Jesus, women were not used to that because they are passionate. It is men who were used. Let us learn from there. If you have women leaders, they will be responsible for this nation. They will be honest and will take care of this nation. I support this Bill. I beg the men and the President to support this Bill.

In America, we have a female presidential aspirant who is likely to win. Why can we not replicate that? We wish her well and we also wish that next time, we will have a lady President. What is so wrong? We cannot do without women in our homes.

Hon. Deputy Speaker: Hon. Lomenen, as much as we would like you to continue, we have a time limit. Thank you for the well put words. Hon. Denitah Ghati.

Hon. (Ms.) Ghati: Thank you very much, Hon. Deputy Speaker, for giving me this opportunity to support this Bill. I would like to support the Bill as I echo President Obama's words. We all know he supports women in the entire globe. He is the one who said that any country that does not invest in its women and does not carry along its women, is doomed for failure. That is a wise President talking. Even Hillary Clinton, the presidential aspirant of the US now, once mentioned that investing in women is smart economics. Women of this country are not looking for favours, but opportunities - a little push. As a country, we need to abide by the Constitution. Chapter 4 of the Constitution of this country clearly stipulates that this country is going to put mechanisms that are going to ensure women and the disadvantaged groups are able to access opportunities, be it political, economical or any other opportunity. Hon. Deputy Speaker, we are in tandem with the Constitution of this country.

I would like to urge the men in this House to support this Bill. Women, for a long time, have not been given a level playing field. Traditionally, where we come from, even many of us who are seated in this House, have had to endure a lot of cultural issues, competing with men who have traditionally been well off economically and who have been ahead in terms of

education and access to resources. We are looking for ways in which we can cut down the wage bill. If Members can think critically, cutting the wage bill is not about nominations. In fact, if you want to save this country from economic doldrums, we must ensure that we elect women so that we do not have the entire House having nominated women legislators in this Parliament and even in the county assemblies. We shall put in place mechanisms that are going to ensure that our women are on board.

Hon. Deputy Speaker, socialization has worked to ensure that women do not trust themselves and do not seek elective positions. Even when children are born, there is a way they are socialized - the roles the boys play and the gifts that we give them as compared to the girls. That is the mentality that we have all grown up knowing that women generally do not have opportunities to move forward.

As I conclude, I will just say that supporting this Bill is the smartest thing that we will ever do. I urge our men not to feel intimidated. When we have a House where ladies sit beside men, it will be colourful. That is smart economics. I urge the men to support the Bill. We should look at our structures and mechanisms that are going to ensure that women are also on board so that we work together to develop this country.

With those few remarks, I support the Motion. Thank you.

Hon. Deputy Speaker: Hon. Njogu Barua.

Hon. Barua: Thank you, Hon. Deputy Speaker for giving me this opportunity to contribute to this important Bill. At the outset, on my behalf and on behalf of the people of Gichugu whom I represent, I support the issue of having more women in all elective institutions like the National Assembly, the Senate and the county assemblies. This is a good idea because when we have many women participating in debates that shape this nation, it is obvious that a larger section of the community will be represented. The views of women at the grassroots will be put on board, and also the views of the children who are taken care of by women. I support the idea of increasing women representatives in various institutions to one-third and above.

As I support this Bill, I want to state categorically that the purpose of this initiative would basically be for empowerment. Sometimes, when we talk about numbers in scientific terms, that is natural science. What is important is the critical number. For example, for radioactive materials, you can have one kilogramme of iron ore which has less than one gram of active material.

The Bill proposes creation of special seats. They should be created in a way that they do not compromise the chances of women to raise their numbers and empower themselves. I am saying this from experience. The constituency I represent had been led by a woman Member of Parliament for 20 years. When a woman is elected as a Member of Parliament, the men become passionate and supportive. There must be a reason why she served for 20 years.

In 2013, we had 47 seats for County Women Representatives (CWRs) and throughout the country, the campaign was that women have a seat reserved for them and that people should not elect any other woman to a constituency. The public should be educated to know the difference between the CWRs and the need to empower more women to fight for additional seats so that they can increase their representation.

When we increase the special seats for women in addition to 47 county seats, the narrative is much deeper. As Africans, the population might be inclined to elect more men as opposed to women. We need to educate Kenyans on the import of this Bill. This Bill indicates that the special seats will be determined after the general elections and, therefore, there must be a

clear mechanism of how those seats are going to be created. After the general elections, there will be no Parliament and Senate sitting. The mechanism of nominating those people must be clear.

On the number of special seats to be taken by women, this nation should be made aware of the process of identifying them, which must give equal opportunities to every woman in the constituency. The county assemblies did not achieve the one-third gender rule and many women were appointed. It is not surprising to know that some of the women who were appointed as Members of County Assemblies (MCAs) were not known to the constituents before the elections. Women who will occupy the special seats should serve the interests of the constituents they represent. You should not be a friend to the appointing authority for you to qualify for those seats. You should have what it takes and your people must say that you are the right woman for that position. Right now, some women who have been appointed are making work more difficult because they do not represent their constituents, but themselves. The mechanism for nominating those women must be clear. Elected women must represent the interests of women in that specific county or constituency.

The Bill specifies that a woman who occupies a special seat is qualified for re-nomination. It is my view that, once you have had the privilege of serving this House through a nomination, then five years should be enough to empower you. After five years, if you see the need to be a Member of Parliament, then you should go to the ballot and fight for that seat. If we do that, then we will have many women in 20 years as specified in the Bill. You have a choice of having four women being nominated to occupy the special seats and a choice of having two women, each serving for 10 years or four women, each serving for five years. I am proposing that every woman who is occupying these special seats serves a maximum of five years so that after five years, she will be empowered to run for that office. I hope Hon. (Ms.) Wanjiku Muhia will get a chance to speak on that.

As I conclude, this Bill purposes to empower as many women as possible. In the next 20 years, this Bill seeks to ensure that we will have more than two-thirds or more than 50 per cent women in this House. As representatives of the people, we must be objective to ensure that we set a framework that will take us forward in getting more women in our institutions.

Hon. Temporary Deputy Speaker, we are only talking about the National Assembly, Senate and the county assemblies. What about the Council of Governors (CoG)? Is it a constitutional organ? If it is not, I rest my case. Are we making any efforts to ensure that we have one-third women governors in this country? That is the strength of the matter. As it is now, the governors are the custodians of the resources in the counties. If you want women and youth to access those resources, then it is important that the voice of a woman is heard in the CoG. Therefore, I hope that once we have determined the fate of this Bill, we may have another Bill which gives this nation a direction on how to have many women elected as governors. I am sure it is not possible to have a position of nominating a governor, but there must be an affirmative action to ensure that the voice of a credible woman is in the county assemblies.

The Senators who were elected to represent the interests of the counties must be enabled to effectively participate in county issues.

With those few remarks, I rest my case.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. (Ms.) Reginalda Wanyonyi, Member for Bungoma County.

Hon. (Ms.) R.N. Wanyonyi: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this important Bill. I am excited about how far this Bill has reached.

Women play a major role in life and are close to nature. That is because in many households, women fetch water, firewood and till land and, therefore, interact directly with nature and natural resources that are key to living. However, we have faced many challenges that relate to management of our natural resources. If we want to uphold the environment that sustains us, we need to allow women to play key roles in positions of decision-making. We should have more women in Parliament to influence decisions that affect natural resources.

Hon. (Ms) Juma: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Order! Hon. Zuleikha, what is it?

Hon. (Ms.) Juma: Thank you, Hon. Temporary Deputy Speaker. I rise under Standing Order No. 97 on limiting the time allocated to each Member to contribute. I would like to move that Members have, at least, five minutes each to contribute to this Bill.

