QUESTIONS.

Date: 2\textsuperscript{nd} August 2011
Member of Parliament: Hon. Martha Karua

Contribution she made on: Number of Kenyans working in UAE

She asked the Minister for Foreign Affairs:-

a) The number of Kenyans working in the United Arab Emirates.

b) Whether he was aware that many Kenyans in Dubai area were being denied work permits since some time in 2010.

c) What he was doing to address the situation.

- She noted that close to 100,000 Kenyans in the UAE were supporting the economy by their remittances.
- She added that there was a diplomatic row towards the end of 2009 when a Prince was mishandled in Mombasa Kenya and since then Kenyans were been having problems with visas.
- She sought to find out what the Ministry was doing to ensure that the matter was concluded so that Kenyans working there are not denied extension of their permits as was happening and why the Ministry had not concluded the bilateral agreement.
- She noted that in order to protect their nationals, other countries have agreements on salaries, standards, policies on the treatment of their workers and ratified contracts and asked the Assistant Minister to give a timeframe as to when Kenya would conclude negotiations in order to protect her nationals and state when he would repatriate the girls in a camp in Riyadh.
- She added that apart from the Counter-Trafficking in Persons Act, there are United Nations (UN)
- Conventions with provisions against slavery. These UN Conventions can guide on the agreements that the Government may make hence there should be no excuse for not expediting the matter.

Date: 2\textsuperscript{nd} August 2011
Member of Parliament: Hon. Sophia Abdi Noor

Contribution she made on: Number of Kenyans working in UAE

- She informed the House that officially, the Ministry of Youth Affairs and Sports does job placements in the UAE and other places and sought to find out what the Ministry of Foreign Affairs was doing to co-ordinate the Ministry of Youth Affairs and Sports and the Ministry of Labour, so that it can have concrete data and officially communicate to the UAE and other countries.
Date: 2nd August 2011
Member of Parliament: Hon. Millie Odhiambo-Mabona
Contribution she made on: Number of Kenyans working in UAE.

- She noted that the Assistant Minister for Foreign affairs was not in order by asking Parliament to pass a law to provide for all that the Government was to do last year when she brought to the House The Counter-Trafficking in Persons Bill, which was passed and to which the President assented.
- She added that the Ministry was not implementing it because the Act provides for a coordinating unit which was not operational.

Date: 3rd August 2011
Member of Parliament: Hon. Shakila Abdalla
Contribution she made on: Issuance of title deeds in Lamu County

She asked the Minister for Lands:-

a) When the indigenous land owners in Lamu County would be issued with title deeds.
b) Whether he was aware that there was only one surveyor and two assistant surveyors in the whole county.
c) What plans the Ministry had to increase the number of staff in order to cope with the volume of work.

- She was concerned that there was no commitment from the Ministry despite the fact that there is a port which is coming up in Lamu and the indigenous people of Lamu are losing their land to foreigners.
- She added that she wanted a commitment from the Ministry as to when the exercise would be completed because the people of Lamu did not wish to have settlement schemes and would want land adjudication to be done on their ancestral land.
- She noted that currently, there was a new settlement scheme which was being established in Lamu and added that it is a Government policy that when you establish a settlement scheme in any area, you give a certain percentage to the local people.
- She sought to find out what measures the Ministry had taken to ensure that another settlement scheme comprising of “tractors” was not established at the expense of the indigenous landless citizens of Lamu.

Date: 3rd August 2011
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: Issuance of title deeds in Lamu County

- She noted that the problems of land in Lamu were much wider and suggested that the question be referred to the Departmental Committee on Lands and Natural Resources to avoid another settlement scheme that overlooks indigenous persons.
Date: 3rd August 2011  
Member of Parliament: Hon. Millie Odhiambo-Mabona  
Contribution she made on: Issuance of title deeds in Lamu County  
- She requested the Assistant Minister to find out if there was a scheme which was being set up, so that he can stop it with immediate effect is because it would result into another set of historical injustices by not addressing the past ones and creating new ones.

Date: 9th August 2011  
Member of Parliament: Hon. Charity Ngilu  
Contribution she made on: Construction of Damat rivers Athi/Thwake intersection.  
She answered that;  
    a) She was aware that there is a big potential for a large multi-purpose dam at the intersection of Athi River and Thwake River.  
    b) After identifying the intersection of Thwake and Athi rivers as a potential dam site, the Ministry undertook design of the dam in 2008 and thereafter moved to identify potential financing sources. In this regard, the Ministry through the Treasury submitted a project proposal to the African Development Bank (ADB) for funding.  
- She added that the ADB considered the project and accepted to fund it to a tune of Kshs7 billion. An appraisal mission from the Bank will be visiting the country to appraise the project in March 2012.  
- She added that the project will provide water for irrigation, electricity generation and domestic water supply for many areas including Mavindini/Kathunima in Makueni and even the proposed ICT village in Makueni and Machakos.  
- She informed the Members that wherever the Ministry gets land to do projects, first and foremost, people are involved. They are informed and told of what is expected of their land and they are compensated according to the laws of the country.  
- She added that it is a policy of the Ministry of Water and Irrigation to ensure that wherever they get water to give other people, they must ensure that they give water to people in the areas over and above compensating their land.  
- She added that if the Kanyangi people are not included as part of those who are supposed to be given water from that particular dam, they will get another source from within the area. It may be boreholes or other smaller water pans. They may not get water, but they might get electricity because electricity will be generated from that dam.
Date: 9th August 2011
Member of Parliament: Hon. Millie Odhiambo-Mabona
Contribution she made on: Ratification of optional protocol on convention of rights of the child.
She asked the Minister for Gender, Children and Social Development:-

a) Whether Kenya had ratified the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography and, if not, when the Government planned to do so.

b) What the Government was doing to deal with increased cases of child pornography and prostitution in the country

- She added that Article 2(6) of the Constitution does not require the government to have ratified the protocol.
- She noted that many children are subjected to pornographic materials in cyber cafes, especially in rural areas and sought to find out what the Ministry was doing to work with the Film Censorship Board under the Films and Plays Act, together with the police to ensure that children are protected from accessing pornographic materials.
- She asked the Assistant Minister to inform the House when the Government intended to come up with a comprehensive policy on issues of child pornography and prostitution in the country as it wait for the ratification of the treaty.

Date: 9th August 2011
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Ratification of optional protocol on convention of rights of the child.

- She noted that the issue of child pornography in the country is meant for the international market.
- She added that a few weeks ago, the American investigative services, or the government, bust a ring of child pornography and Kenyan children were cited on that pornography.
- She asked what the Ministry was doing to ensure that they work together with Interpol because child pornography in Kenya is really for the international market.

Date: 9th August 2011
Member of Parliament: Hon. Sophia Abdi Noor
Contribution she made on: Ratification of optional protocol on convention of rights of the child.

- She reminded the Members that they passed the Counter-Trafficking in Persons Act, 2011, which largely deals with child trafficking and prostitution.
- She asked the Assistant Minister to inform the House what his Ministry was doing in order to implement the Act.
Date: 10th August 2011
Member of Parliament: Hon. Sophia Abdi Noor
Contribution she made on: Upsurge of street families in Nakuru.
- She noted that the Social Protection Bill is a very important Bill that will address issues affecting street children, senior citizens, orphans and vulnerable children and the larger society.
- She sought to find out when the Ministry of Gender, Children and Social Development would finalize the Bill and take it to the House for debate.

Date: 10th August 2011
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Upsurge of street families in Nakuru
- She sought to find out if the Assistant Minister for Gender, Children and Social Development was aware that increase of street children in Nakuru and many other urban centres was as a result of post-election violence which led to the issue of IDPs.
- She asked if he was working with the Ministry of State for Special Programmes, the Office of the Deputy Prime Minister and Ministry of Local Government because the issue of street children involves these Ministries.

Date: 10th August 2011
Member of Parliament: Hon. Maison Leshoomo
Contribution she made on: Funding of Youth Programmes.
- She informed the Minister for Youth Affairs and Sports that there are some regions especially Samburu that have a shortage of youth polytechnics.
- She added that the shortage was due to the taking over of polytechnics by the churches.
- She asked what plans the ministry had to reclaim the polytechnics and to establish others for the benefit of pastoralists.

Date: 10th August 2011
Member of Parliament: Hon. Sophia Abdi Noor
Contribution she made on: Number of medical personnel posted to the North Eastern Province.
She asked the Minister for Medical Services:-
   a) Whether he could table a list of medical doctors, dentists and pharmacists who had been employed in the country since January 2009.
   b) The number of each category that have been posted to North Eastern Province.
Date: 17th August 2011

Member of Parliament: Hon. Shakila Abdalla

Contribution she made on: Issuance of title deeds in Lamu County.

She asked the Minister for Lands:-
   a) When the indigenous land owners in Lamu County would be issued with title deeds.
   b) Whether he was aware that there is only one surveyor and two assistant surveyors in the whole county.
   c) What plans the Ministry had to increase the number of staff in order to cope with the volume of work.

Date: 23rd August 2011

Member of Parliament: Hon. Martha Karua

Contribution she made on: Irregular acquisition of Kerugoya District Hospital land.

She asked the Minister for Lands:-
   a) Whether he was aware that land parcel no. Inoi/Kerugoya/250/275, measuring 0.527ha belonging to Kerugoya District Hospital had been irregularly acquired.
   b) What the Minister was doing to halt the ongoing construction on the parcel and restore the land to the hospital.
**QUESTIONS PRIVATE NOTICE**

**Date: 10th August 2011**  
**Member of Parliament: Hon. Rachel Shebesh**  
**Contribution she made on: Ministry’s refusal to award a scholarship to Ms. Mugure Thande.**

She asked the Minister for Energy:-

a) Why the Ministry declined to award a scholarship to one Ms Mugure Thande who had been admitted to pursue a PhD in Oil and Gas Law at the University of Aberdeen, Scotland, from the Trust established under the provisions of Section 11 of the Petroleum (Exploration and Production) Act, Cap 308.

b) The measures that the Minister will take to ensure that the applicant is considered to enable her pursue the studies which commence in October, 2011.

- She added that the Petroleum (Exploration and Production) Act, Cap.308 states that any Kenyan citizen is eligible for these funds”. These funds have been set aside to help develop expertise, which we do not have. It clearly says that “any Kenyan citizen” can apply for these funds so the issue of her not working in the Civil Service hence not eligible for the scholarship should not arise.

**Date: 25th August 2011**  
**Member of Parliament: Hon. Maison Leshoomo**  
**Contribution she made on: Rehabilitation of Mosoriot-Chepterwa road**

- She informed the Assistant Minister for Roads that the Maralal- Baragoi road was impassable making it impossible to distribute relief food to the affected residents.

- She urged the Assistant Minister to give consideration to all roads and especially those badly damaged.
BILLS

Date: 2nd August 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: Political Parties Bill, 2011 (second reading).

- She noted that the bill was in line with the new Constitution but was a poor attempt to implement it.
- She added that the Bill was a very poor copy of the current Political Parties Act. The Constitution in Article 91 requires political parties to observe gender equity and equality while the bill removed the safeguards in the existing Political Parties Act on issues of gender, where funding is tied to parties complying with the gender quota of one third. To have a Bill passed after the promulgation of the new Constitution removing those safeguards is an atrocity.
- She added that the Bill must provide for the mechanism through which this provision for gender balance will be achieved by requiring political parties, in the nominations list they take to the Registrar, to ensure that no more than two thirds of the candidates nominated to fight for political office are of the same gender.
- She noted that the decree that no more than two thirds of the lists that political parties will present of its nominees, shall be of the same gender would partly cure the anomaly that now exists on gender.
- She added that section 17 of the current Political Parties Act, which is now Clause 14, states clearly that if a Member of Parliament goes out to support other political parties, or their agenda, he will be deemed to have resigned from his political party. That decision should not be left to the registrar who can become a tool of one political party.
- She suggested that appeals on matters of law such as deregistration of a political party should go beyond the High Court, and to the Supreme Court because it affects freedom of association; the political freedom articulated in the Constitution.
- She noted that clause 10 on merger of political parties is a phenomenon that is unknown to the civilized world. The object and purpose of forming a political party is to capture political power through the ballot, and be able to implement policies and run the country using policies of that party. It can never be the object of a political party to form coalitions hence defeats common sense why there is a clause on mergers. Coalitions are actually known to come after elections, after every party has exhausted itself in an attempt to capture political power and then it finds, on the finishing line, that it does not have enough.
- She stated that the work of the Registrar cannot be merely to manage the funds. It must be to manage and distribute. She preferred the words in the old Act “administer the fund” because it incorporates more than managing it. The Registrar must manage and distribute the fund in accordance with the law.
On the distribution of the funds, she noted that a party that does not garner at least 5 per cent of the national vote should not qualify for funding. That is what is done in other jurisdictions, and that will discourage formation of parties which hope to just come and get money from the political parties' kitty.

