

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 6th April, 2017

The House met at 4.15 p.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Can the Quorum Bell be rung?

(The Quorum Bell was rung)

Hon. Members, we can now settle down and begin business.

CONSIDERATION OF REPORT AND THIRD READING

THE PREVENTION OF TORTURE BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Prevention of Torture Bill (National Assembly Bill No. 47 of 2016)

Hon. Deputy Speaker: We will now proceed to receive the Report of the Committee of the whole House on the Prevention of Torture Bill.

(Question proposed)

(Question put and agreed to)

Let us have the Mover move for the Third Reading.

Hon. A.B. Duale: Hon. Deputy Speaker, I beg to move that the Prevention of Torture Bill (National Assembly Bill No.47 of 2016) be now read the Third Time.

I also request the Member for Kibra, Hon. Ken Okoth, to second.

Hon. Deputy Speaker: Can you give him the microphone?

Hon. Okoth: Thank you, Hon. Deputy Speaker. I rise to second. I thank the Leader of the Majority Party for his leadership on this Bill which was languishing as a Private Member's Bill. I know that as a first-time Member of Parliament, moving a Private Member's Bill is very

difficult. I thank the Departmental Committee on Justice and Legal Affairs for considering the Bill, its merits and helping us to shape it. I would also like to thank our friends outside Parliament for their thinking and resourcefulness on how we can best make a Bill that works for Kenya and meets our international obligations.

I am happy to support and second.

(Question proposed)

(Question put and agreed to)

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

MOTIONS

APPROVAL OF EALA ELECTIONS RULES

Hon. Katoo: Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Joint Parliamentary Select Committee to Review the Procedure and Rules for Election of Members to the East African Legislative Assembly (EALA), laid on the Table of the House, on Thursday, 6th April 2017, and pursuant to the provisions of Article 50 of the Treaty for the Establishment of the East African Community and Section 12 of the East African Legislative Assembly Elections Act, 2011, approves the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017.

Hon. Deputy Speaker, because we had mentioned something about the Motion when we were moving the Procedural Motion in the previous Sitting, I want to be very brief.

The EALA is established under Article 9 of the Treaty for the establishment of the East African Community as one of the key organs and institutions of the Community. Articles 50 and 51 of the East African Community Treaty provide for the elections of members of the Assembly and the tenure of office of elected members, respectively.

Specifically, Article 51(1) provides that an elected member of the Assembly shall hold office for five years and is eligible for re-election for a further term of five years. The current Assembly was elected in 2012.

Additionally, Section 4(1) and (2) of the EALA Elections Act, 2011, provides that elections of members to the Assembly shall be conducted in accordance to the rules of procedure of the legislature of the partner states. The Act also requires that the elections ought to be conducted within 90 days before the expiry of the date of the outgoing Assembly. Therefore, the meaning of within 90 days as stated in Section 4 of the EALA Elections Act, 2011, means any date between 4th March, 2017 and 3rd June, 2017. The Parliament of Kenya is, therefore, required to conduct the elections of its members of EALA by latest 3rd June, 2017.

By a Motion adopted by the National Assembly and the Senate on 1st and 2nd March, 2017 respectively, the Houses of Parliament established a Joint Parliamentary Select Committee consisting of the following Members from the National Assembly: Hon. Katoo ole Metito, Hon. Samuel Chepkong'a, Hon. Wanjiku Muhia, Hon. Ali Wario, Hon. Florence Mutua, Hon. Daniel

Maanzo and Hon. Wafula Wamunyinyi. From the Senate there was Sen. Kimani Wamatangi, Sen. Peter Mositet, Sen. Kipchumba Murkomen, Sen. Mshenga Mvita, Sen. Mutula Kilonzo Jr., Sen. Elizabeth Ongoro and Sen. Henry Tiole ole Ndiema.

The mandate of this Committee - I invite Members to look at the Report - is first of all to review the procedure and the rules for elections of members of EALA contained in the Treaty for the Establishment of the East African Community known as "Elections of Members of the Assembly Rules 2012" in light of Kenya's bicameral nature.

The second mandate is on the basis of the review in (a) above that I have just said. It is also to propose appropriate procedures and rules for the elections of persons to represent the Republic of Kenya in EALA.

The third mandate is to submit a report within 14 days to the Houses of Parliament containing the revised rules of procedure. The fourth is to suggest appropriate timelines for purposes of notification, nomination and elections.

Finally, it is to consider the nominees, oversee the elections process and report to the House within the timelines stipulated in the elections rules.

As I said earlier on, this is the first time - not in the history of the country - with the new and expanded East Africa Community (EAC) that Kenya is having a bicameral Parliament. We had the current EALA during the 10th Parliament when we had only the National Assembly. So, the rules had to be revised in order to accommodate the Senate. The Constitution says Parliament is the National Assembly and the Senate.

In East Africa, we only have one partner state that has a bicameral Parliament which is Rwanda. We tried to draw lessons from Rwanda on how it does its elections of members to EALA. We considered two ways of voting as a House; joint voting and separate voting. We looked at the merits and demerits of each and they are in the Report.

When we invited the public for participation as a requirement in our Constitution, we received a memorandum from a citizen from Meru County who wanted 5 per cent of the slots to EALA to be allocated to people living with disability. There was also a request that since our current law says that nomination is through parliamentary parties, another citizen petitioned this Parliament to give room to independent candidates to apply. We have considered those in our Committee. So, Hon. Members are invited to look at the Report.

Finally, the Joint Parliamentary Select Committee presents the Report to Parliament and recommends that it adopts it so as to give the proposed rules and procedure force of law. It should approve the separate rule of voting. I said we considered two ways of voting. So, the Committee recommends and seeks approval for separate voting as the preferred mode of elections. Finally, parliament should note and observe the timelines as proposed.

With those few remarks, I beg to move and kindly request Hon. Wafula, who is a Member of the Committee, to second.

Hon. Wamunyinyi: Thank you, Hon. Deputy Speaker, for giving me the opportunity to second this important Motion on the Report that proposes rules and regulations for the elections of members to EALA.

I will not take a lot of time because the Mover has explained the work we have done as a Committee. We have compiled a report that is now before the House. Members have looked at it and those who have not have the opportunity to go through it.

We request the House to adopt this Report so that we ensure---

(Several Hon. Members withdrew from the Chamber)

Hon. Members, I will just take two minutes. I request that you wait.

Hon. Deputy Speaker: Hon. Members, why do we not give ourselves these few minutes? That is why we got this Second Sitting. Hon. Washiali and your team, please do something.

Hon. Wamunyinyi: Hon. Deputy Speaker, in the past, we did - it is important to stress this - not follow the rules and procedures when electing members of the EALA. Now, we have developed rules, looked at our system and made them appropriate considering that we have bicameral Parliament, as Hon. Katoo explained. This is going to give us an opportunity to do the election with the two Speakers of the Senate and the National Assembly heading two polling stations, and being the returning officers. So, the results will be relayed from both Houses.

One point I want to stress is that some of the countries like Uganda and Rwanda have their members of the Assembly serving two terms or what is called full term. But in our case, even Members who have only served one term, and have learnt how to relate and work at the EALA, are normally removed because of our political system. That is how we do our things as a country. When we have consistency, we have people who have gained experience in a particular area and are able to represent our country they should always be accorded a second chance so that they can finish their term like other countries.

With those few remarks, I wish to second the Motion.

(Question proposed)

Hon. Members: Put the Question.

Hon. Deputy Speaker: Just a minute, Hon. Members. We can have one or two Members contributing as we sort ourselves out. We are not properly constituted.

Let us have Wanjiku Muhia.

Hon. (Ms.) Muhia: Thank you, Hon. Deputy Speaker. I want to take this opportunity to support this Report of the Committee in which I was a Member. We need to pass this Report before we go on recess considering the timeline. The rules as laid down are incorporating everyone in terms of gender and persons with disability. We also learnt lessons from our neighbouring countries.

As a matter of fact, people are in the nomination mood and they want to go. For those reasons---

Hon. Deputy Speaker: Proceed for five minutes and allow the Majority and the Minority Whips some time.

Hon. (Ms.) Muhia: Hon. Deputy Speaker, let me take this opportunity to thank the House leadership that had considered me to be a Member of this Committee. As we go on recess, I thank the Clerks for taking us through for the last four years. We have learnt a lot and I am sure Members who came here as first timers are no longer the same. We have learnt a lot. We hope that we will continue working as we look forward to coming back for the second term shortly after the recess.

Hon. Deputy Speaker: Hon. Wanjiku Muhia, you sound like you are doing the Adjournment Motion. Can we finish this one first then we can move to the Adjournment Motion?

Hon. (Ms.) Muhia: I support this Motion, Hon. Deputy Speaker.
Thank you.

Hon. Deputy Speaker: Let us now hear Hon. Johanna Kipyegon.

