

NATIONAL ASSEMBLY

OFFICIAL REPORT

SPECIAL SITTING

Tuesday, 17th January, 2017

The House met at 2.30 p.m.

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

PRAYERS

MOTION

ADOPTION OF REPORT ON APPOINTMENT OF IEBC CHAIRPERSON/MEMBERS

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

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the vetting of nominee for appointment as Chairperson of the Ethics and Anti-Corruption Commission, laid on the Table of the House today Tuesday, 17th January 2017, and pursuant to the provisions of section 10 (3) of the Ethics and Anti-Corruption Commission Act, 2011, and Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, approves the appointment of Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe as Chairperson of the Ethics and Anti-Corruption Commission.

Hon. Speaker, I am moving this Report on behalf of the Chairman of the Departmental Committee on Justice and Legal Affairs, Hon. Chepkong'a, who is out of the country on official duties. I have the authority of the Committee to move this Report.

Pursuant to the resolution of the House on 1st December 2016, the Speaker referred to the Departmental Committee on Justice and Legal Affairs a Message from His Excellency the President, Hon. Uhuru Kenyatta regarding the approval of Archbishop (Rtd.) Eliud Wabukala Wamukekhe, as the chairman of the Ethics and Anti-Corruption Commission (EACC). The Message was dated 20th December 2016 and it was addressed to the Speaker of the National Assembly, pursuant to Section 6 of the Ethics and Anti-Corruption Commission Act, 2012 as read together with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, Chapter 36 of the Laws of Kenya. The Message also included a copy of a letter to His Excellency the President conveying the decision by the Selection Panel to pick Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe for consideration for appointment as Chairman of the EACC.

The above statutory provisions require that in making the appointment of the chairperson and members of the EACC, the President shall seek the approval of the National Assembly. The Speaker of the National Assembly referred the Message together with the nominee's curriculum

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vitae to the Departmental Committee on Justice and Legal Affairs for consideration, pursuant to provisions of Standing Order No.42 (3)(c).

The Committee Report contains observations, findings and recommendations by the majority of the Committee Members that the nominee is suitable and qualified for appointment as chairman of EACC. The Committee conducted the vetting process for approval of the nominee with reference to the Constitution of Kenya, 2010, the Public Appointments (Parliamentary Approval) Act, 2011, the Ethics and Anti-Corruption Act of 2012, the Leadership and Integrity Act of 2012 and other relevant provisions of the law.

On behalf of the Committee, I wish to thank the offices of the Speaker and that of the Clerk of the National Assembly for the support extended to it in the execution of its mandate.

Finally, pursuant to Standing Order No. 22 (16) (5)(f), it is my pleasure and duty to present to the House the Report of the approval for appointment of Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe as Chairperson of the Ethics and Anti-Corruption Commission.

Hon. Speaker, the Committee conducted vetting and hearing process and took into account the requirements of the law in the process of the appointment.

As a background, the position of the chairperson of the EACC fell vacant following the resignation of the immediate former chairman, Mr. Philip Kinisu. Thereafter, the Public Service Commission invited application to fill the position through the print media on the Commission's website on 7th September 2016. The Commission reviewed applications that were received, but in the first instance it was not able to complete the process and, therefore, the positions were re-advertised on 10th October 2017.

A total of 123 applicants were shortlisted following the re-advertisement process and interviews were conducted on 17th November 2016. The Commission requested all shortlisted candidates to obtain and present to the interview panel clearances from institutions such as the Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB), Directorate of Criminal Investigation (DCI) and Credit Reference Bureau (CRB). The Panel also adhered to all provisions of the Constitution of Kenya with regard to merit, gender, ethnic and regional diversity. The Panel also considered reports from the National Intelligence Service (NIS) and the submissions of concerned citizens on two candidates, which were considered by the Panel but lacked merit.

Prior to the vetting hearings, the public was duly involved pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act and notice was issued requiring that any person may, prior to the approval hearing and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which he has been nominated.

Advertisements were also placed in the print media on Thursday 22nd December 2016. Subsequently, as required by Article 118 as well as the Standing Orders, the general public was notified through the print media by the Clerk of the National Assembly of the intention of the Departmental Committee on Justice and Legal Affairs to conduct the vetting and approval of the nominee on Thursday 5th January. The Committee also, through the Clerk's Office, invited submissions from the public on suitability or otherwise of the nominee for appointment to the position of the Chairperson of Ethics and Anti-Corruption Authority (EACC).

In conducting the approval hearings, the Committee as required by the law, took into consideration the following criteria: Academic qualifications, employment record, professional

affiliations, potential conflict of interest, knowledge of relevant subject, overall suitability for the position, tax compliance, integrity and morality, vision and leadership, and commitment to judicial reforms, access to justice, expectations and priorities. The candidate appeared before the Committee on Thursday 5th January and was informed of the submission that had been made from the members of the public and a response from some Kenyans, that is Rev. John Mbugua and three others who stated that Archbishop Eliud Wabukala Wamukekhe had failed as Chairperson of the National Anti-corruption Campaign Steering Committee (NACCSC). They also alleged that the retired Archbishop had not been transparent and accountable while at the helm of the NACCSC.

The nominee informed the Committee about his background. He was born on 26th June, 1951 in Bungoma County and went to Kolanya High School, St. Paul's Theological College (St. Paul's University) and Wycliffe College- University of Toronto. He is the immediate former Archbishop of the Anglican Church of Kenya (ACK). During his tenure as the Archbishop, the church experienced relative peace, expansion in mission and its resource base. The candidate responded to various questions from the Committee Members.

With regard to the vision and leadership of the EACC, he informed the Committee that he will strive to build public trust and confidence in the institution which is the foundation for its success. He will draw on experience from his religious background where he left the church in a strong and stable position. He will strive to work closely with the secretariat to create a conducive environment for the Commission to implement its policies and mandate. He will recognise and appreciate the good in each and every stakeholder. He was clear about the feelings of Kenyans about corruption. He said that he will help translate their feelings into action in terms of fight against corruption. He would also undertake to hold regular consultations with relevant stakeholders in execution of his mandate. On his track record, he said he was at the forefront of discouraging fundraising in church, particularly by politicians and stopped the practice of receiving donations.

On religious views and punishment, as a Christian, his view is that the Bible says Government must punish evil. He is ready to serve in Government to help in the punishment of evil because according to him, Government has a divine responsibility to inflict punishment on corrupt people. Regarding whether the corrupt individuals should be killed, he was very categorical that we should not kill the offenders but enforce the laws and the Constitution of Kenya.

As to his experience and achievements as Chairperson of the NACCSC, the nominee informed the Members that a large segment of the Kenyan society is aware of the various anti-corruption initiatives spearheaded through public awareness campaign. He had participated in establishment of aggressive media campaign to educate the public on anti-corruption effort. Some of the challenges that they faced is that they had a limited budget but had commitment to fight the scourge of corruption.

At Independence in 1963, there was a lot of optimism in the future of the country. The task ahead of him, if he is to make any headway, calls for collective responsibility from all concerned including the media, Parliament, religious groups as well as civil society. As to objection by Rev. John Mbugua and three others, the nominee stated that the mandate of the NACCSC was limited to public education and his team had done its best within the budget constraints. He also says that in his discharge of church responsibilities, the church has elaborate

structures and guidelines which he had been party to, to ensure that they are fully followed in conducting church matters such as marriage, wedding, burials among others. The challenge, according to him, of corruption in Kenya is cultural orientation of the Kenyan people, different political persuasions, ethnicity, and poverty which has undermined the war against corruption.

As to whether he is an independent candidate for the Chairperson position and the strategy he would pursue, he informed the Committee that he is his own man and that he would not entertain interference with the institution. He promised to apply the law and regulations to realise the Commission's mandate.

By his sense of patriotism, he will seek to build healthy partnerships with all stakeholders, who he will bring on board. He did not put timelines on what he may be able to deliver in his first early days in office because he will first need to conduct an induction, if his appointment is approved. He has no potential conflict of interest. He also has no interest in any business of Government as he has not participated in any procurement of services or tenders in Government.

Hon. Speaker, having considered the curriculum vitae of Archbishop (Rtd.) Eliud Wabukala Wamukekhe, and his submission during vetting, we made the following observations:

Archbishop (Rtd.) Eliud Wabukala Wamukekhe was born on 26th June 1951. He holds a Masters Degree in Theology from Wycliffe College - University of Toronto. He holds a Bachelors Degree of Divinity from St. Paul's University. He has actively participated in national issues, notably peace initiatives after post-election violence and the steps towards attaining the Constitution of Kenya, 2010. He is currently the Chairperson of the National Anti-Corruption Campaign Steering Committee (NACCSC) having been appointed by His Excellency the President of Kenya on 14th August 2009. Previously, he served as a member of the NACCSC for five years. He also served as a Bishop of the Anglican Church of Kenya (ACK), Bungoma Diocese. He oversaw the expansion and development of Bungoma Diocese, putting up schools and institutions of training in addition to economic empowerment of the community. He is a former Chairman of the National Council of Churches of Kenya (NCCCK), where he was responsible for the growth of the council to a turnover of over Kshs1 billion. He has risen through the ranks as a teacher in primary and secondary schools to being a lecturer and academic dean of St. Paul's University and the Archbishop of the ACK. He has also served as Chairman of St. Paul's University Council and a member of the board of Sang'alo Institute in Bungoma County. As a chairperson of the NACCSC, he established 22 anti-corruption committees across the country. In community service and *pro bono* activities, he has assisted in payment of school fees for less-privileged children. He is also involved in other philanthropic activities through charitable foundations.

After the approval hearings, the Committee made the following findings: Archbishop (Rtd.) (Dr.) Eliud Wabukala Wamukekhe has the requisite qualification and experience in the domains of ethics and anti-corruption. According to the records and information availed to the Committee, he has never been implicated in any issue that may lead to question of his integrity. The candidate exhibited impressive knowledge on topical issues including demonstrating understanding of administration and management competencies required to address the challenges facing the Ethics and Anti-Corruption Commission (EACC). The nominee also exhibited proper understanding of the mandate of EACC.

The objection to his appointment by Rev. John Mbugua and three others lacked merit because the nominee properly exercised his duties as per the circumstances.

Hon. Speaker, pursuant to the provisions of Public Appointments (Parliamentary Approval) Act of 2011, and Standing Order No. 216(5)(f) of the National Assembly, the Committee recommends that the House approves the nomination of Archbishop (Rtd.) (Dr.) Eliud Wabukala Wamukekhe for appointment by His Excellency the President as the Chairperson of the EACC.

I would like to ask Hon. Bishop Mutemi to second.

(Laughter)

Hon. Speaker: Hon. Bishop Mutemi to second. Is he an Archbishop?

Hon. Member: Yes.

Hon. (Bishop) R. Mutua: Thank you, Hon. Speaker for giving me the opportunity to second. I would like to state that I have total confidence that Archbishop (Rtd.) Wabukala will deliver as the head of EACC - a difficult commission to head.

(Loud consultations)

Hon. Speaker: Hon. Members, the consultations are too loud.

Hon. (Bishop) R. Mutua: Based on his faith in God, experience and qualification, I have every reason to believe that we have the right man for this job. There are those who fear that because he is a clergy, he is too soft for the job. That is not true. He only requires support and goodwill of all Kenyans who would like to see delivery of services in this institution. It is time we move away from just creating awareness about corruption to taming, eliminating and preventing it. Because of his firm stand, we believe that he will carry out his duties without fear and influence from external forces. By following the rule of law, we can trust him to deliver.

Hon. Speaker, I was impressed when he said that he cannot state his achievement within 100 days. Many people would have stated many things but Archbishop (Rtd.) was clear that he cannot give the number of things he will do but he will do something. He also said that he will deliver because he has no interest in doing business with the Government. Many people have been trapped in transactions where they are involved in Government business. He said that he did not have any business with the Government. He outlined what he owns. I was impressed when he told us that he owns 40 acres of land, some cows and a shop in Kakamega. That was very transparent of him. Many of us would not say what we own: Sometimes we just say that we own something.

Hon. Speaker, he also said that he will strive to build public trust in the EACC. This Commission has lost public trust because its holders have been removed before starting the job. I pray that we will give him some time to sort out this Commission because many Kenyans are interested in it for different purposes. It is only fair that we give him some time. Kenyans should be serious in fighting corruption. We have done too much talking and very little action has gone into this business. Archbishop (Rtd.) Wabukala is a man we can trust because of his faith, track record and willingness to do what others have failed to do, but he cannot do that without public goodwill. I want to ask Kenyans to give him support to deliver in this serious business.

Corruption is the only thing that is holding us back that is why I appeal to all the Kenyans to give the retired Archbishop Wabukala the support that he requires to deliver in this serious business because this is the only thing that is holding Kenya back. If corruption stops in Kenya, we shall become a developed country very---

Therefore, I second the appointment of the Archbishop Eliud Wabukala.

Hon. Speaker: Order, Hon. Members! Just before I propose the Question, I think it is good for me to remind the House that earlier this morning, you passed two Motions, one of which was numbered (a) dealing with this particular Motion in which you limited debate to a maximum of two hours and the chairman of the Committee to 20 minutes in moving and any other member, including the Leader of the Majority Party and the Leader of the Minority Party, to have a maximum of five minutes and that five minutes before the end of the two hours, the Mover will be called upon to reply. So, please take note that you have five minutes within which to make your point. I proceed to propose the Question.

(Question proposed)

Let us have the Leader of the Majority Party---

Hon. A.B. Duale: Thank you, Hon. Speaker. I am going to speak within my five minutes.

Hon. Speaker: Sorry. Hon. Members, you know surely sometimes you must also allow me to--- I know, perhaps, it is the new year but it is fair that I finish. Proceed, Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Speaker. The country's anti-corruption legislation dates back to 1956 with the enactment of the now defunct Prevention of Corruption Act. This is the sixth Chair of the anti-corruption body. We had John Harun Mwau; Aaron Ringera; PLO Lumumba; Mumo Matemu; Kinisu and today we are approving a man of God, Archbishop Wabukala. At least I participated in the approval of PLO Lumumba, Mumo Matemu and Mr. Kinisu and today I am participating. So, out of the six, I have participated in four of them. I wish Archbishop Wabukala all the best. Where he is going is not the Anglican Church. Neither is it any religious activity. He is walking into a very dangerous institution called the Ethics and Anti-Corruption Commission (EACC), where corruption fights back. Today we are approving him just like the way we approved Kinisu. When we were approving Kinisu, we had very little information that he was involved in the National Youth Service (NYS) scandal. I hope that when Archbishop Wabukala steps in and sits on the chair, other issues will not come into the fore and that the only issue that will come into the fore will be that he was a man of God. He is one of the most respected religious leaders in our country. Maybe this is the time that he will use his wisdom as a man of God to bring sanity. He will start his meeting with prayers and he will ask for God's intervention in as far as the EACC is concerned.

As we fight corruption, the society must change. The Kenyan society must change because if your son buys you a brand new Land Cruiser, you see him as the best of your sons but you do not ask him: "My son, where did you get the money?" That is why I say if a country is to be corruption-free and become a nation, I strongly feel that there are three key societal members who can make adjustments or make a difference in the war against corruption. These are the father, mother and teacher. How they mould our society, how they bring up our children and the

kind of values we teach in the society must be taken into consideration in the war against corruption.

Hon. Speaker, this administration will go into history as an administration that has taken the most unprecedented steps in the war against corruption. A dozen of Cabinet Secretaries, Principal Secretaries and Chief Executive Officers of top organisations lost their jobs because they were merely mentioned. This House has given the EACC enough resources to employ staff. The President has been at the forefront in making sure that proper legislation is put in place; the Bribery Bill, the Money Laundering (Amendment) Bill, the Asset Recovery Bill and many others. So, I hope Bishop Wabukala will not make us have another Motion to discuss his conduct. Those who believe in Islam will pray for you and I hope you will make a difference in the war against corruption.

I beg to support.

Hon. Speaker: Hon. Nyenze.

Hon. Nyenze: Thank you, Hon. Speaker, for giving me a chance to contribute to this very important Motion. I support the nomination of Archbishop Wabukala to the position of Chair of EACC. This is a man of God. All the other people who have been tried from Hon. Mwau, Hon. Ringera, PLO Lumumba, Mr. Matemu and lastly Mr. Kinisu were not leaders in the church. I can see there is now an attempt by His Excellency the President to involve the men of God and I think this is the right direction. I have never met Wabukala but I have read a lot about him. He is an archbishop. I am a son of a pastor. I know for him to have accepted to head the EACC, he must have done due diligence and he knew what was involved. I have a lot of trust that as a man of God, he will deliver. This is the last resort. There has been a lot of turnover. Everybody comes and goes and we know the reason is corruption fights back. The corruption cartels fight back. We will only change and win this war against corruption when society and the leaders all agree to fight it without interference. Because Archbishop Wabukala is a man of God, he will not listen to politicians or anybody.

I think he is the right choice and I would urge this august House to approve his name and see what happens when a man of God, who is not interested in accumulating wealth, can do. This is unlike other people who have led the Commission before.

Countries that are least corrupt especially the Scandinavian countries such as Norway, Finland and Denmark, have very small disparities in incomes. We have to try as the National Assembly to bridge the gap between the haves and the have-nots. When people are comfortable they can put food on the table. When the disparity is not too big, corruption will be less; but when there are a few people so rich when the rest are so poor, there will always be a challenge.

I am urging Members of the National Assembly not to doubt whether Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe will do a good job. Let us pray for him, stand with him and lead by example. Members of Parliament from whichever House are not barred from doing business with the Government but we can do something. We can desist from doing business with the Government so that we will have no interest to protect and we shall serve. If you are a Member of Parliament you can do any other business. I am urging my fellow colleagues to desist from doing business with the Government so that we help the Ethics and Anti-Corruption Commission (EACC) fight corruption.

Last but not least, I want us to stand with Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe. Let us not have doubts because he has not started. We trust the Departmental

Committee on Justice and Legal Affairs Committee; they have done a good job. Let us support him.

Hon. Speaker: Member for Baringo North, William Cheptumo.