She noted that the party offices can be constructed or purchased with the Political Parties Fund. A party without offices, a party without a secretariat is a party without governance. If this Fund indeed is aimed at strengthening democracy through the parties, the administrative expenses should be left at 25 per cent. If a party does not need it, it can use as little as 10 per cent.

She noted that Clause 35 has a provision for creation of a Liaison Committee. A criterion should be set to begin with for membership of this Committee, the participation of parties; the threshold and spell out functions. There is no need of elevating an informal committee to the status of the Act and not give it the direction that it will take.

Date: 10th August 2011
Member of Parliament: Rachel Shebesh
Contribution she made on: The Kenya National Human Rights Commission Bill (second reading).

- She supported the Motion and noted that the House had discussed the viability of having these Bills come as three Bills, two or even one.
- She noted that the consensus in Mombasa was that there should be two Bills, one for the Kenya Human Rights Commission, and one for the Gender Commission.
- She added that the Constitution has already put in place the Kenya National Human Rights and Equality Commission hence Parliament was using another provision within this Constitution to then break up this bigger body into smaller Commissions whose mandate is still constitutional. Most importantly, it is not to negate the gains that women have gotten over the years; specifically issues of separating the Human Rights Commission with the Gender Commission.
- She noted that the Kenya National Human Rights Commission had done excellent work and added that the Constitutional Implementation Oversight Committee (CIOC) was looking at the two bills.
- She added that CIOC would bring substantive amendments to these Bill. However, the lack of substance in the Bill does not negate the importance of the Bill.
- She added that the Kenya Human Rights Commission which will now be reporting to Parliament should be given the due recognition that it deserves. For the Commission to report to Parliament, it means they are reporting to the people of Kenya, rather than to the Executive.
- She recommended that the Commissions should go back to the number of commissions that is recommended in the Constitution.
She suggested for ten years experience for the Chair and five years for the other Commissioners to give more opportunities to the youth.

Date: 10th August 2011
Member of Parliament: Dr. Naomi Shaban
Contribution she made on: The Kenya National Human Rights Commission Bill (second reading).

- She congratulated the Minister for Justice, National Cohesion and Constitutional Affairs for having thought it prudent to restructure the Kenya National Human Rights and Equality Commission as envisaged in Article 59 of the new Constitution.
- She added that on 27th August, 2010, when the new Constitution was promulgated, the Kenya National Human Rights and Equality Commission automatically came into place while The National Gender Commission became unconstitutional at that time.
- She noted that now Parliament has been given powers through Article 59(4) to restructure that body, so that it can operate fully on the mandate it is going to be given.
- She noted that the bill came in at a time when the Kenya National Human Rights commissioners, prior to the promulgation of the new Constitution, had done a lot of work. They are internationally recognized and added that Article 59(4) now allows parliament to strengthen what they were already doing prior to the promulgation of the new Constitution.
- She noted that The Kenya National Human Rights Commission already has so much on its hands, as per the new Constitution. So, the right way to go is to have the two Commissions in place, so that they can carry out their work as mandated in the new Constitution.
- She added that it is important to note is that apart from the universal periodic reviews that the Kenya National Human Rights Commission will continue to do, as they were doing prior to the promulgation of the new Constitution, they will also start making Parliamentary Reports.

Date: 16th August 2011
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: The Political Parties Bill (Committee of the whole House).

- She noted that the committee had agreed that coalitions be formed after an election if a party does not garner enough seats.
Date: 16th August 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: The Political Parties Bill (Committee of the whole House).

➢ She noted that the freedom of association is in the constitution and must be upheld. However, the Constitution does not define it and the proposed Bill did not either.

➢ She noted that the current Political Parties Act defined it as an association of like-minded people for purposes of capturing political power. If such an association then comes together in an alliance before the elections, they have lost the will to capture political power long before elections. The place of such people, because they are entitled to their view under the Constitution, is to merge. That is what mergers are for.

➢ She noted that if before the elections, they felt that they are so much the same; they can merge to become one formidable unit to go to elections. Parties that want to survive go to the elections as they are and then after elections, if the party that has a majority does not have an absolute majority, it then courts the other parties, for a temporary union which is not a merger.

➢ She clarified that the freedom of association is protected in mergers before the elections, but after elections, there can be coalitions.

➢ She noted that mergers were for those who coalesce together before elections and let those who want to merge do so.

➢ She added that the reason for having a Political Parties Act is to whip parties to nurture democracy. If parties have the same ideals, they have no basis of existing separately. So, let those who come together earlier merge and those who want a short term coalition for purposes of “after elections”, have a coalition.

Date: 23rd August 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: The Political Parties Bill, 2011 (Committee of the whole House).

➢ She noted that it was necessary that the Office of the Registrar be audited to ensure that it uses public money in accordance with the rules and regulations and also in accordance with the Constitution. Therefore, this is a very important clause that brings the office under the scrutiny of the Controller and Auditor-General.

➢ She added that there should be clear procedures on how the holders of office are appointed in order to enhance the independence of that office.

➢ She supported the inclusion of new Clause 34(b) and noted that any violation of the constitution would be heard by a tribunal to conclude what constitutes a serious. This enhances, not just the independence of the Registrar, but the duty bestowed on the Registrar to faithfully follow the law and the Constitution of Kenya.

➢ She expressed concern that they were merely saying “officials of a party shall be authorized because there are officials who are senior and there are officials who are in the grassroots.
She added that the bill should be specific on which officials of the party shall be authorized to sign. It should be specific and give it to the chairperson of the party, the secretary-general or the authorized signatories of the party, hence use the term “authorized signatories”.

She added that the registrar of political parties should be is sworn into office and, therefore realize the gravity of the job before him/her.

She added that if Clause 17(4) (a) in particular is not saved, on either side of the Coalition Government, there will be people directly affected because there are political parties on both sides.

Date: 23rd August 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: The National Police Service Bill (Second reading)

She supported the Bill and congratulated Kenyans for passing the Constitution without which the Government would not have taken the Bill.

She added that the bill was well thought out and noted that it was revolutionary. For the first time, it was accepting the principle that within the appointments in the Police Force, not more than two-thirds of either gender shall be considered whether for recruitment, or for the top positions.

She was pleased that the command of the Police Force was in the hands of the National Security Council. The Police Force has finally been freed from political manipulation.

She noted that during the post election violence of 2007/2008, most Kenyans felt that they had lost control of the Police Force and some people blamed the Force in some areas for acting in a partisan manner.

She noted that the issue of human rights was in the police Bill and added that the country had gone through very hard times with extrajudicial killings where it is believed that over 2,000 young men have been killed by the police under the guise of maintenance of law and order. The Bill, for the first time, is helping us to instill in the Police Force a culture of human rights.

She added that Clause 95 prohibits torture hence every police officer recruited will know that torture is illegal. It is not just torture, but also inhuman and degrading treatment and has penalties for a police officer who unlawfully inflicts torture or subjects a citizen to inhuman and degrading treatment.

She added that the Bill also recognizes that police officers have human rights, just like everybody else and Clause 103 states that it is a serious offence to assault a police officer.

She added that cases of police officers who abuse power are addressed by the Bill. Other than politicians, other citizens can also corrupt police officers to abuse their powers and to punish their opponents. It is now a criminal offence for a police officer to abuse power. Any officer who acts contrary to the law will have this Act to answer to.
She added that the bill forbids Police officers from engaging in business that conflicts with their duties. Many police officers have matatus and who therefore, terrorize the other matatu business people because they want their matatus to get the business first.

She lauded the Bill for creating several institutions. The Bill has created not just a National Security Command, but also has envisaged an independent oversight authority for the police. That way, when police are accused of excesses, whether torture, unlawful killings or any other issue, it is not fellow police officers who will investigate them. Investigations now will be carried out by the Independent Oversight Authority.

She noted that there will be coordination between the Administration Police and the regular police because they will be under one Inspector-General hence there will be coordination between them and the Criminal Investigations Department.

She added that the issue of co-operation with foreign jurisdictions was very good feature because now there are cases seeking to extradite Kenyans to other jurisdictions. The courts are taking their time in making decisions, probably, because there is no clear guideline. This law now mandates the police to co-operate beyond the borders.

Date: 23rd August 2011
Member of Parliament: Hon. Linah Jebii Kilimo
Contribution she made on: The National Police Service Bill (Second reading).

- She supported the Motion but had an issue with Clause 115 because it stated that the Kenya Police Reservists (KPR) would be given allowances as may be prescribed.
- She added that in the first and second months something should be done because the KPR, currently in her constituency work on full time basis. This is why there is peace between her community and the Pokot.

Date: 23rd August 2011
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: The Ethics and Anti-corruption Bill (Second reading)

- She noted that the Bill had very good intentions because from the very beginning people wanted to have a very strong Ethics and Anti-Corruption Commission but PLO Lumumba had removed that not only from Members minds, but also from Kenyans.
- She added that opinion polls showed that Kenyans did not have confidence with the work that the current Director of KACC was doing.
- She added that those appointed to an office should be people capable of doing the work, they are committed and do not need money as an incentive to do their works.
- She added that the country had put a lot of confidence and trust in fighting a big monster called corruption in an individual who had not only let Parliament down but also the whole country.
**Date: 23rd August 2011**

**Member of Parliament: Hon. Charity Ngilu**

**Contribution she made on:** The Ethics and Anti-corruption Bill (Second reading)

- She supported the bill and noted that the new Ethics and Anti-Corruption Commission would be created knowing that the Kenya Anti-Corruption Commission (KACC) had let Kenya down.
- She was concerned that the body that was formed to do a good job had been misused to settle political scores and hoped that the new law would create a watertight law that will certainly ensure that what the body is supposed to do is done.
- She added that Kenyans starting from the villages should be educated on certain values, create awareness and make people know that they can get services without having to bribe or even to give anybody money.
- She was happy that the bill did not allow the same body to investigate and prosecute because they can abuse those powers. If the current person who is sitting as the Director was going to be given those powers, I do not think there would be anybody sitting in this Parliament.
- She added that officers in those offices should be closely monitored, ensuring that they follow the terms of reference given to them.
- She informed the House she wrote a very good report to the Director of Kenya Anti-Corruption Commission that somebody in her Ministry of Water and Irrigation was about to steal Kshs652 million from the Ministry and sent documents for Kshs430 million. The director however had not even written one letter asking them to go forward or even started investigations.

**Date: 24th August 2011**

**Member of Parliament: Hon. Maison Leshoomo**

**Contribution she made on:** The Commission and Administrative Justice Bill (Second reading)

- She supported the formation of the commission and noted it would be crucial in decentralizing services to reach to all parts of Kenya.
- She noted some commissions only offer services to the cities of Nairobi, Mombasa and Kisumu hence do not reach out to the rural communities.
- She was concerned that the qualifications for one to get a job with the commission was degree and masters would lock out many Kenyans because not everyone has that level of education though they are capable of taking up the responsibilities.
- She added that members of the commission should be representative of all the ethnic communities in Kenya and not just a few.
Date: 24th August 2011  
Member of Parliament: Hon. Rachel Shebesh  
Contribution she made on: The Commission and Administrative Justice Bill (Second reading).