Hon. Kipyegon: Thank you, Hon. Deputy Speaker. I also wish to rise and support these rules and procedures which are to be used in electing Members to the EALA.

(Loud consultations)

Hon. Deputy Speaker, this thing called nomination is making Members really agitated. Why can you not be calm like some of us who say, whether there are nominations or not, life must go on? Even if you lose, life must go on. If you also win, life must go on but we must make rules. We must do to the end what brought us to this House. I wish to support these rules and regulations.

We also need to put serious consideration into the EALA. For a long time, we have been looking at it like it is a place where we just send people who, maybe, we had negotiated with on party issues or some small issues. Maybe we are satisfying some people if we had promised them this or that.

In these regulations, we must also consider several issues; that EALA is as important as any other Assembly. We must also recognise that as we are approaching integration where East Africa will have one currency and the regulations that will guide these four or five countries. We must understand that we need to have very strong people who will legislate for that integration, and who will also tackle serious matters that touch on East Africa.

As we propose the names, we do not expect people to send their girlfriends, brothers, sponsors or sons to that Assembly. We want to send people there who we know would have qualified to sit even in this House or in the Senate. If we do this, those people will represent the Republic of Kenya and not their boyfriends, girlfriends, cousins, sisters or brothers.

I support this Motion.

Hon. Deputy Speaker: There is a long list of requests, unless we are willing to hold on a bit. Can we hear from the Chair of the Committee on Regional integration, Hon. Kajuju?

Hon. (Ms.) Kajuju: Thank you, Hon. Deputy Speaker. It is important that I comment on this Motion being the Chair of the Committee on Regional Integration. I have interacted with the East African Community and I know that the motto is to integrate deeply and widely. We expect the persons who have been nominated for these positions to be committed to the integration process and to be knowledgeable on the issues that support the East African process especially the four pillars that bind the East African Community.

I am just begging that political parties look at the nominees who will deliver the integration process. I, therefore, support.

(Question put and agreed to)

NOTING OF PROGRESS REPORT ON PETITION
FOR REMOVAL OF THE AUDITOR GENERAL

THAT, this House notes the progress Report of the Departmental Committee on Finance, Planning and Trade on the Petition for the removal from Office of the Auditor-General, Mr. Edward R.O. Ouko, CBS, laid on the Table of the House on Thursday, March 30, 2017.

Hon. Deputy Speaker: Is the Chair of Departmental Committee on Finance, Planning and Trade in the House? Is the Vice-Chair also not here? Both of them are not here.

(Motion deferred)

We will move to the next order which is the Adjournment Motion. Let us have the Leader of the Majority Party.

MOTION FOR ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

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

THAT, pursuant to the provisions of Standing Order 28 on the Calendar of the Assembly (Regular Sessions), this House adjourns until Tuesday, 9th May, 2017.

Hon. Deputy Speaker, this House resumed from a short recess on Tuesday, 14th March, 2017. Since then, we have passed more than 10 Bills, among them the Appropriation Bill, the Equalisation Fund Appropriation Bill, the Prevention of Torture Bill, the Clinical Officers (Training, Registration and Licencing) Bill, the Moveable Properties Bill, the National Coroners Service Bill and the SACCO Societies (Amendment) Bill among many others.

We have also dealt with many reports, including and most important, the reports of the Committee on Delegated Legislation on the five election-related regulations, the Report on the Marrakesh Treaty and the vetting of nominee for the appointment of Chief Executive Officer of the National Government Constituencies Development Fund (NGCDF) Board.

Finally, this House dealt with the most important function in the Constitution, which is on the Report of the Budget and Appropriations Committee on the Estimates of Revenue and Expenditure.

This recess is a very unique and important one. It is unique in the sense that for those parties like my party – the Jubilee Party – that believes in free, fair and transparent party primaries, we will go out and give an opportunity to the people of Kenya, more so, our supporters to choose the next set of leaders who will represent us in the general election. For those parties which believe in selling nomination certificates---

I was shocked and I want to repeat it. I saw Sen. Ongoro crying and I have looked for her today. You are talking about enacting a two-thirds gender principle in this House and there are parties that are already chasing women leaders. Sen. Ongoro was with me in the last Parliament. She was a very capable Assistant Minister, but because whatever she was carrying in her bag in terms of resources was not equivalent to what, maybe, her competitor gave out--- Therefore, Kenyans have seen the difference between Jubilee and their competitors.

I have a word of advice to our friends in the Wiper Democratic Movement and in FORD (K). Do not follow the footsteps of your partner.

Secondly, this House passed regulations that say---

Hon. Muluvi: On a point of order, Hon. Deputy Speaker.

Hon. A.B. Duale: Hon. Deputy Speaker, this is an Adjournment Motion. So, if you allow me to speak---

Hon. Deputy Speaker: The Leader of the Majority Party, the temperatures are rising.

Hon. A.B. Duale: They can rise! The temperatures are already rising in their side because Raila has been elected the flag bearer. The temperatures are already high.

Hon. Deputy Speaker: The Leader of the Majority Party, just allow Hon. Muluvi to raise his point of order.

Hon. Angwenyi: (*Off record*).

Hon. Deputy Speaker: Hon. Angwenyi, this is a House of order.

Hon. Muluvi: Thank you, Hon. Deputy Speaker for the opportunity. I want to tell the Leader of the Majority Party that we, in the Opposition, have the best brains. So, we do not need his advice.

(*Applause*)

Hon. Deputy Speaker: Let us just ignore the comment and move on.

Hon. A.B. Duale: Hon. Deputy Speaker, I agree with you. I will ignore that because if the best of brains are there, they would have decided who the flag bearer is in many months.

The point I want to make is very clear. This is what makes us leaders. This House passed, in the Election Laws (Amendment) Bill 2016, that before a party goes for primaries or nominates an individual, the IEBC must gazette the names of those contestants. It is in law. It is in black and white.

So, what happened in Bomas of Kenya where tickets were dished out is unconstitutional and against the law. I stand with the IEBC. If you are listening to me and you have been given direct nomination that was an exercise in futility. I was very shocked.

I know Hon. Arati was not one of the lucky ones because he did not benefit.

Hon. Simba: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Leader of the Majority Party, you are making some very important points but when you keep referring to individual Members, they are bound to demand a right of reply. So, please make general statements without referring to individual Members.

Hon. A.B. Duale: Hon. Deputy Speaker, I want to go on record under Article 117 of the Constitution. With a lot of respect to you, Hon. Deputy Speaker, you cannot curtail the freedom of speech and debate in this Chamber.

In an Adjournment Motion, I can discuss everything and anything under the sun. That is what an Adjournment Motion is all about.

Hon. Deputy Speaker: Nobody intimidates me!

Hon. A.B. Duale: I cannot, Hon. Deputy Speaker. I always have a lot of respect for the Chair and the Speaker. It depends on which school you went to and where you started politics.

Hon. Arati, this is not County Hall but the august House. So, let me speak. You will have your chance to reply to me.

Hon. Simba: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Leader of the Majority Party, the Floor is for Hon. Arati. Order, Hon. Members!

Hon. Simba: Thank you, Hon. Deputy Speaker. Is it in order for Hon. Duale, who we know has already lost the seat for Garissa to a different member--- The only thing Hon. Duale has to do now is to please the sitting President for him to get nominated.

Hon. Deputy Speaker: Hon. Arati, you are not doing any better than what you are accusing the Leader of the Majority Party of. The Leader of the Majority Party, proceed to

conclude. No one is curtailing you. You are mentioning names directly, and it is not that you are being stopped.

Hon. A.B. Duale: Hon. Deputy Speaker, I have not mentioned any name. I have said that the law is very clear. We are submitting the list of our members as per the law. So, if you are among the people who purported to dish out certificates in broad daylight--- That was an exercise in futility. I want to go on record that as we go to the primaries--- Our party leader made it very clear yesterday.

Hon. Deputy Speaker, this must be said. I was in your county yesterday. I was with Hon. Shebesh. I was in Bomet and I saw the work and I was convinced that you have done good work for the people of Bomet. I was there on Saturday and I have put a referendum question to the people of Bomet. That is why we are saying, just like the people of Bomet, every individual must be given an opportunity to go back to the people. I have said it in press conferences that there are leaders---

I was in those political parties with Hon. Shebesh many years ago. You were also with me in those parties. Some of us were founder members. We know where the ATM works and where it does not work. If you are in Uhuru Kenyatta's and William Ruto's party, you have no choice. You must go back to the people.

You cannot buy democracy halfway. It is the same for Hon. Kalonzo's party, Hon. Wetangula's party, Martha Karua's party and even the "small man" called Dida's Party. People go to the people. When we come back on 9th May, it will be very difficult to tell between who is in Jubilee and who is in CORD. We might be having Members of Parliament in the House who have lost in the primaries. So, their loyalty to Duale will not be there neither will their loyalty to Nyenze. They will tell me that my candidate is on the ground and wait for him in the 12th Parliament.

