QUESTIONS

Date: 15th February 2012
Member of Parliament: Hon. Millie Odhiambo-Mabona
Contribution she made on: Number of public servants retained beyond retirement age

- She noted that a lot of youths remained unemployed while the government retained people who had served their time.
- She also noted that these people should now be serving the country by giving advice while resting at home instead of occupying the positions that the youth should be taking.
QUESTIONS BY PRIVATE NOTICE

Date: 16th February 2012
Member of Parliament: Hon. Martha Karua
Contribution she made on: Attack on home of Member for Lari

She asked the Minister of State for Provincial Administration and Internal Security the following Questions by Private Notice.

a) What action the Minister had taken following the attack on the home of the Member for Lari and destruction of his property on the night of 4th/5th February 2012

b) What the Minister is was doing to arrest incidents of political delinquencies and intolerance in the entire country

She restated her disappointment with the Ministers answer and the casual manner the Assistant Minister was treating the matter. She added that she had been information that the hon. Member for Lari had not declined to record a statement but nobody had approached him so far.

c) She asked whether there had been any arrests, taking into consideration the fact that the hon. Member had, in fact, informed the DC of his area of the imminent attack on his home

She further noted that the Assistant Minister had consistently avoided certain questions and by doing that casting aspersions on a Member. She also inquired whether it was in order for the Assistant Minister to refuse to answer the question she posed first.

d) She reiterated the fact that some suspects had been named in the statements already recorded, and how many had been arrested or recorded statements.

e) She also asked whether the Assistant Minister could provide the names in 30 minutes as he had mentioned earlier. She attributed this to the fact that he had told the House before that his ministry had provided security but the security had been never provided. She raised her concern over the security of the Member, saying it was important that they knew and pleaded with the Speaker to have Assistant Minister table the names of the officers during the sitting.

Date: 21st February 2012
Member of Parliament: Hon. Martha Karua
Contribution she made on: Outbreak of violence in Isiolo/Moyale

She asked the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

a) What action the Minister had taken to ensure that persons responsible for the violence in Isiolo and Moyale were brought to book
b) What measures the Government had put in place to ensure that the violence did not recur in the said areas

c) She inquired what preventive measures the Government had taken to ensure that violence did not occur elsewhere in the country, especially in the run-up to the forthcoming general election

d) She recapitulated that she was a bit disappointed with the answer especially noting that the country was moving towards the election period and how the Government dealt with incidents of violence in Moyale and Isiolo would be informative of what happens in the rest of the country.

e) She asked the Assistant Minister what the cause of conflict in Isiolo was noting that this was a recurrent matter. She added that a similar incident had taken place last year and yet it the government appeared to be caught off guard again.

f) She also asked the minister to explain the cause of conflict in Moyale so that parliament could judge whether the charges brought or the investigations were sufficient.

g) She said that the way the Assistant Minister dealt with the security issues in the two areas – Isiolo and Moyale – was really what would define whether the country would have a peaceful year and peaceful elections

Date: 21st February 2012
Member of Parliament: Hon. Millie Odhiambo-Mabona
Contribution she made on: Implementation of Sections 53 of the Employment Act

She asked the Minister of Labour the following Questions by Private Notice

a) When the Minister would make regulations on activities deemed harmful to the health, safety and morals of a child between 13-16 years of age; under Section 53 of the Employment Act

b) What was considered “light work” that a child can undertake under the law.

➢ She also noted that this Question has appeared on the Order Paper almost five or six times in the past, and that the Minister had promised to bring regulations. She also added that the Speaker directed the Attorney-General to table the regulations when he comes, but Minister had given another long answer without complying with what the House had directed.

c) She asked for clarification from the Speaker on the exact form the rules should be given in.