- She supported the Bill and noted that the Minister for Justice, National Cohesion and Constitutional Affairs did not do justice to the Bill as he was moving it.
- She noted that from the very beginning, they were of the opinion that the Kenya National Human Rights and Equality Commission that had already been set up should only be split into two commissions. The agreement to bring on board the third commission was because of its functions that Kenyans have really never understood.
- She noted that the commission will be answerable to another Ministry unlike the Kenya Human Rights Commission and suggested that it should be answerable to the Ministry of State for Public Service because of the work that the commission will do.
- She recommended that there should be proper public awareness on the commission so that Kenyans are aware of its existence and functions it performs.
- She suggested that there should be able a provision where parliament can relook into some of these commissions after a few years, and see whether we can go back to having one commission that can do all the work. There should be a provision that if it achieves its goals within a certain period of time, let us say ten years; the House can review the necessity of all these commissions.
- She noted that adding a requirement that people have to have 15 years experience to work for the commission would mean creating jobs for retirees and not for the young people who are not yet employed in this country.
- She added that the qualification of ten years in the related field may lock out very good people because it would deny some people opportunity to serve this country and added that the parameters should be open to other professional and not just lawyers because it has been proven that experience at work and a good track record is what is needed.
- She was concerned that the selection panel consisting of members from the Office of the President, Office of the Prime Minister, Ministry responsible for matters relating to justice, Public Service Commission, Association of Professional Scientists, Kenya Private Sector and National Council would lock out other professionals from outside the Government. There must be other bodies that are more representative of the general public, especially the civil society.
Date: 24th August 2011  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: The Elections Bill (Second reading).

- She supported the Bill and urge that the Electoral Commission be given powers to impound any item of Government resources being used by a political candidate.
- She added that Article 47 on recall should include a clause saying that those who stood against you in the last election, and those who have publicly declared that they want to vie, must not participate or support a recall. Otherwise it will be a general election all the time.
- She suggested that there should be a provision that one must have at least, half of the registered members of the constituency voting to get a member out to stop malicious orchestrations.
- She noted that the bill was criminalizing or over-legislating on defamation law. If everything is criminalized, that means that one cannot even criticize their opponent without being penalized by the commission.
- She added that there are adequate defamation laws and any person aggrieved can go to a court of law and suggested the removal of clauses that impede competitive politics and that will operate as gags so that one does not criticize their opponent or even accuse them of embezzlement where there are reasonable grounds.
- She noted that clause 72 outlawed propaganda by stating that one cannot give a loud speaker or any other instrument to their campaigners lest they are accused of issuing propaganda remarks. That is something that can be taken care of by other laws. There should not be clauses that restrict Freedom of Speech. Anybody who is aggrieved can go to court.
- She suggested that clause 27 on fund raising must be amended to read: “Except when the candidate is fund raising either for the party or for his own or her own election.” because it can also outlaw fund raisings for a person’s own elections.
- She added that article 60 on the penalties for offences should include banning those engaged in them for 10 years out of public service, on top of the jail sentence.
- She added that the issue of registration can be put in the Citizenship Bill and order that records by the Registrar of Persons with regard to births and deaths be electronic and be synchronized with the electoral role so that it can be known when a person is born and when a person exists this world without having occasional clean ups of registers.
- She added that the Registrar of Political Parties must act as a Whip so that where members are aggrieved, there is swift justice.
- She added that it was members of political parties who sleep on their rights and do not take their leadership to task or follow the constitution of the parties. Unless Members, invest in political parties they shall forever be complaining of what has happened instead of being proactive.
Date: 24th August 2011  
Member of Parliament: Hon. Sophia Abdi Noor  
Contribution she made on: The Elections Bill (Second reading).

- She supported the bill and noted that registration of voters is supposed to be continuous and opposed having the registration twice in a year and make sure mass registration of voters is done all over the country. This is the only way people can be given chances to register themselves particularly where the geographical coverage is so large that people cannot come to urban centres to register themselves.
- She noted that the bill was unconstitutional because it did not cover the two-third principle.
- She added that Article 27(3) of the Constitution is very clear on this and says “Women and men have a right to equal treatment, including the right to equal opportunity in political, economic, cultural and social spheres”.
- She added that the Bill had not captured Article 27(8) of the Constitution which says that “In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that no more than two thirds of Members of elective and appointive bodies shall be of the same gender”.
- She added that Article 81 of the constitution was very clear but the principle was not captured in the election Bill and would make women organizations can go to oppose the bill.
- She added that the right of recall should have its own Bill because it is very crucial.
- She added that the political nomination of candidates should be the same day because when Political parties have nominations on different days can cause a lot of confusion.

Date: 24th August 2011  
Member of Parliament: Hon. Prof. Margaret Kamar  
Contribution she made on: The Elections Bill (Second reading).

- She supported the bill and noted that children are being born every day and are turning 18 years continuously hence registration should be done on a continuous basis.
- She urged the Minister for Immigration and Registration of Persons to realize that for the continuous registration and updating of the register, people must have identity cards issued in tandem.
- She urged the cabinet to look at ways of ensuring that the nomination of women to meet the two thirds rule is not unconstitutional.
- She noted that Article 177(1) (b) of the constitution was very good in providing for special seats to ensure that not more than two-thirds of the county representatives are of one gender.
- She noted that the Bill of Rights states that a person cannot be forced to elect whoever they do not want and added that clause 14(1) of the bill on the nomination of candidates
should be amended so that every political party can be measured by producing one-third of the candidates from each gender.

- She added that the constitution states that there must not be more than two thirds of members of an elective body should be of the same gender hence for a political party not to be violating the law, it should ensure that the products that they bring to the House are in agreement with the Constitution.

**Date: 24\textsuperscript{th} August 2011**
**Member of Parliament: Hon. Elizabeth Ongoro**
**Contribution she made on: The Elections Bill (Second reading).**
- She supported the Bill and noted that clause 36 which requires political parties to submit their party lists before nomination was vague because it stated that at least before nomination hence a political party could choose to give its party nomination list a day before nomination.
- She added that clause 40(3) cannot leave the determination of the order and manner in which elections results will be relayed to the Commission.

**Date: 24\textsuperscript{th} August 2011**
**Member of Parliament: Hon. Linah Jebii Kilimo**
**Contribution she made on: The Kenya Citizenship and Immigration Bill (Second reading).**
- She congratulated the Minister of State for Immigration and Registration of Persons for tabling the Bill before the House.
- She was particularly happy with the dual citizenship because women are more global than men and get married across the seas.
- She added that many Kenyan girls who are married to foreigners had greatly suffered because of the issue of citizenship.
- She added that it was painful for people returning home only to reach at the airport and be told that they can access Kenya but their children would have to wait and look for visas.
- She noted that no timeframe was captured in clause 10 on where the committee might not give an investor an investment permit on how long the appeal should take. Here, we are talking about making it easy for investors to come to this country.
- She noted that since the judiciary is anticipated to be very efficient Judiciary, it should be given maybe 14 days or 30 days because the committee was given 45 days and 90 days.
Date: 24th August 2011  
Member of Parliament: Hon. Sophia Abdi Noor  
Contribution she made on: The Employment and labour relations court Bill (Second reading).

- She informed the House her committee of Labour and Social Welfare together with the Minister for Labour and his staff, the Federation of Kenya Employers and the trade unionists went through the Bill and agreed on some amendments to be moved particularly on the title of the Bill.
- She informed the House that they looked at the best practices all over the world to see how the industries and workers will do in the future and agreed to amend the title and call it “Industrial Court.” This is what happens all over the world and we should not be left behind as a country.
- She added that building industries start with everything and the co-operative movement is one of the industries that we would like to empower and put in the right perspective.
- She added that clause 3(1) on adding affordability in a bill targeting the employers and employees and one that seeks to improve the status and situation in this country would cause a problem.
- She suggested an amendment by removing the word “affordable” so that whenever a dispute arises and an award is given, Kenyans themselves will judge and see what is in the best interest for that award to be given to anybody.
- She added that leaving Clause 32 without amending it would imply that all the Judges and staff that are already serving in that Court would be dropped hence advertize and new people will come on board. The Bill should be amended so that the Judges and the staff who are already serving in the Industrial Court go through the process of vetting like any other Kenyan so that they can be given an opportunity to serve the industry.
- She suggested an amendment on clause 8, which talks about a Registrar of a court. This clause implies that the Registrar of the court, whenever he or she is not present, he or she is supposed to go and ask for permission from the Chief Justice. Because there is a Registrar and two deputies, responsibility should be delegated and give to the most senior person who follows the Registrar so that, that person can take over the responsibility instead of referring every other day the issues of the Industrial Court and the Registrar to the Chief Justice.

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Date: 24th August 2011  
Member of Parliament: Hon. Elizabeth Ongoro  
Contribution she made on: The Environment and Land Court Bill (Second reading).

- She supported the Bill that establishes the Environment and Land Court.
- She noted that clause 3 helps to deal with the backlog of the various land cases that are lying in the courts and also to help to find time to deal with the challenges due to the various offences that have been committed either by individuals or organizations on matters concerning land issues.
She was impressed with Clause 13, which gives the jurisdiction of these courts. Article 13(2)(a), states “In exercise of its jurisdiction under Article 162(2)(b) of the Constitution, the Court shall have power to hear and determine disputes relating to environment and land, including disputes relating to environmental planning and protection, trade, climate.

She noted that there is a provision which is now going to involve the public by which their opinions will be listened and factored in when it comes to matters of land planning who are the end users of all land planning activities process which is enshrined in this Bill.

She noted that there were guiding principles especially under Clause 18(a) (i) which will be dealing with disputes relating to the environment and land. It says that in exercising its jurisdiction under the Act, the courts shall be guided by the principles of public participation in development of policies.

She noted that the most impressive provision was on the guiding principle of polluter pays. For a long time, the poor man in this country and elsewhere has been made to bear the burden of multinationals that mint money on our own land.

She noted that multinationals establish their operations, pollute our environment and land yet they do not undertake to give back to the community, or to even act responsibly by paying for the damage caused. Ironically, all the negative effects of such activities are borne by the poor within our environment. With the enactment of this Bill and this court, this kind of action will stop henceforth.

Date: 24th August 2011

Member of Parliament: Hon. Martha Karua

Contribution she made on: The Environment and Land Court Bill (Second reading).

- She supported the bill and noted that the National Environment Management Authority (NEMA) in terms of enforcing the Act was a total disappointment hence the court was very welcome.
- She suggested an amendment of Article 16 to make appeals from the court to go from the Court of Appeal to the highest court. Environment is everything and we can sentence ourselves to death through mishandling it. Therefore, we should access the highest court.
- She added that the environmental impact assessment by NEMA had become an enrichment process. The fees charged are unreasonably high hence unless they put their act together there is a court through which some of these practices shall be squashed.
- She noted that this was an opportunity to challenge the decisions of both NEMA and the tribunal and suggested and amendment of the environmental act to create offences for officers of Government and individuals who cause deliberate destruction of the environment.
Date: 25th August 2011  
Member of Parliament: Hon. Rachel Shebesh  
Contribution she made on: The Commission on Administrative Justice Bill (First reading).  
On behalf of the Committee, she moved that:-

- Clause 2 be amended in the definition of the term “Cabinet Secretary” by deleting the word “justice” and substituting there for the words “public service”.
- Clause 3 be amended by deleting sub-clause (2) and substituting there for the following new sub-clause (2) The Commission shall be the successor to the Public Complaints Standing Committee existing immediately before the coming into force of this Act”. The justification of course is that there has been a Public Complaints Standing Committee of which this will be the successor.
- Clause 4 be amended by deleting the words “as a successor Commission shall, pursuant to Article 59 (5) (c) of the Constitution” and substituting there for the word “shall”.
- Clause 5 be amended by deleting the word “successor” under the same justification.
- Clause 8 be amended by inserting the word “the” immediately before the word “Commission”; deleting paragraph and substituting therefore the following new paragraph— “(c) report to the National Assembly bi-annually on the complaints investigated under paragraphs (a) and (b), and the remedial action taken thereon;”, (c) inserting the following new paragraph immediately after paragraph (k)”-(ka) work with the Kenya National Commission on Human Rights to ensure efficiency, effectiveness and complementarities in their activities and to establish mechanisms for referrals and collaboration.
- Clause 9 be amended by deleting the word “four” and substituting there for the word “two”. On this one, it was agreed to reduce the number of commissioners from four to two who will serve in this particular commission.
- Clause 10 be amended (a) in sub-clause (1), by deleting the words “human rights and administrative justice” appearing in paragraph (a), and substituting there for the words “human rights, law, conflict resolution, arbitration or administrative justice”; in sub-clause (2) (b), by— inserting the words “or finance” immediately after the word “economics” appearing in subparagraph (iii); inserting the following new subparagraph immediately after subparagraph (v)— “(vi) conflict resolution”; renumbering subparagraphs (vi) and (vii) as subparagraphs (vii) and (viii), respectively.
- She noted that the component of finance and conflict resolution was added as part of those requirements that will be sought.
- Clause 11 be amended in sub-clause (2) by deleting paragraph (f), in sub-clause (5), by deleting the word “eight” appearing immediately after the words “chairperson and” and substituting there for the word “five”; in sub-clause (6), by deleting the word “four” and substituting therefore the word “two”.