Secondly, the law is very clear. I like Chebukati because he is soft spoken. In my entire political life in my Constituency from 2007-2013, I have my tallying centre, but I do not announce my results. I tabulate my results from my agents and I go to the tallying hall and listen to the returning officer. If he says that in this polling station I got 15 and mine is showing 17, his word is still the one that will be followed.

The law and the Constitution we passed is very clear. At the constituency level, there will be a returning officer who has taken oath of office. At the county level, I am sure this time they are recruiting county election management officers who will deal with elections, announce the elections of governors, Senators and Women Representatives.

In the Constitution, the only person who can announce the results of a Presidential candidate is the Chair of the IEBC. For now it is Mr. Chebukati. So if you want to have your own tallying centre and announce your own results, you can as well announce your results today and declare yourself president. You will be wasting your time. You will not win the presidency through corners but you will win through 50 + 1 and attaining the required threshold.

Jubilee Members, my prayers are with you. I will give my little resources and if it is talking to your colleagues, we shall. Please let us avoid violence. Let us leave violence, voter buying and dishing out of certificates to the owners. They are known in this country.

Hon. Deputy Speaker: Hon. Makali Mulu, you have the Floor.

Hon. Mulu: Thank you, Hon. Deputy Speaker. Let me take this opportunity to wish my colleagues a nice time out there as they go for nominations. As a House, for the one month we have been here we have done our best. We have demonstrated a level of commitment which is beyond expectation.

Some of our parties are starting their nominations next week and listening to Hon. Duale, I am not sure what to say. Sometimes we need to take note that our Constitution allows a majority party and a minority party. It is important that we respect those two parties. In a situation where we are all going for nominations, we are aware that every party has its own shortcomings, but what we want to save is Kenya.

As we wish ourselves the best, I want to categorically state that this year Kenyans are not going to accept stolen elections. We need to take note of that. In case anybody is thinking about stealing elections, he/she will make it chaotic for this country. My wish is that as we go out there, we preach peace and ensure that the rules we have made in this House and the legislations we have passed are adhered to the letter.

The spirit of that legislation should also be adhered to. You might be accusing this side that I am sitting on, assuming that you are only pointing finger to the Opposition while four fingers are pointing at you.

Other countries are advancing in technology. We all know that Jubilee wants to take us back to the manual system. Instead of moving into the 21st Century, we are moving back to the Stone Age period. Jubilee needs to style up. We know your tricks before you start them. The worst thing is to deal with somebody who knows your tricks. You say you have tyranny of numbers, but the tyranny of brains is on this side. All the strategies you are going to think about we are thinking about them and we are going to catch up with you.

I wish everybody the best. My wish will be to see everybody back to this House. However, statistics have said that only about 20 per cent will be back here. Those who will not be back should think on their fallback positions. This is not the end of life. If you do not come back, there is life after failing or succeeding in the nominations.

With those few remarks, I want to support this Motion and wish my colleagues all the best.

Hon. Deputy Speaker: Let us now hear Hon. Jimmy Angwenyi.

Hon. Angwenyi: Thank you, Hon. Deputy Speaker for giving me a chance to contribute to this important Motion. I can assure our friends like Hon. Makali who are first timers, that they are sure that they have been elected after they have been elected. I am talking with experience of being re-elected four times. I was surprised when the Hon. Member said that his side has the tyranny of brains. The brains are on this side.

I want to comment on what our Leader of the Majority Party has said. Hon. Arati is a very special Member but he does not have money. If he had money, he would have received a direct ticket. So, we are telling him and others that you must be careful. There are men in black. If you become a nuisance they will tear you down.

As we go for the recess, let us have peaceful campaigns and give a chance to this Government which has done a lot of developmental projects to continue. Let us tell the people of Kenya that they made the right choice in 2013 to elect these two young men who have done a lot for this country, so that they can continue with their work while others *watakuwa wakimeza mate*.

Hon. Deputy Speaker: Use one language! You know the rules in your Standing Orders.

Hon. Angwenyi: They will be swallowing saliva.

Hon. Deputy Speaker: Yes, Hon. Naomi Shaban.

Hon. (Dr.) Shaban: Thank you very much, Hon. Deputy Speaker. I wish to take this opportunity to thank all our colleagues and also ask Hon. Makali Mulu not to go away because he talked about brains. People in NASA have a problem. They have talked about D- for too

long that they are very confused and they think it is PhD. They have a problem to an extent that they have been literally killing each other and shooting each other unnecessarily with people who have been very supportive of them. I feel very sorry for what my brother underwent in Migori.

As we go for recess, it is important for all of us to know that Kenyans will have to make a choice on who they want in the ballot come 8th August, so that people can go preach peace and stop misusing the youths. I am telling all the youth in our beloved country Kenya that politicians are users. Politicians will use them by making them drunk and fight. They will also use the youth to cause chaos in people's rallies. It is unnecessary.

It is unnecessary because at the end of the day, come August 8, you will be electing Hon. Members, the President, Governors, Senators and MCAs. But at the end of it all, it is those people you are giving jobs. As you give them some work, it is important for our youth and the electorate to know that as we make people fight, our children are not there. We usually keep our children in safe custody, and we are going to raise tension in this country unnecessarily.

I am asking all my colleagues to desist from that habit. It is very unfair to use other people's children and yours are in safe custody in your homes. Most of the times even as we go to rural areas, we usually leave them in Nairobi or in big towns where we work and keep them in safe custody. I am asking all my colleagues that as we go there we preach peace and work together as a team because Kenya is one. Kenya is more important than all of us.

We need to make sure that the elections this year are peaceful. But from the look of it, I have seen a tendency of women being mistreated, especially in ODM. It is wrong. Women must be given a chance. You cannot be preaching about gender equality or gender sensitivity when at the same time you are locking out eligible women from standing for important seats at the constituency level. How do we realise the one-third gender rule? I beg my colleagues to talk with one voice of peace for Kenyans and peaceful elections this year.

I also want to mention that people do not need to worry. You cannot be a sculptor and come up with an idea of sculpting votes.

Hon. Simba: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Wait a minute. You are already raising a point of order.

Hon. (Dr.) Shaban: As we go home, it is important especially for my colleagues like Simba Arati who have got some confusion in their names--- You cannot be a lion and a rat at the same time! It is difficult.

(Laughter)

As we go home I want to wish everybody a good recess. We ask all our people to come out in big numbers and nominate us during this coming exercise. I also wish my colleagues well so that we can all meet here after August 8th.

Hon. Deputy Speaker: All these comments, I believe, are being made on a light touch. So, let us not keep interrupting.

Hon. Ken Okoth. I am following a list here.

Hon. Okoth: Thank you, Hon. Deputy Speaker. I will desist from the name-calling and teasing, and focus on the issues facing us. We are about 123 days to August 8th, during which Kenyans will elect leaders. The first part of that process is going to happen in the party primaries, which is important. I want to encourage Members of this House and all the leadership at all levels to conduct themselves in ways that promote peace and that give people a chance to

exercise their sovereign right because the country belongs to the people. We only serve in these positions as a privilege, on behalf of the people.

In Kibra, I pledge here on record and I have pledged on the ground that I will campaign in peace. I welcome all candidates participating in the nominations in Kibra to participate in peace and not to leave our community in pieces. We want to stay in peace. We also want people to vote in peace.

Secondly, let all of us give the IEBC the cooperation it needs to deliver on its mandate. But that does not mean that we will not be vigilant about how it will conduct the elections. The IEBC must be aware that these elections are very important for our country.

In the year of elections, the economy shrinks and slows down, and it will take us another year or possibly two to recover. If the elections are questionable or conducted in a manner that brings doubt and raises conflict, it will really harm us.

I am praying for the IEBC and calling on it to conduct itself in the most professional and transparent manner to give us an election that Kenyans will see and believe that justice was not just seen to be done but was done. The voice of the people is the voice of God. That is what will give us the leadership in our country as we move ahead.

I have really enjoyed working in this Session. For me it is one of the most rewarding sessions of Parliament. In collaboration with the members of the Human Rights Caucus, the Chair of the Departmental Committee on Justice and Legal Affairs and the Leader of the Majority Party, we were able to pass two critical human rights pieces of legislation, which have been mentioned in the appendices of the TJRC Report.

I am proud as a Member of Parliament to have done my small part in implementing something that was called for in the TJRC Report. This House will go down in history, whether we claimed we were implementing the TJRC Report or not, through these two key pieces of legislation. We implemented two matters.

The first one was the National Coroners Service Bill so that people can know conclusively, through death investigations, how their loved ones die in questionable circumstances, in hospital, accident or any other natural death. The Bill was passed in this House and we are waiting for the President to sign it.