Hon. Cheptumo: Thank you, Hon. Speaker. I rise to support this Motion. As I do so, I wish to say that, between 2008 and 2013, when I served as the Assistant Minister in the Ministry of Justice and Constitutional Affairs, I had an occasion to interact with Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe. Archbishop Wamukekhe has been the Chairman of the National Anti-Corruption Campaign Steering Committee for close to 12 years. In those 12 years, I believe he got sufficient experience and exposure. If he is given this position, I strongly believe that they will add value to this institution.

The mandate of the Commission is to combat corruption and economic crimes in Kenya through enforcement, prevention, public education, and promotion of ethical standards and operations. He has been able to deal with about three aspects of the mandate of the Commission which include public participation, public education and promotion of ethical standards. I also participated in vetting of the Chairman and I was impressed by his honesty. When we were vetting him, I asked him how he would reconcile his faith with the process of fighting corruption and dealing with cartels. I want to refer Members to page 15 of the Report. This is what he said: "As a Christian, the Bible says Government must punish evil". He is ready to serve in Government to help punish evil because Government has defined his responsibility to inflict punishment on corrupt people. We should not kill offenders but enforce the Constitution of Kenya, 2010.

Hon. Speaker, my concern was how the Archbishop will deal with a cartel of corrupt people whose business is to loot and destroy this country. He was so honest in his response. I think this is the first time in our history for an Archbishop to be given a chance to lead us in the fight against corruption. This country and this House should give a chance to this gentleman so that we will be able to assess what these men of God can do for our country. All these Members are praying to God that they can come back to Parliament after elections. None of them will avoid asking for a bishop to pray for them. These are great people and I want to believe that if we give this Archbishop a chance, there may be a time that Kenyans will say that during this time there was a difference.

I support.

Hon. Speaker: Member for Kiminini.

Hon. Wakhungu: Thank you, Hon. Speaker. At the outset, I rise to support this. This is not an issue of western Kenya; the issue is Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe qualified for this work. It is high time we went to the church. Archbishop Wabukala has been a very successful Archbishop in terms of leadership in the Anglican Church of Kenya (ACK). The church has grown and I am sure that Hon. Speaker you will attest to this because you are a member of ACK, so you know the good qualities that this person has. We have had many people coming and going but we have not seen the fight against corruption succeeding.

In this country, 30 per cent of the Gross Domestic Product (GDP) goes to waste because of corruption. We have tried so many professions in terms of leadership. We have tried a police officer whom we were told was a sharp shooter in the name of Harun Mwau. Unfortunately, the sharp shooting skills did not make anything in fighting corruption. We had the soft spoken Justice Ringera who promised the Judiciary that we were going to have radical surgery. It never

added value. We had the tough-talking PLO Lumumba who spoke the Queen's English and he used to talk of high voltage list. He said he was going to go for both big and small fish, unfortunately we never saw any big fish going down.

Afterwards, we had Matemo Mumo, from the Kenya Revenue Authority (KRA). He was an expert having been in a revenue authority, unfortunately there was nothing. We came with a First Class Honours in the name of Phillip Kinisu, who had worked for PricewaterhouseCoopers (PWC) with all the international experience; unfortunately, he did not last for seven months. Maybe this is the time to turn to the man of God. As I speak right now, we are praying that Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe will be the solution for corruption in this country. We are calling upon the secretariat---

Today there was a cartoon in the newspaper showing people lighting fire under his seat. Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe, as you get there pray to God. I told him that he is putting his life in a dangerous mission. He said he is putting his life because he values Kenya. He is a patriot. It reminds me of John 3:16 in the Bible which says: "For God so loved the world that He gave His only begotten Son, that whosoever believes in Him should not perish but have everlasting life."

Hon. Speaker, Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe, is putting his life on the line for the sake of Kenyans. To the people who are barons of corruption, we are watching. This time, he will be praying for them so that they repent when that time comes.

We saw the President during the Governors Summit at State House. He said it: "I have done everything. What else do you expect me to do?" We salute the President because he has tried. I also thank the President because he has gone to the people of God. I have no doubt that Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe will be the man of choice as far as the issue of corruption is concerned.

As we move on, we are calling upon the secretariat; those demons at the Ethics and Anti-Corruption and Commission (EACC) should be vetted. You remember we brought an amendment here that these people have never been vetted. Why should we not vet them? If all the chairpersons have been coming and going, it is high time they worked as a team. In the Transformative Leadership Theory, the qualities attributed to teamwork are results oriented - Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe has all those results. I tell Kenyans that we will go into prayers and we hope God gives Archbishop (Rtd.) Dr. Wabukala good health to fight corruption in this country.

With those few remarks, I say "Amen" to Archbishop (Rtd.) Dr. Wabukala to do this job. Thank you, I support.

Hon. Speaker: Hon. Members, granted that you resolved it will be only five minutes per speaker, just allow Members to say their bit.

Hon. Sunjeev Birdi.

Hon. (Ms.) Sunjeev: Thank you, Hon. Speaker for giving me this opportunity.

I support the appointment of Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe – I hope I have pronounced it correctly.

(Laughter)

From the outset, I must say wholeheartedly that I support this appointment. As Kenyans, we need divine intervention. We have reached that time of the year and period in our lives when each one of us needs divine intervention. What a better way to look at this one human being who has come in the name of Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe! I know we are all looking and having highest regards and demands of him. But, we also have to remember that he is, first of all, a human being. I know cartoonists have a habit of making fun of people, but I am sure the Archbishop knows what he is up against.

Having listened to what he said when he was being vetted; I must say that the few objections that were relayed regarding his background lack merit. But, what happens in life when a person really excels? People just want to pull you down. That is the nature of all human beings. We must not ignore that. We must commend the fact that this gentleman has been appointed to one of the most respectable positions in this country. Look at his track record. He might say what he owns. He has one of the most important qualities in a human being these days. In any position of Government, you must have integrity and honesty. These days, those attributes are not bought. You cannot buy them in any street. For me, even if we feel that a candidate requires some experience in a job he is about to do, if he has integrity and honesty, I think he deserves the chance.

At this point, I would like to also say that, as a House, we must join hands today and support this appointment wholeheartedly.

Thank you, Hon. Speaker.

The Speaker: Member for Ugunja?

Hon. Wandayi: Thank you, Hon. Speaker for this opportunity.

From the outset, I support this appointment of Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe.

I agree that Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe is equal to the task. I believe Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe can perform the job. What I do not agree with is that he could be any better than his predecessors. Why I say so is that the previous holders of this very exalted office have been men of stature and men of great credentials. What has made them fail to perform their task is lack of political will. The Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe will only be able to perform this role if he gets unqualified political support. It is not just a matter of political will. It must be a demonstrated political will. This has been shown in jurisdictions or countries where we have seen political will to fight corruption. We have seen it next door here, in Tanzania, what President Magufuli has done within a very short period of time. He has led by example. We have seen, on the extreme end, what President Duterte in the Philippines has been doing with drug barons.

What we want in this country, what we need in this country is leadership from the front, by political leadership, starting with the President himself. The President must demonstrate that, indeed, he has zero tolerance to corruption by dealing with the corrupt elements within his office.

(Applause)

Then, he would have sent very strong signals to everybody – including the Chairperson of the EACC. Otherwise, what is happening today, if we do not have the political will, will

simply be part of the usual game of musical chairs which will not help us achieve the results we so desire as a country.

Hon. Speaker, it must also be understood that the EACC is one of the independent commissions under our Constitution. For it to perform effectively, this Commission needs to have that independence. Therefore, the Executive needs to be cautioned to stop meddling in the affairs of this Commission. This is a very important Commission because corruption has virtually killed this country. As we speak, we have millions and millions of youth loitering all over without jobs or any form of gainful employment. This is simply because of the corruption which has reached levels which are unimaginable – more so, under this regime.

Therefore, as we approve the nomination of the Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe, the leadership of the Jubilee Administration must help us. It must help this country by decisively dealing with corruption within their ranks. Otherwise, it will be an exercise in futility.

I support.

Hon. Speaker: Member for Chuka/Igambang'ombe. Hon. Members, allow me to just follow the list as it is. There are 55 requests already. When you have that kind of situation, you just have to follow the list.

Proceed.

It is good when you have some Members like the one for Ugunja who can contribute in three minutes and another one who can do two minutes; just like that and you make your point.

Hon. Njuki: Thank you, Hon. Speaker. I hope my minutes have not been taken away by your explanation. I want to thank you for giving me the opportunity to contribute.

From the outset, I want to support the appointment of Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe for this very challenging job. Indeed, it is a job that Kenyans require to be done really well. It is because corruption is an evil that it has really and badly dented the image of Kenya, not just locally but also internationally. It is a cancer that has defied all medicines, including witch doctors. People have tried and nothing has happened. We have tried almost all disciplines, as people who have spoken before have said. Every discipline in this country that we know about and could be seen to combat this problem has been tried. We have tried rich men and businessmen and we thought they were rich enough, therefore they would not easily be corrupted. It failed. We have tried even motivational speakers, who we thought would deal with it very well by talking to people not to be corrupt. It never worked. The businessmen, boxers and every other profession we have tried are not working.

It is going to be the first time that we are going to try a very humble religious person. Probably given his age, he does not look like he will be interested in making any more wealth in this country. Therefore, we want to believe it will almost be impossible to corrupt him as his position shows. I like what he said when he was being interviewed. If his declaration of wealth was just a few cows and probably a house, because a man needs a house to live in, he does not look like he will need more. Therefore, I think we may have struck gold this time in the appointment of this very deeply religious person.

I have heard most people say that the archbishop is soft spoken, he looks very humble and therefore soft. I want to believe that the fight against corruption is not about physical strength. It is not going to be fought by boxing or shouting match or by being rough and tough. It

has to be mostly wisdom and integrity and being able to engage in a way that will not give the offenders any opportunity to be able to compromise the forces that will be fighting corruption.

The character of Archbishop Eliud Wabukala definitely is beyond reproach. We know that there are religious leaders in this country who have been bundled out of their positions of heading churches because of mismanagement and poor leadership. Like very few leaders in the church, Eliud Wabukala finished his term at the ACK and retired honourably. Therefore, he has headed a very big institution. I want to believe that for you to head an institution as big as the ACK, he must be having all the skills that are required to be able to manage. Of course, management without insertion of discipline may not work. In this case, I want to believe that this is the time all means, including prayers, will work.

With those few remarks, I want to believe Eliud Wabukala will put his case into use and will get this corruption monster dealt with vigorously in this country.

Thank you, Hon. Speaker.

Hon. Speaker: The Member for Butula.

Hon. Onyura: Thank you very much, Hon. Speaker. I rise to support this Motion, that the House confirms retired Archbishop Wabukala to be the Chair of the EACC. I think corruption is a real, major problem in this country. I think it is the main cancer in our country that is chocking and eating up everything to do with development. Even in areas of security. Unfortunately even when we talk about democracy in certain cases, I think the retired archbishop is going to face real challenges. I am sure he knows this, having been in Kenya and seen what is happening. But I have no doubt that he has the experience and the qualifications as we have seen in his CV. We have seen him work as leader of ACK very successfully and retire with honour. So he has what it takes to be able to head this organisation.

We have enough pieces of legislation to deal with corruption in this country. Unfortunately, legislation alone is not enough. I do not see how you are going to legislate integrity and transparency and openness. It is not easy. Some of these are moral issues. They are issues of conscience, maybe even of upbringing. That is why, unfortunately, you find that in Kenya rather than condemning corruption in its totality, you find that in fact the corrupt are admired and given places of honour when it comes to fundraising *et cetera*. Those who live honestly, say, if you occupy a senior position in this country and you live within your means, when you retire you are even despised and seen as not having used your position properly. There are certain issues that are just beyond legislation. Issues of education and moral formation come in to play very strongly in matters of corruption.

There has been mention of the issue of the secretariat. I think that needs to be focused on. There is a feeling and word all over that it may be the secretariat that tends to undermine the members and Chair of the Commission. That needs to be looked at seriously. There are some members of the secretariat that have been in this Commission for ever. They should be made to work on contracts, perhaps three year contracts renewable once so that nobody stays there for longer than three years. If they are not able to carry out anything effective within the six years, then maybe they are not worth being there.

Hon. Speaker, I support this Motion. Thank you for the opportunity.

Hon. Speaker: The Member for Ol Jorok.

Hon. Waiganjo: Thank you, Hon. Speaker, for giving me an opportunity to support this Motion. The Departmental Committee on Justice and Legal Affairs, when carrying out approval

hearings for the good bishop, noted that Kenya is at a crossroads. The fact that we have not had an EACC chief who withstands suspicion and who would appear to have some serious trust from Kenyans, we noted that this is a chance that we could use to put in the good bishop to see whether he will change the landscape and the way Kenyans think about the people they put in place to fight corruption.

Of course, there are several issues. If the good bishop becomes the Chair of EACC, it is historic because it will be the first time that a clergy will have taken up that position. Necessarily, certain questions then must arise. Some of those questions are theological questions: How he is going to balance his stay in that office? How he is going to shed the garb of priesthood and wear the clothing of a fighter? Corruption fight is not a small matter. The good bishop has to know how to balance his appointment with his anointment. I know for a fact, confessions are not restricted to people of the Catholic denomination. They go beyond that. Christians normally make confessions to their priests and clergy. The good bishop is not an exception. I am sure today there are people who go to him to make confessions. It would be interesting to see how he will deal with those confessions. If a practitioner of corruption goes to the bishop and confesses in confidence to have done a corrupt deed, what does the bishop do? Will the bishop take the confession, turn it over to the DPP for further investigations or will the bishop retain the information as an anointed person and as a person who has sworn not to disclose matters of confession? In doing that, will he have subverted the course of justice or will he have impeded the investigations as a chair of a constitutional commission? So, those are some of the issues we raised because it will be interesting if the Archbishop can give penance to corrupt persons, tell them to go and say this and that and then their sins are forgiven. However, he assured us that he has a civic duty to punish. What he ties in this world is tied in Heaven. As a civic person, he agreed he would prudently discharge his duties.

That aside, Kenyans must start thinking very seriously about how to be patriotic and not to be judgemental. This is because, an Ethics and Anti-Corruption Commission (EACC) chief is not an angel and you will never find one to run that Commission. As a human being, even if integrity issues must be looked at, we must realise that this is an office – an independent commission. Once we appoint commissioners, we must allow them to do their duties independently and without any political interference. We are optimistic that the good Archbishop will carry out his mission without compromising his anointment. He must always be faithful to his appointment.

I support.

Hon. Speaker: Hon. Patrick Wangamati, you have the Floor.

Hon. Wangamati: Thank you, Hon. Speaker for giving me this opportunity. May I also comment on this wonderful nomination which has been made by his Excellency the President after a very detailed interview and observation which has been made by the Departmental Committee on Justice and Legal Affairs (JLAC). When I went through these Reports, it came to my mind that JLAC did a lot of work. This might be because they were from recess. This is wonderful. The Report tells us what JLAC and the President thought in appointing Archbishop Wabukala to this Commission.

Many Members of Parliament and I who have had a chance to speak about this appointment are convinced that the President went for the man of God having looked at the many appointments that were made earlier on. I agree with the President in what he said when he once

came to this House and gave us a wonderful address on issues of corruption in this country. I now agree that this House should give the President support. I think the President is prepared to deal with corruption that is in this country properly.

I am convinced that the Archbishop has grown in church until he was at the top of the Anglican Church. What he also needs is for us as leaders and Members of Parliament to support him. We know he can eliminate corruption. We know them. We can always tell him that so and so---

Hon. Speaker, with those few remarks, I thank you for giving me this opportunity to contribute. I also thank Members for the mood they are portraying. We can end corruption by helping the Archbishop.

Hon. Speaker: Hon. Zipporah Kering, you have the Floor.

Hon. (Ms.) Kering: Thank you, Hon. Speaker for giving me this opportunity. At the outset, I would like to support this great man, Dr. Archbishop Wabukala.

I also want to congratulate the Anglican Church for having raised such a person. As we talk about him, we know the history of the position that we are fronting him to take; that it has had problems. From the reports that we have gone through about him, he is a consistent man, very articulate and somebody that is attached to whatever issues he is handling. From history, he rose from the lowest to the highest rank of the church. In instances where there have been controversies in the church, we have always seen him step in and made the church glued together.

This country, probably, has been waiting for this man because of his track record that all of us are aware of. From the time he worked for the church to being a member of the NCKK, we know of his track record and the good things that he did even after post-election violence. He actually took up a very critical role and he made sure communities came together and continued living together.

As we support Archbishop Wabukala, it is also the responsibility of this country to pray for him so that he does not change because we know him. Since the position is one that attracts a lot of corruption, he is one man who is allergic to it. Looking at his age, he has seen a lot that we are sure is going to clean that sector. I am sure everybody will have a position.

The Report says that Archbishop Wabukala will help fight corruption in this country. I rise to support the Report and say, all of us in this House know the people who have come before and everyone who has been associated with corruption. However, this is one person whose report was very straight and clean. This is one man that we need to support. He has always gone through the Bible. He wakes up, walks and sleeps with a Bible. Therefore, we can be sure that there will be no more corruption in this country.

I rise to support Archbishop Wabukala. Thank you very much.

Hon. Speaker: At the tail end please, it is good to also know that I have not seen very many Members who have joined that organization. There is an organization known as the African Parliamentarians Network Against Corruption (APNAC). Let me give an opportunity to the Chairperson, Hon. Shabbir.

Hon. S.S. Ahmed: Thank you, Hon. Speaker. First, I strongly wish to support this appointment.

Hon. Speaker, as you have said we have the APNAC and I have the honour of being the Chair. Hon. Washiali, Hon. Birdi and many of us have been part and parcel of it. Hon. Speaker,

we were in Panama recently, and we need political, executive and judicial will and an independent commission. I want to say categorically that wherever we have been, we have proudly declared that the President of this country has done what no other president has done before. He did this by firing over 12 Cabinet Secretaries (CS) and Principal Secretaries (PS).