The Temporary Deputy Speaker (Hon. Cheboi): You should have read that particular Standing Order through and then you realise that it can only be done at the beginning of the Bill. You want to propose a good thing, but unfortunately, it has been overtaken by events.

Hon. (Ms.) Juma: Hon. Temporary Deputy Speaker, there have been many women from the Coast region who have been waiting for two weeks up to 6.30 p.m. and none of them has had a chance to contribute.

The Temporary Deputy Speaker (Hon. Cheboi): There is a lot of time, Hon. Zuleikha. You have already put your voice to the debate in one way or the other. We will proceed and you will have time to contribute Hon. Zuleikha. I know how passionate you are with the young women issues. So, you will contribute, but you will have to queue and wait.

Hon. (Ms.) Juma: Hon. Temporary Deputy Speaker, I stand guided.

The Temporary Deputy Speaker (Hon. Cheboi): Where does Hon. Chidzuga come from because she has just contributed? Is she from Coast?

Proceed, Hon. Wanyonyi.

Hon. (Ms.) R. N. Wanyonyi: Thank you, Hon. Temporary Deputy Speaker. I know that my sisters will have an opportunity to contribute. Because women interact with nature and natural resources so much, it is important to have more women in decision-making positions for the management of those resources and, particularly, in Parliament. This particular Bill is important because it will enhance the management of our natural resources which sustain our lives.

Secondly, we need to address the historical injustices that have bedevilled our people. Culturally, for a long time, it is men who sat together and manufactured it. Gender is embodied in culture in the sense that men sat and allocated gender roles which did not favour women. Women have taken up those roles. Because they are good custodians, they have ensured that the culture that is there is upheld. Women have done those roles for a long time, but the injustice in it is that culture never allowed women to participate in it. So, the affirmative action in this Bill will enable women to be in a position to make decisions that, in one way or another, will benefit this nation. On that note, I want to beseech most of the tribal communities that have specific cultures to include women in their council of elders so that when decisions are made at the cultural level, women participation is enhanced.

I support this Bill. If we want sustainable food security in our country, we should include more women in leadership positions. If more women participate in leadership and in Parliament, the policies which will be passed will be sensitive to the household food security. Women interact more with families in food provision. They are the ones who look left and right to see to it that children are not sleeping hungry. Therefore, this Bill will enhance food security at the household level.

I want to appeal to my fellow male colleagues. When we have more women in Parliament, it does not mean that women want to overlook or “sit” on men. For example, in Genesis Chapter 2 Verse 8 in the Bible, God says that it is not good for man to be alone. I will make him a helper. So, the woman was created as a man’s companion. It is in that respect that as we collaborate together for reproduction, it is important that we also collaborate together for leadership. It is in that spirit that we desire this particular Bill to be supported strongly for purposes of harmony and development.

With those few remarks, I support the Bill. Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Member for Garissa.

Hon. (Ms.) Gure: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. I would like to add my voice to the Constitution of Kenya (Amendment) Bill. This Bill is a fulfilment of constitutional obligation by Parliament. Schedule 5 of the Constitution requires Parliament to enact a legislation that will facilitate the implementation of two-thirds gender principle within five years. The deadline was in August 2015 last year. The National Assembly pushed the deadline to August 2016. If we do not pass this Bill, this House will be dissolved. As a representative of the people of Kenya, Parliament must attend to their interests because they passed the referendum which gives the inclusivity of gender.

Parliament must provide leadership in adhering to constitutionalism and rule of law. If we discriminate against certain gender when making the laws in this country, it is not good for this Parliament. We need to create awareness that women can vie for seats in constituencies or in wards to become members of the county assemblies (MCAs). If we do not create that awareness, people in rural areas will think that women have specific and special seats which are the county women representatives. We need to decrease the nominated members of parliament and MCAs.

I urge this House to support this Bill. I support it. Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): You wanted more women to contribute. I have confirmed beyond doubt that Hon. Chidzuga has contributed. There are quite a number of Members who have contributed and I can see that they have put their cards on the intervention.

Let us have the Member for Kajiado County. Members who have contributed, you must know that it is against the Standing Orders to contribute twice to the same Motion. Hon. Kipchumba, you are one of them.

Hon. (Ms.) Seneta: Thank you, Hon. Temporary Deputy Speaker. I also stand to add my voice to this very important Bill. This Bill ensures that the membership of the National Assembly and the Senate conform to the two-thirds gender principle. It makes the membership of the two Houses to have equal number of members from both genders. Everyone in Kenya should support this Bill. We need both our men and women to support the idea of having equal numbers of all genders in the two Houses. This should happen not only in Parliament, but also in our counties. We also need to have structures that ensure that women are also elected as governors and in all

other elective seats, especially in the county assemblies. This issue of nomination is proving to be expensive because every time we nominate women to all Houses, our budget increases. We also urge women to also vie for all seats so that we do not just believe in nomination. I, particularly, urge the women of Kenya who, most of the times, are the ones who elect our leaders, especially our elected Members of Parliament, to vie for political seats. Most of the Members of Parliament are elected by women in our counties and constituencies. I urge women outside this House to make sure that our fellow women who vie for different elective seats are elected. I also urge our elected women to also vie for different positions.

I know that there are challenges that make them not vie for positions, especially economic empowerment. In pastoralist communities of Kenya, women have no authority to sell any property without the authority of the men. They have no authority to sell plots or livestock so that they can get money to campaign for those elective seats. It is a challenge but I still urge women to elect their fellow women. I urge our women not to shy away but to make sure that they mobilise resources through churches and friends so that they can also be elected.

I also wish to inform my colleagues that gender balance in this House will enable us to have policies and legislation that is friendly to all our genders. If we just let our men colleagues to make laws, policies and regulations alone, sometimes, their perspective is towards the opposite gender.

So, I urge the House to support this Bill. I thank the Leader of the Majority Party for bringing this timely Bill. I urge Kenyans to support us by electing more women to all elective seats. I stop there and support the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, you remember Hon. Zuleikha'a suggestion that we should reduce time to five minutes. Since, technically, it is not possible, members can do well as Hon. Seneta has done to speak only for five minutes. It is within your ability. So, let us have the Member for Siaya.

Hon. (Ms.) Ombaka: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity.

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

The Temporary Deputy Speaker (Hon. Cheboi): Member for Imenti South, what is your point of order?

Hon. Murungi: Hon. Temporary Deputy Speaker, we are discussing a very important Bill affecting women. They are the people suffering from the two-thirds gender principle. You can see the trend in this House as we debate. We, male members, are supporting them. So, let them also be magnanimous enough. If two ladies speak, one gentleman should speak also so that we observe the two-thirds gender rule. I am complaining because three ladies have spoken. Men feel marginalised now. I think they agree with me. Maybe, next time, you should give me an opportunity to support them.

The Temporary Deputy Speaker (Hon. Cheboi): Member for South Imenti, you can ask them to remove the cards, which I am not going to do myself. By the way, it is not the lady Members of this House who make the decision. I make the decision here. I will balance as much as possible. I see the mood is that we should balance. Otherwise, the interest here is more by the lady members of the House.

Proceed, Hon. (Ms.) Ombaka.