This afternoon's business that was very special to me too, was the Prevention of Torture Bill, which is human rights legislation. In Kenya, we only had the crime of torture mentioned in the old Chiefs Act which told chiefs that they are forbidden from torturing people and running their private jails. The torture issue was also mentioned in the Children's Act.

The children are free from torture as per the Constitution under the rights of a child. The Children's Act mentioned the word torture. Now, consistent with our international obligation, and with our Constitution, the crime of torture is finally defined in law. People like the City County *askaris* who have been engaging in petty crime against hawkers, will know that they should not be doing that. The Kenya Wildlife Service (KWS) officers or the Kenya Forest Service (KFS) officers who might arrest someone who is burning charcoal should make sure they do not torture them. We now have a law that bars State agencies that have been committing acts of torture but could not be held accountable. I am happy, as a Member of Parliament, to have contributed to that.

As I go into elections, I know my legislative, service and representation records for the people of Kibra will put me in a good position to compete with all other candidates and win in the nominations.

Hon. Angwenyi: We pray for you!

Hon. Okoth: Thank you, Hon. Angwenyi, my elder and mentor for your prayers. God bless every Member of the House.

Hon. Deputy Speaker: Hon. Johanna Kipyegon, you have the Floor.

Hon. Kipyegon: Thank you, Hon. Deputy Speaker for giving me this chance to express my gratitude and to contribute to this Adjournment Motion.

I remember this is a Session which has had very many tumultuous activities. We have managed to pass some Bills which are very useful to the nation. We have also managed to pass the Budget, which is a very important element as we near elections and begin a new financial year. This was the first time in history that the Budget was done at a very early stage given the dynamics of elections. We only hope that the implementers of the Budget will do their work properly and equitably so that the whole country can benefit from the money that we have appropriated here.

This was also the time that we, those who come from marginalised counties, managed to get the Equalisation Fund which had been held at the National Treasury for quite a long time. As we approach these elections, our people will use that money to repair roads which have been destroyed by rains.

Hon. Deputy Speaker, it is also a period when unique things will happen, especially now that we are adjourning for recess. Most of the Members are not present because they are running up and down, trying to woo voters to nominate them. I wish my great colleagues the best of luck.

I am one of the very few lucky Members who are not going to be subjected to nomination. It is important to note that some of us are above nomination. The last time I went through nomination was in 2007. That was the time my name did not appear in the ballot paper. Since then I decided not to go through nomination anymore. Hon. Ichung'wah, whatever party I go to – even if it is your *chungwa* party – I will not be subjected to nomination. I wish my friends who will be going for nomination all the best.

I also congratulate Members like my great friend, Hon. Ole Kenta, who at one time spent days in a cell at Muthaiga Police Station. He has earned himself a direct ticket. I wish you the best. I know you are waiting for August. We also have great people like Hon. Bosire and Hon. Patrick ole Ntutu, who were once arrested. All of them have earned themselves direct tickets. I wish the Jubilee Coalition could also---

(Loud consultations)

Hon. Deputy Speaker: Hon. Members, let us take these contributions with a light touch, otherwise we are going to bog ourselves down.

Hon. Kipyegon: Hon. Deputy Speaker, I wish Hon. Members the best as they approach the nominations. What I want Members to note is that nominations will come and go. There is room for party hopping. Do not die. If your party is not pleasing enough, or it has not given you an opportunity to represent it in this House, there is room for party hoping. You can always join the race as an independent candidate. Nomination is not a matter of life and death.

If the Jubilee Coalition throws you out, you can present your papers to the IEBC as an independent candidate. If the ODM party throws you out, there is another window for you. You can always join Chama Cha Mashinani, my great party or KANU. As we head there, let us not fight. Let us approach the nominations with sober minds, understanding that we still have elections in August. Do not finish your money and energy. Go there and come back in May. *Tuje tuone vile mambo yatakua---*

(Laughter)

Hon. Deputy Speaker: What language is that, Hon. Kipyegon? The rules of the House still hold.

Hon. Wamunyinyi, you may have the Floor. Hon. Members, I am following the request list. He is ahead.

Hon. Wamunyinyi: Thank you, Hon. Deputy Speaker for giving me this opportunity. There seems to be a lot of excitement. I do not know whether it is because of the nominations that will see some Members retire early. As someone said, it is indeed true that when we come back in May, some Members would have lost the nominations and will only be waiting to retire. The recess we are about to take will give us an opportunity, as Members of this House, to take leave and participate in the nomination. We all hope to have successful nominations.

Hon. Deputy Speaker, we are not just going for the nominations. Some Hon. Members will be involved in many activities in their constituencies, including conducting campaigns in churches. All of us have stressed the need to remain peaceful. Peace should prevail in all constituencies across the country. It is our children, relatives and our people who will be victims in the event of violence.

In Mathare, three people lost their lives from what happened. They were ordinary members of the community but they lost their lives in the process. They are gone for good. Such a thing can happen anywhere. We do not enjoy such situations. All of us must conduct our affairs in the best way possible to ensure that there is no violence. People should not fight in our respective constituencies because of politics.

I represent Kanduyi Constituency. I want to talk about certain issues that affect my constituents during this time. Hon. Ichung'wah knows what I want to talk about. Nzoia Sugar Company is one of the sugar companies with the highest potential in Kenya. The scientists who researched on the soil there said that the area can support growing of sugarcane with the best sucrose content. We also have a nucleus estate of about 14,000 acres of land, which belong to our ancestors. They surrendered it to Nzoia Sugar Company in the early 1970s.

Nzoia Sugar Company also has sugarcane outgrowers who feed the company's factory with cane. This is one of the companies which, if well run, will be making profits. It did so some time back when we had a good manager. Because of bad management, the company is currently insolvent. The Government failed to implement a resolution which this House made at the tail end of the 11th Parliament.

The Board members of Nzoia Sugar Company currently are politicians like Mr. Raphael Wanjala, Mr. Joash Wamangoli, Mr. Chikati and the daughter of Hon. Reginalda. They are all doing nothing to help the farmers. As we speak, farmers have not been paid. Currently, there is no sugarcane in the nucleus farms. The Kenya Revenue Authority (KRA) has not paid farmers---

It is because of the problems that I have mentioned that Mumias Sugar Company has collapsed. Hon. Washiilli is here to confirm that position. The company is in intensive care unit. The Government has appointed a Managing Director but some members of the community are trying to politicise the matter. I want everybody to support Nzoia Sugar Company. Those who are not interested in helping sugarcane farmers should keep off.

I know there are valid interests but we want Nzoia Sugar Company to succeed. We do not want it to collapse like Mumias Sugar Company. A new manager has been appointed by the Cabinet Secretary for Agriculture, and he should be left alone to do his work. I am speaking for

the farmers of Kanduyi, who elected me. Nzoia Sugar Company should be helped to continue with its operations.

Hon. Deputy Speaker: Your time is up!

Hon. Wamunyinyi: Thank you.

Hon. Deputy Speaker: You have the Floor Hon. Washiali.

Hon. Washiali: Thank you, Hon. Deputy Speaker. I would like to add my voice to what the Members who have contributed to the Motion have said. Like the Leader of the Majority Party said, we are going on a very unique recess as some Hon. Members will participate in the nominations and come back from the recess as former Members of Parliament.

As much as we appreciate the fact that Members can hop to other parties, we have some regions where if one does not belong to a certain party, then, definitely, they will not make it in the general elections. This is a lacuna in law. Some Members who will come back on 9th May 2017 to make laws for Kenyans will have already known their fate.

This adjournment was planned by Parliament. In future, we need to be very careful on how we approach general elections. If we allow Members who are not likely to come back after nominations to make laws, then, chances of them making bad laws is very high. I have been the Deputy Whip for the last four-and-a-half years and I want to thank the Members, not only from the majority side, but also from the minority side for listening to me. I am sure out of my whipping, we have managed to have more sittings than we would have had. I want to thank them and wish them the very best as they go for the nomination exercise.

I want to add to what my colleagues have said on the issue of tallying centres. We are likely to cause anarchy in this country if each party will have its own tallying centre and announce its own results. I hope the International Criminal Court (ICC) is following what is happening in Kenya. Their investigators should come and be ready to make a report. Kenya is generally a peaceful country and its citizens want very peaceful elections. I was contemplating on what happened in Migori and I wondered what would have happened if it was Jubilee supporters verses the National Super Alliance (NASA) supporters who were fighting. That would have degenerated into serious violence by the people. As we go to the nominations exercise and later the general elections, I want to request Kenyans to be peaceful, so that we can get the best leadership for this country. My party is looking forward to seeing the President winning a second term and my coming back as Member for Mumias East.

Thank you, Hon. Deputy Speaker.

Hon. Speaker: Let us be patient. Hon. Moitalel ole Kenta.