That has been recognised in the field of anti-corruption. What we now need is the desire to do this work. Hon. Speaker, when somebody is possessed by the devil, you bring an exorcist. The exorcist is not scared of the devil and will do the exorcism. We have failed as Kenyans to take charge of this evil. I am convinced that we have the best chance with the Archbishop being the chairman because he has seen the devil, dealt with him and defeated him. I sat through the appointment period of three out of four of these Chairmen. During the appointment of the immediate former Chair, Mr. Mumo, somebody brought up the issue that he does not have the passion. We need somebody who is passionate.

I heard the Philippines President clearly say:

“Yes, I will take firm action. If necessary some people will die. Yes, I threw somebody out of a helicopter, and so I am prepared to pay the price.”

The Archbishop will not go to that extent. I, however, plead with the President that we have no doubt as to his integrity and that he is passionate about corruption. I have been very close to the President, whenever he speaks about corruption, there are literally tears in his eyes. I know that he has had a problem with his Executive and the problem is also with the secretariat of the Commission. I plead with the President that this is the best chance he has. Let him hold hands with the Archbishop and be part of that church. He should listen to the prayer of the Pope and his request, support this gentleman and let the Executive stay out of the Commission.

I would like to tell His Excellency the President there are people around him who are corrupt. Irrespective of who they are, let us deal with them through this Commission. Thank you.

Hon. Speaker: Let us have the Vice-Chair of APNAC, Hon. Jimmy Angwenyi. Members, we are talking matters anti-corruption. Fortunately, having been a founder Member, I know most of them.

Hon. Angwenyi: Thank you, Hon. Speaker. I rise to support the appointment of the Rtd. Archbishop for this position. I strongly believe, just like my colleague has said, that this is a time that the President should rise up to the level of Lee Kuan Yew in Singapore or Deng Xiaoping of China. President Lee Kuan Yew appointed somebody who had the integrity to handle corruption. All those corrupt people were rounded up and put in jail for a long term and corruption in Singapore stopped. That country moved from Third World to First world. The same was done by Deng Xiaoping in China. He rounded up 200 most important and corrupt people in the country, took them to the beach and sprayed them with bullets. One of those people was the Mayor of Shanghai who was a bother to the Deputy Prime Minister of China. Corruption was buried and today China is the second most industrialised country in the world. It has realized this within a period of 20 years.

So, I strongly believe in the commitment of our President to fight corruption in this country. He will utilise the energy and integrity of the Archbishop so that we can get to that level of those two countries which have moved from Third World to the First World.

With those few remarks, I beg to support

Hon. Speaker: Let us have the active Member of APNAC, Hon. Midiwo.

(Laughter)

We are talking matters anti-corruption. Please allow me to just deal with those I know are in the movement.

Hon. Midiwo: Thank you, Hon. Speaker. I support the nomination of Archbishop Wabukala. I seem to be getting from Members that we are defeated to fight corruption and we hope God can sort it out for us. That tone cannot go out of this Chamber. Let us tell Archbishop Wabukala that he must know what he is up to.

I have said on this Floor that we will never fight corruption in this country unless we dissolve that secretariat. If we want Archbishop Wabukala to succeed, we must dissolve that secretariat. That is where the problem is. This is supposed to be an independent commission, but we have Mr. Halakhe and Mr. Mubea who are permanent, while the chairs and commissioners keep being kicked out every day. I have seen documentation when they were kicking out Ms. Irene Keino. They even fabricated anti-corruption charges against her, so that she could not question how the Chancery Building where they sit was acquired. Right now the governors are looting and milking this country dry. The governors' files are lying there. We cannot be here and tell Archbishop Wabukala to go and pray so that corruption ends. We must help him.

When we appointed these commissioners, Hon. Chris Wamalwa tried to move an amendment, so that the new commission could kick out the Chief Executive Officer (CEO) and his Deputy but we were defeated. The other side vehemently opposed that. We cannot run away from telling the Jubilee Government that they are enjoying corruption and its lack of fighting it. If they want Archbishop Wabukala to succeed, bring a law that allows the Commission to kick out the CEO, his deputy and the rogue investigators. There is no way we can claim there is corruption in the Executive at the highest level of the Executive and not talk about corruption that has permeated in county governments. There are many files and investigators keep going to those counties to collect money.

Lastly, I want to challenge the Public Accounts Committee (PAC) of the Senate. What is it doing with the Auditor-General's Reports of county governments? The Senate must act because history will judge it very harshly. Only fools do not know that the Senate is dealing negatively with county governments.

Thank you, Hon. Speaker. I support the Archbishop as the Chair.

Hon. Speaker: The Member for Kajiado South, you have the Floor.

Hon. Katoo: Thank you, Hon. Speaker for giving me an opportunity to support this Motion on the appointment of Archbishop (Rtd.) Dr. Wabukala. I just want to state five points. One is based on what he told the Committee, that if he is given an opportunity he will try to build public trust and confidence in this institution. That will be an enormous task for him to achieve because this is lacking. There is no public trust and confidence in that institution and, therefore, someone with such passion should be given an opportunity to make this a reality.

Another current problem at the EACC is the disunity in the secretariat. Mostly, there is no cohesion between the secretariat and the commissioners. The third point the nominee told the Committee is that he will try to work very closely with the secretariat to create a conducive environment for the Commission to implement its policies. Someone who is going to bring those two levels of the organisation together should be supported just as my colleague, Hon. Midiwo has just said.

We have been having a high turnover of the Chairpersons of this Commission. This is the sixth in a span of 10 years. This is because of the disunity between the secretariat and the commissioners. Dr. Wabukala has expressed willingness to bring those two levels together. We also need somebody who is honest and with very firm and fair leadership qualities. Having looked at his religious background, I have no doubt whatsoever that this nominee will create a strong and stable Commission for this country.

There is lack of consultation at the EACC. Dr. Wabukala said he recognised that loophole and given the opportunity he will consult widely and initiate teamwork at the Commission. Therefore, if he does what he told the Committee regarding consulting, on regular basis, with all the stakeholders in the execution of the Commission's mandate, the Commission will succeed.

Finally, the Archbishop has passion and he wants to bring accountability and transparency to this Commission. Dr. Wabukala, as reported in the Committee's Report, was in the forefront trying to discourage fundraising in churches especially by politicians. At one time he told churches to stop receiving donations from politicians because they do not know the source of the money. We need to have accountable and transparent fundraising. I know a Bill on how we can regulate, make donations and fundraising transparent, accountable and show genuine sources of money has been brought to this House and gone to the Senate.

My final point is the need for all the sector players; the media, Parliament, religious institutions, civil society and more so the Judiciary to come together and form a synergy in the fight against corruption. This is because the fight against corruption will not be won by one individual. This is a collective responsibility of all the sectors. They should come together and speak in one voice.

With those few remarks, I beg to support.

Hon. Speaker: On matters corruption, the Chair of the PAC must say something.

Hon. (Eng.) Gumbo: Thank you, Hon. Speaker. This being the first time we are meeting, may I also wish you a very happy new year. This is going to be a very challenging year for our country. I also want to wish all my colleagues a very happy new as they prepare to face the challenges of election this year. May we remember to observe peace in our country, because it is the only one we have.

I want to add my voice to those who have spoken before me and say that I support the proposal to nominate Archbishop Wabukala as the Chair of the EACC. There is no doubt about it. Based on his religious background, Archbishop Wabukala will help in the fight against corruption in this country. I want to say that he has no predisposition for acquiring wealth. I am told he has 40 acres of land. That is a lot more than what I have which measures only 10 acres.

The point which we must emphasis is that the war against corruption cannot be fought by the commissioners alone. In fact, I do agree entirely with the Member for Gem that we need to do something about the secretariat. The impression one gets is that the composition of the EACC, as it is now, is made of a very powerful secretariat which seems to be the one which sets the agenda for the Commission. I think that is an inverted approach. I think it should be the commissioners who set the agenda. Many pronouncements that seem to border on policy we see the secretariat handling them. I think that ought to be the work of the commissioners.

Without the collective determination of all of us, I think we are going nowhere. I also want to join Hon. Midiwo in saying that, we seem to be focusing on corruption at the national level. This is the case and yet there is even more corruption happening in the counties.

Recently, I was told of a case in one of the counties in this country where a county government was purporting to have done a three-door pit latrine for over Kshs6 million. How can that be possible? People like those ought to be behind bars. Who is going to use those pit latrines, are they for elephants or human beings? Certainly, you cannot spend that amount of public money and still be walking free. There are very many cases on misuse of public funds at the counties.

As I conclude, we all must acknowledge that without the political will, the fight against corruption will go nowhere. The truth has to be told in this country. The fight against corruption has sometimes taken political dimensions. Even as the President and this House approves the appointment of Archbishop Wabukala, without political will from the highest level in this country, his appointment alone will not take us anywhere. I have seen many times cases which ought to be handled the same way are handled differently purely because of political considerations. We have seen politicians being at the forefront in saying that their colleagues who are in one way or another implicated are being targeted because of where they come from.

We must disassociate ourselves from this because if we do not provide the political patronage needed other than Archbishop Wabukala offering prayers, he will need prayers in the fight against corruption.

I support this Motion.

Hon. Speaker: Let us now hear the Member for Kamukunji.

Hon. Abdi: Asante, Bw. Spika. Nasimama kuunga mkono jambo hili muhimu lililoletwa mbele ya Bunge hili la kumteuwa Mwenyekiti mpya wa Tume ya Maadili na Kupambana na Ufisadi, Askofu Mstaafu Eliud Wabukala. Wengi wameteuliwa kwa kazi hii na wakashindwa lakini leo tusijisumbue sana kwa kuzungumzia yaliyopita; tuyagange yajayo na tuangalie fursa tuliyo nayo kwamba tumebahatika kumpata Askofu Mkuu ambaye ana mafunzo na ujuzi mwingi na pia ana maadili mema.

Tunajua kwamba pengine hii ndio fursa ya mwisho tuliyo nayo ya kupambana na tatizo hili la ufisadi ambalo ni saratani ambayo virusi vyake vinaenea sana katika mwili wa taifa hili letu la Kenya. Ni ugonjwa ambao, kama hatutapambana nao na kuushinda, utaangamiza taifa letu la Kenya. Najua kwamba kazi hii ambayo tunataka kumpa Askofu Mstaafu si kazi rahisi au kazi ambayo unaweza kumpa mtu yeyote. Kwa hivyo ni wadhifa mkubwa na kazi kubwa. Natarajia kwamba yeye atapata msaada anaohitaji kupambana na jambo hilo na kuweza kuiendesha kazi yake ili tuweze kufaulu katika kupambana na ufisadi. Tusipoweza kupambana na ufisadi, tutakuwa na shida kubwa katika nchi hii. Tunapoangaza macho kuangalia yaliyopita, tusiwacheke wale walioshindwa kwa sababu kushindwa kwao ni kushindwa kwetu pia.

Tunamtakia kila la heri Askofu huyu mstaafu. Natarajia kwamba atafanikiwa. Akifanikiwa tutafanikiwa na nchi yetu itafaulu. Sifikiri kwamba tumepata fursa ya kumpata mtu ambaye amejaribiwa katika maisha ya kidini kama yeye alivyotaribiwa. Kwa hivyo, naomba kwamba tumteue na mimi binafsi nataka kumtakia kila la heri na baraka katika kazi yake hiyo na natarajia kwamba tutaona ataweza kutupa uongozi unaohitajika, mwelekeo unaohitajika na kuigeuza hiyo Tume iweze kutimiza uajibu wake wa kitaifa na wakikatiba katika nchi yetu.

Kwa hayo machache, naunga mkono kuteuliwa kwa Askofu Mstaafu Eliud Wabukala kama Mwenyekiti mpya wa Tume ya Maadili na Kupambana na Ufisadi.

Hon. Speaker: Let us have the Member for Seme.

Hon. (Dr.) Nyikal: Thank you, Hon. Speaker for this opportunity. I stand to support the nomination of Bishop Wabukala as the Chairman of the Ethics and Anti-Corruption Commission (EACC).

Corruption is a huge problem in this country. It is pervasive and immense in magnitude. In fact, it has become the normal code of conduct, if we are honest with ourselves. It has been institutionalised to the extent that many institutions cannot deal with it. Institutions that are put in place to fight corruption are unable to do so. Maybe, as others have said, it is time to look at the church or the teaching fraternity and the family so that we raise a population that sees corruption as a vice and not a virtue. To a large extent in this country, corruption is seen as a virtue. Perhaps, the most glaring example of this is the total inability of the EACC to retain the heads that are appointed to it. Perhaps, it is the pervasiveness of corruption in the society that actually knocks out all those people with very impressive qualifications that go there and do not get far. Perhaps, it is the secretariat itself. On this, I want to join the others who have said that it is negligence on our part to see chairman after chairman leaving the Commission and not acting on the secretariat. I believe there must be something within that secretariat that contributes to the inability of the chairs that we appoint.

I know the Bishop well. It is good for this country that he has been appointed to this position. Although the report is acceptable, it is very general. You do not get very specific attributes and achievements that will bring out the stature of the Archbishop as I really know him. For example, under his educational qualifications, we talk of a Master's Degree in Religion. That is too general. We talk of a Doctorate in Divinity. It is not clear whether we are talking of the same qualifications or two different qualifications. Be that as it may, in general, it is a good report.

The Bishop is getting into an extremely difficult job and I think he will have to exercise extreme wisdom to run this institution. I have noted that he has put a clear limitation as to how far he can go in dealing with corruption. Other countries have had to go that way. Sometimes people commit heinous crimes of such magnitude that perhaps, it may be necessary if the society gets rid of them. In his wisdom, he will bring in severe enough measures that will show all of us that we need to get rid of corruption.

We must be ready to stop interference from the Executive and politicians. I believe that as politicians and the Executive, we have not adequately supported the chairs that have been there. Therefore, he must be ready to do that. In reality and in life, if you are afraid of losing a job, you cannot do it properly. He should adopt that attitude.

With that, I support the appointment of Bishop Wabukala to this position.

Hon. Speaker: Let us have the Member for Mumias East.

Hon. Washiali: Thank you, Hon. Speaker for the opportunity.

Hon. Member: Gender!

Hon. Speaker: Hon. Members, do not tell me about gender issues. If you are serious about gender, you know you must place a request. You cannot just keep shouting gender but you are not requesting for an opportunity. No one will see you through other methods other than you placing request and it being seen. Proceed, Hon. Washiali.

Hon. Washiali: Thank you, Hon. Speaker for the opportunity. I would like to quickly thank the Departmental Committee on Justice and Legal Affairs and the President for the nomination of our Retired Archbishop Wabukala.

I would like to declare, from the outset, that I am known to the Archbishop with him having been my Archbishop in the Anglican Church of Kenya (ACK) fraternity. I confirm to the Members of Parliament that the Archbishop is a good man who is ready to work and do what is required for corruption to be reduced in this country.

When they were interviewing the Archbishop, I was following this on a live link on television. I noticed that some Members of the Committee were not very confident. They were questioning and saying that he was soft. Some were even saying that he was humble and they were wondering whether he would be able to fight corruption. For those of us who are Christians and who subscribe to the Christian faith, we would be reminded that when God sent Samuel to the house of Jesse to look for who would be the King, Jesse presented his sons. All the sons Jesse thought would be king were not near the qualifications Samuel was looking for. I just want to tell Members that it is true that if the eloquence of the English language would fight corruption, PLO Lumumba would have finished corruption; if physique would fight corruption, our Hon. Harun Mwau would have cleared corruption; if legal minds would have been used to fight corruption, then our retired judge Aaron Ringera would have finished corruption. But you can see that did not happen and that is why we have checked around for other qualifications. The choice of picking on an archbishop is welcome.

For one to be an archbishop of the Anglican Church of Kenya, he has to go through a lot of rigorous vetting. You can look at his background. He started from a humble background of teacher and grew to become a bishop then was vetted to become an archbishop; the only archbishop we have in the Province of Kenya. It is not a mean achievement. I want to assure Members who are here that he is up to the task.

I am sure Members will support this nomination and approve the Archbishop to take over this position of chairmanship. If it was in a normal scenario, it could be the police fighting corruption in this country. But, we realise that the police are the most corrupt people. We have seen when research is done out there, the police are the most corrupt. This corruption emanates from police claiming that they are investigating crime. You find an investigation taking three, four or five years on a matter that is very clear. Lately, we have seen that even the Ethics and Anti-Corruption Commission (EACC) has started taking too long to investigate a matter.

Hon. Speaker: Hon. Member for Westlands.

Hon. Wetangula: Thank you, Hon. Speaker for giving me a chance also to support the appointment of Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe. I believe the Archbishop is the right man for this job, but he needs political will to do his work. As much as he means very well and as much as he is lauded for his track record, without political will he will fail just like the previous chairmen. We pray that the President and the Executive will this time round allow the Archbishop to do his work and give him the necessary support to slay this dragon that is depleting our country to death.

Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe is a man of God and has served the church with distinction. He has retired and has got no stain in his career. I believe the Government means well in giving him this position to serve as chairman of EACC. Previously, we have seen how previous chairmen have been hounded out of office, from Justice Ringera, Patrick Lumumba, Matemo and Kinisu. They left dishonorably, yet they had come into office as distinguished gentlemen. They left looking like criminals. We believe that this will not be the

case with Archbishop Wabukala. We hope that they will give him a free hand to do his work and allow him to perform.

The issue of the secretariat must be seriously looked into because it is the cause. I think of the Commission performing. The Commission is supposed to do its work but the secretariat frustrates them and makes them not to perform.

This appointment has come at the right time and I hope that the President and his entire team will give Archbishop Wabukala a free hand to do his work. I know he is a man of God and he is up to the task. He will do it well if he is given a free hand to work.

I support his appointment. I believe this is going to be fresh air in the EACC and the fight against corruption in this county. I support his nomination for appointment of this job.

Thank you.

Hon. Speaker: For two minutes and 20 seconds, Member for Meru.

Hon. (Ms.) Kajuju: Thank you, Hon. Speaker. I appreciate the gender balance that you have picked.

Hon. Speaker: It is not gender. Please, contribute to the Motion.

Hon. (Ms.) Kajuju: Hon. Speaker, I stand to support this Motion and say that as a Member of the Departmental Committee on Justice and Legal Affairs, I participated in the vetting of Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe. He really impressed us as someone who has the passion to fight corruption. In our Committee we were looking for someone like Caesar's wife who is beyond reproach so that he can assist the country to fight corruption. We believe that with the grace that his Lordship has and, of course, the hand of God that is upon him, he will ensure that his county comes back to the normal path.