She added that the reason of course is to align the clause with the new numbers of commissioners recommended in terms of who the President will be giving for final consideration.

Clause 38 be deleted and replaced with the following new clause— 38. The hearings of the Commission during an inquiry shall be open to the public, except where the Commission otherwise decides.

She added that she proposed the amendment just to keep it in line with the Constitutional requirements.

Clause 42 be amended by deleting sub clause (4) and substituting therefore the following new sub clause— “(4) If there is failure or refusal to implement the recommendations of the Commission within the specified time, the Commission may prepare and submit to the National Assembly a report detailing the failure or refusal to implement its recommendations and the National Assembly shall take appropriate action.”

She added that the justification of proposing the clause was because reports should not be lying in shelves.

Clause 56 be amended by inserting the words “relating to maladministration” immediately after the word “complaints”.

She noted that reason for the amendment is to ensure that it is only complaints related to maladministration which is the core business of this Commission.

Clause 57 be amended by deleting the words “Kenya National Human Rights and Equality Commission” and substituting therefore the words “Public Complaints Standing Committee”.

Clause 58 be amended—in paragraph (c), by deleting the words “Kenya National Human Rights and Equality Commission” and substituting there for the words “Public Complaints Standing Committee”; in paragraph (d), by deleting the words “Kenya National Human Rights and Equality Commission” and substituting there for the words “Public Complaints Standing Committee”; by inserting the following new paragraph immediately after paragraph (d)— “(e) all assets and liabilities which immediately before the commencement of this Act were vested in, or enforced against, the Public Complaints Standing Committee shall, by virtue of this paragraph, vest in the Commission.

The following new clause be inserted immediately after clause 54— 54A. Parliament shall, upon expiry of five years from the date of commencement of this Act, and pursuant to Article 59 (4) of the Constitution, review the mandate of the Commission with a view to amalgamating the Commission with the commission responsible for human rights.

She added that inclusion of this new clause is to take into consideration the issues that were raised about too many commissions and that we will be able to review this so that Kenyans know parliament is committed to reviewing the status of commissions.

The Second Schedule be amended in paragraph 2(4) by inserting the words “directly or indirectly” immediately after the words “trade with the Commission”
The long title be deleted and replaced with the following new long title— “AN ACT of Parliament to restructure the Kenya National Human Rights and Equality Commission and to establish the Commission on Administrative Justice pursuant to Article 59(4) of the Constitution; to provide for the membership, powers and functions of the Commission on Administrative Justice, and for connected purposes.

The title be amended by deleting the word “of” appearing immediately after the word “Administrative”.

Clause 2 be amended by— deleting the definition of the term “Commissioner”; deleting the definition of the term “felony” and substituting there for the following new definition— “felony” has the meaning assigned to it in the Penal Code; deleting the definition of the term “pardon officer” and substituting there for the following new definition— “pardon officer” means a person appointed as such under section 17; deleting the definition of the term “Principal Secretary.”

Clause 8 be amended— in sub clause (2), by— deleting paragraphs (b), (c) and (d) and substituting there for the following new paragraphs— the Principal Secretary in the Ministry for the time being responsible for matters relating to justice or his or her representative appointed in writing; the Principal Secretary in the Ministry for the time being responsible for correctional services or his or her representative appointed in writing; the Commissioner of Prisons or his or her representative appointed in writing; deleting paragraph (g) and substituting there for the following new paragraph— “(g) the joint forum of the religious organizations described in subsection (3);” by deleting sub clause (3) and substituting there for the following new sub clause— “(3) The joint forum of religious organizations referred to in subsection 2)(g) shall consist of representatives of— the Supreme Council of Kenya Muslims; the Kenya Episcopal Conference; the National Council of Churches of Kenya; the Evangelical Fellowship of Kenya; and the Hindu Council of Kenya.”

Clause 9 be amended in Sub clause (2) by— deleting paragraph (e); deleting the words “at least fourteen” appearing in paragraph (f) and substituting there for the word “ten”.

Clause 11 be amended by inserting the words “and secretary of the Committee” immediately after the word “members”.

Clause 15 be amended in Sub clause (2), by deleting paragraph (a) and substituting the following new paragraph— “(a) may, subject to this Act, determine its procedure.

Clause 16 be amended by deleting Sub clause (2) and substituting there for the following new sub clause— “(2) There shall be a secretary to the Committee who shall be a public officer nominated by the Public Service Commission through a competitive process and appointed by the President.”

Clause 20 be amended by deleting sub clause (1) and substituting there for the following new Sub clause— “(1) An application for the exercise of the power of mercy shall be by a petition in the prescribed form”. In this amendment, we want to clarify how a petition shall be exercised.
Clause 21 be amended in sub clause (2), by deleting paragraph (c) and substituting there for the following new paragraph—“(c) any other matter that the Committee may consider necessary”.

Clause 22 be amended in sub clause (1) by inserting the words “where applicable” immediately after the word “victim” in paragraph (l).

Clause 34 be amended in sub clause (1) by deleting the word “appeal” and leave the work of the Cabinet Secretary to filing petitions and relevant notices.

The First Schedule be amended by inserting the word “secretary” immediately after the word “chairperson” wherever it appears.

The Second Schedule be amended— in paragraph 1(a) by deleting the word “have” and substituting there for the word “hold”; in paragraph 2, by deleting the words “half of the total members” and substituting there for the words “five members”.

The Third Schedule be amended— by deleting paragraph (1) and substituting there for the following new paragraphs—“1. Particulars of the petitioner with 1A. Particulars of the convicted criminal offender, the subject of the petition, if different from the petitioner.” in paragraph 2, by deleting the word “seriousness” and substituting there for the word “particulars”; in paragraph 5, by inserting the words “and at the time of making the petition” immediately after the word “offence”; in paragraph 12, by inserting the words “on the advice of the Committee” immediately after the word “Secretary”.

Date: 25th August 2011

Member of Parliament: Hon. Martha Karua

Contribution she made on: The Commission on Revenue Allocation Bill (Second reading)

She supported the Motion and noted that like all other new institutions, the salaries of the members of the CRA shall be determined by the Salaries and Remuneration Commission (SRC) hence the members of the SRC should be appointed. Otherwise, all salaries that were being negotiated were actually irregular under the Constitution, so long as they are not sanctioned by the SRC.

She noted that clause 18 of the Bill which was giving protection from liability to members of the Commission was a standard protection given to all public bodies. A public officer is only protected from personal liability if the things or acts done are in good faith.
Date: 25th August 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: The Kenya Citizens and Foreign Nationals Management Service Bill (Second reading)

- She supported the Bill and noted that there were things that the Minister needed to focus on.
- She noted that the Board being created to manage and maintain the population and register administration of all laws relating to births, deaths, identification, registration of citizens, marriages and administration of all laws relating to that is such a crucial Board. Therefore, members of this board, except where there are offices of government, must be approved by the National Assembly.
- She noted that the job was too important to be left to appointment by the Cabinet Secretary and proposed that later on, it should be amended to include approval by Parliament.
- She also suggested that the board should only be managing at policy level, so that the Director-General is the day-to-day person.
- She suggested a reduction of board officers from nine to seven so as to have a lean and mean organization rather than bloated ones.
- She added that the Board should come up with a criterion that is very clear on how registration should be processed; then the officers of this particular Service under the Director-General will apply those policies and the criteria. The Board can then be auditing their work from time-to-time
- She suggested the creation of offences for the officers because they will manage vital information and sensitive affairs of the nation. There must be a clause that creates offences relating to deliberate flouting of the Constitution, or written laws by members of this Service in relation to the information they will acquire by virtue of their office.

Date: 25th August 2011
Member of Parliament: Hon. Elizabeth Ongoro
Contribution she made on: The Kenya Citizens and Foreign Nationals Management Service Bill (Second reading)

- She supported the bill and drew the Members attention to Clause 14 on the removal of the Director-General from office. This is a very interesting provision that the fate of certain important office holders could be left in the hands and decision of a Cabinet Secretary.
- She added that clause 14(g) gives a window for the Cabinet Secretary to possibly just frustrate and remove Director-General from office and requested for deletion of sub clause (g) because it was an open window; a blank to the Cabinet Secretary. He can justify removal from office of this person by citing anything that could be qualified as sufficient and lawful cause.
- She suggested that clause 24 which says that “The Cabinet Secretary, in consultation with the Board, may make such regulations, as shall be necessarily for the better carrying out
of the provisions of this Act should be fortified to ensure that this will not be abused by the Cabinet Secretary and the Board. They should not create avenues or platform of abuse, or attempt to water down the very good provisions that have been contained elsewhere in the Bill.

Date: 25th August 2011  
Member of Parliament: Hon. Sophia Abdi Noor  
Contribution she made on: The Kenya Citizens and Foreign Nationals Management Service Bill (Second reading)  
- She supported the bill and noted that Kenyans had suffered for a long time due to lack of identification documents.  
- She noted that clause 7 says the Board is supposed to establish a Citizenship Advisory Committee and added that people from Northern Kenya had a vetting body for people when it came to the issuance of national identity cards. The committee had good intentions but it abused its powers. They mistreated the people and gave identification to people who were not qualified to get those documents.  
- She suggested that there must be some strong recommendations to tighten up the Advisory Committee. The Board must consist of people who are conversant with issues of policy.  
- She added that there must be some penalties to caution anybody who abuses the powers that are provided for in the Bill.  
- She added that grants, donation and endowments received by the Board on behalf of the Service can be abused. Anybody who has an interest can donate money to the Board hence may give compromise to the Board’s functions.

Date: 25th August 2011  
Member of Parliament: Hon. Elizabeth Ongoro  
Contribution she made on: The National Government Loans Guarantee Bill (Second reading)  
- She supported the Bill drew the attention of the House to the objective of the Bill which read in Clause 2:- “The object of this Act is to ensure that the authority conferred on the National Government to guarantee loans is exercised in a transparent, prudent and equitable manner, consistent with Article 213 of the Constitution”.  
- She noted that the provision contained in Clause 4 was inconsistent with the object of the Bill which states that “Subject to subsection (2), the Cabinet Secretary may guarantee the loan of a borrower on behalf of the National Government” and such an important decision cannot be conferred to the will power and the vision of one man in the person of a Cabinet Secretary. There should be a board that should undertake this kind of decision.  
- She noted that clause 7(2) was contradictory to the objective of this Bill and states that “If the Cabinet Secretary considers that the debt is more likely to be recovered if the borrower is allowed to pay the debt over time, the Cabinet Secretary may enter into an
agreement with the borrower to pay the debt over such period and at such intervals and subject to terms and conditions as may be specified in the agreement”.