Hon. (Ms.) Ombaka: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I support this Bill because it empowers women to be in Parliament in large numbers

than never before. The two-thirds gender principle tries to control the number of people that come to Parliament so that we do not have one gender that dominates politics and the House. So, the women must be brought on board because, historically, women were never there before. If they were there, they were too few to have a voice or an impact. That is why the two-thirds gender rule will equalise both genders. The women and men will be there, not only in the National Assembly, but also in the Senate and county levels. These are political positions that have a powerful impact on the lives of our citizens. If the voice of women is missing, then a lot is missing. If we look at three people in any society, the two-thirds principle means that the men may not be more than two. At least, one woman will be there and two men will be there or *vice-versa*. The patriarchal society that was there is actually being killed slowly so that, at the end of the day, the two-gender is inclusive.

The inclusivity and equality are the bottom line of this principle. That is why it is very important for all of us to support it. Both men and women will be represented on equal terms and, as time goes by, more women will find themselves in Parliament. The two-thirds gender rule should be considered not only in elective positions, but also in appointive positions.

I support this Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Member for Kirinyaga County, and then I will start balancing. I can see the interest is too much on the side of the ladies.

Hon. (Ms.) W.K. Njuguna: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to join members in supporting this Bill. It is a very important Bill in this country. We are here to implement the Constitution. It is a requirement of the Constitution that we support this two-thirds gender rule. Let us go back to creation when God was creating this world. It is written in the Bible that God created man and woman. This means that where there is a man, there must be a woman. He also said that it is not good for a man to live alone. According to the Bible, we should---

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

The Temporary Deputy Speaker (Hon. Cheboi): What is your point of order, Hon. Chachu?

Hon. Ganya: Hon. Temporary Deputy Speaker, is the Member in order to tell us that men and women were created together? Is that from the Bible we know or has it changed of late? I am a Christian. The Bible says that man was created alone and later on, out of a rib of the man, a woman was created. Is the Member in order to mislead the House?

The Temporary Deputy Speaker (Hon. Cheboi): As far as I heard, she quoted the Bible accurately. Your contention would be a point of argument. She is accurate.

Proceed.

Hon. (Ms.) W. K. Njuguna: Thank you, Hon. Temporary Deputy Speaker. We are not talking about the method of creation or how man and woman were created. We are only saying that God created man and then woman. According to God's mind, He really wanted us to relate on a 50-50 basis. I want to thank the male Members of this House.

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

The Temporary Deputy Speaker (Hon. Cheboi): What is it, the Whip of the Minority Party? Let us not reduce it to a biblical challenge. This is something constitutional.

Hon. Mwachugu: Hon. Temporary Deputy Speaker, is the Member in order to insinuate that she knows what God's mind was by claiming that God created a man and a woman on a 50-50 basis? She is totally out of order. She cannot purport to know what God intended to do.

The Temporary Deputy Speaker (Hon. Cheboi): Order! This is not a theological contest. So, let us proceed and debate. I do not see what is out of order in what Hon. Karimi has said.

Proceed.

Hon. (Ms.) W. K. Njuguna: Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to thank male Members of this House. Previous Houses have never supported this rule. Our male Members of Parliament have really supported us. I thank them and may God bless them.

There is a saying that that behind every successful man there is a woman. We want this House to be successful. We want more women to be in this House so that it can succeed. We have seen very many countries which have achieved the two-thirds gender rule. The time has come for Kenya to have more women in Parliament. It is very important.

Whenever very important people come to this country, they always say that women must be supported. For example, the President of the United States of America, Mr. Obama, and the Pope said that women should be supported. I am very happy because time has come and I can see the mood of the House is that this Bill is going to be supported and implemented. When it comes to nomination, I would suggest that we have competitive nomination so that we do not have favouritism. When we support this Bill, we are going to have a level playing ground. I am sure women are going to participate by contesting in the constituencies. I support this Bill.

Thank you very much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Gaichuhie. He is absent. Hon. Gumbo. He is absent. Let us hear Hon. Zuleikha.

(Loud consultations)

Hon. Members, I have just called two male Members of the House and they are not in. So, I have decided to give the opportunity to Hon. Zuleikha.

Proceed.

Hon. (Ms.) Juma: Shukrani, Mhe. Naibu Spika wa Muda, kwa kunipatia hii nafasi. Nitachukua muda mfupi. Naunga mkono Mswada huu kwa sababu unapatia wanawake wa hii nchi nafasi ya kujumuika na viongozi wengine katika kufanya maamuzi ya maendeleo ya nchi hii.

Tunakumbuka Rais Obama wa Marekani alipokuja nchini alitoa hotuba nzuri sana wa kuunga sheria kama hii mkono. Alitukumbusha kuwa tukiacha wanawake nyuma ni kama timu ya mpira inayochezesha wachezaji nusu. Kutengeneza sheria ili wanawake waongezeke hapa Bungeni ni kitu ambacho kitatufanya sisi kama nchi tusonge mbele kwa pamoja.

Kitu kingine, utaona katika dini, mila zetu na maneno ya wahenga, kuna maneno ya kuonyesha kuwa wanawake ni kiungo muhimu katika jamii. Kwa mfano, katika Dini ya Kiislamu, Mtume Mohammed (Rehema na amani ziwe juu yake) alisema kuwa mama ni madrasa ama shule. Kwa hivyo, ukimpatia mwamake nafasi ya kuongeza elimu na kuchangia katika uongozi, basi ile familia itaimarika na jamii kwa ujumla itanawiri. Pamoja na hiyo, kuna msemu wa Kiingereza unao sema kuwa ukielimisha mwamke mmoja ni kama umeelimisha jamii nzima. Hii inaonyesha umuhimu wa wanawake katika uongozi. Tukiwaacha nyuma tunaacha Kenya nyuma na tutashindwa na nchi zingine.

Kitu kizuri kwa huu Mswada ni kusema kuwa wakati wowote kusiwe na zaidi ya theluthi mbili ya jinsia moja katika Bunge la Kitaifa au Seneti. Hii inahakikisha kuwa hakutakuwa wakati ambapo kuna wanaume au wanawake watupu Bungeni kama ilivyokuwa siku zilizopita katika nchi hii. Kitu ambacho nafurahia pia ni kuwa si wanawake tu wamepewa nafasi; ni kwa sababu hivi sasa walioachwa nyuma ni wanawake na sio wanaume. Haitupi tu nafasi ya kuteuliwa kama wanawake watakaochaguliwa, lakini pia imetuwekea kiwango cha miaka 20 kutoka sasa. Tunapewa miaka 20 wanawake wateuliwe na kupata uzoefu wa uongozi wa Bunge ili baada ya hapo wafuatilize vile viti vingine vya kuchaguliwa.

Kuna mifano michache tu ya haraka ya uzuri wa wanawake kuja Bungeni. Kuna sheria za kuzuia watu kudhulumiwa kimapenzi ambazo zimeletwa hapa na Mbunge wa kitambo ambaye sasa ni Jaji wa Mahaka ya Juu ya Kenya. Kuna sheria zinazopinga vita vya manyumbani pia zilipitishwa kwa sababu ya msukumo wa wanawake. Kuna sheria zingine ambazo, kwa mfano, zimeondoa ushuru kwenye visodo ambavyo wanawake hutumia wakiwa kwenye hada zao za mwezi. Hizo sheria zimepitishwa kwa sababu ya kuwa na wanawake Bungeni. Si masuala hayo peke yake. Ni muhimu kupata maoni ya wanawake katika sheria za nchi hii ili tusonge mbele. Hii ni kwa sababu idadi ya wanaume kwa wanawake ni asilimia sawa.

Nawaomba Wabunge wenzangu wahakikishe kuwa vijana wa kike wako katika orodha ya watakaoteuliwa. Isiwe ni wanawake watu wazima pekee ambao watateuliwa.