One of the questions we asked ourselves as a Committee was whether when we give him this job knowing that in Christian faith it is believed that if you sin and seek to repent, you are forgiven and you walk away scot-free, he will deal with corruption. He promised that he will be very strong and ensure that any corruption that is in Kenya is dealt with. I know that he will deliver. Let us trust him to do this job. I know that a radical surgery is about to happen as far as the war against corruption is concerned.

I support.

Hon. Speaker: There are 20 seconds remaining. Hon. Joel Onyancha.

Hon. Omagwa: Thank you, Hon. Speaker for giving me this few seconds. I also want to support the nomination of Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe for this very challenging job. We wish him God's speed in what he intends to do. I am sure the House will pass his nomination.

The President has an opportunity given to him now---

Hon. Speaker: Mover to reply.

Hon. Baiya: Thank you, Hon. Speaker. I want to thank Hon. Members for their very useful contribution in support of this Motion. We have also noted the concern of the Members as far as the operations and effectiveness of EACC is concerned.

Hon. Speaker, just to note, for the Members who are concerned about the immediate past performance of this Commission, this is an institution which the Kenyan people have put in the Constitution. It is now anchored in the Constitution. It may have had varying rate of success in the past but as an institution, we want to commit ourselves to ensure that it overcomes the various challenges that it has. We know that even the legislation supporting this institution, when

we passed it in 2012, we still felt that there were aspects and areas that needed to be looked into. Otherwise, I thank the Members for wishing the nominee goodwill.

It is also good to bring to the attention of the Members that the nominee is under no illusion that it is a challenging assignment. He has called for political support not only from the Members of Parliament but also from the various State institutions and all stakeholders to ensure that the country delivers on the mandate of the Ethics and Anti-Corruption Commission (EACC).

With those remarks, I beg to reply and thank all the Members.

Hon. Speaker: Order, Members! I have confirmed that we have the necessary quorum for me to put the Question. I proceed to do so.

(Question put and agreed to)

ADOPTION OF REPORT ON APPOINTMENT OF IEBC CHAIRPERSON/MEMBERS

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

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Vetting of nominees for appointment as Chairperson and Members of the Independent Electoral and Boundaries Commission, laid on the Table of the House on Tuesday, 17th January 2017, and pursuant to the provisions of the First Schedule of the Independent Electoral and Boundaries Commission Act, 2011 and Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, approves the appointment of the following as Chairperson and Members of the Independent Electoral and Boundaries Commission (IEBC):

- | | |
|---------------------------------------|---------------|
| 1. Mr. Wanyonyi Wafula Chebukati | - Chairperson |
| 2. Amb. Dr. Paul Kibiwott Kurgat, PhD | - Member |
| 3. Mr. Boya Molu | - Member |
| 4. Prof. Abdi Guliye | - Member |
| 5. Dr. Roselyn Kwamboka Akombe | - Member |
| 6. Ms. Margaret Wanjala Mwachanya | - Member |
| 7. Ms. Consolata Nkatha Bucha Maina | - Member |

Hon. Speaker, pursuant to a resolution of the House of 1st December 2016, the Speaker referred to the Departmental Committee on Justice and Legal Affairs a Message from His Excellency the President, Hon. Uhuru Kenyatta, regarding the appointment of Mr. Wanyonyi Wafula Chebukati as Chairperson of the IEBC, Ms. Consolata Nkatha Bucha Maina, Prof. Abdi Yakub Guliye, Dr. Roselyn Kwamboka Akombe, Dr. Paul Kibiwott Kurgat, Ms. Margaret Wanjala Mwachanya and Mr. Boya Molu as Members of the Commission. The Message dated 29th December was addressed to the Speaker of the National Assembly in accordance with the provisions of Section 5(2) of the Independent Electoral and Boundaries Commission Act as read with Paragraph 3(5) of the First Schedule to the Act. The Message also included a copy of a letter to His Excellency the President conveying the decision of the Selection Panel to pick the said nominees for consideration for appointment as Chairperson and Members of the Commission respectively.

The above provisions require that in making appointment of the Chairperson and Members of the Commission, the President shall seek the approval of the National Assembly. The Speaker of the National Assembly referred the Message together with the nominees' curricula vitae to the Departmental Committee on Justice and Legal Affairs for consideration. The Committee's Report contains observations, findings and recommendation by the majority of the Committee Members that the nominees are suitable and qualified for appointment as Chairperson and Members of the Commission.

The Committee conducted the vetting process for approval of the nominees with reference to the Constitution of Kenya, the Public Appointments (Parliamentary Approval) Act, 2011, the Independent Electoral and Boundaries Commission Act, 2011, the Leadership and Integrity Act, 2012 and all other relevant provisions of the law. On behalf of the Committee, I wish to thank the offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate. Furthermore, the Committee appreciates the input by Members of the public made through submission statements.

Finally, pursuant to Standing Order 216(5)(f), it is my pleasure and duty to present to the House the Report on the approval for appointment of Mr. Wanyonyi Wafula Chebukati as Chairperson of the IEBC, Ms. Consolata Nkatha Bucha Maina, Prof. Abdi Yakub Guliye, Dr. Roselyn Kwamboka Akombe, Dr. Paul Kibiwott Kurgat, Ms. Margaret Wanjala Mwachanya and Mr. Boya Molu as Members of the Commission.

The process of vetting took the format of first of all going through section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, Chapter 136 which provides that any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated. To give room to the operation of this law, the Clerk of the National Assembly placed an advertisement in the media on Thursday 30th December 2016 inviting the public to submit memoranda by way of written statement on the suitability or otherwise of the nominees in conformity with Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The submissions were to be received latest by Monday 9th January 2017.

Pursuant to the provisions of Article 118 of the Constitution, Section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45(3), the general public was also notified in the print media by the Clerk of the National Assembly of the intention of the Departmental Committee on Justice and Legal Affairs to conduct the vetting and approval hearings of the nominees on Tuesday 10th January 2017 and Wednesday 11th January 2017.

Section 7 of the Public Appointments (Parliamentary Approval) Act, 2011 provides that the issues to be considered by the relevant House in relation to any nomination shall focus on the procedure used to arrive at the nominee, any constitutional or statutory requirement relating to the office in question and suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience, qualities, meet the need of the body to which nomination is being made.

Hon. Speaker, there was a requirement for clearance from various institutions. On 3rd January 2017, the Clerk of the National Assembly, on behalf of the Committee wrote to the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA) and Higher Education Loans Board (HELB) requesting for reports in respect of the nominees on matters touching on integrity, tax compliance and loan repayments. In response, the HELB confirmed

vide a letter dated 11th January 2017 that all the nominees had been cleared. The KRA confirmed vide a letter dated 9th January 2017 that the nominees were tax compliant. The EACC vide a letter dated 9th January 2017 confirmed having no outstanding issues or ongoing investigations against the nominees.

On public participation, the Clerk of the National Assembly received statements from the following people in support of the nominees: Mr. Lumatete W. Muchai and Mr. Benjamin Njoroge-Chairman of Mombasa Law Society, both in support of Mr. Wanyonyi Wafula Chebukati.

Mr. Mzalendo N. Kibunja, the Director-General of National Museums of Kenya; Mr. John H. Mramba, the Vice-Chairman of Flying Doctors Society of Kenya and Prof. Fara of the University of Nairobi, in support of Ms. Consolata Nkatha Bucha Maina.

There was also a response from Prof. Peter Odhiambo Ndege of Moi University and Dr. Emmanuel Manyasa, Country Director of Uwezo Kenya.

In conducting the approval process, the Departmental Committee on Justice and Legal Affairs examined the nominees against the following criteria, amongst others, in accordance with the Public Appointments (Parliament Approval) Act No. 33 of 2011:

Academic qualifications, employment record, professional affiliations, potential conflict of interest, knowledge of the relevant subject, overall suitability for the position, tax compliance, integrity and morality, vision, leadership and judicial reforms, access to justice, and expectations and key priorities.

The nominees Mr. Wanyonyi Wafula Chebukati, Ms. Consolata Nkatha Bucha Maina, Mr. Boya Molu, and Dr. Roselyn Kwamboka Akombe appeared before the Committee on Tuesday, 10th January 2017 at a sitting held in the Mini Chamber County Hall, Parliament Buildings. Prof. Paul Kibiwott Kurgat, Ms. Margaret Wanjala Mwachanya and Prof. Abdi Guliye appeared before the Committee on Wednesday, 11th January 2017 in a sitting held at the same venue.

Hon. Speaker, Mr. Wanyonyi Wafula Chebukati stated that he is from Trans Nzoia County and was born in Bungoma County in 1961. He went to St. Peter's Mumias and Bokoli Secondary for 'O' Levels and Lenana High School for 'A' Levels. He went to the University of Nairobi for a Bachelors Degree in Law and the Kenya School of Law for a post-graduate Diploma in Law.

He is the managing partner of the Nairobi Office of Cootow and Associates Advocates specialising in conveyance, labor laws, mergers, acquisitions and treaties. He has been a consultant for development of rules and regulations for Maritime Laws of Kenya. He stated that he applied for the position of the Chairperson to serve the public away from his long career as an advocate in private practice for over 30 years.

While responding to questions from Members of the Committee, he stated that he applied in the second advertisement and he had no idea that it would be re-advertised. He was influenced by his desire to contribute to efforts to improve the institution having watched the challenges that are affecting the current Commission. In his view, the greatest challenge facing the IEBC is its credibility and mistrust by the main actors in the political process.

On vision and leadership of the IEBC, he said that in the short term, he looks forward to help manage and conduct free and fair elections on 8th August 2017. In the long term, he wishes

to offer transformational leadership that will ensure continuity and that processes are not repeated after every election.

On his experience to manage public office, he is the managing partner of his law firm that has four partners and six associates. He has managed various clubs and currently, he is the director at Royal Golf Club. He is not a stranger to election matters having contested but lost in 2007 polls. He has represented clients in several election petitions which familiarised him with election matters and processes.

On his priority and what he will do differently as the Chairperson of the IEBC, he stated that he will ensure continuity of what the secretariat is doing positively in preparation for the elections, voter registration, audit and clean up of the register before the elections. He will put in place a credible electronic system subjected to tests to guarantee safety to avoid breaking down on the elections day. According to him, the IEBC will run at least three mock elections before the actual elections in August 2017. He said that the Commission will engage Kenyans in the election process and create a social media platform.

On partisan conduct, he stated that he will maintain fairness being non-partisan in his approach to election management matters notwithstanding that he was a candidate in 2007 on an ODM ticket in Saboti Constituency. He told the Committee that he is not a member of any political party as he has since resigned and returned his life membership certificate to ODM. He said that it is normal for one to contest and lose an election.

Concerning parallel tallying centres, he said that legally it is the sole mandate of the IEBC to tally and transmit election results although candidates and parties are free to do their own tallying for their own records.

He was asked how he will handle difficult moments during elections, and he said he will be fair to all competitors and avoid reckless statements by commissioners. He said that he will be fully responsible in spearheading the Commission and will work with commissioners as a team. Under his watch, there will be no room for reckless or irresponsible comments that can rock the boat. He said that voter identification is very important as part of ensuring free and fair elections and that is why the Commission will work very hard to ensure that the Electronic Voter Identification Device (EVID) is effective. He will be responsible in making statements as a chairman given that his pronouncement will be taken seriously.

He told the Committee that his relationship with Mr. Kinisu is professional-advocate/client. He said that the client had a constitutional right to be represented by an advocate of his choice. He had not received any money from the National Youth Service (NYS) and he does not know the source of the money that his client used to settle his legal fees.

He stated that he did not lobby for his appointment and that he did not even know his score in the interviews. He told the Committee that his law firm is financially stable with corporate clients and therefore, he is not a job seeker but rather interested to serve his country at the helm of the electoral body. Among other work experiences, he has been involved in an inquiry into the Likoni clashes, which was set up by the Law Society of Kenya (LSK) in 1997. With regard to breaches of the law by the election officials, this candidate was very clear that the law on election offences should be enforced and the commission under his watch should seek to enforce the Election Offences Act as recently passed by Parliament. He will not condone any conflict of interest on the conduct of the affairs of the IEBC, whether by the commission or the

secretariat. As to the poll losers, his view is that the election laws provide for avenues for addressing grievances and noted that it was not criminal to lose an election.

There was a matter of an allegation of professional negligence involving him in a case that involved Salima Enterprises Limited and Nairobi City County. He clarified that his firm had been instructed to represent Nairobi County, which was the defendant in the case and that his handling of the matter had not generated any complaint from the client, that is the Nairobi City Council. There was a ruling by Justice Gitumbi, which he furnished to the Committee that indicated that his firm was frustrated by the failure of the defendant to give them instructions on how to defend the suit.

On his link with the Orange Democratic Movement (ODM), he resigned recently from ODM as a formality as he had not been in active politics in the party for the last 10 years. Neither had he participated in party activities. He last met the leader of the ODM party, Hon. Raila Odinga, way back in 2007 in the company of members of the summit.

As regard relations with the CEO of the IEBC, Mr. Ezra Chiloba, he says that he does not know Mr. Chiloba personally although they come from the same county. He comes from Kiminini Constituency while Mr. Chiloba is from Kwanza Constituency. The CEO was recruited competitively and he does not see any possibility of conflict of interest as they would both be pursuing respective professional responsibilities as commissioner and CEO.

About Consolata Nkatha Bucha Maina, she was nominated for appointment as a member of the IEBC and appeared before the Committee. She was born in Meru County on 21st December 1960. She attended primary and secondary school in Meru and Nairobi. She has a Master's of Business Administration from Melbourne, Australia; Master of Science in Public Relations from Stirling University, Scotland, United Kingdom (UK); a diploma in Public Relations from London, UK and diploma in Social Studies from London, UK. She has worked in various institutions in Kenya and Australia and she came back to Kenya two months ago to serve the country. Her vision of the IEBC is that she wants to give back to the country by being part of a team that promises to deliver free and fair elections in August 2017. She will help to transform the electoral system in the country and build trust in IEBC as an institution to deliver credible elections. On her skills and experience, she said that she has served in senior managerial positions in several organisations both in Kenya and internationally and is very competent and experienced both in management as well as in public relations and communication. She has been out of the country for the last six years but was still following Kenya's affairs and development and has regularly travelled.

The other candidate is Boya Molu. This nominee comes from Marsabit. He was born on 5th November 1978. He went to universities in India and graduated with degrees in Human Resource and Business Administration. He also holds a diploma in Human Resource administered by Kenya National Examinations Council (KNEC). He meets the requirements under the Constitution of Kenya and that is why he applied. His background is on Human Resource Management. He is also competent on budget matters and also on strategic planning. He informed the Committee that he is familiar with technology and will, therefore, be useful to ensuring that technology works in the IEBC. He will also play a critical role if he is approved to ensure that IEBC has a credible human resource at the secretariat that it can utilise to build credible systems.

The other candidate was Dr. Roselyn Akombe Kwamboka. She was born on 21st November 1976 in Nyamira County. She holds a Doctor of Philosophy in Global Affairs from Rutgers University, the United States of America (USA). She has a Master of Science in Global Affairs from the same university and a Bachelor's degree in Education from the University of Nairobi. She meets all the requirements of the Constitution. She plans to apply for leave of absence from her current employment as undersecretary at the United Nations (UN) in New York to take up the IEBC appointment, if her nomination is approved. Her vision is that she has participated in elections across the world and wants to apply her comparative experience to improve and transform her country's management of the electoral process. She will bring to the IEBC political and diplomatic skills, conflict prevention skills, managerial experience, integrity, fairness and she will be a neutral arbiter. Regarding women elections, she told the Committee that we need, as a country, to work on cultural and financial barriers to level the playing field for women. Political parties must develop commitment to give women fair chances in nomination in their stronghold. On political temperatures, she stated that it is everybody's responsibility and not only just IEBC to tone down political rhetoric and calm down the temperatures.

Paul Kibiwott Kurgat was born on 25th May 1961 in Kakamega County but comes from Uasin Gishu County. She holds a Doctor of Philosophy degree in History, Department of History, Political Science and Public Administration, School of Arts and Social Studies, Moi University. She has a Master's degree in international relations from Ukrainian Institute of International Relations, Kyiv State University; diploma in Peace and Security, Uppsala University, Sweden and diploma in Conflict Management Resolution at the same university in Sweden. The nominee said that he wants to help manage and conduct the upcoming election in a credible manner. In terms of experience, he brings in knowledge in security studies, peace and conflict resolution. He has worked and lived in different parts of the country and appreciates the diversity of the people of Kenya. His background in history studies gives him an advantage to help the Commission understand human activities from different cultural perspectives.

On his approach to IEBC, he stated that will support adoption of technology and borrow lessons from Russia which has fitted all its 90,000 polling stations with CCTV cameras and operate in 11 different time zones. On how to contain violence and promote transparency, this candidate told the committee that he would advocate tough action to be taken on promoters of violence like political aspirants. Violence is build-up of events from political campaigns to elections and should be checked before escalation. Stiff penalties like barring perpetrators from active politics for a period 10 years should be considered. There is urgency to strictly implement the Election Offences Act. Transparency can be sustained by upholding national values and being fair to each other. He has never given or taken a bribe.

Margaret Wanjala Mwachanya comes from Shimba Hills, Kwale County. She was born in 1970. She holds a Master's degree in Swahili Studies from the University of Nairobi and also a Bachelors degree in Education majoring in Kiswahili, Social Education and Ethics. She rose from a P1 teacher from Thogoto Teachers College. She has Advanced Management Training from Galileo Institute of Management in Israel and strategic leadership development course from Kenya School of Government. She has vision to help Commission programmes and conduct activities to reach the grassroots in all corners of the country, especially through translation of Commission's materials from English to Kiswahili. She has skills and experience.