- She added that the clause was allowing the Cabinet Secretary too much power, first, to make a decision unilaterally on whether somebody or an entity or a county qualifies for a loan. Secondly, they can all sit together at some point and then he will give provisions on how the loan is supposed to be repaid.

**Date: 25th August 2011**
**Member of Parliament: Hon. Martha Karua**
**Contribution she made on: The National Government Loans Guarantee Bill (Second reading)**

- She supported the motion and noted that when a loan is guaranteed, it is a liability conferred upon all the citizens of Kenya. So, if the loan will be guaranteed and Parliament is going to be informed afterwards, then there is no need of even informing Parliament.
- She suggested that clause 5 ought to be amended so that the authority of Parliament is sought first and then when the guarantees are done, Parliament be appraised of the National Debt.
- She noted that quite a few nations including the most powerful are so overburdened by debt that their repayment of interest is higher than the repayment of the principal amount and people must borrow because to improve lives, infrastructure but Parliament needs to approve before that event.
- She added that the Act is necessary for the development envisaged under the devolved governments but there should be clarity to realize that a county or a government borrowing is like an individual and should have a business plan that makes sense and shows that the money borrowed is likely to be repaid so that at the end of the day burdens are not transferred to the future generations of monies borrowed and squandered.

**Date: 25th August 2011**
**Member of Parliament: Hon. Elizabeth Ongoro**
**Contribution she made on: The Contingencies Fund and County Emergency Fund Bill (Second reading)**

- She drew the attention of the House to the objects of the Bill contained in Clause 2 and noted that clause 5(2b) talks about the responsibilities of the Treasury in relation to the contingencies fund. It states that they will be required to pay from the Fund without undue delay all advance made under Clause 6. It is further subjected to clause 7 hence implies a lot of bureaucracy.
- She noted that clause 10(2) says that the purpose of an emergency fund is to enable payment to be made in respect of a county when an urgent and unforeseen need for expenditure arises for which there is no specific legislative authority.”
She noted the provision and the provision and one in the CDF Act on the expenditure of emergency funds if left to the decision of the Cabinet Secretary, that he or she must convinced beyond any reasonable doubt that there is need for an emergency.

She noted that clause 15(1) says that” Within two months after a payment from the County Government Emergency Fund is made under Section 13, the County Secretary shall seek the approval of the County Assembly for payments”. This is quite contradictory because one would not seek authority for expenditure when expenditure had already taken place two months later. This statement must either be paraphrased or have a further explanation to the justification of that kind of move.

Date: 25th August 2011
Member of Parliament: Hon. Prof. Margaret Kamar
Contribution she made on: The Contingencies Fund and County Emergency Fund Bill (Second reading)

- She supported the Bill and noted that the Fund established in Clause 10 but is given a limitation of 2 per cent when the Fund has been set up.
- She noted that clause 14 shows that the amount of money in the Emergency Fund is more than 2 per cent hence the limiting was on the release.
- She suggested that the limitation should be at the establishment of the Fund to allow for flexibility of spending.

Date: 25th August 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: The Ethics and Anti-corruption Commission Bill (Committee of the whole House)

- She proposed an amendment to reduce the number of commissioners to three. This is an investigatory Commission and the fewer the number of the people, the better for purposes of moving forward.
- She moved that clause 39 be further amended as follows- Part III of the Anti-Corruption and Economic Crimes Act, 2003 shall stand repealed within 90 days of the assent to this Act or upon the appointment of the Commission under this Act, whichever is early, The functions of the Commission under the Anti-Corruption and Economic Crimes Act, 2003 pending the appointment of the Commission under this Act, shall be limited to safeguarding the integrity of the investigation files and exhibits or records and assets of the Commission for hand over to the incoming Commission. This means that they will not investigate or go on with their normal business and will only be there as custodians and as soon as the new Commission is appointed, they will hand over. The reason is that if we do not do that, there may be cartels waiting to destroy files when there is no Commission.
- She noted that the Advisory Board has nothing to do with the day to day running of the Commission hence the amendment by the Committee is only safeguarding the Advisory
Board and yet this Board is not the custodian of the documents. The Commission should be safeguarded for handover of records and assets of the Commission.

- She opposed the deletion of the clause that protects public property and revenue during investigations because the Anti-Corruption and Economic Crimes Act is about protection of public property and revenue.
- She supported and reiterated Article 76 (2) of the Constitution which states that: “A State officer shall not maintain a bank account outside Kenya, except in accordance with the Act.”

Date: 25th August 2011
Member of Parliament: Hon. Sophia Abdi Noor
Contribution she made on: The Employment and Labour relations Court Bill (Second reading)
She moved that:

- Clause 2 be amended- by deleting the definition of “Court” and substituting there for the following definition- “Court” means the Industrial court established under section 4; by deleting the definition of “federation” and substituting there for the following new definition- “federation” means a registered federation of trade unions or employers’ organizations”; in the definition of “trade union”, by deleting the word “an” appearing immediately before the word “association” and substituting there for the words “a registered”.
- Clause 3 be amended- by deleting sub-clause (1) and substituting there for the following new sub clause “(1)The principal objective of this Act is to enable the court to facilitate the just, expeditious and proportionate resolution of disputes governed by this Act”, in Sub clause (3) by deleting the word “principle” and substituting there for the word “principal”.
- Clause 4 be amended in Sub clause (1) by deleting the words “Employment and Labour Relations Court” and substituting there for the words “Industrial Court”.
- Clause 5 be amended- in Sub clause (1) by deleting paragraph (b) and substituting therefore the following new paragraph- such number of judges as the President may, acting on the recommendations of the Judicial Service Commission, appoint.”; in Sub clause (3), by deleting the word “less” and substituting there for the word “more”; in Sub clause (5), by deleting the word “members” and substituting there for the word “Judges”.
- Clause 8 be deleted and replaced with the following new clause 8.(1)The Judicial Service Commission shall appoint the following officer of the Court- the Registrar; the Senior Deputy registrar, one or more Deputy Registrars and one or more Assistant Registrars, as the administration of justice requires; such officers of the Court as may be necessary for proper functioning of the Court. (2) The officers of the Court shall perform the administrative functions of the Court under the supervision and control of the Registrar. (3)The Senior Deputy Registrar, Deputy Registrar or Assistant Registrar of the Court
may perform such other functions of the Registrar as the Registrar may delegate generally or specifically. (4) The Senior Deputy Registrar, Deputy Registrar of the Court or if there is more than one, the most senior Deputy Registrar shall act as Registrar of the Court whenever the Registrar is for any reason, temporarily unable to perform the functions of the Registrar; or the office of the Registrar is vacant. (5) The Registrar may delegate his or her administrative function to any member of staff of the Court.

- Clause 10 be amended by deleting Sub clause (2) and substituting there for the following new Sub clause- “(2) The Registrar, the Senior Deputy Registrar, the Deputy Registrars, Assistant Registrars and other officers of the Court shall exercise such powers and perform such duties as are conferred upon them by this Act, the rules of the Court or any other written law
- Clause 11 be amended in Sub clause (3) (vii) by deleting the word “two” and substituting there for the word “three”.
- Clause 14 be amended by deleting sub clause (5) and substituting there for the following new sub clause- “(5) In exercise of its power under this Act, the Court shall be bound by the national wage guidelines on minimum wages and standards of employment, and other terms and conditions of employment that may be issued from time to time by the Minister for the time being responsible for finance
- Clause 16 be amended- by numbering the existing clause as sub-clause (1); by inserting the following new sub-clause immediately after the newly numbered sub-clause (1)- “(2) An appeal from a judgment, award, decision, decree or order of the Court shall lie on matters of law only.”
- Clause 19 be amended by inserting the following sub clauses immediately after sub clause (3) - “(4) For the purpose of dealing with any matter before it, the court may, by order in writing signed by or on behalf of the Court, require any person to- furnish in writing or otherwise, such particulars in relation to such matter as it may require; attend before it; give evidence on oath or otherwise; and produce any relevant documents.

She added that an order made under Subsection (4) may include a requirement as to the date on which or the time within which the order is to be complied with.

An order purporting to be signed by or under the authority of the judge conducting the proceedings of the Court shall be presumed, until the contrary is proved, to have been given by the Court.

A person who – without reasonable cause fails to comply with an order duly given under Sub section (4); or is required by an order made under subsection 4 to furnish information, to make any statement or furnish any information which the person knows, or has reasonable cause to believe to be false or misleading in material particular, commits an offence and shall on conviction be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.
If an order made under subsection (4) is directed to a `firm or to a body corporate, every partner of the firm, and every director and officer of the body corporate shall comply with the order; trade union, employers’ organization or federation, every official or officer of the trade union, employers’ organization or federation shall comply with the order.

Where an offense is committed in respect of any order made under subsection (4), every partner, director, officer or official concerned shall be guilty of the offence unless they prove that the offence was committed without their consent or connivance; and they exercised all due diligence to prevent the commission of the offense.”

Clause 21 be deleted and replaced with the following new clause- 21. In any civil proceedings before the Court or a subordinate employment and labour relations court, a party to the proceedings may act in person or be represented by a legal practitioner, an office bearer or official of that party’s trade union or employers’ organization and, if the party is a juristic person, by a director or an employee.

Clause 23 be amended- in paragraph (b) (iv) by- deleting the words “one person” and substituting there for the words “two persons”; deleting the words “with a national character”; (b) in paragraph (b) (v) by- deleting the words “one person” and substituting there for the words “two persons”; deleting the words “with a national character”.

Clause 24 be amended in Sub clause (1) by deleting the word “five” and replacing it with the word “seven”.

Clause 26 be deleted and replaced with the following new clause- 26. (1) The Chief Justice may, in consultation with the Committee, make rules for regulating the practice and procedure of the Court.

Without prejudice to the generality of subsection (1), such rules may provide for – regulating the sittings of the Court and the selection of judges for any purpose; prescribing forms and fees in respect of proceedings in the Court and regulating the costs of and incidental to any such proceedings; prescribing the time within which any requirement of the rules is to be complied with ;and Any other matter required under this Act or any other written law

Clause 28 be amended by inserting the following new sub clauses immediately after sub clause (2) -

The Chief Justice may, by notice in the Gazette, appoint certain magistrates to preside over cases involving employment and labour relations in respect of any area of the country”;

Subject to Article 169(2) (a) of the Constitution, the magistrates appointed under subsection (3) shall have jurisdiction and powers to handle- disputes relating to offences defined in any Act of Parliament dealing with employment and labour relations; any other dispute as may be designated in a Gazette notice by the Chief Justice on the advice of the Principal Judge.
Appeals on matters relating to employment and labour relations from the designated magistrate’s courts shall lie with the Court.”
Clause 31 be deleted.
Clause 32 be amended- by numbering the existing provision as Sub clause (1); by inserting the following new sub clauses immediately after the newly numbered sub clause (1) - “(2) The persons who at the commencement of this Act are Judges of the Industrial Court shall be deemed to have been appointed under this Act. (3) The persons who at the commencement of this Act are members of the Industrial Court shall be deemed to have been appointed under this Act. (4) Every person who at the commencement of this Act is an employee of the Industrial Court not being under notice of dismissal or resignation shall on that day and subject to the Act is deemed to be an employee of the Court.”
The following new clause be inserted immediately after Clause 7- 7A. (1) The remuneration and benefits payable to or in respect of Judges shall be a charge on the Consolidated Fund. (2) The administrative expenses of the Court and other expenses of the Court in the discharge of its functions shall be paid from the Judiciary Fund established under Article 173 of the Constitution.
The following new clause be inserted immediately after Clause 25- 25A. Subject to the provisions of this Act, the Committee shall, in consultation with the Chief Justice, make rules to regulate the conduct of proceedings in the Court and the sub ordinate labour and employment relations court, including, but not limited to- the process by which proceedings are to be brought before the Court and the content of that process; the period and process for noting appeals; the taxation for bill of costs; the fees payable and costs and expenses allowable in respect of the services or execution of any process of the court and the tariff of costs and expenses that may be allowed in respect of execution; and all other matters incidental to performing the functions of the courts, including any matters not expressly mentioned in this sub-section that are similar to matters about which the Rules Committee of the Judiciary may make
The Schedule be amended- in paragraph 1(3) by inserting the words “for reasons given in paragraph 2(b)” immediately after the word “organization”; in paragraph 2(3) by deleting the word “five” and substituting there for the word “seven”; in paragraph 3 by inserting the following provision at the end there of- “Provided that one member from the most representative employers’ organization and one representative from the most representative workers’ organization is present to form the quorum”.
The title of the Bill be deleted and replaced with the following new title: “The Industrial Court Bill, 2011”
Clause 1 of the Bill be amended by deleting the words “Employment and Labour Relations” and substituting there for the words “Industrial”
Date: 26th August 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: The Contingencies Fund and County Emergency Funds Bill (Committee of the whole House)
- She noted that the bill was exempting projects of a national character that are not for the benefit of the county alone. That would cover such projects as the geothermal and roads that would open up the entire region, like the Northern Corridor; or even the Lamu Port which will open up the entire region.
- She added that there should be a criterion for those guarantees, so that it is not entirely at the whims of the Cabinet Secretary.