Hon. ole Kenta: Thank you, Hon. Deputy Speaker. I would also like to join my colleagues in supporting the Adjournment Motion. I told my good friend, Hon. Ichung'wah, who defected from The National Alliance (TNA) Party to another party not to do so. Now, he is very busy buying other parties to replace the ones they dissolved and I am sorry it had to go that way.

We are all leaders and it does not matter which part of the political divide we support. We are Kenyans and we have a duty to protect the lives and properties of our citizens. I think no party should be encouraged to be violent or destroy the peace that we enjoy. I would like to encourage my colleagues, the pastoralists, who have been facing very difficult times in their areas like cattle rustling, maiming, killings and others. We can never achieve anything if we continue with that trend. Another issue is killing of cattle and destroying the livelihoods of people. In fact, in the last two weeks, more than 2,000 head of cattle have been killed in Laikipia. People have committed suicide because of huge losses. I would like to urge the Government to

find other ways of resolving these issues rather than killing animals and people. They owe us a duty to protect our lives and property.

There has been an issue about clearance certificates. I would like to go on record that I got my nomination certificate and never paid a cent because I had no opponent in the Orange Democratic Movement (ODM). In fact, I fear Jubilee because they have become a tribal and elitist party. Why would they block Sonko and give somebody else a certificate because he belongs to a certain tribe? Let us not throw stones when we live in glass houses.

Hon. Deputy Speaker: Order, Hon. Ichung'wah!

Hon. ole Kenta: My good friend, Hon. Ichung'wah, is very good at shouting, but he should check himself before he criticises others. I request for peace. Let us look for votes in a peaceful manner. If not, it is Kenyans who will suffer. If there is violence in Kenya, we will take our children out of this country and the poor will be killed. People should know that it is not worth dying for any politician, whether they belong to your tribe or not. Let us also request the party leaders not to favour anyone and allow the people to elect whoever they want. Whereas they pretend to be very democratic, they have supporters hidden in their pockets who are unleashed at the last minute. For example, the Governor of Narok did that the other day. He told his tribesmen to vote for him.

Hon. Ichung'wa: (*Off record*)

Hon. ole Kenta: I do not want to be personal with Hon. Ichung'wah.

Hon. Deputy Speaker: I am here

Hon. ole Kenta: I remember him telling his people to vote in a certain way. He should not divide the people of Narok. We are a very peaceful county and we want it to remain that way. I am requesting the people of Narok to vote from their hearts and brains not through violence or tribalism. They should vote for the best leaders irrespective of their parties. Let nobody out there tell them about tribe. I support the Adjournment Motion and request my friends to spread the message of peace, tolerance and unity in this country.

Thank you.

Hon. Deputy Speaker: Hon. Timothy Wanyonyi.

Hon. Wetangula: Thank you, Hon. Deputy Speaker for giving me a chance to also contribute to the Adjournment Motion. As we proceed on recess, this is a very important time for all the Members of this august House. We are going to face the electorates and party primaries. This is the time we will be given our score card on whether we did our work or not. This is one of the very demanding jobs. As much as people ridicule Members of Parliament, everybody wants this job and will be looking forward to dislodging us.

If you have done your work, I am sure you should not be worried. I know the Deputy Speaker is eyeing a better position than the one she has today and I wish her well. I wish all my colleagues the best of luck in their party primaries. I know there is party hopping and some people have gone ahead to form their own political outfits, so that they can nominate themselves. For us who belong to the largest party in the country, we are not worried about competition. We are waiting to go out there.

When we go out there, politics is about competition. When you worry about competition, then you are in the wrong place. Political life is not for the faint-hearted. It is for people who are ready to fight it out to sell their agenda to the people. If people like what you tell them or what you have done for them, then, you should not be worried.

As we go on recess, we must preach peace and exercise restraint. We must not be intolerant to our competitors. When somebody steps forward to challenge you, let them do their

business because this is about competition and we must allow democratic space for everyone. To those who are castigating and throwing stones at the Opposition, I would like to tell them that we have seen violence in the Jubilee Alliance Party. In Nakuru, we saw violence where even a senior Member of the Jubilee Alliance Party exchanged blows with his opponents. We have seen the same in other areas in Nairobi. They should not just look at the Orange Democratic Movement (ODM) and tell us this or that. This is democratic space. Being the largest party, interest is high. We should not tolerate violence anywhere.

I wish everybody happy Easter holidays as we go home. I am one of the lucky people who got a direct nomination. This is not because I paid any money, but I did not have an opponent. There is nobody who stepped forward to challenge me in my party. As Hon. Duale says, it was not for the highest bidder. People merited the positions whose certificates they were given. Even if somebody came forward to challenge me, I know I would still have won. It is still one of the ways of going through party primaries. You can either be unopposed or opposed.

On that note, I wish all my colleagues all the best. I hope we shall all come back having won our party primaries, so that we can go to the next level of the general elections.

Hon. Deputy Speaker: Let us have Hon. Kimani Ichung'wah.

(Hon. F.K. Wanyonyi stood in protest)

I am trying to balance both sides.

Hon. Ichung'wah: Thank you, Hon. Deputy Speaker. I rise to support the Motion. In doing so, I also want to join my colleagues in wishing everybody in the House all the best as we embark on the rigorous campaigns for party primaries.

I truly appreciate the fact that, as Hon. Tim Wanyonyi said, there are those even within ODM who are unchallenged like him. I know, because I live in a constituency near Hon. Tim Wanyonyi's. He has worked and delivered for his people. Congratulations to Hon. Tim Wanyonyi. However, it is also a fact of life that there are those who have paid for the tickets. It is only fair to state facts as they are. There are those within the political parties that are dishing out free tickets who have paid a price for them. I sympathise with someone like Sen. Elizabeth Ongoro. I saw her pain yesterday. Even as I pitied her, I could not help, but ask myself whether she will ask us to help contribute towards her campaign to pay a higher bid than that which was paid by those who were given direct party nominations. It is also a fact of life that there are those who have paid. There are parties where every election year, they become enterprises to vend party tickets to those who have the resources.

Many Members have spoken about peace. We must say things in this House and even in our parties and practise what we say. With a lot of hypocrisy, we can talk about peace from inside this Chamber, but what we practise out there is something totally different. I am really perturbed because yesterday, one of the leading party leaders, the former Prime Minister, talked about his opposition towards his own political party abiding by the rule of law - laws that were passed in this House - in relation to the gazettement of nomination lists by the Independent Electoral and Boundaries Commission (IEBC). He now wants to trash that. Those laws were passed by Members including those of his own political party. He now claims that they will not abide by those laws.

It is disturbing because it is the same leadership within the ODM and NASA that has been telling Kenyans that they are ready and prepared to set up a tallying centre. I want to say for the record that there is absolutely nothing wrong with any political party setting up its own

tallying centre. Any political party can set up its own tallying centre, but for purposes of its own consumption of whatever results it gets. However, purporting that you will set up a tallying centre and announce the results to the country is playing with fire. I want to be on record saying that, that call by Hon. Odinga to establish a tallying centre and announce results is a call to war for this country. It is a call to civil war. We know the script. We were in this country in 2007/2008 when people started demanding and saying “No Raila, No Peace” after people declared themselves winners from their own tallying centres outside the established legal mechanisms of the IEBC or the former Interim Independent Electoral Commission (IIEC).

I want to ask my colleagues within NASA to be leaders who respect the rule of law. When we pass laws in this country, let us respect them. You cannot purport to announce results. I am sure Hon. Raila Odinga is motivated by what happened in West Africa a few months ago where people moved to a different country to be sworn in. He probably hopes that he can cross borders after announcing himself a winner to get sworn in. I want to tell Hon. Raila Odinga from this Floor that Kenyans are not ready to shed blood again over his raw thirst for power. Respect the IEBC and the laws that have been put in place in this country and allow the IEBC to conduct its work as the IEBC.

Hon. Wakhungu: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Can you allow Hon. Chris Wamalwa to execute his point of order?

Hon. Wakhungu: Hon. Deputy Speaker, is it in order for Hon. Ichung’wah to continue misleading the public by saying that the Prime Minister, with the intention of coming up with a parallel tallying centre, has plans to announce or declare himself a winner? This is misleading. That is the campaign propaganda in his constituency. Where he comes from, if you say anything ill about the Prime Minister, you are likely to be voted back. He should not mislead the public. He has just mentioned that there is nothing wrong when you have a tallying centre for purposes of comparative analysis, but he never said that he will declare himself a winner for purposes of chaos in this country. He must watch his mouth.

Hon. Deputy Speaker: He has made the clarification. Just finish your one minute because your microphone had been turned off. I will give you less than a minute.