Currently, she is a member of Taita Taveta County Public Service Board which has prepared her well for management role even at the Independent Electoral and Boundaries Commission (IEBC). She has taught in a number of institutions and has a passion for Kiswahili which will be valuable in IEBC on such matters as voter education and partisan conduct. She has never been a member of any political party. She has never contested in any election. She will exercise fairness and diligence in her role as a member of the Commission. She has never served the interest of politicians and will not extend favours even at the county level.

Professor Abdi Guliye was born on 25th November 1962 in Wajir County. He holds a PhD in Animal Nutrition from Gut Microbiology and Immunology Division, Rowett Research Institute, Bucksburn, Aberdeen and School of Biological Sciences, University of Aberdeen, Scotland. He also holds a Master of Science degree in Animal Production from the same University. He has a Bachelor of Science degree in Animal Production from Egerton University. The nominee's vision is that he is committed to offer his contribution and to make sure that IEBC achieves success on its constitutional mandate to deliver credible election to the people of Kenya.

On experience, he has been in charge of student election at the university for the last two years. A period during which there has been no unrest over the conduct of students' election as was the norm before. He has experience as a leader in various positions and crucial skills in strategic planning. He will engage with the political party's liaison committee on regular basis with regard to addressing any concern they may have. He will also encourage continuous voter education to ensure we have educated voters and he will help implement management contracting to improve on the delivery by the Commission staff. Some functions of the IEBC can be devolved to improve efficiency.

Hon. Speaker: Hon. Chairman, I told you to be conscious of time. Summarise. I will give you two more minutes to finish.

Hon. Baiya: Hon. Speaker, the Committee therefore found that Wanyonyi Wafula Chebukati has requisite qualification and experience.

Dr. Paul Kurgat was also found by the Committee as having relevant requisite qualifications. The Committee also found that Boya Molu has requisite qualification and experience in human resource management. The Committee also found that Professor Abdi Guliye has requisite qualification with a rich background of experience. Dr. Roselyn Kwamboka Akombe and Margaret Wanjala Mwachanya have requisite qualifications and experience. Consolota Nkatha Bucha also has requisite qualification and experience. There is mix of skills that all the candidates bring.

Pursuant to the provisions of the Public Appointments (Parliamentary Approval) Act, the IEBC Act and Standing Order 265 of the National Assembly, the Committee recommends that the House approves the nomination of the following persons for appointment by His Excellency the President as Chairperson and Members of the IEBC:

- | | |
|---------------------------------------|----------------|
| 1. Mr. Wanyonyi Wafula Chebukati | – Chairperson. |
| 2. Amb. Dr. Paul Kibiwott Kurgat, PhD | – Member. |
| 3. Mr. Boya Molu | – Member. |
| 4. Prof. Abdi Guliye | – Member. |
| 5. Dr. Roselyn Kwamboka Akombe | – Member. |
| 6. Ms. Margaret Wanjala Mwachanya | – Member, and |

7. Ms. Consolata Nkatha Bucha Maina – Member.

Hon. Speaker, sorry for overrunning my time.

Thank you.

Hon. Speaker: What are you saying? You cannot be moving a Motion and you end with sorry. What have you been doing? I thought after two terms you should be doing better.

Hon. Baiya: Hon. Speaker, I beg to move that the House adopts this Report. I am also inviting Hon. Chumo to second. Sorry, Hon. Cheptumo.

Hon. Speaker: You have not even known people you have been with in Parliament for the last eight years.

Hon. Cheptumo: Thank you, Hon. Speaker. I will be very brief. In the next seven or so months, this country will be going to elections. Today, this House has been given a chance to make a decision on the great men and women of this country who are going to be Commissioners of the IEBC. They are going to oversee and manage the elections of 8th March, 2017.

I am a Member of the Departmental Committee on Justice and Legal Affairs; we had to satisfy ourselves that these Kenyans have the right vision, experience, expertise and the desire to ensure that this country has successful elections. The positions these members will occupy are very unique and special.

Article 1(2) and (3) of our Constitution says,

“(2) The people may exercise their sovereign power either directly or through their democratically elected representatives.

(3) Sovereign power under this Constitution is delegated to the following State organs, which shall perform their functions in accordance with this Constitution.

(a) Parliament and the legislative assemblies in the county governments;”

Hon. Speaker, these seven Kenyans are going to oversee a very important exercise where the assembly of leaders in the county, the National Assembly and the Senate will be elected. They are going to prepare Kenyans to elect leaders who are going to exercise the sovereign power and the will of the people of Kenya. Therefore, I am proud as a Member of the 11th Parliament and I believe my colleagues are proud that they are part and parcel of this process.

In the recent times we have had a serious challenge. There have been a lot of mistrust and there is a belief that the current IEBC as constituted lacks the trust of Kenyans. We also have another challenge this time to bring back the trust and confidence so that as we elect our leaders, we are going to do so knowing that we have Kenyans who are going to help in this process.

Finally, it is important for us to note that we may have the best Commissioners and secretariat, but they will not succeed on their own. We want to call upon every Kenyan, including Members of this House to be partakers and stakeholders in ensuring that we give the support necessary to allow these Commissioners to execute their mandate as clearly stipulated in Article 88(2)(3)(4) and (5) of the Constitution. I would therefore like to call upon my colleagues that it is not just about celebrating that we have Commissioners in place, we have a duty as a people and leaders of this country to give them the support.

Hon. Speaker, what impressed me about the nominees is that they recognised the need to ensure that the institution of the IEBC is going to undertake credible and fair elections. The issue of ensuring that we go electronic is something I saw in the minds of all the Commissioners.

They promised to support that process. I would like to call upon all of us not to begin with the perception of doubting these Commissioners. There is a lot of talk outside there that the elections will be rigged and there will be no fair and free elections. We are beginning to cast some doubts on these Kenyans who have not even started their work. I would, therefore, like to appeal to all of us and indeed, all Kenyans, that we all be part and parcel of the success of this Commission. Credible elections is not only good for us, it is good for our country. After elections we will all be proud to be Kenyans that are able to have their leaders. I wish all of us beginning with myself, success in the elections as we prepare with the new Commission.

With those few remarks, I second this Motion.

(Hon. Maanzo stood in his place)

Hon. Speaker: Hon. Member of Makueni, do not bother checking there. At the end of the day, you may check and check too many times. I know you always have your card.

Hon. Members, before I propose the Question, again, as a reminder of the Motion you passed in the morning, in this Motion; it is for a maximum of four (4) hours with not more than thirty (30) minutes for the Mover and ten (10) minutes for each other Member speaking except the Leader of the Majority Party and the Leader of the Minority Party, each of whom is limited to a maximum of fifteen (15) minutes and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply. Therefore, in this one Hon. Members, prepare to speak for slightly longer than the previous Motion where you would not be able to make your point. You have 10 minutes in this Motion.

(Question proposed)

Very well. Do I see the Member for Kajiado Central, Hon. Memusi?

Hon. Memusi: I thank you, Hon. Speaker for giving me this opportunity to contribute to the Motion on the approval of the nominees for appointment to the offices of chairperson and members of the Independent Electoral and Boundaries Commission (IEBC).

I would like to start by opposing the appointment of one Mr. Wafula Chebukati as the chairperson of the IEBC. I must express my disappointment as a leader and a Kenyan on the appointment of Mr. Chebukati. If I may take this House back to how we came to looking for new chairpersons and members of the IEBC, this House will remember that Kenyans lost lives; this House will remember that property worth millions of shillings was destroyed; this House will remember that Kenyans were inconvenienced; we lost man-hours in which Kenyans would have been working, and businesses were inconvenienced. For this, I would have expected as any other Kenyan would that the person we approve as the chairperson of the IEBC will be without blemish. This cannot be said about one Mr. Chebukati.

We have a Petitioner whose Petition surprisingly, was not captured by the Departmental Committee on Justice and Legal Affairs. We have a Petition by one Mr. Kasim Shabaan bringing out issues touching on one Mr. Chebukati. These issues touch on his integrity and other issues. I can be happy to table this.

(Hon. Memusi laid the document on the Table)

As I continue, I followed keenly on the interview of the chairperson. If I was to score, and I am sure those who followed keenly, Mr. Chebukati was second to one Mr. Tukero ole Kina. How number one became number two and number two became---

Hon. Wakhungu: On a point of order.

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

Hon. Wakhungu: Thank you, Hon. Speaker. Is it in order for Hon. Memusi who is my good friend, to mislead this House by saying that ole Kina was number one yet we are not accessible to how the Selection Panel was scoring these candidates? Is he in order to mislead, unless he has the evidence that he can table to show us that he really has that evidence? It is because this is misleading. I request that you rule him out of order and withdraw the statement.

Hon. Memusi: Allow me to respond. If my colleague had listened to me, I said I followed keenly and if I was to rank the two--- and for various reasons, Mr. Chebukati came second to ole Kina.

Hon. Angwenyi: On a point of order.

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

Hon. Angwenyi: Hon. Speaker Sir, is the Hon. Member in order to bring us to discuss somebody whom we do not know and somebody whose name is not here? We are supposed to discuss the names which have been presented here and approve or we do not approve.

Hon. Speaker: Hon. Memusi, just discuss the names which are here. Those others who might be in your head and, perhaps, in the constituency, you can leave them out. For the time being, just discuss these ones and score them as you desire.

Hon. Memusi: I will restrict myself to the names here, Hon. Speaker. For it to go on record, Mr. Tukero ole Kina is not from my constituency. I have touched on an issue that is very important.

The position of a chairperson is one that is very sensitive. The man or woman who should have been given that position should have been one that we could not question or cannot question their integrity. This House---

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

Hon. Speaker: But you know that there is nothing wrong. There is nothing out of order. He is talking. Hon. Memusi is going on to now talk about issues of integrity. Therefore, proceed.

Hon. Memusi: Thank you, Hon. Speaker for your protection.

We have just passed one nominee in the name of Archbishop Wabukala. I did not hear anybody question his character and integrity. I did not and I support, for the record. I support the appointment of Archbishop Wabukala, but that is not why I have risen. I am questioning whether one Mr Chebukati is able to give us a credible election, which is seven months away. This House should not be blackmailed because of timeframes. What we should concentrate on is delivering credible elections. And the man or woman who is put in that position, must be one that we unanimously accept as a House that the person is beyond reproach.

I rise to oppose for the reasons I have just given. The appointment of one Mr Chebukati-- - I know because of the tyranny of numbers and certain interests that may be playing around, I am sure a lot of interests will play out. But let it go on record, if seven months to come, Kenyans will doubt the integrity of the results of the elections, that I opposed the appointment of one Chebukati.

I thank you, Hon. Speaker.

Hon. Speaker: You are perfectly within your rights, Hon. Memusi, to actually vehemently oppose. That is the way it is done here in Parliament, not the other way.

Hon. Members, it is fair for me to remind you, those of you that may have observed the debate towards the end of December in the other House, it was largely very sober and everybody said that we are responsible Members. In this House, nobody blocks the Speaker from accessing the Chamber. Nobody pours water on the other. We are senior citizens. That is what they describe themselves to be. We are not like the others who we are able to go and incite.

Hon. Memusi is at liberty to freely express himself in the best way he knows. That is within his right. I do not think he is out of order. He is not out of order. He is perfectly within his rights.

Hon. Memusi, this is a House of records. What you have said is already captured on the HANSARD. Let everybody else make their contributions without fear of being bulldozed into saying other things that they may not wish to say.

Hon. Dawood.

Hon. Dawood: Thank you, Hon. Speaker. First, let me congratulate the seven nominees of IEBC. I want to state I support all of them, even the Chair. I sat as a friend of the Committee when Mr Chebukati was being interviewed and I did not see any adverse comment by anybody. I do not know what Hon. Memusi is talking about. I never saw any memorandum. I believe if there was a memorandum, Hon. Memusi would have been in that Departmental Committee on Justice and Legal Affairs meeting. I think he should hold his horses. I am even surprised he, being a senior member and the newest MP from ODM, was not supporting an ODM member who just resigned the other day.

When we were interviewing the Chairperson, he mentioned that he just resigned from ODM one month before applying for the position. I asked him what his relationship was with Hon. Raila, knowing he was in ODM for the last 10 years. I was getting scared. Then I thought it is good he is the Chairperson, so this time we will not be talking about stolen elections. Every other time we talk about stolen elections. This time at least we will not talk about stolen elections because he is part of the Opposition.

That notwithstanding, I think all the nominees are very well qualified. When many lawyers in this House and the Law Society of Kenya say we should have lawyers in the IEBC, there is no reason we should have lawyers. Let us have outsiders manage our elections so that we can have free and transparent elections.

I would want us to get over the fact that every election cycle we have to change the commissioners. We have to make do with what we have. We have to trust them. If we cast aspersions, even before the commissioners are sworn in, we are not doing the country a favour. The country needs a stable commission so that they can carry out stable elections.

I would want to focus on one nominee from Meru County, by the name of Consolata Nkatha Bucha Maina. Consolata comes from my constituency. I want to say all the MPs from Meru support her. But that does not mean she will favour us or anything. I just want to say that she--- There are many things which are written in the Press regarding her, but not everything which is written is true. I want to say that we will support this Commission up to the full.

While we are doing registration of voters, we apparently have a problem with registration of voters, especially people who were born in 1995 and 1996. The BVRs do not recognise their

biometrics. We need the new commissioners coming in to look into that situation. In my constituency yesterday, people who were born in 1995 and 1996 cannot register as voters. We need the IEBC secretariat together with the commissioners who will come in, if there is a problem like that, they need to give us more time. They need to extend the time from February 14th so that we can register as many people as we can. Meru County has got over 480,000 who are not registered, so we want more time. Hopefully, when the new commissioners are sworn in, we can have more time.

It is good that we have this new commission, not that the old commission was bad. There was nothing wrong with the old commission. It is just that people wanted to hound them out. Let us hope this time we can all wholeheartedly accept this new commission. I believe if we can work with them, we will have free and fair elections.

We have just passed Archbishop Wabukala as Chair of EACC. I hope he can get down to work because at the end of the day when we go for elections, we will have people who will be going to IEBC with certificates from EACC. I wish when the Archbishop comes in he can streamline because we are told there are some people who have given bribes. It is alleged an aspirant from our area has given a bribe of over Kshs40 million to be cleared so that he can run in the elections. So, I am hoping and praying that when the IEBC's new nominees come in, they will check on these requirements and make sure that the people who are on the list of shame are nowhere near our ballot box.

Thank you, Hon. Speaker. I wish to support.

Hon. Speaker: Hon. Chrisantus Wamalwa, you have the Floor.

Hon. Wakhungu: Thank you, Hon. Speaker. I rise to support that the IEBC nominees be appointed by His Excellency the President.

I want to quickly turn to the Chair. The Chair comes from Kiminini Constituency. In line with Section 6(a) of Public Appointments (Parliamentary Approval) Act the public must be invited to give their memorandum on oath on any appointment made by the Executive. In this case, I listened keenly when the Departmental Committee on Justice and Legal Affairs Committee (JLAC) was doing its work. We were happy to be told that on suitability of the Chairman, Mr. Wafula Chebukati, there was no one who submitted any petition.

I was actually shocked with what I heard from Memusi who is a very good friend of mine and comes from the *Maa* community. The community is watching because they thought that His Excellency would appoint a person of their own. It is very unfortunate but that is the discretion of His Excellency the President.

We also want to thank His Excellency the President for nominating Wafula Chebukati because he is a person of integrity. I listened keenly and we know the issue of IEBC is very contentious. This has not come as a walk in the park. People demonstrated, lives were lost and property was destroyed. It goes without saying that because it is a key position, the public was watching. If at all there was any issue of integrity, I have no doubt that I would have heard it being brought to this Committee under oath. So, on matters of integrity, we want to assure Kenyans that no such issue was raised anywhere. There was no oath. We want to start with trust. We do not want to have mistrust so that in one way or another, as the elections go by, people will start saying here and there that issues of integrity against Mr. Chebukati were raised. This is to confirm that his integrity is good. We were there and issues of integrity were not raised. Mr. Wafula Chebukati is a man who operates above board. He is a man of integrity.

On his religious background, he is a staunch Quaker. He is a church person. In Kenya the people who are moving on are the people of the church – that is the Friends Church.

(Loud consultation)

I want to explain to Hon. Midiwo that Quakers are friends. Mr. Chebukati is a staunch member. Looking at his CV---

Hon. Speaker: NASA!

(Laughter)

Hon. Wakhungu: In terms of *pro bono*, Quaker Friends Church. I am keen on the matters of church.

I will forgive Hon. Duale because he is a Muslim. We have Quakers ---

Hon. Speaker: There was nobody. You said Friends Church, the Quakers and not National Supper Alliance (NASA).

(Laughter)

Hon. Wakhungu: Hon. Speaker, I never said NASA but for heaven's sake, you are aware that NASA is on the way coming, and it is coming in a big way.

This is the Coalition for Reforms and Democracy (CORD) with NASA. It is sending shockwaves. I am hoping the shockwaves are not reaching you on that matter.

Hon. Speaker, coming back to the nominees, Mr. Wafula Chebukati has 31 years of experience in terms of practising law. I was seated there and on matters of Election laws, he is very conversant. Talk of the IEBC Act and the controversial election laws that were assented to, he is very conversant. We want somebody who is knowledgeable. When he asked him how he is going to be guided in terms of principles of work, he was very categorical that he is going to be guided by none other than the law. This is the person we want. He was being mistaken. He is a soft person.

One of my colleagues was telling me that the guy looked too soft. He asked whether he would manage. It is said that still water runs deep. People who are soft are the people you cannot take for granted. I want to give an example of His Excellency Mwai Kibaki. He was a soft person. As a matter of fact, many people were saying he was a “hands and legs off” on everything. However, at that particular time, the GDP of this country grew at a very high rate starting from the economic recovery strategy and coming to the Vision 2030 which is now a Blue Print that we are following. So, looks can be deceiving. We know that Mr. Chebukati is a soft person but that does not mean it is a weakness. In any case, being soft shows you are a --- It is a big strength and it is being humble.

On the issues of teamwork, Mr. Chebukati has an MBA from Jomo Kenyatta University of Agriculture and Technology (JKUAT). Those of you who have studied MBA, it equips you with skills of management. Issues of teamwork, human resource management, financial management and ICT are covered during the programme. The fact is that elections are conducted

based on ICT. Therefore, Mr. Wafula Chebukati has what it takes to conduct elections which are going to be free and fair.