Date: 26th August 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: The Commission on Revenue Allocation Bill (Committee of the whole House)
- She noted that the Commission is obliged by the Constitution to hire its own staff but the bill obligates the Government to second an officer to the Commission on request. However, should the Commission never request, there will be no seconding. This is a standard clause and safeguards the Commission against a refusal by the Government to second a needed officer.
- She added that the clause also stands for its independence because should it never request, no Government Department will ever second staff that is requested by the Commission.

Date: 26th August 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: The Elections Bill (Committee of the whole House)
- She proposed a substitution of the word “shall” after the word “Commission” with the word “may”. The reason is that the Commission can be rendered in-operable due to procedures. So, if there is the word “may”, it will still have directed it to co-operate, but with some flexibility to move.
- She noted that the Constitution has its guiding principles in the electoral process. One of the guiding principles in the electoral process is the issue of gender equality. There is also the principle that not more than two-thirds of any gender should occupy elective positions.
- She added that it should, therefore be the duty of the House in crafting laws to come up with a law that will help us to reach there.
- She noted that bill puts an obligation on political parties that when they nominate, they should ensure that there is inclusivity.
- She added where there is a female candidate, she should be supported equally.
She added that clause 2 is to ensure that women are not excluded from the contest merely because they have been given 47 women seats. The youth and persons with disabilities are not excluded merely because they have been given special seats.

She noted that clause 2 was not meant to stop affirmative action but to affirm it. Therefore, article 97(2) cannot be used to deny legislative measures on affirmative action.

She drew the attention of the Members to Article 27(3) which says that women must not be excluded from political, economic and all the other areas. Article 27(6) says that affirmative action measures shall not be construed as being discriminatory.

She urged men not to be scared of participation of women because it can only bring benefits to the country.

She opposed the amendment to lower the level of education to allow women to participate as elected officials and added that many women have post-secondary school certificates and are well educated. They need their rights for affirmative action and not sympathy.

She noted that since party hopping was allowed in the Political Parties Bill, parties should adhere to the number of days by which a party must submit the nominations, hence address the fears of being locked out of nominations by political parties.

She clarified that Sub clause (2) of Clause 32 relates to the nomination by party list. The nomination for candidates contesting election was disposed of in Clause 14. This Clause is not for abuse by party leaders. This is to protect party members who have been faithful and have worked to grow these parties so that they have exclusivity when it comes to nominations.

She added that the practice all over the world where there are party lists is that each party gives an exact number of seats, the reason being that no political party ever won elections 100 per cent in the history of the country. These seats are going to be shared maybe half or three quarters.

She noted that in the event that a party has depleted the number of people on their list, there is a mechanism for replacement. This is easier than making the Commission receive a bulk of names hence each party give names of 12 nominees.

She noted that there is a procedure for replacing if the list is exhausted or somebody dies, resigns from the party or joins another political party. The procedure of replacing a list, just like in the case of a Member of Parliament, a party is given 21 days. For the party list, a party is given 21 days.

She added that thirty-per cent is only the threshold to make the petition accepted. Before the petition is accepted, someone will have to go to court to obtain an order from a court of law that the Member has been guilty of the violations set out. They will then have to get 30 per cent of the voters in the constituency. Once that petition is validated, a vote will be called in that constituency to agree or disagree with the recall of the Member.

She added that in order for the recall to be successful, at least, half of the registered members, and not those who vote, have to concur with the recall. This will protect...
Members of Parliament who will be elected from being disturbed by those who will have lost the elections.

- She added that there is also a clause stating clearly that a person who lost the last election is not eligible to initiate directly or indirectly such a petition.
- She noted than voter registers twice by mistake hence the registration clerks have the obligation to ask anybody going to register if they had done so elsewhere.
- She noted that transporting voters has always been an offence if the system is being improved there cannot be any lower the threshold. It should be illegal where it is so as not to disadvantage anyone in the election. This is a part of creating a fair playing field.
- She supported the amendment to have the printer give their name and address because he is the one who can clarify what materials were taken by a particular candidate to avoid malicious publications.
- She noted that the Electoral Commission is obliged by the Constitution to consult with political parties because the principle of participation is entrenched in the Constitution.
- She pleaded with Hon. Members to let clause 34 directing the Electoral Commission to reject a party list that does not comply with the two thirds gender principle pass so as not to lose completely the principle of not more than two-thirds of any gender.
- She supported the amendment and noted that that any political party that does not fulfill the gender quota gets a reduced funding is a way of penalizing political parties to help Kenya to develop by integrating women in leadership and decision making.
- She added that the Scandinavian countries which had integrated the principle have the highest, not just life expectancy, but the well being and better life for its citizens. Countries develop faster when they include both men and women in decision making.
- She noted that it was unfortunate that the same parliament which swore to defend the Constitution were desecrating it by refusing to recognize the principle of gender inclusivity. This is no different from the principle of affirmative action in monetary matters.
- She urged women to join political parties that support and appreciate them as equal citizens and not those that just need them during campaigns.

Date: 26th August 2011  
Member of Parliament: Hon. Sophia Abdi Noor  
Contribution she made on: The Elections Bill (Committee of the whole House)

- She noted that the bill was being anchored to the Constitution. Article 81(b) is very clear. We must find a way of putting that into this Bill.
- She added that the limitation of rights is Constitutional and can be used to address historical injustices.
She supported the amendment and noted that the move to have more nominees than the available positions would be used to shortchange women by telling them that they were in the party list but were not picked.

She moved that the following clause be inserted after Clause 34- 34A. The Independent Electoral and Boundaries Commission shall so manage elections, having regard to Article 90 of the Constitution among other provisions of law, as to ensure that the principle provided for in Article 81(b) of the Constitution is observed at all times in respect of the National Assembly, the Senate and the county assemblies. The Commission shall reject a party list that does not comply with the requirements set out under Subsection (1).

She added that amendment would compel the Electoral and Boundaries Commission, when managing elections, to consider and appreciate the general principles of elections that were given under the Constitution.

She moved that the following new Clause be inserted immediately after Clause 35- After the announcement of the results of an election under this Act, a political party that does not meet the requirements of Article 81(b) of the Constitution shall have its financial entitlement under the Political Parties Act or any other fund reduced by such a proportion as the registrar of political parties or any other public officer may decide. In deciding the proportion of funds to be reduced under Sub clause (1) the registrar of political parties or any other public officer shall take into account the overall performance of the political party in an election; whether the political party took an effort in good faith to comply with the requirements of Article 81 of the Constitution.

She added that the proposal would oblige political parties to commit as in the case of France. The French Parliament adopted it to make sure that the political parties do stand for gender, equity and equality as a principle that they accepted.

Date: 26th August 2011
Member of Parliament: Hon. Beth Mugo

Contribution she made on: The Elections Bill (Committee of the whole House)

She noted that if the House supported the spirit of gender equity and the two-thirds clause, then it is double standards when the only route out of this problem is presented but rejected.

She added that the country cannot carry another nomination to bring the number of women to two thirds after 290 seats because it would be too expensive.

She supported the amendment of clause 32 by deleting sub clause 2 which states that “A person who has participated as a candidate in a nomination or selection of candidates of a political party shall not be eligible for nomination as a candidate by another political party”. Until the parties are fully democratized, parties cannot risk putting everybody at the mercy of party leaders. This will especially affect women.
She noted that many women had lost the opportunity to join parliament they were only allowed to stand for elections in areas where their parties are not popular.

Date: 26th August 2011  
Member of Parliament: Hon. Bishop. Margaret Wanjiru  
Contribution she made on: The Elections Bill (Committee of the whole House)  
- She supported the amendment to clause 32 and noted that since there was no waterproof mechanism to deal with corruption within the political parties, this would make sure that good leaders are not frustrated and locked out of elections.

Date: 26th August 2011  
Member of Parliament: Hon. Linah Jebii Kilimo  
Contribution she made on: The Elections Bill (Committee of the whole House)  
- She supported the amendment to clause 32 since the Political Parties Bill did not state the number of days required for a candidate to move to another political party.

Date: 26th August 2011  
Member of Parliament: Hon. Elizabeth Ongoro  
Contribution she made on: The Elections Bill (Committee of the whole House)  
- She noted that it made no sense for political parties to give 24 names for nominations while when the maximum number that could possibly be nominated under any circumstance is 12 and would only be used to campaign among communities.  
- She noted that political parties were being pleaded with to observe the two thirds principle to avert a possible constitutional crisis.  
- She noted that political parties that will not comply with the gender rule should be disqualified for funding under the political parties fund. Fifty percent of taxpayers in the country are women hence a political party should not be funded after they have failed to comply with what is constitutionally provided for.  
- She added that every political leader or party must ensure that during the process of nomination, women are given nominations in politically viable constituencies so that they are compliant.

Date: 26th August 2011  
Member of Parliament: Hon. Prof. Margaret Kamar  
Contribution she made on: The Elections Bill (Committee of the whole House)  
- She noted that during elections, opponents can run other advertisements in different colors in your name hence tarnish a candidate’s reputation.  
- She suggested that the publishing company should say who they are even if it is the candidate’s must have an address, so that if it is authentic, people can address it somewhere to avoid malicious publications.
Date: 26\textsuperscript{th} August 2011  
Member of Parliament: Hon. Charity Ngilu  
Contribution she made on: The Elections Bill (Committee of the whole House)  
- She noted that the next Parliament shall have the two thirds or one third majority.  
- With the new Constitution, there is no way that there will be a National Assembly that is not going to have the required number of women. Women and men should work together to ensure that this happens.
REPORT, CONSIDERATION OF REPORT AND THIRD READING

Date: 26th August 2011
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: The Elections Bill

- She noted that the Members were misleading and misrepresenting themselves House in terms of the support of the two-thirds principle in the Constitution. It is their work as legislators to come up with suggestions and proposals on the Floor.
- She added that the move not to support the two thirds principle was a disappointment to the women of Kenya.

Date: 26th August 2011
Member of Parliament: Hon. Sophia Abdi Noor
Contribution she made on: Adoption of report on appointment of Ms. Agnes Nangila Odhiambo as controller of budget.

- She congratulated the two Principals for demonstrating that they respected the Constitution that they swore to protect by appreciating the one-third principle.

Date: 26th August 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: Adoption of report on appointment of Ms. Agnes Nangila Odhiambo as controller of budget

- She noted that the nominee was a woman of distinction and a good ending because the women of Kenya are happy that she was recognized.

Date: 26th August 2011
Member of Parliament: Hon. Elizabeth Ongoro.
Contribution she made on: Adoption of report on appointment of Ms. Agnes Nangila Odhiambo as controller of budget

- She supported her nomination not just because she is a woman, but because she is a Kenyan with impeccable credentials, who really qualifies to occupy the position for which she was nominated.
MOTIONS

Date: 3rd August 2011
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Free distribution of sanitary towels to girls in primary/secondary schools.