Kwa hayo machache, shukrani Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. Cheboi): Thank you very much. You spent exactly five minutes. That is good.

For balance purposes, let me give chance to Hon. Member for Chepalungu.

Hon. Bii: Hon. Temporary Deputy Speaker, thank you for giving me this opportunity to support this Bill. Women and men should compete so that we promote development. In democracy, there is no other rule other than competition. I pray for a future where we will see a Governor deputised by a woman or a woman Governor deputised by a man. That way, we will balance the gender.

God's intention was a balanced world where men live in harmony with women. Without belabouring much, I fully support this Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Hon. Member for Homa Bay Town Constituency.

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

I am a very happy Member of the 11th Parliament. Each and every time this nation has been stuck with an issue requiring legislative intervention, for the past 20 years, it has been this Parliament to take the society out of it.

We had the Companies Bill stuck with the lawyers out there and the business. In one blow you, I and other members of the Departmental Committee on Justice and Legal Affairs supported by this Parliament delivered the companies' new law. We now rank very well in terms of the ease of business.

In legal practice and our families out there, we were stuck with the matrimonial property law for quite some time. As my senior in the legal profession, you remember in matters matrimonial property, we had a law of England which was legislated in 1882. It is until this 11th Parliament, in the good Committee you sit in supported by the Hon. Members here, put their feet down and we now have a new Matrimonial Property Act, a new Marriage Act. We are into the law of succession and we will have straightened up the family. We are looking at matters of

children and others. We sometimes step back but I believe we will push them forward. This is a matter which ought to have been sorted out by the 10th Parliament after the passing of the Constitution. It is a matter which ended up in our law courts. Do you imagine that the Supreme Court could not resolve this issue? The Supreme Court deferred back to these elected leaders.

Let me tell the nation that we will give a solution today, not every time. I usually disagree with the Leader of the Majority Party on very many things. But, this is a matter in which I must thank the Leader of the Majority Party for agreeing to put his hand so that at another level, for another time, we can have our nation at a plane where all members of our Kenyan society have an equitable chance to participate in leadership and governance.

Hon. Lomenen spoke so well. None of us in this Parliament is without a grandmother. That grandmother is a woman. None of us, male and female seated in this Parliament, is without a mother. We all have mothers. We are saying there are very serious roles. People like me have daughters. Several of us have wives. I am very happy Hon. Muya is also talking of girlfriends. Whether we call them girlfriends or wives, the important point is that we are defined by the female gender, either way.

I stand to join other Kenyans in supporting this Bill. As we are doing so, giving the country a solution to ensuring that we have gender equity in leadership. I request all Members to assemble here to make it a reality on the day that will matter most.

Honourable colleagues, may we go beyond passing this Bill and set good criteria of how to get these great Members of the other gender topped up in this House. That is so that we do not have a situation where we are vague on some of these issues. That can be done through legislation.

Could we also look at our history and question why it is so difficult for the female gender to be in leadership positions around the country and deal with those issues instead of just sitting back and imagining that this will be our portion? I have seen a trend here which should worry us as Members of Parliament. I was doing an analysis in my meditative moments last evening. Happily, I was alone because my wife is on a journey somewhere. Members of Parliament elected in constituencies, not representing the counties, up to 90 per cent seated in this House are elected back in their constituencies of birth. I do not know whether Hon. Members of Parliament have realised that. I have been agonising on why the Hon. Deputy Speaker must be elected in Sotik Constituency for her to be here. Why must Hon. Millie Odhiambo be elected in Mbita Constituency to be here? Look across at Hon. Cecily Mbarire and others. There is something we can---

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

Hon. Kaluma: You are an exception. You are in the 10 per cent.

The larger majority are ladies who went back to their societies. What is the society telling us? It is saying they want to associate with people who know their problems from birth. People who can say they know the problem of water and how they have been working for it. People who can tell their people they know the boundaries and the problem of roads. I want to use this to urge Members particularly the great women elected to serve our country in this Parliament to go beyond just being in Parliament and really hold it.

Women in leadership started with one woman, a former parliamentarian called Hon. Phoebe Asiyo from Homa Bay County. That lady is so gracious and dignified to date. If you watch her walking, you see Queen Elizabeth. She is so decorous in her relationship with people yet so bare-knuckled. She is the woman who was trouncing David Okiki Amayo. How I wish the

Members seated here can see how Hon. Ngilu was fighting to be here! Can we have that decorum? Can we go out there to serve without where we came from? In as much as we can use law to socially engineer the society to think in one direction, could we encourage members of the society to change their thinking? Can we make our people to begin thinking and realising that a woman can lead invariably better than a man? I am looking forward where my daughter Caroline Andele can sit in this House, not through nomination, but as a person elected based on content of character, passion and ability to lead. We should encourage such a situation.

The other challenge is on this issue of finances. I know women are not very happy that the Bill which preceded this has been passed. I would have supported it because some women need funding for us to up the numbers, more so, at the 290 constituencies' level. But, we must have criteria in terms of which women we are funding. We cannot just stair up everybody.

Lastly, some people have said this is going to make Parliament very big. Permit me to make this point. I sat with you one day in the House of Commons in London. That is a Parliament of over 650 Members but the sitting capacity is barely 200. Let me tell the people of Kenya outside there that moving this number to ensure that both gender are equitability represented in leadership particularly at the level of this House, is as important as the monetary cost.

The work of a Member of Parliament is not about sitting in the plenary here. We have representation, oversight of budget, budgeting, oversight of all State organs and all State officers including the Senators who are State officers. We should be overseeing them over those matters of devolution.

Lastly, it has been said this is going to cost the taxpayers so much. As I sit, let me tell this country that in a budget nearing Kshs2 trillion, this Parliament consumes barely Kshs30 billion. Democracy anywhere in the world is never cheap. Let us invest. We do not know the gender that is going to come here. I want to urge the women outside there. In terms of voting percentage, women are more than men. Why do you put us in a situation where we have to think of how women can be here? Can we encourage women outside there, if there is solidity of character in the female contenders, to vote for fellow women so that this thing can reverse; we can have men being nominated.

I thank you.

Hon. (Ms.) Muhia: Thank you very much, Hon. Temporary Deputy Speaker. As I sit here, I am one person disturbed by the way people and all speakers ahead have interpreted this Bill. From the Oxford Dictionary, the word "gender" means the state of being male or female. So, when we are speaking of this Bill, we should not be speaking of women being nominated, rather it is gender. It can be either way as Hon. Kaluma has just concluded. One day, we can wake up and find more women, therefore, we shall be requiring more men.

Having said that, I support this Bill strongly because our sole mandate when we were sworn in here in the National Assembly and in the Senate - we swore by the Almighty God - we promised to defend and implement the Constitution of Kenya. This being one of our mandates to implement the Constitution of Kenya, we therefore remain with no other alternative other than to implement it in totality; not to implement selectively. Investing, particularly in this case - though gender more likely looks like women- is investing positively for a country. We need to change our mindset, culture and ideology. I always give the very gracious people of Nyandarua an example of myself. I always say if the affirmative action seat was not in place and the 47 women

today were not in this Constitution, the people of Nyandarua would never have known me. They would have never known that I could be a leader and so are the many other women.

When we want to fill the two-thirds gender gap in this Parliament through nomination for the very first time, Members must look at it positively knowing it is only a matter of time. Those who are nominated will build their capacity. They will be exposed and their financial status may improve. Going forward, they will be able to defend any seat in any constituency or even at the county level. Kenya has been a signatory in most instrumental levels in this world. For instance, Kenya has been a signatory in universal declaration of human rights and many others. It is not a very good image for us to lag behind, for instance, in regional integration where we remain with 20 per cent. Going forward, we can even find ourselves in less than 20 per cent.