Hon. Speaker, going back to the IEBC Act, we have the Selection Panel. I am from the Opposition. You were one of the people who were fronting the Inter-Parties Parliamentary Group (IPPG) model. Unfortunately, they agreed to go the selection way. If you look at the members of the Selection Panel, you will find that they were nominated by the church. These were nominated by the NCCK, the Kenya Conference of Catholic Bishops, the Muslim Council, and the Evangelical Churches and more importantly, the Jubilee Coalition had two representatives and CORD had also two representatives. We had all the confidence in the Selection Panel which was chaired by an Hon. Lady by the name Benardette Musundi. I salute them where they are because they did a wonderful job. Since the Selection Panel had confidence with everybody, the composition of the church---. Since we had confidence in the Committee, it goes without saying that the output is going to be legitimate and is going to be supported. So, we are therefore here to support what the Selection Panel did. We have no doubt that the exercise was above board.

I also want to thank the JLAC under the chairmanship of Hon. Chepkong'a. They did a wonderful job. At that particular time, Members of Parliament were busy in their constituencies because they are not sure of coming back. Going by Pareto's Principle, on 80/20 Rule, we are told that 80 per cent will not see this Parliament. However, JLAC was there passionately serving Kenyans so that we can have these nominees joining the IEBC.

In the Elections Law, we are told that there was a clause that said as much as commissioners had tendered their resignation, they can only hand over to other commissioners who must come in. This process of electioneering is very difficult. The most important activity to any politician or any political party is electioneering time. When it comes to elections, we need to have a referee who is going to be objective, who is not going to be intimidated and who is not going to fear or favour.

I have no doubt with the Selection Panel on what it has done. From the CV of Mr. Chebukati, his team is going to deliver free, fair and credible elections. I am calling upon all Kenyans and all Members of Parliament who are here today because time is not on our side, to wake up and support these nominees so that His Excellency the President can tonight appoint them officially so that they can move to the IEBC. We are told that the former commissioners are still in office. Some of us who are from the CORD have no trust on those commissioners who are still in those offices. So, we must move with speed so that we give these people an opportunity to give us credible elections.

Hon. Speaker, one of the critical questions that Mr. Chebukati was asked by a Member was if he was looking for a job because his law firm was not doing very well. When you look at his law firm, you will find that it represents multinationals and the who is who in this country. It has been there because of integrity and professionalism. I have no doubt that this Commission under the chairmanship of Mr. Chebukati is going to deliver.

Hon. Angwenyi wants me to talk about other Members. Of course, going through the CVs of other nominees, we see that they all want to build the spirit of teamwork. I do not want to talk too much as time is not on my side but I request Hon. Members in this House to support.

Hon. Speaker, I thank you for that opportunity and I support the Motion.

Hon. Speaker: Let us have Hon. Kamama. He is not in the House? Yes, Hon. Gichigi.

Hon. Gichigi: Thank you, Hon. Speaker. I rise to support this particular Motion. I have read the reports and the Committee confirms that these nominees are qualified for the job that they applied for. It is a good mix. We have people experienced in public relations and education. We also have a person with experience in conflict resolution, strategic leadership and a university administrator. All in all, it is a good mix.

Hon. Speaker, the team is a good face of Kenya in terms of regional balancing. I have heard our colleagues from the Minority Party supporting the entire team. Initially, we had some people opposing the appointment of the Chairman. It is good that they have now been converted belatedly. I do not know why they were opposing. I guess it is all political but it is clear today; it has been a win-win situation for the western region of this country in the earlier Motion and this one. So, congratulations Hon. Wamalwa and your region. It is clear that Jubilee is looking after your interest and you should be thankful to this side of the political divide. For more information, this team will be working shortly.

Let them deliver peace to this country. It is not an easy job and we expect them to work very hard. They do not have a lot of time to gain experience or build capacity. They have to hit the ground running. Kenya is looking upon them to quickly wind up this issue of voter registration, clean up the register and possibly conduct nomination for parties that will be requesting. We, as the Jubilee side, do not want to hear any attempt to postpone this election. So, let them come prepared to give us a credible election in August, this year.

The other issue that we would like our colleagues on the other side to agree to is that this team cannot be said to be a Jubilee team. From my indications, perhaps it is the Jubilee side which should be worried. If the Chairman was an Orange Democratic Movement (ODM) life Member until a few weeks ago, it is our side that ought to be worried. When I hear the Opposition claiming that elections are going to be rigged, I wonder whether they mean the new team is going to rig these elections. This is because they are the ones who will conduct these elections. Those are the statements that they should avoid. They are inflammatory and possibly an early concession of defeat on their part which is welcome on our part.

I was looking at one of the pro-CORD newspapers today and it was saying that the Jubilee leader is way ahead of the 50 plus one in terms of the opinion polls. We are heading to the 70 plus one that is the ambition of Jubilee. So, let our worthy opponents prepare themselves for this defeat. Please, do not cause chaos in this country merely because you are sensing defeat. You have seen the way the Jubilee Government has governed this country; it has not harassed anybody. It has let the Opposition reign in peace. If this election shall be conducted by this team according to the laws that we have, even after we defeat you again, we will give you peace during the second term of our President.

Hon. Speaker, nobody is complaining from the Jubilee, even as we look at this list, there are no people who can be said that they are pro-Jubilee at all. It is because we have confidence in this election. So, as I wind up, I ask Kenyans to remember that it is their constitutional obligation to register as voters and ensure that they participate in the elections so that they can give this country the leaders of their choice.

Kenyans, if you do not register as voters and vote, you will be indirectly voting in bad leaders. I support this list. Thank you.

Hon. Speaker: Let us have Hon. Gideon Ochanda, the Member for Bondo.

Hon. Ogolla: Thank you, Hon. Speaker. I support this Motion given the fact that we are in a situation that could be *fait accompli* in the sense that there are many things that if we do not have this going through now, it will not be good for this country.

First, we ought to have had this Commission in place by the end of December. It is clear that we are not going to have it before the end of January. So, it is important that this Commission is in place.

Secondly, we are in a situation where the country needs to cool down and build for purposes of elections. That is very critical. If you look at it in terms of *fait accompli*, I do not see the much critical parts of the process that are remaining apart from the date of the polling and the counting.

In my view those are the main critical stages of our electoral process that one would like to isolate because all the others have been done. Immediately we are through with the registration by the end of next month, the whole process will be over. We are left with two critical points. So, I do not think this Commission is going to do much. It will be unable to influence much on anything. Because of that, it is important that my colleagues look into this and support the Motion.

As I do this there are two things I wanted to bring out.

First, Parliament finds itself in a very precarious situation based on certain things that happened in the processes of identifying potential people who are supposed to be commissioners. Something happens that is extraordinary between the final stage of the Selection Panel and the stage when this list was presented to Parliament. Some hands are not helping the President very well. As the President brings in names and list of potential people to this Parliament some important and serious names are left out. If you look at these people critically, you will realise that the Selection Panel had listed nominees who are respected Kenyans and ought not to have been left out even if they were looking at the region, ethnicity and all manner of things. There are people who have done useful things in this country particularly in these electoral processes and are more knowledgeable.

Somebody like Aura, has done quite a lot in terms of our elections and consultancy on electoral processes. The same applies to Roselyn Odede. These are people who have played critical roles in this country. Their names disappeared.

Finally, when the President brings names to this Parliament, we find ourselves in a very precarious situation. I do not think Parliament needs to get to a situation where we are taking names back to the President so that he re-looks at them.

Somebody had a hand in the process of helping the President to come up with preferred people and messed at one stage or another. This is something which one needs to note, that sometimes Parliament as an institution finds itself in a situation which is not very helpful to the country. As at now, this is not possible.

On the debate about the personalities who have been brought in the name of either the Chair or other members--- there is a nominee to the Commission, whose experience is beyond the date she was in school. If you look at the cumulative time that she presented as the experience she had in various places, you will find that it is much longer than the time when she was in school and her age at the moment. This kind of a mix up is very critical and needs to be looked at.

The other thing which I want to bring out is that the IEBC is an arbiter and a referee. We really need to have the IEBC at a level where it does not take us to the direction where sometimes it looks at its problems through legislation. Again, this is putting Parliament in some precarious situation. Every little problem, whether administrative or managerial, cannot be looked at legislatively. They usually ran to Parliament instead of engaging other players. We have many players in this electoral process. There are some administrative and managerial issues which, in my view, if the IEBC meets and agrees with stakeholders, it would sort them out without taking the country through the kind of heat it has been taken through certain times. This is because the IEBC tries to bring out legislations to respond to administrative matters.

When they are stuck at one moment they say there is no law which can help them to do those kinds of things. I think there is a big problem when the arbiter does not look in terms of who are the main players and engages them constantly so as to sort out some of these administrative matters. I think this is very critical. If we do not look at that constantly, it will always recur around elections and I think it is not good for the country.

I want to support that the House adopts the Report so that we allow the Commission to move on. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Tiyah Galgalo, you have the Floor.

Hon. (Ms.) T.G. Ali: Thank you, Hon. Speaker. I rise to support the nominees to the IEBC. I want to thank the Committee for doing a good job by identifying these nominees who come from diverse backgrounds and different regions. Among them is a legal expert, a diplomat and academicians. I would like to congratulate and also thank the Committee for identifying Mr. Boya Molu who comes from a remote part in North Horr. This is an area that nobody at anyone time would identify an expert. He is a vibrant and young person who has grown through the ranks and has been doing a wonderful job for this country.

He comes from my region. Through the process of vetting they identified even a person from a minority group who might not even had a chance to represent Kenyans at any one point. We have gender balance. There are women who are highly qualified like Roselyn and Margaret who have served both at local and international levels, and have been identified to represent this country and ensure that, at least, we have credible elections.

Kenyans vet people who are looking for jobs and I am happy that none of the identified nominees has been said to have any dispute in terms of integrity. They are fresh people who have served at different levels. I believe they are going to take this country to a different level. The process of identifying these nominees has been a long one. For example, if I can take Kenyans back, I remember people died, the Opposition went to the streets and people talked about the sitting commissioners whom I believe did nothing wrong to this country. People poked holes on an Electoral Commission which did a credible election in 2013. Kenyans are sending home Commissioners who did a wonderful job.

The Commission has experts in constituency coordinators, Directors and Election Managers who have been trained for a long time. Having been a former Commissioner in the Interim Independent Electoral and Boundaries Commission (IIEBC), I know the kind of expertise which we have at the IEBC. I believe over the years they have been able to conduct elections in this country but because of political interests we have pulled out people who have been a source of inspiration to this country.

I would like to urge Kenyans that it is important they trust their systems. We talk about a system which is not good and engage in politics. At the end of the day, these commissioners are removed. We bring in people through a competitive process which is participatory and has taken Kenya some time and cost money and then we do not trust them. I believe that the nominees who have been identified from across the country are people who have experience and love this country. We should not destroy them but we want them to unite this country and hold a credible election which we will all trust and believe in.

Elections are about trust and perception. We have already said we do not trust the people who are currently holding the positions. We have now given Kenyans an opportunity to identify people they think can take them through the elections. I rise to support and congratulate the panelists who identified, shortlisted and even interviewed them. I would also like to thank the Departmental Committee on Justice and Legal Affairs for having done a wonderful job and ensuring that we have a credible team.

I would also like to thank and appreciate our President for being very patient with many things which are going on even when he knows that some of the things are just politics. He has always given Kenyans an opportunity to ensure that a process is subjected to public participation so that we come up with solutions which can hold this country together. This is because he loves peace and Kenya.

Hon. Speaker, I know it is now the campaign period and we will push each other because of different political interests. I urge Kenyans to go out there and register as voters. You cannot have a government or system that can take care of Kenyan interests if you do not register. I also urge Kenyans of goodwill who love this country and who love the President to go out there and register as Jubilee members so that we take this country forward because you have always been good. I believe that we are going to take this Kenya forward with His Excellency the President because he has always done a good job.

Hon. Speaker: Let us have Hon. Mwadeghu.

Hon. Mwadeghu: Nashukuru Mheshimiwa Spika kwa nafasi hii ambayo umenipatia nami nitoe mchango wangu kuhusu hawa ndugu na dada zetu ambao wamependekezwa ili wapewe kibali na Rais tukianza na Bunge ili nao waingie kazini na kuwapa Wakenya matumaini ya kuwa uchaguzi utakuwa huru na wa haki maana hivi sasa hatuna Tume nzuri. Tunataka kina Hassan waondoke na ni muhimu sisi kama Bunge tumalize zoezi hili ili tuwape Wakenya kwa ujumla nafasi ya kupiga kura ifikapo August.

Nikiangalia orodha ile ambayo tumepatiwa hapa Bungeni kuanzia Mwenyekiti na wenzake, naona kuna usawa ambao umependekezwa kati ya wanawake na wanaume ili tufuate vile Katiba inavyosema. Mambo ya maadili hayajatolewa wazi wazi. Hamna mtu ambaye ameenda kwa Kamati ambayo ilikuwa inawahoji kuzungumzia kwa undani kuhusu swala la maadili na nidhamu. Kuna mmoja wao ambaye alikuwa ana wasiwasi kuwa maadili ya hawa ambao wamependekezwa kuwa huenda ikawa ni tisho au huenda ikawa inaleta cheche zozote. Bali, tukisoma ripoti ya Kamati inaonyesha kuwa wote ambao wamependekezwa walikuwa wamehitimu, kitu cha kwanza, maadili yao yaliridhisha, ya tatu wana uzoefu ijapokuwa pia mna swala ambalo limeandikwa mara kwa mara kuwa labda hawana uzoefu. Lakini inategemea ni uzoefu wa aina gani. Tukiangalia hawa wote tukianza na Mwenyekiti, ni watu wamehitimu wamesoma, ni watu ambao wamefanya kazi, ni watu mara nyingi wamepewa shughuli kadha wa kadha na wakazifanya, wakazitekeleza na wakazitimiza bila shida yoyote.

Katika hao wote ambao wamependekezwa, naomba niwe wazi kuwa wawili wao ni watu ninawafahamu sana. Nitaanza na Wanjala. Yeye ni binti anayetoka Taita ijapokuwa ni mzaliwa wa Kwale. Babake ametoka Sungululu katika Wilaya yangu pale ambapo mimi mwenyewe nawakilisha kule Wundanyi, akahamia Kwale na bintiye akazaliwa lakini amerudi huko Taita. Ni binti ambaye namfahamu na ana uadilifu wa kutosha kwa hivyo hapo sina wasiwasi. Nina imani kuwa atatekeleza wajibu wake na atafanya kazi na imani sawa.

Nikiangalia huyu mwingine ambaye watu wanaanza kushangaa ni nani ni dada yetu Consolata Nkatha Bucha Maina. Nimemfahamu akiwa mwanafunzi miaka themanini nikiwa wakati huo ni Meneja katika Industrial Development Bank. Nimemfahamu akiwa mtoto mwanafunzi akiomba kazi. Amefanya kazi wakati huo wote hata wakati ameenda Kenya Wildlife Service (KWS), nilikuwa consultant kule na ninafahamu kuwa ana uadilifu. Mara nyingi watu wanaweza kuuliza unawafahamu aje hawa watu? Ninawafahamu kwa sababu ya uzoefu wangu wa kazi. Nikiangalia kama Duale hana uzoefu kama ule nilionao ndio maana wakati mwingine anaanza kutia wasiwasi lakini ule uzoefu nilio nao na umri nilionao nimeona mengi, nimekutana na wengi na nimeangazia mengi.

Kwa hivyo, sina wasiwasi wakati huu kwa kazi ambayo imefanywa na Kamati yetu ya Sheria. Ni kazi ya kuridhisha na watu ambao tumewapatia. Tukiangalia ule muda tulionao hata tukianza kusema kuwa tutafute wengine, huo muda tulionao wa kufanya uchaguzi August ni muhimu tumalize hili zoezi ili waingie kazini. Lazima Wakenya tuweze kuwa na imani na Wakenya wenzetu. Kama kila wakati hatutakuwa na imani na Wakenya wenzetu, itakuwa inatuletea shida. Labda ni kama haya ambayo yalikuwa yanasemwa hapa wakati tulikuwa tunatoa maamuzi kuhusu Mwenyekiti wa Tume ya Maadili na Ufisadi. Watu wengi walikuwa na wasiwasi. Wasiwasi wangu ni kuwa je tunajaribu mtu wa Mungu katika kazi ambayo itamletea vishawishi na baadaye tuingize Kanisa katika shida? Huo ndio wasiwasi nilikuwa nao. Mpaka sasa ninao. Lakini kwa hawa ambao wanaenda kuangalia mambo ya usajili wa kura, kusimamia uchaguzi na kuhakikisha kuwa nchi hii inafanya uchaguzi wa haki ambao utakubaliwa na kila mtu, sina wasiwasi kuwa watatekeleza wajibu wao na wataweza kufikisha nchi mahali iliko.

Naomba nichukue nafasi hii pia kuwahimiza Wakenya. Bunge linatimiza wajibu wake. Wakenya nao watimize wajibu wao wa kujitoa waende wajiandikishe, wajisajili kuwa wapigaji kura maana haina haja tupitishie hawa, sisi kama Bunge tuna imani watafanya kazi, na hawatashindwa kujiandikisha wawe ni watu wachache halafu uchaguzi utakuwa umefanywa na idadi ndogo sana ya Wakenya ikilinganishwa na ile inatakikana. Tunaomba Wakenya, wakati huu ambao umetolewa na IEBC, wachukue wakati huu waende wajiandikishe. Nasi kama Bunge, tunakamilisha zoezi hili leo. Nina imani Wabunge wenzangu tutaunga mkono mapendekezo ambayo yameletwa hapa na Kamati hii ya Sheria ili tukamilishe na Rais awapatie kibali waanze kazi hata ikiwezekana kesho kutwa na hao wengine wafunge virago waende.

Kwa hayo mengi naomba niunge mkono wote ambao wamependekezwa katika Ripoti hiyo.