Hon. Ichung’wah: Thank you, Hon. Deputy Speaker. What Hon. Raila Odinga said is on record. Kenyans know what he said about setting up a tallying centre and announcing results. I have said, for clarity, that there is nothing wrong with setting up a tallying centre for your own consumption. However, the announcement of results to Kenyans should be left to the IEBC as it is its mandate. The whole motivation of wanting to announce the results to the public is to instigate violence in this country. For the record, let us be leaders who speak and walk our talk. When we call for peace, let us go for campaigns talking about peace and practising it.

With those few remarks, I wish all the Members all the best especially those in JAP. I am sure many of them will come back. To those in ODM, I also wish all the best. To those who, unfortunately, may not have the resources to buy their tickets, you can fund raise.

Those in NASA coalition parties who are still confused about how to conduct nominations, whether it is joint or whatever they want to do, I also wish them all the best. Let us meet again on this Floor to debate on merit and on our strengths, be it on the D- or the As that we brought from Alliance High School or from the Kidfarmaco Primary School, where I was this morning.

Hon. Deputy Speaker, for the record, this morning I was at Kidfarmaco Primary School in my constituency and one of the things the young children asked me to do when I come to this House was to speak about peace and prosperity of this nation.

(Loud consultations)

Hon. Deputy Speaker: Hon. Ichungw'ah, you have taken your time. Hon. Wanyonyi.

Hon. F.K. Wanyonyi: Thank you, Hon. Deputy Speaker. I also want to take this opportunity to support the adjournment of this House and to wish everybody best of luck. We are going for party nominations. We are sure that most of the people who are here will come back. I am sure we will come back, so that we wait for 8th August this year.

I want to make the record straight. The President of this country was elected and we respect him. He has his five years and he is now expected to go for another election. Kenya is one of the best countries in the region. We have had peaceful and democratic elections. Therefore, I want to assure Kenyans and those making noise here, come 8th August, we will have peaceful elections. I do not think there is any Kenyan here present who will want to have a repeat of what happened in 2007/2008 in this country. People died and property was destroyed. I do not think any of us wants a repeat of the same.

On the question of having a separate tallying centre, it is for purposes of checking the trend of the tallying of the results of the election at the main tallying centre. When the former Prime Minister said that he is going to set up a separate party tallying centre, I do not think he meant to declare himself president. He did not say that. We are overstretching what Hon. Raila said.

I also want to make it very clear that those who were given nomination certificates did not have competitors. Somebody was given a nomination certificate which he will take to the IEBC. No one has been given a nomination or bought a certificate as far as I am concerned. Although I am in FORD-K, the colleagues in ODM who were given certificates did not have opponents. Let us get it very right and clear. Those who are saying that they bought the certificates, that is overstretching the exercise ODM did. Nobody bought a certificate.

Lastly, but not least, I want to take this opportunity to wish those who are going for nomination the best of luck. Let us meet here. I am sure my brother in Jubilee will also wish us well.

Thank you very much.

Hon. (Ms) Muhia: Thank you, Hon. Deputy Speaker. From the outset, four years has been a short time though we thought it is a long time to go, but we have learnt a lot and we have got a lot of exposure. This cannot go without being recorded that the Office of the Clerk and the House leadership has been there for us especially the first timers.

As a Women Representative for Nyandarua, I cannot fail to point out the 47 Women Representatives were very happy with the Jubilee Government and this Parliament for availing the funds that were allocated to us, though very late, but very timely, which enabled us to show Kenyans what women can do. For this reason, we expect many women to come to Parliament, be they as constituency representatives, governors like you, Hon. Deputy Speaker, and many other positions.

It is time political parties supported women either in the Opposition or the Government. We are speaking of the two-thirds gender rule, which may take a long time to be implemented. If there is political will and women are seen as leaders – and I ask Kenyans to see women as

leaders – then the two-thirds issue can be a thing of the past. I ask the Kenyan electorate to consider any woman who is vying for any seat, be it Senator, governor, Member of Parliament or MCA, as a leader and vote for them. I want to urge women that time has come for us to stop voting for me and vote for women aspirants. It is time we also looked at ourselves and elected our own.

I cannot fail to speak about the culture of violence which is escalating day by day. We are witnessing this yet elections are about three months to go. There cannot be a monopoly of violence. We have to lead from the front as leaders. It is obviously happening in our constituencies. Some aspirants are buying alcohol for a few youths who cause violence in meetings hence the chaos we are witnessing. Kenyans should be watchful. If they realise that a certain aspirant is buying alcohol for the youth and inciting them to violence, the Kenyan electorate should see such a leader as rotten and as one who wants to encourage the culture of violence. They should desist from electing him or her.

As I finish, I want to say that we have to stand tall as leaders.

(Loud consultations)

Hon. Deputy Speaker: Order, Members! The consultations are too high. I know you are excited about your nominations.

Hon. (Ms.) Muhia: Thank you, Hon. Deputy Speaker. I know Members are consulting because of nominations. There is nominations fever definitely, but those who have worked should not have any fever. They should show their score card to *wananchi* and Kenyans will re-elect them.

I cannot end without challenging the CORD Coalition. A Member said that they have tyranny of brains. People cannot have tyranny of brains when they have D- (Minus), confusion and are discussing who to lead them every other day. So, let us not say who has tyranny of brains because brains are given by God. We all have brains. Let us continue working as brothers, so that even when we come back, we will continue working as brothers.

I congratulate everyone who has been in this House. I expect that we shall come back in large numbers. I believe the same faces will come back because Members have worked. Let us resist the culture of 70 per cent going home and bring a culture of 70 per cent coming back. I take this opportunity to ask all people of Nyandarua to come out in large numbers and re-elect Hon. Wanjiku Muhia to this House. They should also come out in large numbers and re-elect the Jubilee Government to continue leading this country.

Thank you.

Hon. Deputy Speaker: Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Deputy Speaker for giving me this opportunity. I want to join hands with the Members who have said that when we go to this period of recess, we preach peace. But it is unfortunate that as we are talking about peace, we are the ones fermenting negativity.

One of the worrying things for me is the number of small arms that are available in this country. Unless something is done especially during these political times, this country is in for a rude shock.

I do not know why everybody feels the need to own a gun. If you have one security guard and a gun, that is enough. Why do you want to have 10 security officers with guns? The

Government must be serious to curb the number of people with guns. You see people throw guns as if they are throwing stones like the incident we saw in Migori, which was totally unfortunate.

I want to speak on the issue of direct nominations. I know there are colleagues who are feeling disappointed that ODM has done their process well. Welcome and learn from us. It is not too late. For those who had no contestants, they were given direct tickets. It does not matter whether you are trying to impute that people bought certificates. If there would be a person to be given direct certificate, it is me but I have opponents. Because we are a party that protects the right of everybody who wants to vie, it is only the people who fear, who might run to other parties, but I am glad we did an excellent thing that has never been seen in this country. So, to go around and start saying that people bought tickets, I am sure there are people in Jubilee who may be having direct tickets. Do a proper process like us. Do not be embarrassed.

I know at one point during the life of this Parliament I was beginning to wonder whether we did the right thing in bringing the 47 women for a variety of reasons including the fact that some of them did not look like they were aware about their roles and started fighting women who have been elected between the geographical constituencies, but I am glad we did that. Some of it is because it is a transitional period. It is a new thing. We definitely had to have some teething problems.

One of the reasons I am saying this is that just this afternoon while driving through Kibra, I counted the number of posters with women candidates and I was totally impressed. I drove through Kilimani and around town and I was impressed. Other than just hoping for the best for the Members in the House, I am hoping that we have more women elected into this House. I would, therefore, be cheating if I said that I wish all Members come back because then our numbers will be less. I hope more women come to this House than we already are because we still do not have the one-third that we are hoping for.

On my own part, I am happy. Between this and the last Parliament, I pushed the Victim Protection Act, the Treaty Making and Ratification Act, the Counter Trafficking in Persons Act, the Child Justice Bill, which is pending and the Assisted Reproduction Bill, which unfortunately, was not passed by the Senate and it is still supposed to go for mediation. I am hoping if it does not pass in this Parliament, I will push it in the next Parliament. The only challenge they did for me is that they have delayed my opportunity to have children.

Finally, there is nothing wrong, as Hon. Ichung'wah says, with having an independent tallying system and there is nothing wrong in announcing results. Freedom of expression is guaranteed under the Constitution. We do not want to see what happened in Tiaty, in the last elections. Indeed, if we have a situation of stolen elections, there is nothing stopping us going the Ghana way and declaring a president in any other place because that is our right. We can go the Gambian way. So, let us be clear and let us follow the rule of law as Hon. Ichung'wah has said. Let us give everybody their due right. I wish all Members the best even as we go for nominations.

Hon. Deputy Speaker: Hon. Abdikadir.

Hon. Aden: Thank you, Hon. Deputy Speaker, for the opportunity to contribute to this Adjournment Motion. Indeed, as a Member of this House, I feel quite proud that we managed to achieve quite a lot during the time we have been sitting here for the last four years.