As I conclude, because I want to give my colleagues chances to speak by spending very little time, I want to say that we need to move with the world. Women today have shown that they can lead especially in political platform where main decisions are made which impact the society. Women are required to be in those positions. It is only through this kind of system which is in this Bill that we can bring them so that in future they can be retained. A male dominated society can never grow with the growth rate of the world today. So, we need a balanced society.

As I conclude, I would want to thank the men who are in real support of this Bill, even the Leader of the Majority Party who has moved it. I foresee it passing overwhelmingly. This will make history in this country. I want to urge men. They know 52 per cent of the voters are women. They have been voted in by women time and again. This is the only gift they can give to the women.

Lastly, as a person who spearheads issues of persons with disability in the election Act, this Bill needs to be anchored such that the nomination that will take place, be it male or female, has to nominate persons with disability. Be it men or women, it has to nominate the youth so that we have a balanced representation.

I thank you very much. I am sure every other person who is seated here is in support.

Hon. (Ms.) Khamisi: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute on this important Bill. First and foremost, I want to congratulate Hon. Duale and Hon. Chepkong'a for coming up with this Bill which is going to give lasting solution to the issues of gender parity in the elective position, especially in the National Assembly and the Senate.

As a legislature, we have an obligation to fulfil the Constitution of this country. By passing this law, we will have fulfilled the gender rule which is in the Constitution. This Bill is gender neutral. It is not only going to nominate women but it will also nominate men in case they have a deficit in the representation in both Houses. When you look at Vision 2030, some of the recommendations were the need to empower women politically, socially and economically.

By passing this law, we will have empowered women politically. Empowering women politically means more women will have an opportunity to make legislation, especially on the interests of women of this country. This Bill will not require a referendum. That means, it is not going to be expensive. It is also least intrusive because we are not going to amend so many laws in the Constitution. We are just going to amend Articles 90, 97 and 98 which will give a top up mechanism after the general elections whereby we are going to make nomination in the gender which has some deficit.

In this country, women had been marginalised for so long. That is why even in the current Parliament, we are seeing very few women. That is why we are pleading and requesting

our male counterparts to give us support in this Bill. We know culturally the burden of a breadwinner has been left for the male but passing this Bill and empowering more women, it will mean even women who are going to be in this Parliament, in other elective positions or decision-making positions are going to reduce the burden of being breadwinner from the male counterparts.

I want to support this Bill because when you look globally, so many other countries which are developing now have tried. When you look at Rwanda, Uganda and Tanzania, they have tried to include women in elective positions. Being among the East African players, as a country, we are progressing well in terms of women inclusion. So, by passing this Bill, it means that we are at par with other countries that want to change the representation especially in the two Houses.

I want to urge our male counterparts not to look at this Bill as targeting women only. As we go on, there will come a time where even the male will have a deficit in this National Assembly or even in the Senate. Right now, we have about 16 women who have been elected from single member constituencies. I assure you that in the next election, we will have more than 16 women elected from the single member constituencies.

I am going to vie for a position in the single member constituency of Likoni. I am confident that I am going to clinch that position. I urge our fellow women who have been nominated and Women Representatives to know that they have been empowered, have some finances and know how to legislate. They should pave way and give other women, who are at the grassroots level, a chance so that they can vie for the position of County Women Representative. They can vie for other positions such as a Member of Parliament or Senator. As a women's representative, you are familiar with the county because you went throughout the county during campaigns. That means that it would not be difficult for you if you wanted to be a Senator or a governor. By doing so, you would have given an opportunity to other women who have not made it to Parliament. In this country, there are many professional women who dream of coming to Parliament. However, because of some few challenges, they did not make it. If we have such a law in place, they can get an opportunity to come to Parliament and contribute to legislating in this country.

I want to say more but because there are so many others who want to talk, I will end by saying that this Bill has already been tested at the county level and has proven to be very practical. No challenges have been anticipated. I urge my fellow colleagues to support this Bill because it is very practical. Let us support this Bill so that we honour the women of this country.

I want to pave way for other women.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Saney.

Hon. Saney: Thank you, Hon. Temporary Deputy Speaker. The intention of this Bill is clear and straightforward. It attempts to respond to the constitutional requirement that we must legislate on the gender rule. The life of this Parliament has been threatened since the promulgation of the Constitution in 2010. It was envisaged that we would come up with legislation on the gender rule within five years since 2010. In August last year, we were forced to extend that requirement by one more year. It is out of that business that we must enact legislation on the gender rule. I support the Bill.

There is a perception that this Bill only targets the female gender. It is for all genders. Today's vulnerability may not hold in 20 years. This House legislates for posterity and not for one specific gender alone. It is something for all of us. Today, the female gender is the

disadvantaged one. In many years to come, the male gender may be equally disadvantaged. It is legislation for all genders.

In as much as it is hard to balance democratic principles and practices with the gender issues as a reality in African countries, women should be empowered to have representation in this House. I support affirmative action. However, my concern is what the long-term solution to gender disparity in this country is. Our focus should be towards enhancing the capacity of the disadvantaged gender. That means that we must really invest in aspects of civic education, creating awareness and removing barriers that hinder the female gender from attaining representation in competitive elections. That should be the focus. I have a big fear that these nominations may further dissuade the female gender from being aggressive, fighting and battling it out with the male gender in general elections. This should enhance their capacity so that they remain competitive and aggressive in general elections, as we support them in the 20 years proposed in the Bill. We have to be lenient with the disadvantaged female gender. They have always been man's best company since creation. This House will be livelier and interesting if we nominate more female Members of Parliament.

Lastly, I disagree with limiting the terms of nominees to two terms only. That will discourage parties from continuously nominating resource persons and professionals, be they male or female, who will be useful to them. Limiting that will not be in good taste. It should be three. The nominations should be continuous. I wish to follow up on that by proposing an amendment when it is in the Committee of the whole House stage.

I support the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): I will now give an opportunity to Hon. Maison Leshoomo.

Hon. (Ms.) Leshoomo: Asante sana Mheshimiwa Naibu Spika wa Muda kwa kunipa fursa hii kuunga mkono Mswada huu unaohusu akina mama. Vile wenzangu wamezungumza ni kweli. Akina mama ndio wanaofanya kazi yote. Kila kazi katika pembe zote za Kenya zinahusu akina mama. Naunga mkono Mswada huu ambao umeletwa Bungeni. Uwezo wa kuwa kiongozi unatoka kwa Mungu. Hatujui ni kwa nini kina mama wanakatazwa kuwa viongozi.

Katika Jimbo la Samburu, mama alikuwa amewekwa nyumbani kuchunga nyumba na kufanya kazi zote za nyumbani. Kenya nzima, kuna wazee ambao wanajijengea nyumba. Kwetu mama huwa anajijengea nyumba. Kama huna nyumba, bwana hataishi nawe. Lazima ujenge nyumba hiyo ili mzee huyo aje.

Nilipigania kuwa kiongozi kwa sababu nilipendezwa sana kuwa kiongozi. Ningeenda kwa mkutano ya Wasamburu na ningefukuzwa kama mbwa. Wangeuliza: Mwanamke huyu anataka nini? Nashukuru Mungu kwa sababu wakati walinipatia nafasi ya kuwa kiongozi, walijua kuwa mwanamke anaweza kuwa kiongozi bora hata kumshinda mwanamume.