➢ She supported the motion and to congratulated Eng. Gumbo for tabling it.
➢ She added that her reason for supporting the Motion is that it was going to put in place structures that would allow all the good intentions of the Government to be realized.
➢ She noted that in the last Parliament, Hon. Njoki Ndung’u, raised the issue of sanitary towels and a declaration was made at that time to subsidize the cost of sanitary towels. Only very recently, the Prime Minister also made a declaration of providing free sanitary towels to students in vulnerable areas. Subsequently, the Government allocated Kshs300 million for the same.
➢ She added that all good intentions need structures. Therefore, the structure will help to sustain these good intentions.
➢ She added that the Ministry of Education needs to set up a department that will look into this issue and set up the structures.
➢ She noted that Periods come with many issues hence when added to the fact that one cannot afford a sanitary pad, subjects young girls to not only embarrassment when they do not have sanitary pads, but they also go through psychological trauma and physical distress. The provision of sanitary towels to these girls would help them deal with these other issues in a more comfortable manner.
➢ She added that the provision of sanitary pads must be accompanied with panties especially in vulnerable areas because most girls do not have panties to hold the pads.
➢ She added that KEWOPA is at the forefront of issues of sanitary towel provision. Even the Prime

Date: 3rd August 2011
Member of Parliament: Hon. Beth Mugo
Contribution she made on: Free distribution of sanitary towels to girls in primary/secondary schools.

➢ She commended the mover of the Motion and noted that the government had led the way through the Prime Minister announcement that the Government was going to facilitate the supply of sanitary towels to the needy girls.
➢ She appreciated the fact that it is a man who moved the Motion and not a woman. That shows that men have realized that women issues are national issues.
She suggested that while the Government takes the major responsibility, all other agencies and private sector have a responsibility as part of their social responsibility to support the programme.

She suggested an amendment to the motion so that instead of saying: “Coordinate sources and receive funds for and sustain nationwide programme to distribute sanitary towels to all school going girls in primary and secondary schools in the country because not all girls need free sanitary towels and add the words either “the needy” or “where need be”.

She added that all the schools must have adequate toilets for girls. According to the regulations, the girls’ toilets are supposed to be always more than the boys and the Minister for Education, and the Constituencies Development Fund (CDF) to facilitate the construction of girls’ toilets and clean water facilities.

She added that boys need to be educated that it is a natural process hence should not make girls feel embarrassed about it.

Date: 3rd August 2011
Member of Parliament: Hon. Charity Ngilu
Contribution she made on: Free distribution of sanitary towels to girls in primary/secondary schools.

She supported the Motion and commended Eng. Gumbo for taking it to the House.

She noted that although the Government had decided to provide free primary education, which it had done very well, about 2.5 million girls require sanitary towels.

She added that the girls miss classes for between three and five days every month. This means that even though the Government is providing free primary education, those girls will miss their classes when that time comes.

She noted that many girls and some poor village women use some very crude methods of protecting themselves. The materials they use are so dirty that they get infections, which complicate the situation further.

Date: 3rd August 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: Free distribution of sanitary towels to girls in primary/secondary schools.

She supported the motion, thanked its mover and added that in order for the country to be able to offer free compulsory education, the basics have to be offered. This is because the girls cannot go to school if they do not have these basic necessities during, at least, one week within the month.

She added that if the Government is buying sanitary pads for the girls throughout the country, this is a big wholesale hence the cost would be reduced and the Government would negotiate.
She noted that Eng. Gumbo moving the motion and previously hon. Kapondi with the Female Genital Mutilation (FGM) Bill showed that there is a partnership of the genders to push forward matters that affect the society.

She noted that if the Government refused to bear the cost of the sanitary pads now, the country would still bear the cost of the diseases that arise, including infertility which will then be treated at Government hospitals.

She noted that Article 53(1) (d) of the constitution says that every child has a right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and any other. So if girls go without sanitary pads, they are being subjected them to inhuman treatment. The State has the utmost duty to protect rights and also to carry through its policy.

Date: 9th August 2011
Member of Parliament: Hon. Millie Odhiambo-Mabona
Contribution she made on: Adoption of report on approval of Dr. Samuel Kobia for appointment to Judicial Service Commission.

She moved the Motion that the House adopts the Report of the Constitutional Implementation Oversight Committee on the approval of the Rev. Dr. Samuel Kobia for appointment to the Judicial Service Commission (JSC) laid on the Table of the House on Thursday August 4th, 2011, pursuant to Article 171(2) of the Constitution.

She added that the Committee had already considered Members of the Judicial Service Commission, which Members were actually approved for appointment on the Floor of the House.

She added that under the Article, one woman and one man were appointed by the President to represent the public. However, following the resignation of Bishop Antony Muheria from the JSC, the National Assembly received a letter informing the House as much. The Speaker then directed that the name and Curriculum Vitae of Dr. Samuel Kobia be referred to the Constitutional Implementation Oversight Committee for consideration prior to approval by the House.

She added that the Committee held a meeting with the nominee on Tuesday 2nd August 2011 at 10.00 a.m. The Committee deliberated on the suitability of the nominee to serve in the Judicial Service Commission (JSC) and found him qualified for appointment to the JSC.

She added that the Commission questioned him in relation to his tax obligations and he had fully complied with his tax obligations to the State and he had never been dismissed from office for contravention of provisions of Article 75 of the Constitution which deals with the conduct of State officers. He has not been adversely mentioned in any investigatory report of Parliament or any commission of inquiry and is not a member of any political party and does not expect any conflict of interest to arise.
She added that following the approval by the Committee of Dr. Rev. Kobia, they saw newspaper reports in relation to him about some PhD and the fact that somebody was disputing it. The Committee deliberated on the issue and noted that the information was not before the committee at the time of their deliberations and further that they were not looking for PhD qualifications.

She agreed with the Minister for Justice, National Cohesion and Constitutional Affairs that they were filling a vacancy from a resignation of a member. Therefore, the appointment had already been done.

She thanked the Members for their unanimous support and noted that it reflected on what happened in their Committee. Not only did they have unanimous support for this candidate, but it was overwhelming support. He is one candidate that was passed with a lot of distinction.

She challenged the public to be extremely vigilant so that Parliament does not bring up issues after the fact, which happens very frequently. Parliament was moving fast to ensure that it implements the Constitution timely and urged the members of the public to keep up with its pace.

Date: 10th August 2011
Member of Parliament: Rachel Shebesh
Contribution she made on: Call on Ethiopian Government to stop construction of Gibe 3 Hydro-power dam on river Omo.

She seconded the Motion and noted the issue was brought to Parliament before. Following consultations with Members of Parliament from Turkana; in particular Mr. Nanok and Mr. Ethuro, she took a petition to the Pan African Parliament (PAP) on the same, on behalf of the people of Turkana. At PAP, this issue is being discussed at the Committee level. Therefore, this is not just an issue for Kenya.

She noted that six communities in northern Kenya depend on it; the Turkana, the Elmollo, the Samburu, the Gabbra, the Rendile and the Daasanach.

She added that the issue of the Gibe 3 Dam must be looked at from two perspectives; that of the Kenyan Government and that of the Ethiopian Government.

She added that the initial planning stages of the dam had really progressed in terms of financing from the ADB, the EIB and the Government of Italy. In this discussion is also the Government of Kenya. She noted that as the government of Kenya is negotiating to buy power from the Gibe 3 Dam but should first consider those who will be affected by the negotiations.

She added that Government should not be allowed to negotiate away the rights of six communities who depend on this lake. If it must buy power, it must never buy power at the detriment of her people.

She added that Kenyans are fighting with the Ethiopians at the border because this lake is diminishing. Most importantly, even their livelihoods will disappear.
Date: 10th August 2011  
Member of Parliament: Wavinya Ndeti  
Contribution she made on: Call on Ethiopian Government to stop construction of Gibe 3 Hydro-power dam on river Omo.

- She supported the Motion and noted that it is important for the Ethiopian Government to stop the construction of the Gibe 3 Hydro Power Dam until an independent and comprehensive environmental and social impact assessment is done.
- She noted that Kenya cannot have a good relationship with the Ethiopian Government while they want to finish and destroy our people. Their people have been crossing over to Kenya, killing Kenyans and nothing had been done about it.
- She added that before they embark on construction of a dam, they should involve all stakeholders. They should bring everybody on board, especially Parliament.
- She added that as a country, Kenya cannot allow other countries to decide for her and international law should be respected.

Date: 10th August 2011  
Member of Parliament: Charity Ngilu  
Contribution she made on: Call on Ethiopian Government to stop construction of Gibe 3 Hydro-power dam on river Omo.

- She supported the motion and noted that the Government had has already started to take action. Prior to the development of River Omo, which actually contributes 90 per cent of Lake Turkana water, the lake had been stable.
- She added that the Ethiopian Government constructed Gibe 1 Hydro Power Dam, whose capacity is 839 million cubic metres, on River Gibe, which is a tributary of River Omo. Gibe 1 Hydro Power Dam produces 184 megawatts of electricity. This was the case for 15 years. There was no framework agreement with Kenya.
- She added that when the Ethiopian Government decided to construct Gibe 3 Hydro Power Dam, it realized that Lake Turkana was going to be badly affected and could even dry up.
- She informed the House that the Ministry of Water and Irrigation and the Ministry of Foreign Affairs, found it necessary to call for action in terms of a bilateral agreement. On 30th May and 1st and 2nd June, 2011, a Government delegation visited Ethiopia. They had a meeting with top Ethiopian Government officials on the same issues and on insecurity around Lake Turkana and Todonyang area, and action was being taken.
- She added that the Ethiopian Government had actually undertaken to carry out a thorough study not on their own but together with the Kenyan Government.
- She assured the Members that there is a committee in place. It was agreed that a report would be given to Kenya in three months’ time; the period of three months is from 1st June, 2011. Therefore, by the end of September, 2011, she would have a report.
Date: 17th August 2011
Member of Parliament: Hon. Dr. Joyce Laboso
Contribution she made on: Revival of Kenya Farmers Association.

- She supported the motion and noted that KFA had played a significant role in providing loans to her parents hence facilitating her education.
- She noted that KFA had collapsed and it no longer plays the role that it used to play hence the Government should step in urgently.
- She noted that if the KFA was what it was then, getting relief food and transporting it to where it is required would be a very simple exercise.
- She noted that the only way we can get out of our current situation of floods and famine is by revamping the marketing chain.
- She added that KFA would give faith to the farmers who are most disadvantaged at the moment. This is because the cost of inputs is too high and the price of maize is too low.
- She added that Kenya Farmers Association (KFA), would make special arrangements for farmers to transport their produce there. They would even bring their own lorries to the areas where the maize is.

Date: 17th August 2011
Member of Parliament: Hon. Peris Chepchumba
Contribution she made on: Revival of Kenya Farmers Association.

- She thanked Hon. Namwamba for moving the timely Motion and noted that KFA, with a membership of 65,000 farmers, is an organization that used to really help Kenyan farmers in many ways. The Kenyan farmers used to market their produce through this giant organization and provided affordable inputs such as fertilizers, seeds and even agrochemicals to Kenyan farmers.
- She added that its collapse had made the Kenyan farmers to live in abject poverty because they get inputs at high prices. They can no longer do business in this sector.
- She noted that the current food shortage in the country would be averted if this institution was operational.
- She noted that the Mover of the Motion was asking the Government to just inject Ksjs1.4 billion, so that the KFA can be operational hence deal with food shortage.
Date: 17th August 2011  
Member of Parliament: Hon. Esther Mathenge  
Contribution she made on: Revival of Kenya Farmers Association.