Hon. Speaker: Let us have Hon. Abdulaziz.

Hon. Farah: Thank you, Hon. Speaker. I join my colleagues to support this Report of the Departmental Committee on Justice and Legal Affairs.

I read the report and found out that all the Members, including the Chair of this Committee, have the requisite requirements necessary for them to serve in these offices. These are capable Kenyans. The list shows the face of Kenya. Gender issues have been taken care of

and they have a mix of expertise and experiences. The members proposed for appointment have expertise in the fields of political science, history, PR, law, science, education, language, human resource, peace and security and so on. That means that this is a team that is capable of refereeing and managing our elections in this country.

However, there are questions that linger in the minds of Kenyans that this new team needs to tackle. One, it is an open secret that the IEBC secretariat is riddled with corruption and this team needs to clean up that team. The team that will be helping them do their work must be a team that is clean of corruption. I will give an example in my constituency. There is boundary change in one ward in my constituency that the Court of Appeal ruled on in 2014. It was put in the *Kenya Gazette* by the Independent Electoral and Boundaries Commission (IEBC). Implementing that law has been a very difficult road to follow just because there were some characters who were bribing the secretariat right, left and centre to delay that implementation. As I speak here today, the same law has problems and it has not been fully implemented. Therefore, we need to tell the new team to tackle corruption.

I will give an example of the voting day in 2013. A polling station in my opponent's area was open for voting until 6.00 a.m. the following morning, while most of all the other polling stations were closed at 6.00 p.m. the previous day. We had to ambush that place and close it by force.

(Laughter)

That means that the secretariat of IEBC has a big problem. So, the new team needs to tackle corruption in the secretariat.

Secondly, the other issue is that we need to bring back the confidence of Wanjiku or Halima, for that matter, in elections in Kenya. This team has homework to do; confidence building within minds of Kenyans. We must bring the reputation of IEBC back so that we do not shout everyday that elections are stolen. The story of election getting stolen must come to an end. It is Chebukati and his team to tell us how they want to do it and it must be done.

Thirdly, I believe that the culture of demonstrations to force out officers from their offices will stop with these ones. I ask Kenyans not to intimidate Kenyans who are working and delivering their mandate very well. I think the culture of forcing commissioners out of their offices should end and allow this new team to do their work as required.

With those few remarks, I support. Thank you very much.

Hon. Speaker: Member for Borabu.

Hon. Momanyi: Thank you, Hon. Speaker. Protect me from "Chimmy's" outbursts, Hon. Speaker. "Chimmy", the MP for Kitutu Chache North.

Hon. Speaker: No. What are you calling "Chimmy"?

(Laughter)

Hon. Momanyi: "Chimmy" Angwenyi, Hon. Hon. Speaker.

Hon. Speaker: You mean Jimmy Nuru Angwenyi?

Hon. Momanyi: Jimmy Nuru Angwenyi, as you have put it rightly, Hon. Speaker.

I also rise to support the appointment of the chairperson and other members to the IEBC. We all know as Kenyans the road we have travelled. We know how this issue started and we know exactly where we are and where we are going.

It is true, as my colleagues have said here, that people lost lives and property. People sat on roads and Kenyans were tear-gassed till we got the freedom to nominate the commissioners that we want to manage elections in this country, come August this year.

Indeed, as a Committee, we sat and submissions were invited from the public, but nobody or any Kenyan submitted against any of the nominees. We sat as a Committee, interrogated, vetted and asked the nominees all manner of questions until we were satisfied that, indeed, these are men and women who will man elections come August this year.

It is our responsibility as Kenyans to make sure that we support the nominees so that at the end of the day, they carry out credible elections. We interrogated the Chairman. He has been in practice as a lawyer in this country for many years. The way he appeared before us and the way he answered questions, we have no doubt in our minds that this exercise this time round will be a success. We had one lady who comes from my constituency, Dr. Roselyn Akombe, who appeared before us and answered questions satisfactorily. Some of the Members were even questioning why she did not apply to be the Chair of this Committee. She is a capable girl. As you know, from Borabu, I give you capable leaders. I have no doubt in my mind that we are going to have another Matiang'i in the electoral body. I am sure she will actively participate and make sure that at the end of the day, the elections are free, fair and credible.

With those few remarks, I support and request that the Members of this House approve the appointment of Wanyonyi Wafula Chebukati as the Chairman and the six Members of the Committee so that they start working as early as tomorrow and also participate and give us direction in the registration exercise which is going on countrywide.

I request that without wasting time, let us approve the nomination of these able men and women so that elections are carried out without any interference.

Thank you.

Hon. ole Kenta: Thank you, Hon. Speaker, for this opportunity. Like my colleagues, I would like to commend the Committee for what they have done. The IEBC is a very important component of our democracy. More than that, it is actually a pacifying factor. It is a pacifying and unifying organisation, as I might call it. It is actually an umpire. If a mistake is made by the said IEBC, of course the country will burn. We have had experiences before. The history of this country is well known. What happened in 1992, 1997 and 2007/2008 which was averted in 2013 is something that we do not want to be repeated in this country.

We should as Kenyans realise that this country is ours. It is a country for all of us. It is a country that must be protected for our children. We saw what happened in the Rift valley, Naivasha and in other places where children were burnt, where women were molested and properties destroyed. That is one thing that we will not want repeated. In fact, it is the duty of the incoming commissioners to ensure that Kenya becomes one once more. That can only be achieved if there is justice in their job and election. The moment you show that there is injustice, the moment you use offices to marshal other Kenyans, there will be no peace and nobody can be blamed but the forces that are behind that. Some things must be said. Silence is not going to be an option and we know it very well. It is actually in the political domain. It is in the public domain that the right person, the person who should be chairman is somebody called Tukero ole

Kina. We have seen a lot of marginalisation going on. We have seen a lot of purging of the Masai community.

Just the other day, two principal secretaries were removed for no reason. Just the other day, the Governor of Central Bank was supposed to be ole Sirma. He was removed unceremoniously yet he was number one. Now we see Tukero being removed again just like all those others. The issue is that there will be a time of reckoning. There will be explanations that must be given. Let people laugh. Let them say what they think but they will come and explain to us when they are coming to ask for our votes. They will explain what we did to them to warrant this kind of marginalisation. At the end of the day, we know there are reasons of numbers and creating positions for other people in Rift Valley. The Masai are no longer fools. People are being marginalised and oppressed and I do not think that is a sincere laughter. That issue must be addressed. What is the point of a Kenyan getting 77 points and another one gets 63 and the latter is nominated? We want to know whether there are Kenyans who are more equal than others.

Hon. Speaker, we want justice and fair play. Kenyans need to realise the benefit of being Kenyans but not being marginalised. I have no reason to oppose the appointment of Mr. Chebukati because they did not appoint themselves but their names were only brought to Parliament. I will lose so that we can have elections as soon as possible to ensure that fairness and justice is reinstated in this country.

Hon. Speaker: Member for Makueni. It is January so the Member for Makueni could be having the problem of rain.

Hon. Maanzo: Precisely. Thank you, Hon. Speaker for giving me an opportunity to contribute to this important debate. The Committee did a very good job. I want to also commend the Selection Panel which identified these wonderful Kenyans. The Chairman is an experienced advocate of the High Court of Kenya and the IEBC has many laws to be interpreted and I believe he has the capability to do that correctly. The only worry is the fact that there is only one lawyer out of seven. There is a tribunal which sits to deal with matters of elections and in the past, it has been chaired by a lawyer. The chairman will have to chair this and he will be overloaded with work, but I believe he is up to the task. The team is supportive. The nominees are very qualified. Amb. Kibiwott has a lot of experience as a historian in conflict resolution and would be heard in this Commission. All nominees are qualified in their fields and are likely to serve the country well. There is a proper gender balance. The only worry is when the team will take over office. If appointed quickly, they are more likely to handle voter registration in the best possible way. I want to urge Kenyans with IDs and those who are above 18 years of age to get IDs and register as voters before the exercise comes to an end. That is a very important task that this team is going to do.

However, there is corruption when it comes to qualifications of people who will occupy different positions. We are happy that Archbishop (Rtd.) Wabukala was appointed as the Chairperson of the EACC. He was actually first proposed by a Member of this House before he accepted to be interviewed. I believe that together with the commissioners, Archbishop (Rtd.) Wabukala has an integral business in ensuring that Kenyans who qualify to be elected are vetted by the EACC. If these two commissions work together, Kenya will improve in the manner in which elections have been conducted in the past. Mr. Chebukati qualifies to be a judge of the High or even the Supreme Court and he can properly interpret the laws within the IEBC for the benefit and better service of Kenyans.

Hon. Speaker, I support the whole team and wish other Members of Parliament would do that so that the appointments can be done as quickly as possible.

I thank you, Hon. Speaker.

Hon. Speaker: The Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Speaker. I stand to support this list. At the outset, I want to make it very clear based on the law. The law that this House passed says the Selection Panel will submit two names to the appointing authority - this is the President - to choose one person. It does not say 77 marks or 65 marks. It does not say a woman or a man. It does not say the region. People must be very honest. None of these people come from my constituency or county. When you stand in this House and you either support or oppose based on your ethnic orientation, it is a very sad day for Kenya. You oppose because your person has not been picked. You support vehemently because your person has been picked.

Secondly, the law says that the President will receive nine names which he will select six. It does not say which ones. That is the discretion given to His Excellency the President by the law. If you did not have the opportunity to go and talk to the President after you found your person was on the list and lobbied, then you cannot come and create ethnic animosity. Each one of us sitting here has Kenyans who are serving in different positions from different regions and from different ethnic backgrounds. Let us not divide Kenyans. If it is the Maa Community, this House in the last Special Sitting approved commissioners for the Commission on Revenue Allocation and there was a member from the Maa Community, more specifically from Narok. Let us be very honest.

Number two, if you look at the history of this Commission, every time they do not rule in your favour, you want to disband them; you want to demonstrate; you want to make Kenyans die and you want to destroy property. I pray that this Commission will live to its term to conduct the 2022 general elections. My advice to Chebukati and his team is, you should not be blackmailed, intimidated or coerced by any political entity or individual. It is the people of Kenya who go to the polling stations in large numbers to vote. The Commission and its secretariat's function is to manage the electoral process. I do not think we are approving Chebukati for a particular candidate in the 2017 General Election. I looked at his CV and saw that he is a qualified Kenyan with 31 years' experience. The list represents the face of Kenya. For the first time, the list has 50 per cent of both genders. If you look at the six commissioners, apart from the Chair, it is three men and three women. They are academicians. I had the opportunity to have known Prof. Kurgat and I looked at his CV.

I was shocked by my very good friend, Mr. Amollo Otiende, who at one time was saying that IEBC Commissioners must be outsourced. That is wrong, that is not the right route. We must have confidence in our people. Next time you will tell us to look for wives from abroad. There is something wrong. There are too many beautiful women in town. There are some particular parts of our country where, if they marry a *Mzungu* that is prestige. Where I come from, when I marry a rural girl in the village, it is prestige for me. When you walk with a *Mzungu* and you think it is a big deal, it is not.

Let us give this Commission all the support and I am sure they will do a fair job. We want them to conduct free, fair, transparent and peaceful elections from the Member of the County Assembly to the President. We do not want Kenyans to quarrel every five years on who won elections. We do not want to see what the late Kivuitu, the Chair of Electoral Commission

of Kenya (ECK) said on TV. He said on camera that he did not know where his Returning Officers were. He said on TV that something was being cooked.

Mr. Chebukati comes from Chris Wamalwa's place. Chris Wamalwa was vehemently supporting Chebukati. We have no problem with that. In my community we say, you cannot be bitten by a snake from the same hole. That is the reason why we are very jittery because we remember what the late Kivuitu said live on TV. We want Chebukati and his team to develop teamwork.

As I conclude, I know the job we are giving them is a serious one. A time will come when the lives of the 40 million Kenyans will be in the hands of the Chair of the IEBC. He must be a man of God and must have the courage. He must be firm, committed and very decisive in whatever decision he wants to take. He must build teamwork.

Finally, I am sure that the leadership of Mr. Ezra Chiloba and his secretariat will work very well with the Commission. At the end of the day, all of us sitting here will be happy because the job that we do is politics. That is how we pay our bills. People wonder why Hon. Duale speaks a lot. I speak a lot because that is how I pay my Kenya Power and Lighting Company (KPLC) bill, water bill and school fees. That is true among all of us here. We are all requesting Mr. Chebukati to make the rules of the game, fair. Do not rig Hon. Jakoyo or Hon. Duale. As Hon. Farah said, I am shocked that people can vote till the following day. We, the political class, will do a lot if we support the secretariat. We work together as stakeholders and I am sure if they get the support of everybody, the National Treasury must provide the necessary resources for the IEBC to deliver a credible election. The national security agencies must also be impartial to support the Commission for a peaceful election. The donor community must support that kitty so that come 8th August, 2017, Kenyans will go to the polls and a credible free, fair and peaceful election results will be announced.

I beg to support.

Hon. Speaker: Before I recognise the Deputy Leader of the Minority Party, Hon. Members, I just want to draw your attention to one fact. This is a Special Sitting. It is interesting that some Members speak very passionately because certain names are either from their constituencies or from their counties or clans or faith. Soon after, they walk out. So, they walk out leaving the names to be approved by whom? You want to speak and say he is somebody from my village and then after that what happens? I have seen quite a number of you doing that. I cannot even forget the guy who was referring to the other as "Chimmy". Another one was referring to another something else, so many. You speak so passionately because the names here are from your counties, villages, clans and faith. Then, you walk out. The names must be approved today. To be approved, they must be approved by not less than 50 Members sitting, yet you walk out. Therefore, you are leaving those who have no connections with the names to approve. Surely, it is very dishonest.

If the names are going to be approved, let them be approved because they are names of Kenyans. I do not want any Member to come and tell me "I know this one. It is so important that I need *bonga* points." You get your *bonga* points and then walk out? Please, contribute because you believe in the names that are there or in the process. Not because the people are your village mates, county mates or clan mates. It is very unfair and a bit dishonest for you to do so and then leave.

There are several Members who have spoken because the names are exciting to them or because they wanted those people to see that they have contributed in their support and then walked out. But, if the names are not approved and you spoke for them to see, what will you go to tell them even if they are from your villages?

Hon. Members, please, let us rise to the occasion as the National Assembly.

Hon. Midiwo.

Hon. Shimbwa: Thank you, Hon. Speaker. *Ni mimi au ni wewe Midiwo? Endelea.*

Hon. Midiwo: Thank you, Hon. Speaker. I am sitting with a grabber who has just tried to grab my chance to speak.

Let me be clear that I rise to support this list. It is good to warn ourselves or to heed the warning you have just given Members. Kenyans are Kenyans. We need to---

(Hon. A.B. Duale walked along the aisle)

Hon. Speaker, can you throw out Duale so that I can contribute?

(Hon. Angatia consulted loudly)

Hon. Speaker: Now, what is that? Who is that Member? The Member seated next to Hon. Shaban, is that the Member for Lugari? The Member for Lugari seems to be excited. Is it about the names? Please, get your excitement in order.

Hon. Midiwo: Hon. Speaker, I support because we do not have time as a country.

I know some Members have issues. Some Members are offended, even on this side. When I went to whip Members to come in because the numbers are thinning, I realised that one community has refused to come in because they are feeling aggrieved. So, let logic prevail. We have very little time left before elections. The people on this list are Kenyans. The mistakes which are made are not made by these qualified Kenyans. The mistakes which have been made are made by other people who do not think some other Kenyans are good enough. I want to tell you and the House that on this list when I watched the applicants, a qualified Kenyan by the name Mutakha Kangu, a known international name should never have missed in this list. There is a gentleman called Aura. He was in the Kivuitu Commission. He works for UNDP on matters election. A country that is interested in cleaning up the electoral process would never have left out the name of Aura. How is it not possible that a woman who has been working in the Judges and Magistrates Vetting Board (JMVB), we had a chance to make a woman the Chair of the Commission: Roseline Odede. But it has happened. We cannot live like Kenya must not move forward.

I want to agree with what the Leader of the Majority Party has said, that we need to put these people in office like yesterday so that they can set the rules of the game. It is not always that we should agree or disagree, but sometimes there comes a time, in the words of the late Saitoti, that logic must prevail.

I happen to know the nominee for Chair, Mr Chebukati. I have known him for many years. If he is not one of the Kenyans who are good enough, maybe we need to import a *mzungu* from somewhere to come and lead our process. He is not even accused of anything serious. I know the issue of Ole Kina. He is a personal friend to me. I would have been very proud of him

if he was picked. But there was discretion, which this House passed. So, when we come here, we want to say that the Executive must know some other communities are complaining. I am a Luo. I have never heard of a Luo IEBC commissioner or any electoral process. Why even a qualified one like Aura, could we not get? That offends our people. We must not live in a country where people feel offended all the time. We can do this. Kenya is big enough for all of us to live in and live peacefully.

It is very important that as we move forward and as we consider that there is no more time left, we do not cast aspersions on these people because these are qualified Kenyans. I listened to Hon. Gichigi say this person is in ODM. Not everybody in ODM is a friend of Raila. ODM is a party, a mass movement. When we were with Chebukati when he was a candidate, you know the person who was selecting our candidates including myself? He was called William Samoei Ruto. That is a fact. He is in Jubilee. And Chebukati has resigned from ODM. He is a good Kenyan who just wants to lead the Commission and make elections free and fair. We cannot say he is a friend of William or Raila. He is a Kenyan who has over 30 years' experience in law practice.

I have heard from other quarters that Mutakha Kangu was Raila's adviser. Mutakha Kangu could never have got closer to Raila more than William Ruto. So what is this that tells Kenyans that I cannot be a friend of the MP for Nakuru, for example, and still be on this side, or you? With you, they will think I am---*Watafikiria kuna maneno.*

(Laughter)

But I am your friend, my dear sister.

Hon. Speaker, I am only pleading with all of us. This House has 349 Members. The ones you see here are the true patriotic Kenyans because most of us are now on the ground.