(Applause)

Nashukuru kwa sababu akina mama katika Jimbo la Samburu wamejitokeza kuwa viongozi. Nashukuru pia kuwa katika sheria zetu kuna kipengele cha uteuzi. Kipengele hicho kinawafungua akili akina mama. Nilikuwa diwani mteule, kisha nikawa Mbunge mteule, mwishowe nikapigania kiti cha ubunge. Kama ningetaka kiti cha gavana wa Samburu au Seneta wa Samburu ningekichukua. Kwa nini nasema hivyo? Hakuna mmoja wao alifikia zile kura nilipewa. Kama ningetaka kiti chochote ningekipata.

Akina mama wanatusiwa kwa wingi wanapopigania viti. Wengi wanashtuliwa na matusi hayo. Ningependa kuwaambia akina mama katika Kenya hii kuwa wasijali matusi hayo. Wapiganie haki ya watu wao. Lazima upiganie haki yako na wenzako. Usishtuliwe na matusi. Wakati huu katika Jimbo la Samburu, Seneta Naisula anapigania kiti cha ubunge cha Samburu West. Nina uhakika kuwa atapata kiti hicho kwa sababu yale matusi anayopata wakati huu si madogo. Matusi ambayo napata wakati huu yanainua gredi zangu zote kwa sababu ya kazi ninafanya.

Mhe. Naibu Spika wa Muda, tunaunga mkono. Nashukuru Wabunge wetu wote na wanaume wale wako hapa kwa kuunga mkono huu Mswada kwa sababu kazi inahitaji kusaidiana. Hakuna mwanamume hapa hamwambii mkewe aangalie kama anapigwa. Anamwambia atembee amutafutie kura akijua anaweza.

Nina hakika kina mama tutapigania viti. Kama kwetu Kaunti ya Samburu hatukupata kiti cha kuchaguliwa cha waakilishi wa kaunti lakini kwa sababu ya kuteuliwa, tulipata kina mama kumi. Kwa hivyo, naunga mkono uteuzi ili usaidie wengine.

Naunga mkono. Asante.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Member for Kilifi, Aisha Katana.

(An hon. Member ran in the Chamber)

Members are not allowed to sprint inside the Chamber.

Hon. (Ms.) Katana: Asante sana, Mhe. Naibu Spika wa Muda. Nachukua nafasi hii kwanza nimpongeze Kiongozi wa Walio Wengi katika Bunge hili la Kitaifa kwa sababu ya Mswada huu tunaendelea kuujadili. Nauunga mkono kwa sababu ya marekebisho ya kikatiba ambayo tunaenda kuyahitimisha tutakapofika tarehe 27.

Kenya ni nchi ya kidemokrasia na pia vile vile ina mashirika mengi sana ya kijamii ambayo yamekuwa na mchango mkubwa sana katika Mswada huu kwa kuitekeleza marekebisho haya ya kikatiba.

Bunge la 10 lilikuwa na wakilishi wa jinsia ya kike asilimia 9.8. Bunge la 11 lina asilimia 19.1 ambayo ni asili mia ya chini sana tukiilingasha na majirani wetu katika Afrika Mashariki. Rwanda inajivunia asilimia 63.8 baada ya uchaguzi mwezi wa tisa 2013. Tanzania vile vile inajivunia asilimia 36 baada ya uchaguzi uliofanyika mwezi wa kumi 2010. Uganda inajivunia asilimia 35 na Burundi asilimia 30. Hii imetufanya sisi Wakenya kuonekana kurudi nyuma na imefanya nchi ya Kenya kuorodheshwa 78 ulimwengu kwa uakilishi wa Wabunge wa jinsia ya kike kwa Bunge mwaka 2014.

Hata hivyo si jambo ambalo limekuwa rahisi. Nawapongeza vinara wetu wa muungano wa CORD. Tulipokutana kujadili swala hili, waliliunga mkono na kudhirisha ya kwamba wako tayari kuunga kina mama ama jinsia ya kike ndani ya uongozi.

Nataka nizungumzie historia ambayo imetufanya wengine wetu tumepata fursa hii kuingia katika Bunge. Haijakuwa rahisi vile. Nilichaguliwa kama mwakilishi wa Wadi 1998 hadi mwaka wa 2007. Nilijaribu kutafuta kiti cha ubunge lakini haikuwa rahisi katika eneo la Bunge la Bahari ndani ya Kilifi Kaunti.

Nawapongeza sana waliokuwa katika Bunge la 10, wote katika jinsia ya kike na kiume kwa sababu ya kuleta na kuibadilisha Katiba ambayo imetupa fursa hivi sisi tunaongea hapa tukiwa tumeingia viti vile 47 maalum vilikiwa vimetengwa.

Litakuwa ni jambo la maana katika Bunge hili la 11 tutakapoitekeleza Katiba maanake ni jukumu letu kuhakikisha kwamba imefanyika na tumeitekeleza kwa mujibu wa Katiba inavyotumurisha. Tayari hii inafanyika. Katika kipengele cha 27(3) cha Katiba yetu ambayo ilipita 2010, inaelezea usawa wa jinsia zote kiuchumi, kisiasa na kijamii. Tayari hii inafanyika katika bunge zetu za kaunti. Kikatiba katika Kitengo cha 177(1)(b) na (c) katika bunge za kaunti tayari hii inafanyika. Hivyo basi ni uhamisho tu ili ifae katika bunge zetu za kitaifa katika kitengo cha 97 na 98.

Kina mama ama jinsia ya kike katika taifa hili na katika ulimwengu mzima si kitu ambacho kinaweza kuangaliwa na jicho moja likiwa limefungwa. Tumeona nchi ambazo zimestawi na zile zimeendela, na Kenya ni moja kati ya zile zilorodheshwa, zimepata kupiga hatua lakini tunajivuta nyuma kwa sababu ya kukosa uakilishi wa jinsia ya kike.

Naunga mkono kina mama kupata nafasi hasa sana katika vyama vya kisiasa. Tuige mfano katika muungano wetu wa CORD kwa sababu naona wengi walipata nafasi bila upendeleo. Kwa hivyo, vyama vya kisiasa vizingatie na kuangalia maadili ya akina mama na kuwapa nafasi. Badala ya kupewa viti maalum tuwe tunang'ang'ana kama vile naelekea Malindi. Nina hakika ya kwamba nitakuwa Mbunge wa kwanza kurudi hapa nikichaguliwa katika eneo moja la bunge la Malindi.

(Applause)

Nawapa changamoto wenzangu ambao tumechaguliwa katika viti hivi maalum ya kwamba tumestawi ya kutosha. Tunaweza kuingia katika nyanja hii kung'ang'ana na wanaume. Nataka niwapongeze akina Millie Odhiambo, Cecily Mbarire, Dr. Laboso na Shebesh waliokuja hapa kama wateuliwa. Lakini waliporudi kila mtu aliingia katika eneo bunge na tumeona wamerudi hapa. Kwa hivyo wale mama 47, badala ya kungoja na kuzizuilia zile nafasi kwa wanawake wengine katika jamii na katika taifa hili, tujitoe na tutafute kwa sababu vile anafanya mwanaume hapa Bungeni sisi tunaweza kufanya zaidi. Tumewashinda sana. Si Mary Wambui peke yake vile, Mhe. Chris amesema. Wako wengi ambao wamewashinda hawa ndugu zetu katika rasilimali.

Naona tuna uwezo na tunawezafanya. Naomba siku ya Jumatano tujitokeze kwa wingi Wabunge wa kike na kiume tupitishie kwa sababu ni suala ambalo ni la maana.

Asante sana. Naunga mkono.

The Temporary Deputy Speaker (Hon. Cheboi): Now as I give Hon. Ngikor, I must correct you.