As we break for this important short, but important recess, it is an opportunity for many of us to go and stand before Kenyans again in the nominations. Luckily for me, I will not have to do that. My nomination is already done, but I wish those colleagues of mine who are going for nominations well. I want to urge Kenyans that this is the time for them to make the choice for

good leaders. Do not blame those who come into this House in the next Parliament because they will be a product of the choice you make today particularly in the nominations. The unfortunate thing that happens to many Kenyans is that not many get interested in nominations. Therefore, the only people who vote during nominations are the very few who turn up. Unfortunately, those few, when they turn up, sometimes the choice they make is in favour of this or that party, and those left sitting in their offices or in their business and are not interested in joining nominations, on the voting day, they will have no other choice, but to vote for one of those who were voted for by the few.

Unfortunately, if the choice at the nomination is wrong, the choice of the main election will also be bad leadership. So, I want to challenge Kenyans to come out in large numbers and elect leaders with integrity and capabilities. They should elect people who they know can carry them with pride. Do not be misled with money. Do not be misled with violence.

I happened to have been in Migori on Monday and whatever happened and sometimes the way emotions get charged, it is not very necessary at all.

I want to urge Kenyans not to be cheated to go into violence by those who want to be elected. Stay calm. There is nothing like stealing for somebody or being stolen from. Keep vigil and watch your vote and have faith and trust in the processes that we have. As a party, we have set example to get the ball rolling. By issuing those certificates for those who had no opponents like I did, I offered myself as an ODM Member before the people of Balambala and there was no one else. In fact, had it not been for one hired person by Jubilee to come and disturb me, I would not even have to go for the 8th August elections. I would be declared and gazetted as a Member of Parliament long before. Even when we go to 8th August, I am sure the people of Balambala will make the right choice and I am very proud of them all the time.

Kenyans are going through a very difficult time. There is a lot of drought out there. The Government has declared emergency response to the drought. Unfortunately, there is no sign at all that there is any emergency being attended to. If we declare in this House now that there is emergency for evacuation, people must look and behave like there is emergency, walk in a manner and way that look like there is emergency and things need to move. This Government has declared drought as an emergency, but there is no action and move that ever looks anything like emergency. There is nothing happening in my constituency, for example, one of the areas most affected by drought. Let us have the interest of Kenyans at heart. Kenyans, it is an opportunity for you to choose leadership and a Government that cares about you. You should choose leadership and Government that advocates for our interests. It is an opportunity for you not to regret again. Do not come to the gates of Parliament after the elections and bring pigs there to show that people inside here are pigs. Get rid of anyone who you think is a pig. Even if it is angels in form of human beings, bring them back here. Bring good leadership.

I wish Kenyans and my colleagues who are going for nominations all the best. Keep the peace. This country is ours and it is bigger than all of us. It is good for all us. Let us keep peace during this time.

Thank you.

Hon. Deputy Speaker: Rose Mitaru.

Hon. (Ms.) Mitaru: Thank you very much, Hon. Deputy Speaker, for giving me this chance. I want to support all what the Members have said this afternoon. I congratulate you and the Speaker and all the Members for the contributions we have brought to this nation through this Parliament.

I am very happy as a Women Representative for Embu County. I have represented our people, not just women, but also men, the youth and children. They are happy that women can stand and support them up to the household level. I believe when we talk about development in this nation, we need to involve not just men, but everybody.

Men have been in Parliament for many years. Some have been here for over 30 years when women were helping people outside without any leadership. I pray and hope that the women of this nation and the members of our household at the village level, and all the women who have leadership qualities, will wake up and support men, women and our young people. We should also involve people with disabilities so that everybody is represented in this nation.

On the two-thirds gender rule, we have begged our men to consider, who have the tyranny of numbers, and to be the first ones to support us because each one of them was born, breastfed and raised by a woman. They should bring 50-50 and not just one-third. Mine is to request them to make sure that they go to the villages, wards and constituencies and make sure we have women in the National Assembly, the Senate and we have governors. We should have women leaders not just in Parliament. Countries that have supported women have developed very fast. Kenya is looking forward to having everybody participate in the leadership of our nation.

Therefore, I congratulate Kenyans who gave women a chance by passing a Constitution that enabled us join leadership through the two-thirds gender rule. Maybe we would not have been able to campaign properly like men do, day and night, to get these positions.

Hon. Deputy Speaker, as a woman, you have stood with all of us in this Parliament. I wish we all come back and support the Government of today.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Chrisantus Wamalwa.

Hon. Wakhungu: Thank you, Hon. Deputy Speaker. First and foremost, I thank the great people of Kiminini who elected me to come to this august House. If it were not them, I would not be here today. Whatever has a beginning has an end and they know what I have done for them.

In terms of legislation, I have been on the frontline. Despite the fact that I have been in Parliament for the first term, I think I have done very well. I have sponsored many Bills and they have been assented to by the President, notably the Fertiliser Act, the Kenya National Examinations Council (Amendment) Act, the Political Parties Act, the Basic Education Act, the Treaty Ratification Act and many others that are still going through various stages.

I have brought a lot of petitions on behalf of my people. It is not only in legislation, but when you come to my Kiminini Constituency, a lot has been noticed in terms of development, particularly on matters of education. We have bought school buses. We have also built storey building because of shortage of land. We have built laboratories, administration blocks and roads. When it comes to the issue of security, we have particularly done chiefs' offices and police stations.

I want to tell my people of Kiminini that I will never let them down. As we close, I wish my colleagues who are going through the primaries the best.

As the Member for Kiminini, I will get direct nomination through my party, the Forum for the Restoration of Democracy (FORD-(K)), under the NASA fraternity because I am unopposed. I have been working hard and my competitors have seen the work I have done and that is why no one dared to compete with me. So, when somebody gets a direct nomination, it does not mean that he or she is getting it out of favour. It is because they have worked for it.

Many people who wanted to compete with me saw the good work I have done and they realised they could not beat me. That is why they left me to be unopposed.

I want to thank my worthy competitors who saw that I have done well and let me go unopposed. I will meet those from the Jubilee side on 8th August although I have realised they are almost giving up as well. Maybe I might come back unopposed. This is my prayer.

As we go for elections, there is the issue of the IEBC. It is the responsibility of the IEBC to declare results and winners, but there is nothing wrong by the NASA coalition coming up with a parallel tallying centre. This has been happening everywhere including in the United States of America (USA). I want to tell my colleagues that even in your own constituencies, you must have your own parallel centre, so that in every ward, you can know how the results are coming in and tally them. As NASA, we are going to set up that parallel tallying centre. We will be monitoring. We will tally and announce the results though they will be unofficial. Of course, the Constitution is very clear that it is only the IEBC which is mandated to announce results and declare winners. However, in case of any mischief, that tallying centre will detect where things such as rigging could happen. If you do not have the records, you will not know anything. You must monitor. Even the Jubilee side should have their tallying centre. They should stop panicking. There is a Swahili saying that says “*Siku za mwizi ni arobaini*”. Those who want to rig, we are warning you. The ICC is waiting. You should not reap where you never sowed. We want people to preach peace. If you preach peace, you reap peace. If you preach anarchy, you will reap anarchy. If you preach violence, you will reap violence. This is the only country we have and we do not have anywhere to go. As Members go out there to campaign, let us use uniting language. Let us not give messages of hatred. I know Kenyans know the right people they are going to elect. I have no doubt the IEBC has what it takes.

I also want to thank you, Hon. Deputy Speaker and the Speaker of the National Assembly. You have done very well. We have a huge number of Members, 349 Members, and the challenges of a bicameral system, yet you have done very well. You should clap for yourselves. This is similar to what is explained in the book: *Things Fall Apart*, where the lizard that fell high from the Iroko Tree said it would praise itself if no one else did.

Hon. Deputy Speaker: Hon. Moroto, you can use the Dispatch Box.

Hon. Chumel: Thank you very much Hon. Deputy Speaker for giving me this opportunity to support the Motion for Adjournment. I know this is a hard time for some Members especially the newcomers including Hon. Chris Wamalwa. He is praising what he has done not knowing that others are dirtying what he has made clean.

Hon. Deputy Speaker, I congratulate you and Hon. Speaker because of the way you have handled issues here. I know we have had issues with the Senate but you have been mature enough. Although others are complaining, in my opinion and because I have been here for a long time - this is my fourth term. I came to this House when there was Opposition and Government. Now there is no Opposition because all of them including Chris Wamalwa are in the Opposition but driving a GK vehicle. When I was here, there was Opposition and Government. Nowadays, you cannot even call yourselves Opposition because you eat from the same plate with the Government. Yours is just to thank and glorify God because he has given you a good opportunity. There was a time when we used to throw people out. That is not the case currently.