- She supported the motion and noted that reviving KFA would give dignity back to the Kenyan people. This can be done by making sure that they produce enough food both for themselves and for their children.
- She added that reviving KFA should be followed by restructuring of the National Cereals and Produce Board (NCPB) because NCPB is overwhelmed by what it can do currently. The farmers in Bomet and South Rift were harvesting but the NCPB is not in a position to mop up all the maize that is there.
- She added that the revival of KFA can also be accompanied by revival of other factories such as the ones in Naivasha that used to dry vegetables, so that the areas that grow vegetables can also be revived and revamped so that people who grow vegetables can also be beneficiaries to this.
- She added the debt of Kshs461 million owed to the National Bank of Kenya by the KFA can easily be written off because of the benefits that it will give to the Kenyan people.
- She noted if there were two lead agencies such as the NCPB and the KFA working together, more farmers would be reached.
PROCEDURAL MOTIONS

Date: 23rd August 2011
Member of Parliament: Hon. Wavinya Ndeti
Contribution she made on: Extension of sitting time.
   ➢ She supported the motion and noted that the extension was necessary to ensure that the bills are implemented within the specified time.
   ➢ She noted that mistakes happen both in Government and parliament but only parliament is blamed.
   ➢ She added that when delays happen, everybody should carry out his or her responsibility.

Date: 23rd August 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: Extension of sitting time.
   ➢ She supported the Motion and noted that it was about the nation of Kenya and people of Kenya and about implementing the Constitution so that its fruits may get to the people of Kenya.
   ➢ She added that Parliament could have done better and debated the Bills on time but must show its capacity to debate and expedite the Bills.

Date: 23rd August 2011
Member of Parliament: Hon. Elizabeth Ongoro
   ➢ She supported the Motion and noted that Kenya is going through a transitional period and is working within very strict timeframes.
   ➢ She added that if they did not pass the Bills, Kenyans will still not have a new Constitution and if the bills, some of which are very critical and which are supposed to give guidance through the next elections are delayed then we might be forced to even delay the time of our next elections

Date: 23rd August 2011
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Waiver of referral period of Ethics and Anti-corruption Commission Bill.
   ➢ She opposed the motion and noted that Members should be looking at the bill because it needed a lot of consultations and consensus, otherwise the debate would be acrimonious.
   ➢ She suggested that the bill be put in the next day’s order paper to give members time to bring the necessary amendments.
Date: 24th August 2011  
Member of Parliament: Hon. Sophia Abdi Noor  
Contribution she made on: Extension of sitting time.

➢ She supported the Motion but with some reservations and added that the Committee on Labour and Social Welfare was looking at The Elections Bill. A Sub-Committee was mandated to work on The Elections Bill and found that the Elections Bill had so many mistakes despite the fact that the Minister and his colleagues in the Executive have told them that the Bill had gone through many hands, and that it is perfect hence hurrying would leave out on many issues.

➢ She added that the Executive must take responsibility because rushing Bills would cause many problems because if important things are not in place, they would be carrying out an exercise which is not right for everybody.

Date: 26th August 2011  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: Extension of sitting time

➢ She opposed the motion and noted that there was no need of extending time, especially to pass unconstitutional legislation that did not recognize that “not more than two-thirds of an elected Chamber should be of the same gender”.

Date: 26th August 2011  
Member of Parliament: Hon. Rachel Shebesh  
Contribution she made on: Extension of sitting time

➢ She opposed the motion and noted that there was no need to extend sitting time because over 500 women had informed the House that amending the two thirds principle was unconstitutional.

Date: 26th August 2011  
Member of Parliament: Hon. Sophia Abdi Noor  
Contribution she made on: Extension of sitting time

➢ She opposed the motion and noted that the women of the Tenth Parliament wanted to solve a constitutional crisis in the future but the men of the Tenth Parliament refused it.

Date: 26th August 2011  
Member of Parliament: Hon. Elizabeth Ongoro  
Contribution she made on: Extension of sitting time

➢ She opposed the motion and noted that she would not support anything that touches on women issues being rubbished by the same House that represents members of this country. Women constitute 52 percent of the population and were therefore demonstrating because their constitutional right was being violated.
MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 23.

Date: 9th August 2011
Member of Parliament: Hon. Elizabeth Ongoro-Masha
Contribution she made on: Humanitarian crisis due to famine in Northern Kenya.

- She supported the Motion and congratulated the Government for the initiatives they had undertaken and put in place. She also congratulated the individual citizens who gave their Kshs10, Kshs20 towards this initiative.
- She was concerned that the Government was trying to put in place initiatives to provide food for those who are dying of hunger but the Government Spokesperson was actually giving a contradictory statement.
- She added that the country has got enough policies to alleviate this perennial hunger. What is lacking is the bridge between policy formulation and implementation.
- She noted that food shortage is a perennial problem that has been in place for many years and urged the government to make sure they implement policies in time to ensure that Kenya does not become an international laughing stock.
- She added that the country needs the kind of leaders who will see a problem and insist to put in place policies that will bring lasting change.
POINTS OF ORDER

Date: 3rd August 2011

Member of Parliament: Hon. Millie Odhiambo-Mabona

Contribution she made on: Adoption of Somalia/ Eritrea Monitoring Report by UN.

- She noted that two Members of Parliament were mentioned adversely mentioned in the report hence there must have been considerable investigations.
- She added that there are Members of Parliament who actually donated to support Hon. Amina in raising funds and sought to find out if indeed the UN even questioned other Members of Parliament, who assisted her in raising the funds, or whether this was just a case where somebody questioned one or two people, and declared an honorable Member as a fundamentalist.
- She requested the Minister for Foreign Affairs to find out whether the UN questioned other Members of Parliament about those issues and what was precluding the UN from actually undertaking activities within Somalia.
- She added that there are other places in the world that are equally unstable but the UN is doing work there and wondered why they fear doing work within Somalia so that the issue can be sorted out, once and for all.

Date: 9th August 2011

Member of Parliament: Hon. Rachel Shebesh

Contribution she made on: Disciplinary action against Chiefs in Turkana South.

- She requested for statement from the Minister of State for Provincial Administration and Internal Security explaining why his Permanent Secretary had contemplated taking disciplinary action against chiefs in Turkana South on issues relating to the ongoing famine in the area.

She asked the minister to clarify the following:-

a) Why the chief of Kalapata was issued with a warning letter dated 3rd August, 2011, for gross misconduct while two other chiefs in Turkana South received show cause letters; they were asked to show cause why disciplinary action should not be taken against them and they risk being dismissed due to the information they gave to the public and the media on deaths of hunger victims in the area.

b) If the Government was going to continue to deny that people had died due to drought in Turkana South.
Date: 9th August 2011
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Integrity of Kenya Football Federation electoral process.
➢ She requested the Minister of Youth Affairs and Sports to give a statement on the current uncertainty facing the upcoming football elections and clarify the following:-
   a) The integrity of the electoral process given the fact that the final list of candidates and clerks had not been published.
   b) Whether the vetting criteria had been followed and met by all candidates.
   c) Whether the upcoming football elections to be held on 13th August were viable.

Date: 16th August 2011
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Secondment of staff to County offices.
➢ She requested for a Ministerial Statement from the Minister of State for Public Service with regard to a Memorandum Reference No.OPCAB17/90A dated 4th July, 2011, and signed by the Permanent Secretary, Secretary to the Cabinet and Head of the Civil Service, Ambassador Francis Muthaura, EGH, on seconding staff to county offices.
➢ She added that in the Statement, the Minister should:-
   a) Confirm whether the decision to second staff to the counties was made by the Cabinet and if so, to state when.
   b) Clarify whether this was not in breach of provisions of Article 174 of the Constitution of Kenya which stipulates that counties should be in charge of their own staffing.
   c) Explain whether this decision does not pre-empt the proposed County Government Bill that is yet to go to the Floor of the House for debate and enactment.
MINISTERIAL STATEMENTS

Date: 2nd August 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: Identity of buyers/sellers of the Grand Regency Hotel.
- She asked the Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance to tell the House the expense of the Government in selling this hotel in terms of valuation fees, legal fees and any other expenses now that the monies had not been utilized and were being held to develop the Lamu Port.

Date: 9th August 2011
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Integrity of Kenya Football Federation electoral process.
- She asked the Minister for Sports and Youth Affairs to be categorical about the elections on 13th August and tell the House whether or not they would continue with the elections if the Ministry would take charge of those elections.
PERSONAL STATEMENT

Date: 2nd August 2011
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: Allegations by the Nation newspapers about MPs’ funding of terrorists.

- She sought to make a Personal Statement pursuant to Standing Order No.76, following a 29th July, Nation newspaper article titled “Minister and MP give cash to terrorists.”
- She noted that the report quoted a UN, Somalia and Eritrea Monitoring Unit and claimed that she and Hon. Najib Balala made donations that were then later used for terrorism.
- She noted that the report and subsequent coverage portrayed her as a person who supports terrorism and gives donations to questionable charitable activities.
- She added that the report alleged that a Kshs500,000 donation that she gave to the Pumwani Riyadh Mosque was used to fund Al Shabaab.
- She confirmed that in September, 2009, she was invited to the third reconstruction Harambee for the Pumwani Riyadh Mosque. She was unable to attend but made a personal pledge of Kshs500,000 which she was able to fulfill in February, 2011.
- She added that in 2004, she attended planning meetings for the demolition and reconstruction of the mosque and was frustrated that the three harambees were never able to raise even ten per cent of the reconstruction budget. Out of this frustration, she decided to make a significant contribution, to give a boost to the construction.
- She added that it was a surprise to her when a Nigerian individual, claiming that he was an investigator for the UN, went to see her on 11th May, 2011, at her Continental House office and claimed that he was investigating an extremely large donation that she had made to the mosque.
- She added that she challenged him that if he had evidence that the accounts were used for terrorism he could ask the authorities to arrest the culprits, as the actions their actions would be an offence under the Organized Crimes Act. She further told him that the mosque was a registered legal entity whose accounts could be frozen if they were found not to be following procedure.
- She added that she was informed that Mohamed Iman, the said terrorist, used her contribution for his passage to Somalia, yet it is a known fact that he left for Somalia one-and-a-half years before her contribution in February, 2011.
- She added that the investigator mentioned that the said Iman had told his followers to support her in the 2007 elections but she never ran in the 2007 elections, either at the nomination level or at the general election. She added that it was impossible for Iman to support her because he subscribes to an Islamic school of thought that does not support women in leadership, let alone political leadership.
- She noted that terrorism is a real challenge to the Muslim community and it was only recently that leaders appreciated the level of recruitment that is taking place on our soil.
The main reason for this delay in appreciation of the problem is the sensitization of the subject by the international community.

- She added that the Somalia and Eritrea Monitoring Group were the biggest culprits in the sensitization and disinformation of the subject, being led by the lead consultant in this programme and had made many wild allegations against many Muslim religious, political and business leaders mainly from Somalia. The innocent have had to suffer the stigma of being linked to terrorism in silence, as the authors hide behind diplomatic immunity enjoyed by the UN.

- She added that unless the consultant could substantiate allegations linking the Pumwani Riyadh Mosque to financing Al Shabaab, then action needed to be taken against him to prevent his shoddy work from destroying other people’s careers and reputation.

- She noted that several public leaders and ordinary citizens, including the former Vice President, Hon. Moody Awori, had contributed to the Pumwani Muslim Reconstruction Project and wondered why the report focused on only herself and Hon. Balala.

- She noted that since September 11th, 2001, Muslim charities fully rely on the generosity of local donors and such a report would scare Muslims and other donors from contributing for fear of being linked to terrorism.

- She noted that the allegations made by the Somalia Monitoring Group Report are serious as they link a Member of the Cabinet and a Legislator to funding terrorism, indirectly implying the presence of terrorism sympathizers at the highest level of Government.

- She asked if the Somalia Monitoring Group shared that information with the Government security agencies before presenting it to the UN and if they did, what did the Ministry of State for Provincial Administration and Internal Security do to verify that information.

- She noted if the SMG did not share that information especially their purported linkage to terrorism, she would demand that the Ministry of Foreign Affairs sends a protest note to the UN Security Council Secretary General for allowing inaccurate reports to be adopted by the UN Security Council.

- She added that she does not condone, nor had ever supported terrorism and fundamentalism of any nature and that her contribution was used for the reconstruction project and not as alleged by the UN Report.