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

The Temporary Deputy Speaker (Hon. Cheboi): Yes, what is your point of order, Hon. Ababu Namwamba?

Hon. Ababu: Thank you, Hon. Temporary Deputy Speaker, for granting my point of order. Listening to the brilliant Member for Kilifi County, my sister Aisha, I am wondering whether this is a competition of the genders or a partnership of the genders as we seek to have this important Bill enacted and also as we seek to ensure that we provide a platform to more equalised and provide better opportunities for the female gender to have greater representation.

Hon. Speaker, if our colleagues, the fair gender want to turn this into some kind of contest, then it can only be a disadvantage to them because there can be only one winner. This is a partnership and not a contest.

The Temporary Deputy Speaker (Hon. Cheboi): Well, that is advice and not a point of order. I will consider it a very wise advice. Let us have Hon. Ngikor speaking to it. For record, Hon. (Dr.) Laboso has never been a nominated Member of Parliament (MP). She has been elected all through.

Hon Ngikor, proceed.

Hon. Ngikor: Thank you for this chance. I oppose this Bill for the following reasons: First, I welcome my sisters who have brought the issue of competition in this Bill since that is the way to go.

Women make the larger percentage of the population of this country. We need to find out why women do not elect their fellow women rather than bringing Bills to this House. Once the Constitution introduced the issue of County Women Representatives (CWRs), we lost most of our women who were fighting for the positions of MPs and Senators. This made the youth to say that there is a seat for women, and therefore, the other seats should be given to men. So, the more we legislate on this matter, the more we kill our women such as the iron lady of Kilome Constituency, who is just seated here. Their counterparts are going to use this excuse of the CWRs to say that women have been given the 47 seats and they will be nominated after the elections---

The Temporary Deputy Speaker (Hon. Cheboi): What is it the Hon. Member from Kandara?

Hon. (Ms.) Wahome: On a point of order. Is it in order for the Hon. Member to mislead the House that women were not elected in the constituencies because of the 47 CWRs? This was the first time the 47 women were elected and so there is no basis for his argument that the reason we did not bring women this time round was because of the 47 seats. Other than this 11th Parliament, the other parliaments have never received the number that we have today of 16 women elected in the constituencies.

The Temporary Deputy Speaker (Hon. Cheboi): That is a point of argument. Hon. Ngikor, proceed. That is an argument for another day.

Hon. Ngikor: I am a strong supporter of the girl-child education. In my constituency I support girl-child education. The reason I do that is so that the girl can compete and not be nominated. The moment we have this law, we are going to kill the morale of the girls because they will assume that even if they excel in education, they will be nominated if they have the intention of joining politics. So, by having this law we are going to demoralise our girls who are working hard in schools so that they can compete with men.

The other issue is voting patterns. Where I come from, men do not turn up on the election day to vote. It is women who come out in good numbers to vote. I challenge my fellow women colleagues; why is it that after all that good turnout, these women turn against their own women and vote for men? Some people are claiming that in this House we have more men than women. It is not men who have come to this House. There are Kenyans who are giving men that opportunity to come to this House. Men are not just bringing themselves into this House, they have been brought by Kenyans!

The male gender is endangered and not the female gender because of our population. When we argue over nominations we need to also think about the issue of men being voted for more than women in the last election. I am giving you a real life example and not an abstract one. In Turkana South, there was a strong lady on Orange Democratic Movement (ODM) ticket called Askul. She was voted out because of the CWR seat. Women were told they had their

CWR seat and they should give men a chance. That is why Hon. Lomenen is in this House. So, that is a real example and not something that did not happen. So, the more we have such Bills to support the gender issue, the more we are going to kill our women's morale who could have been in this House in numbers.

The issue of nominations is for both genders but outside there, when Kenyans hear of the issue of balancing of gender, everybody thinks about the female gender. It is vice versa.

The Temporary Deputy Speaker (Hon. Cheboi): What is it Hon. Kombe? Do you have a point of order?

Hon. Kombe: Thank you. Is the Member on the Floor in order to mislead this House, because the Hon. Member who contested against the lady was not only voted for by men but was also voted for by women? Is he in order to mislead the House?

The Temporary Deputy Speaker (Hon. Cheboi): Which Member is that? Hon. Ngikor proceed. Hon. Kombe has had his say. Just proceed and wind up.

Hon. Ngikor: So, I oppose the Bill for the reasons I have given. We want our women to compete with their fellow colleagues in all political positions in this country, including the presidency. That is why in the last elections I voted for my sister, Hon. Martha Karua because that is the way to go. It is not a matter of wanting special seats. This will kill the morale of our women. We want them to have that courage to fight with fellow men so that they can compete in the way men compete everywhere.

We have women in the entire world who have attained these positions. It is not because they were given some leeway to be there, they fought with men and they won. As we are seated here, there is a lady in the United States of America (USA) who is about to win. We want our women to think that way and not seek nominations and affirmative action. Those days are gone my sisters. We are educating both genders so that they can come out and compete.

So, I oppose.

The Temporary Deputy Speaker (Hon. Cheboi): All right. Let us have Hon. Mitaru. She is absent? I will give Hon. Captain Wambugu. I wish you could be brief.

Hon. Wambugu: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this Bill. I will be very brief. I support the proposal and the amendment so that we can be able to comply with the Constitution. Just for information to other Members, I think for the other countries to have gone this direction especially the developed ones to empower and give either gender opportunity to ascend to positions of leadership---

The Temporary Deputy Speaker (Hon. Cheboi): Hon Tiyah, you have been top on the list for a long time, but I am aware that you have already spoken. I have records here. Hon. Wambugu, please proceed.

Hon. Wambugu: As we do this we need to look into why women are not able to get into elective positions. First, it is because of the way we conduct our campaigns and even the financing which has been very critical. We need to look at that so that there may be a level playing field. We need to go by the example that has been set by counties on nominations so as to reduce discussions on this. I am a very worried person because of what is happening on the ground. We are here talking about gender balance and giving equal opportunities to everybody. For a long time we have talked about the girl- child but the reality on the ground and especially within the central region is that we are actually disadvantaging the boy-child. That is why there is a lot of crime because most of the boys at the grassroots level do not have opportunity of accessing funds.

If we are going to look at issues to do with gender, we should open opportunities for the boy-child because he has been disadvantaged. Take an example of the allocation of resources in the Youth Fund and Uwezo Fund where a man of 35 years is thrown out and is not given an opportunity, you go to Women Enterprise Fund the boy-child has been locked out. We need to look into these areas. We are talking of leadership but unless we open other fields for everybody, we are not doing anything. I congratulate the House for passing very critical Bills like the Matrimonial Act and Marriage Bill but we need to look at other laws globally so that we are in harmony with what is happening in the world.

Thank you, Hon. Temporary Deputy Speaker.

With those few words, I beg to support.

The Temporary Deputy Speaker (Hon. Cheboi): That was very nice. Let us have Hon. (Dr.) Chebet then I will go to the other side. Let us be brief, I really wish to give all Members a chance.

Hon. (Ms.) Chebet: Thank you, Hon. Temporary Deputy Speaker. I will be brief. I want to take this opportunity to support this Bill. This is the Third Reading and we have been persuaded enough. We have cited biblical writings on the role of women and their social and cultural roles. We know women are equal performers as men. I would like this Bill to be passed so that Kenya can be at par with other countries. The women of Kenya will have opportunities to serve in the various leadership positions. We will also benefit from the decrease in number of nominated women both in the National Assembly and County Assemblies and reduce the wage Bill which is a threat to the Kenyan economy at the moment. We will also have women participating in the Senate and gubernatorial positions so that we have equity at the leadership and policy decision-making positions.