I want to thank my neighbours from Trans Nzoia, Turkana, Sebei of Uganda, Karamojong and Marakwet because of the relationship we have had. I also thank the leadership in Trans Nzoia and other areas. We used to have hostile relationships where Pokot and Turkana

could not see each other. The same case applied to Trans Nzoia. There was a time when the Government was using force. In 1984, there was an operation called *Nyundo Operation*. That is a hammer. You hammer it and you are hammering it to somebody who is illiterate. There were a lot of rumours that these militiamen went to Israel for training. This was just propaganda which could not even help.

I want to thank the Kibaki Government. When he took over, he changed. Instead of having the *Nyundo Operation*, he brought *Dumisha Amani Operation* where the military that used to come and harass us was used to get water for the people through drilling boreholes. Therefore, there was no reason for anybody to go from West Pokot to Trans Nzoia in search of water. Already, we had water on the other side. Those are the people who are using their brains. Instead of hitting, they saw it good to come together and assist the people. The people lacked these resources and so, the Government provided them.

I also want to thank the current Government. The Deputy President has been there several times and has been telling the people that "I have come here and we want to correct the injustices that used to be there". I know he means well for us. The President has also come twice. There are good things coming from them. Mine is just to appeal to the people in charge, especially those who are helping the President and the Deputy President, to do their job.

What happened in Laikipia is so shameful. How can one kill animals when he is given the responsibility to protect the lives of the people and their property? Animals are people's only source of livelihood, yet you go there and kill them. Even if an individual made a mistake, only one *mzungu* was killed. How many people die because of hunger? I do not have anything to say about them. They are here and they have to obey what others do because they found the resources here. They have to go with what we want. Those are our grazing fields.

Hon. Deputy Speaker: Your time is up, Hon. Moroto. Conclude, please.

Hon. Chumel: Thank you. I just want to support, but let those in charge of security know their role other than killing innocent animals. They would rather take them and eat them.

Thank you.

Hon. Deputy Speaker: Hon. Savula.

Hon. Angatia: Thank you, Hon. Deputy Speaker. First and foremost, I wish you success in the coming elections as the governor of Bomet.

Before I make any remark, I would like to congratulate the people of Lugari Constituency for having elected me as their first Member of Parliament under the new Constitution.

Secondly, I would like to thank the leadership of this House, led by the Speaker and you as the Deputy Speaker. I wish to thank others like Hon. Chris Wamalwa, Members of serious Committees of this House, for having transacted business under the provisions of the Constitution. We have sailed through and achieved our mandate. Going forward, the next Parliament will have an easy time because we have already set the stage and the ball rolling for implementation of the Constitution. I am grateful to the 11th Parliament because it has done wonders for the people of Lugari.

First, there is a petition that was written by 21,000 squatters in Lugari Constituency. The matter was submitted to the Departmental Committee on Environment and Natural Resources. I am grateful a report has already been tabled in this House, setting the stage for debate and eventual adoption by the House. This will enable the squatters, who have lived in that land for the last 23 years, to at least, get title deeds which they can use to secure loans from banks or guarantee any affairs in their lives. I thank this Parliament for having done that to me.

Several Members of this Parliament have been here for four sessions, but they did not manage to achieve what I have achieved. I am also grateful to this House for the way it has conducted its business despite the fact that we were abused sometime back as pigs by the civil society. I urge the members of the civil society, who are condemning the 11th Parliament, that it is now time for them to go and eliminate the pigs through the electoral process and not through demonstrating outside the gates of Parliament.

This adjournment period will also give us time to share family values and reflect on matters of family during the Easter Holiday season. I wish all Members a happy Easter. However, as we go for Easter, we have seen political temperatures rising every day because of nominations and especially in the main competitive parties of Jubilee and ODM. I would like to call upon the security forces in this country, led by the Attorney-General, to be on high alert to ensure that we do not have criminal elements disrupting the progress of elections during the primaries. This can move on and affect the general elections. I disagree with leaders who are saying that whoever got a direct nomination certificate got it unfairly. If you do not have an opponent like Hon. Chris here, how did you get it unfairly? I have not got my certificate, but I am the only single African National Congress (ANC) candidate in Lugari Constituency. Whom will I compete with? The primaries will be held on 16th, but I will just be walking in Lugari and enjoy eating *Mandazi* with my electorate because I am not facing any opponent. I am lucky because the people of Lugari have confidence in my leadership. So, let us not condemn those who got direct nominations. Opponents were supposed to come up. If Gor Mahia is going to play with AFC Leopards and their opponent, in this case the AFC Leopards, do not turn up, of course, the winner will be Gor Mahia. Let us not condemn people who got direct nominations because they had no opponents to face them during the primaries.

Lastly, I have heard sentiments by Members in NASA and those in Jubilee regarding the establishment of separate tallying centres. These are purely private tallying centres that are not provided within the law. We know Kenyans will accept the only results that will be announced by the IEBC. I will also have my private tallying centre in my bedroom with my agents just to confirm that whatever is going on in the field is exactly what will be announced by the IEBC. There is nothing wrong with that. Let us not politicise this issue. I am asking my brother, Hon. Raila Amolo Odinga and Uhuru Kenyatta to lead their flock in exercising peaceful campaigns towards the general elections. We do not want a repeat of Mr. Anan coming here and guys going to the ICC. We want peaceful elections. Kenya is one and we shall go back to our houses and live with our families even after the elections.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Member for Kimilili.

Hon. Kasuti: Thank you, Hon. Deputy Speaker for giving me an opportunity to speak on this Motion for Adjournment.

First of all, I would like to thank you and the Speaker of the House for the good guidance you have given to those of us who were new in this august House. We needed serious guidance before we could pick up our pieces and sit here pretty to learn what is going in the House.

I would also like to call upon Kenyans to respect the rule of law and ensure that we hold peaceful general elections in August. All of us should uphold this. On 9th May 2017, we do not want to see people throwing stones or shouting unnecessarily. We should be jubilating and thanking Kenyans for having held peaceful nominations. We do not want to see people maiming others. We have seen loss of lives in Baringo because some people want to continue holding

certain positions in the county. People, therefore, go around maiming others in the name of trying to acquire wealth.

I would like to thank the Government of Kenya for ensuring that Members of Parliament get the National Government Constituencies Development Fund (NG-CDF). This Fund has developed our country. Even though we have devolved governments, they have not shown meaningful development like the NG-CDF. I am proud to stand here and say that when an assessment was carried out on how Members have performed in the dispensation of the NG-CDF, I topped. Kimilili Constituency topped and I am happy because the people of Kimilili have appreciated my way of handing the NG-CDF. On that score, I am sure they are ready to bring me back to this House, so that I can continue with my work which I promise to carry out diligently as I have always done.

I want to thank the women of this country and especially the Deputy Speaker, Martha Karua, Ngilu and Grace Ogot for coming out gallantly and fighting against the men for various positions in the elections and winning without necessarily calling for favours. I would like to call upon the women of this country not to wait to be given free seats, but to come out and fight for the positions in the elections. I am sure they will win without being given any favours. I am not trying to discourage the women of Kenya from vying for elections, but it is an appeal to them not to wait to get favours and come to this House through special seats.

Finally, I would like to thank all Kenyans because up to date, they have continued to show that they want this country to be united and peaceful.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Kirwa Bitok.

Hon. Bitok: Thank you, Hon. Deputy Speaker for giving me an opportunity to contribute to this Adjournment Motion. First and foremost, I thank the good constituents of Mosop for having elected me to serve in this Parliament since 2013. I also wish to thank the Speaker's Panel for having steered this House in a professional manner which has given this House dignity.

I also wish to thank the people of Kenya for having elected an efficient and professional Government that has delivered quite enormously in terms of development and the creation of a proper political environment. This is the Jubilee Government led by His Excellency the President and the Deputy President. I urge the people of this Republic to re-elect the same Government which has shown a lot of performance. I am happy my constituency is one of the constituencies that never had a tarmac road since Independence. Under this Government, we have a tarmac road and other infrastructural projects that have given us an opportunity to enjoy like other constituencies in this country. We have had support from the Government in terms of schools' infrastructure and development is being seen in very high percentages than before.

I urge my people of Mosop that as we go for the primaries, let us do them peacefully. At the same time, let us look at what the Government has done. I have contributed as a Member of Parliament and we will come back after the primaries as successful people and wait for the elections on 8th August.

Hon. Deputy Speaker, I also wish you well in your quest to be the governor of Bomet, which is a Jubilee zone. I wish you well, so that development can take place in Bomet.

Thank you so much. I wish everyone all the very best as we proceed to recess.

ADJOURNMENT

Hon. Deputy Speaker: I see no further interest in this Motion as we have no more Members, although we still had time. I, therefore, adjourn the House. This House stands adjourned until Tuesday, 9th May 2017 at 2.30 p.m.

The House rose at 6.33 p.m.