Hon. Duale and his friends denied us Christmas. We came to fistfight in Nairobi on Christmas Eve. If he believes in the things he has just said here Kenyans are asking, why did he barricade Parliament? If we can get along, please, let us make it possible for Kenyans to live together. Why would Duale bring police here and not take them to the Senate? Maybe the police should have barricaded the Senate more because they really abused the National Assembly. They said they are the Upper House while we are a useless Lower House. Do you know what they did? They ended up sending the same Bill which passed through this House under the barrel of a gun. So, that is the real Lower House and not this one. This is because they say things that they do not mean.

I remember when the Speaker made a ruling in the House---

(Loud consultation)

Relax! Relax! There is time. When the Speaker made a ruling, they all stood on a point of order and spoke for four hours. It is the first time in history I have seen Members of an Upper House debate Speaker's ruling. So, when I am asking in a nutshell---

(Loud consultation)

So what? It will end---

Hon. Speaker: Proceed. When he is speaking on behalf of the Leader of the Minority Party, he has a maximum of 15 minutes. You passed the Procedural Motion that one should speak for 15 minutes.

Hon. Midiwo: Hon. Speaker, I will not take 15 minutes. I support the Motion and request all of you to support it so that we can begin to prepare for our elections.

Thank you, Hon. Speaker and happy New Year.

Hon. Speaker: Hon. Kajuju, you have the Floor.

Hon. Members: On a point of order.

Hon. Speaker: What is the problem? It seems like everybody wants to rise on a point of order. Hon. Kamama, what is your point of order?

Hon. Abang'otum: Thank you, Hon. Speaker. Judging by the mood of the House and taking cognisance of the fact that people are actually repeating themselves, would I be in order to ask you to kindly call the Mover to reply? This is, of course, pursuant to Standing Order No. 95.

Hon. Speaker: Hon. Kajuju will finish. Nevertheless, I constantly remind myself, and it is good to remind the House of the famous remarks by Speaker James Parker on 8th January 1642. Many of you may not quite understand. Indeed, my business is to do as you direct. But let us hear from Hon. Kajuju.

Hon. (Ms.) Kajuju: Thank you, Hon. Speaker and thank you for the opportunity to contribute to this Motion.

I am privileged because I participated in the vetting of the Members and the Chair of IEBC. One thing that was very important - I think the Members should listen to me because it will guide their decision-making - is that the Chair was a seasoned lawyer who has really succeeded in the corporate world. Therefore, he will be very good in making decisions in as far as corporate governance is concerned, which is a tool that is required at the IEBC.

Hon. Speaker, what was important to me at the point at which we were interviewing these commissioners was how they were going to respond to issues of gender violence or violence against women candidates. We know it is a culture that happens in this country, and I am happy that there was the gender balance in the Commission. There was fulfilment that they were going to ensure that all candidates are treated in the same way by the Commission, that is whether you are a female or male aspirant.

We asked them about the Two-Thirds Gender Rule, now that we require that provision but we were not able to pass the legislation. They also promised to talk to the political parties so that during their nomination of candidates, more emphasis can be put on women aspirants.

Hon. Speaker, this is a good list. I was impressed by Margaret who had a very good command of the Kiswahili language. She promised as they go out to do civic education and conduct registration of voters, she will use Kiswahili language to ensure that they reach all the voters outside the Commission. I, therefore, support this Motion and pray that everybody supports it.. Thank you.

Hon. Speaker: In exercise of my discretion, I want to give the Member for Kimilili a chance because I would like to hear his voice. After four years, I need to hear his voice.

Hon. Kasuti: Thank you, Hon. Speaker for giving me the opportunity to support---

Hon. Speaker: Hon. Members, even as I give Members an opportunity to speak, I must appreciate there are counties, constituencies, gender, political configurations and coalitions.

Hon. Kasuti: Hon. Speaker, I thank all the Members who have contributed to this Motion and supported it. I would like to make one deviation. Nearly everything has been said about the commissioners. We keep blaming commissioners once they are in the office. When commissioners take over, they quickly get involved in administrative matters like Hon. Abdulaziz said. They start doing the work of the administrators and get involved in tenders, which is a very touchy area. That is how they start losing track of what they are supposed to be doing. I believe the former Chair, Mr. Hassan was not a bad man nor were the other commissioners, but because they got involved in doing the work which is administrative, they lost track of doing what they were employed to do.

So, I urge Mr. Chebukati and his group to leave the work of administration and get involved in policy matters which will guide the Commission. They should discharge their duties as per the Constitution.

Thank you, Hon. Speaker.

Hon. Speaker: Let me also hear some voice from the Coast. Yes, Hon. Harrison Kombe.

Hon. Kombe: Asante Mheshimiwa Spika

Hon. Speaker: Hon. Members, let us be fair. When one or two Members from your county have spoken please feel represented. This House has 349 Members, Some of you just want to contribute because there is somebody from your county who is on the list. Let us hear Hon. Kombe.

Hon. Kombe: Asante Mhe. Spika kwa kunipatia nafasi niweze kuchangia na kuunga mkono uteuzi wa makamishina wa Tume ya Uchaguzi. Ningependa kumpongeza Mhe. Rais kwa uteuzi wake wa makamishina hawa. Ni dhahiri kwamba tunapoenda kwa uchaguzi mwezi wa nane matokeo yataweza kukubalika kwa pande zote za vyama ikizingatiwa kwamba wengi wa makamishina walikuwa kwa mrengo ule mwingine. Hivyo basi, ninataka kusema kwamba tunaunga mkono Hoja hii, si kwa sababu kamishina fulani anatoka eneo bunge lako. Tunafanya hili kwa sababu ni Mkenya anayestahili, na ako na stakabadhi zinazotosha kwa kazi hii ambayo ameuliza kupatiwa nafasi kuweza kuhudumu. Tunafanya haya ili tuwe na uchaguzi ambao ni wa kuaminika, na matokeo yake yatakubalika na watu wote.

Kile ambacho kimefanyika sasa ni kwamba wenzetu ama upande ule mwingine umepewa hiyo nafasi ya kuandaa uchaguzi. Ni matumaini yetu kwamba viongozi wa upande ule mwingine watakubali hayo matokeo. Hii ni kwa sababu uchaguzi utanza mapema asubuhi na saa kumi na mbili na nusu jioni, utakuwa umeisha na mwenye kushinda atajulikana. Hatungependa kuona watu wakienda kuketi barabarani kuandamana hapa na pale na kusababisha uharibifu mwingi wa mali na hata upotezaji maisha kama ilivyokuwa mwaka wa 2007/2008.

Mhe. Spika, ningependa kusema asante kwa uteuzi ambao Mhe. Rais Uhuru Kenyatta amefanya. Ninaunga mkono.

Hon. Speaker: The Member for Luanda, you have the Floor.

Hon. Omulele: Thank you, Hon. Speaker for giving me an opportunity to speak on the proposed list of nominees to the IEBC. From the outset, I would like to support it. I have heard a lot being said with regard to the proposed Chair of the Commission, my brother in the legal profession, Mr. Chebukati.

I have looked at his Curriculum Vitae (CV) and it is an impressive one. He has practised law for 31 years. I have not seen any material being produced against him. He practices in a good law firm called “Cootow and Associates”. This is one of the premier law firms in this country.

He has been the Chief Executive Officer (CEO) of this law firm. He practises good law. There was an issue with a case in which he represented the Nairobi City County. There were allegations that he did not do a good job.

There was a judgment from the High Court of Kenya which said that the Nairobi City County did not give Mr. Chebukati and his firm proper instructions so that he could represent them properly. Hon. Speaker and I are lawyers. We know that the only way to represent a client is from instructions which have been given and put in your hands. You have been seized with the case so that you can present those facts and your client's case in the best of your ability. If a client does not put these instructions in an advocate's hand, definitely the advocate cannot be expected to be a miracle worker. Advocates are not messiahs. They are also not seers. Therefore, they cannot see beyond what the client has instructed. Mr. Chebukati and his law firm could only do what the client asked them to do. Hon. Speaker, you and I know that if you do anything as an advocate that your client has not instructed you to do, then you will be doing what is called in law, overstepping and overreaching and there will be complaints raised against you for doing what the client has not instructed you to do. The allegation that Mr. Chebukati and his law firm did not do for the City Council what they should have done cannot be raised and cannot lie.

I have also looked at the curriculum vitae of the other proposed commissioners for this Commission and I do not see a problem. These are qualified people. These are Kenyans. Kenyans and my brothers in this August House, I beseech you, when we are looking at these things, let us look at them remembering that all of us have interests. All of us come to this House to represent different interests. As you fight for your own interests, we must remember that other parties and people in this House also have interests. Their interests are not any lesser than yours. Your interests are not superior to those of that person.

Looking at the requirements of the law for the qualifications of commissioners in this country, I see that the commissioners that have been proposed are all qualified. I beseech the House and ask my brothers and sisters in this House that we approve these people so that they can embark on the job that is before them. There is a great job before them. This country needs these people yesterday. Let us approve these people today so that they can do this work for Kenyans.

Hon. Members: Put the Question!

Hon. Speaker: Hon. Members, it looks like everybody wants me to put the Question.

Hon. Members: Yes!

Hon. Speaker: When you say Nairobi County has not spoken, how does it speak? It could be the County Assembly of Nairobi. In fact, Vihiga County has not spoken. Let me hear Hon. Charles Gimose.

Hon. Gimose: Thank you, Hon. Speaker.

Hon. Speaker: There are two sides of the House.

Hon. Member: Hon. Omulele is from Vihiga County!

Hon. Speaker: There are two sides of the House.

Hon. Gimose: Hon. Speaker, I will take a second in view of the mood of the House. I support the nominees as indicated. I was in the Departmental Committee on Justice and Legal Affairs that vetted the nominees. The nominees were well oriented in terms of space and intelligence. They were very good. I, therefore, support the Motion.

Hon. Speaker: Let us have the Member for Kibra. Be similarly brief.

Hon. Okoth: Thank you, Hon. Speaker. As the Member for Kibra from the great Nairobi County that has 17 constituencies, I rise to support this list. I want to put it on record that the list is properly done. It reflects a gender balance among the six commissioners. The Chair is a person of integrity and experience as has been evidenced by other Members. I am excited because the list also represents people from different backgrounds of the country, including a younger person, somebody almost my age from Marsabit County. I was very delighted to see that younger people are getting in Government.

I was really determined and hoping I would catch your eye today because for me education is important. When I looked at this it reminded me of a time in the 80s when we were constantly told *someni vijana, mwisho wa kusoma mtapata kazi nzuri sana*. Young people, please take your education seriously. At the end of your education, you shall reap rewarding opportunities. Looking at the qualifications of these people, it shows that they are people who have really paid attention to their education. I can see someone with a Bachelor of Laws from the University of Nairobi.

Hon. Speaker, I see somebody here with Doctor of Philosophy, Moi University, Master of Arts, Ukrainian, Kyiv University and another from Uppsala University. These are points worth mentioning because many young people in this country think that we are in the age where you can get shortcuts and second rate degrees. I tell our young people to pursue education to the highest level. One time the country shall call upon them and we will need them with their education and exposure to serve it.

With those few remarks, I beg to support and pray that this House may note that recently we have been passing important appointments that must be passed by this House, but it seems that there is an endangered species of people, the marginalised Luo community whose Members are not being mentioned here anymore. I hope as people like Hon. Gichigi celebrate that the Jubilee Government is magnanimous in appointing people from the former Western Province, they start seeing that magnanimity when you start mentioning names of people like Okoth, Ochola, Ochieng' and Otieno so that we see that magnanimity. I know it is very good you have Rachel Omamo as the Cabinet Secretary for Defence, a very key portfolio, but I hope you mention even more.

The records show, and we are a house of records that those names have not been coming here. It stopped at Rachel Omamo. Please, give us some more, Hon. Gichigi. Listen and consider. Otherwise, you are telling the young Luo people that as we urge young people to study, if you are a Luo your name betrays you and you will never be appointed, which causes fear.

With those few remarks, I beg to support and I hope the commissioners will do a great job on 8th August to deliver for us credible, free and fair elections.

God bless, thank you.

Hon. Speaker: Hon. Member for Tinderet, be brief like the Hon. Member for Kibra.

Hon. Melly: Thank you, Hon. Speaker. I rise to support the list. I thank the Departmental Committee on Justice and Legal Affairs and the President, more so in appointing these great men and women of Kenya.

Hon. Speaker, I want to thank the President because if you look at the list, as opposed to what the Hon. Member has just said, there is no member from Central Kenya, which shows his magnanimity as the leader of this country. He has shown that this commission can be led by members from other communities and other parts of this country.

I also want to indicate that the members who have been appointed, from the Chairperson down to Consolata, are men and women of integrity. I urge my colleagues that we support the appointment of all these commissioners who will oversee a credible, fair and transparent general election in August.

I want to note Members such as Mr. Boya Molu, who is very young, are actually giving the Commission a blend in terms of age. If you look at one Ms. Margaret Wanjala, who was a teacher, she indicated that even members of other professions, not only the legal profession, can qualify and be part of this Commission.

I also want to note that Mr. Wanyonyi Wafula Chebukati as a chair has a lot of experience in the legal profession and as a Kenyan. We trust and believe that he will give us one of the most credible elections in this country.

Thank you. I support.

Hon. Speaker: Member for Kwanza.

Hon. F.K. Wanyonyi: Hon. Speaker, I think, you have just mentioned my name. I want to take this opportunity to say---

Hon. Speaker: I have not mentioned your name. I have said Member for Kwanza.

Hon. F.K. Wanyonyi: Mr. Chebukati is somebody I know and I want to assure this House that he is up to the task. If you look at the pledges he had made, for the benefit of this House, one is that he is going to undertake an audit and clean the register after the next mass registration. He is up to the task. I assure Members that I come from Trans Nzoia and Mr. Chebukati comes from there, in Kiminini sub-county and he is somebody who is very perfect and focused. Therefore, I want to assure the Members that as it is now, from what you have seen, he is going to lead a very good team. All the Members of the Commission have pledged to give us a fair and credible election. Looking at the qualification, I have no doubt that we are going to have a very fair and credible election. I do believe that the fear that some of us had in the beginning is going to be erased.

I support.

Hon. Speaker: It is a constitutional requirement to give the elderly a chance. Hon. Elmi.

Hon. Elmi: Hon. Speaker, thank you very much for giving me this opportunity. A lot has been said about the membership and how competent they are. I, therefore, support the Members as they are. I want to speak to Kenyans especially the political class. Kenyans have never missed competent people to be brought into office. We always bring them down immediately. We do it for political reasons. Kenyans must stand up and support these able Kenyans. Therefore, we should stop rubbishing each other. Elections in Africa are the things that bring down countries. Without our support to the electoral Commission, we are bringing ourselves down. This is a new group, negotiated, from the streets. Let us believe in them, give them the benefit of the doubt and let us stand up with them.

Thank you. I support.

Hon. Speaker: Member for Rarieda.

Hon. Member: Gender!

Hon. Speaker: Who is this talking about *chender* again?

(Laughter)

Hon. (Eng.) Gumbo: Thank you, Hon. Speaker. I want to make it quick. I want to thank the Committee for working under very difficult circumstances. But the impression one gets is that because of the time constraints, the Committee did not take a whole look at the entire electoral environment. I would have thought in a report such as this, the Committee would have mentioned, for example, what they are doing to make sure that all the agencies that make sure we have free, fair and safe elections are involved. For example, I noticed that the Committee did not mention anything, for example, the role of Foreign Affairs in ensuring the registration of Diaspora voters. The Committee did not mention what they are doing to make sure that there is adequate preparedness to the national security organs in maintaining law and order before, during and after the elections especially considering the emotiveness of elections.

I also noticed that the Committee did not make any comment on the controversial issue of what still appears to be selective issuance of ID cards in our country. The other issue that I did not see the Committee mentioning, I know it is happening and the courts have talked about it, is the level of preparedness of our court system in adjudicating electoral disputes. Members have spoken. We have to agree. I speak here as one of the people who is least bothered by ethnicity. All politics is local. When we go back to our communities, people ask us questions. Recently, when I was at home, an old man who went to Makerere in the 1960s asked me a question. I have to answer him because I am his representative. How come that certain parts of this country do not seem to find their way into these commissions? I am just relaying what he asked me. He asked me how it is possible that the community which gave America its first black president; the community which gave East Africa its first black professor; the community which gave this country its first Vice-President; the community which gave this country its second Prime Minister; the community which gave this country its first black lawyer; the community which gave this country its first black surgeon and most importantly for you, Hon. Kajuju, the community which gave this country its first female elected Member for Parliament, cannot find a representative in three successive electoral commissions? This is my community! We have to speak about it.

(Loud consultations)

All politics is local and we have to talk about it!

Merit has to count. In the report prepared for the last electoral commission that is going out, Mr. Okomi Aruwa was number three but he was not considered. Everybody else including number 13 was considered. In the report that we are debating now, Mr. Aura has not been considered. We must talk about these things. When merit is thrown out of the window, oligarchy, kleptocracy and kakistocracy set in a society.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, it looks like I may have to accede to the request by Hon. Asman Kamama to call upon the Mover to reply.

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

Hon. Baiya: Thank you, Hon. Speaker. I want to assure Members that I will only speak for a minute. I want to thank all Members for their contributions, particularly those who supported the Motion. I want to underscore that this was an approval Motion. We did not deal with election issues. I want to note the concern of Members with regard to the team's capacity to conduct and deliver free and credible elections. From the mix of skills and the diversity of the areas that these people come from, we have no doubt that this team has a lot of competence and will be very focused in terms of delivering free and fair elections. With the kind of experience that we have given to the past institution, they have no option but to deliver and safeguard their reputation. I want to urge the Members to support this team bearing in mind that we are the first point of stakeholders. They need support from us and other political parties so that we can assure the country of free and fair elections.

With those few remarks, I beg to move.

Hon. Speaker: Leader of the Majority Party, let us first do this one, then the rest can follow.

Hon. Members, I have confirmed that the House has quorum for purposes of me putting the Question, which I hereby do.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, that concludes the Business for today. The House is to rise and stands adjourned until Tuesday, 24th January, 2017 at 2.30 p.m.

The House rose at 7.20 p.m.