Thank you, Hon. Temporary Deputy Speaker, I support.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Ochieng. You can do a few minutes and then I will give one more Member.

Hon. Ochieng: Thank you, Hon. Temporary Deputy Speaker. Kenya is on a journey that requires all of us to go together, hold each other's hand and walk step by step. That can only happen if we develop policies and laws that ensure that no one is left behind. This particular law ensures that in our journey towards economic, socio and cultural development all of us will go together. That is why I support this particular Bill.

We have talked a lot about gender balance but we have not taken adequate measures. This Bill is one of those adequate measures. This time round after the coming election there will be no debate on how many women or men come to Parliament, we will fill the numbers. I want to thank the Leader of the Majority Party for bringing this Bill because for the first time we will not depend on anybody. We are setting it here clearly. We will just have to fill the numbers missing. If 20 will be missing we will bring them according to the method that will be put forward. When this Bill is passed, the country will know that the more women we elect, the better because there will be lesser need for nomination. We should work towards having more elected women, not nominated; as we put legal instruments to ensure that the numbers are filled.

Going forward, like Hon. Aisha Juma said, this must stir the political parties. The political parties must make it conducive and possible for women to run. We must avoid violence and things that make women run away from politics. We must open up our political parties for women who want to run, to do it peacefully and win the seats. In a country where we have 51 per cent women and 49 per cent men, it is only logical that we allow women to participate more

meaningfully in areas where decisions are being made. If women are not at the table where decisions are being made, as Hon. Duale keeps saying every day, they will not be part of it. We want them to be part of it. Let women be at the table of decision making so that they know what is happening. We want more women to come in to be part of the decision making process.

I support this and hope women will elect their own.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Mutura

Hon. Kangara: Thank you, Hon. Temporary Deputy Speaker; I am going to be brief. At the outset, I oppose this Bill. I have even written to the Speaker of the National Assembly to give a clarification. As a Member of the Justice and Legal Affairs Committee, this Bill has not been subjected to public participation – which is key. This being a constitutional amendment Bill, it should be subjected to the instruments of the Constitution. I am looking forward to getting a ruling from the Speaker.

Hon. (Ms.) Mbarire: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Member for Runyenjes.

Hon. (Ms.) Mbarire: Hon. Temporary Deputy Speaker, since we seem to have consensus on this Bill, would I be in order to request that you call the Mover to reply? We also have the challenge of the fact that we are going on recess next week. This thing has a timeline and we must leave it with the Senate to proceed. I am thinking, to give it the necessary---

The Temporary Deputy Speaker (Hon. Cheboi): Since we only have three minutes, I will give you one minute to wind up, and then I will put the Question on what Hon. Mbarire has said for Members to make a decision.

Hon. Kangara: Thank you, Hon. Speaker. The essence of this Bill was to harmonise and see that elective positions from the county assembly to the Senate and the National Assembly are in line with the two-thirds gender rule. My worry is that the governors are also elected. How are we going to harmonise this Bill to ensure that we also have elected women in governorship position?

The other element is the issue of auditing. It is good that we make laws as a country. We also need to get time where we analyse and see whether some of the rules we make are working. The Constitution has provisions we need to audit and see whether we are moving in the right direction. These are taking the perspective of the 47 elected women representative. That was an affirmative action geared to see that women get the platform to get into mainstream politics. Is it happening? From the colleagues we have, how many of them are willing to venture into mainstream elective positions? They are very few.

The Temporary Deputy Speaker (Hon. Cheboi): Now that I gave you one minute, I want to dispose of this particular Motion, which Hon. Mbarire proposed. I have confirmed Hon. Mbarire has not contributed to this Bill. She is perfectly in order.

*(Question, that the Mover be called upon to reply,
put and agreed to)*

Hon. Duale, I would like to know, how many minutes do you require so that I confirm whether we need to do it now or later.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, under the Standing Orders, you can add 10 minutes.

The Temporary Deputy Speaker (Hon. Cheboi): No, I cannot.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I am begging.

The Temporary Deputy Speaker (Hon. Cheboi): I can only afford a maximum of five minutes.

Hon. A.B. Duale: I will not give to the Chair of Public Accounts Committee (PAC), because the way he is asking is very rude.

The Temporary Deputy Speaker (Hon. Cheboi): You would not give to anybody even if a Member requests to speak when the Mover has been called to reply. You can only speak yourself.

Hon. A.B. Duale: I cannot donate?

The Temporary Deputy Speaker (Hon. Cheboi): You cannot. That is par the Standing Orders.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, this is not how you used to be. You used to be a very generous man.

The Temporary Deputy Speaker (Hon. Cheboi): These are the Standing Orders, Hon. Duale you are a very seasoned Member.

Hon. A.B. Duale: Yes, I agree with you, it is illegal when the Mover is called to reply and donates time. I think that is against the Standing Orders.

The Temporary Deputy Speaker (Hon. Cheboi): Not at all, Hon. Duale. If it is at the end of due time, it is okay to donate. But, if a Motion has been put to cut short the debate you cannot donate time.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, as I beg to reply, I want to thank all the Members who supported this Bill. It is a very important constitutional Bill and it will create equity in the field of representation in our country. As, I said when I was moving this Bill---

Hon. (Ms.) Odhiambo-Mabona: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): What is out of order, Hon. Odhiambo? You have already removed your card. I cannot see it so place it again behind you. Proceed.

Hon. (Ms.) Odhiambo-Mabona: On a point of order, Hon. Temporary Deputy Speaker. Based on your ruling and for purposes of record, there are very many women in the House who wanted to contribute. But, because of time, they have not been able to contribute. Let this go down in history.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Very well, you have spoken to your constituency. Proceed, Hon. Duale.

Hon. A.B. Duale: Also many great men who wanted to speak did not get an opportunity. I will also advise Hon. Milly that on a matter like this she needs to be bipartisan. Our business can be done on other Bills but on not on this one. On this we are supposed to be together.

This is a very important Bill which is a constitutional requirement. Next week on Tuesday, Wednesday and Thursday, I will be seeking the indulgence of Members to be in the House so that we get the required two-thirds number to pass the Bill. Then we will send it to the Senate for their consideration and ultimate signing into law. We want to be the first country to implement this. Some people have argued that this has not happened in democratic countries like United Kingdom (UK), the United States of America (USA) and others. Who said we must follow them. I am one person who believes that Kenya will be the first. Let us set the agenda for Africa and the world that we believe in equal gender representation. The people of Kenya asked

for this when they went to referendum. It is not something which is from the streets, it is a provision.

I am sure my colleagues who were in the Constitutional Implementation Oversight Committee (CIOC) are listening, it was in the referendum. I want to thank the Members who have supported it. I hope the support they gave on the HANSARD will be translated into votes. I will come with the list which was signed outside. We want to live by what we say. I could not believe the way Hon. Lomenen spoke this morning. In fact, today, I am a happy man because I can see light at the end of the tunnel.

Finally this is a payback to my old mum who is 87 years. She played a very big role in the kind of a man I am today. Dr. Mohamed can attest to it. He was my neighbour and his mother also struggled. Today he is a medical doctor and a Member of Parliament. He is a living witness. Some of us want to support the women of Kenya so that our mothers wherever they are can see. I beg to reply.

The Temporary Deputy Speaker (Hon. Cheboi): I will not put the Question because we do not have the requisite numbers.

(Putting of the Question postponed)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Cheboi): Order, Members! The time being 1.05 p.m. this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.05 p.m.