Date: 22nd February 2012
Member of Parliament: Hon. Martha Karua
Contribution she made on: Demolition of informal settlements
She asked the Minister Deputy Prime Minister and Minister for Local Government the following Questions by Private Notice

a) She asked what prompted the recent evictions/demoliations in informal settlements at Mukuru Kwa Njenga and Kibera Soweto and how many families/persons had been affected by the exercise
b) She questioned who the beneficiaries of the forced evictions/demolitions in each case and who was/were the registered owner(s) of each parcel of land
c) She also asked what measures the Government was taking to ensure that any forced evictions were carried out in compliance with the Constitution, especially with regard to human rights, and what action the Government was taking in view of the brutality and loss of lives during the eviction at Mukuru Kwa Njenga

Date: 29th February 2012
Member of Parliament: Hon Esther Murugi Mathenge
Contribution she made on: Supply of food to IDPS

She answered the questions posed by Hon. Mututho by Private Notice

a) She was not able to table copies of delivery notes for food that had been supplied to Internally Displaced Persons (IDPs) in Tumaini Vision Camp, Ngeteti and Wanaruona Camps in Gilgil since the camps were not among the 20 self-help IDP groups profiled by her Ministry. She tabled the letters of allocation for relief food allocated to District Commissioners (DCs) in Gilgil and Naivasha which was distributed to all the vulnerable people in the district through the District Steering Groups.

b) She pointed out that she was not aware of any IDPs who were malnourished and were facing starvation in Nakuru County and added that she was also not aware of any six families within Vumilia IDP camp in Eldoret who had been consistently neglected, since the camp did not exist in records. She also added that the Ministry had no information of any deaths that had occurred due to noncompliance with Article 43(b) and (c) of the Constitution.

c) She held that in reference to Article 46, the hon. Member needed to clarify what compensation he was referring to so that it could be addressed adequately. She added that the Ministry was in the process of resettling IDPs in the 20 self-help groups who were being provided with relief food regularly.
MOTIONS

Date: 15th February 2012
Member of Parliament: Hon. Millie Odhiambo-Mabona
Contribution she made on: Allocation of resources for conduct of poverty survey at ward/constituency/county levels

- She supported the motion saying that one of the reasons why people fight is inequality. She noted that while she had fought very hard to have some of the provisions equalising opportunities implemented; the government was not fully committed to make the changes.
- She was thankful that the Motion had been brought to the house because it would ensure that the right figures were assigned so that the process starts on the right note.
- She noted that there was an error in the survey and that the sample size was very small due to shortage of time and that it did not take into account the new structures of governance.
- She suggested that the Ministry when doing a new survey should take into account emerging issues that affect us as a country, one of which was the incidence of HIV/AIDS and how it impacts on poverty and also the issue of child-headed households.
- She reiterated that there were communities, especially in Nyanza, where the concept of child-headed households was very normal. She also urged the house to take into account the issue of gender relations.
- She also pointed out that another issue that needed to be looked at is distances and access to services. She gave examples of places like Mfangano, Kawiri and Ngodhe Islands, which she said if compared to other places, for instance, in Homa Bay County the figures would be distorted.
- She also addressed the issue of intra-county disparities. She pointed out that if one looked at each county, there were bound to be such big disparities within it; she gave the example of Homa Bay County. She said that if deductions were made based on the wealth of Lambwe and Kasipul Kabondo for example then the figures would be distorted. She said that in Lambwe, there was no water and that people were suffering because they cannot access services.

Date: 15th February 2012
Member of Parliament: Hon. Bishop Margaret Wanjiru
Contribution she made on: Admission of seventy five per cent of qualified students to public universities

- She supported the motion saying that there was a backlog currently in the education system because of lack of large intakes within the universities, and that very many students had ended up going for regular programmes.
- She inquired how long the regular programmes could be sustained. She noted that regular programmes were very expensive and that in the absence of
regular programmes, students who mainly are the youth ended up going out of the country for further education.

- She also agreed with the notion that even within the six existing public universities, there was already enough space for expansion of university education and that there was only need to reorganize and adequately fund them.
- She pointed out that Kenyans no longer believe that secondary education is the end of the road; their aspiration now was to go to university and earn a degree.
- She noted that children were currently enjoying the benefits of free primary education and subsidized secondary education and that this needed to be protected and sustained by making sure many of them were admitted to public universities.
- She suggested that the government supports universities in their expansion mission.

Date: 15th February 2012
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Admission of seventy five per cent of qualified students to public universities

- She supported the motion saying it is clearly was addressing the concerns of Kenyans. She noted that the concern was whether the parallel programmes were sacrificing the regular programmes and wanted the Ministry to clarify the issue
- She noted that in all universities, parallel programmes were generating a lot of money for the lecturers and the universities themselves more than the regular programmes.
- She argued that those who qualified for the regular programme and were not taken on board were the same students who paid for the parallel programmes.
- She also noted that the new Constitution guaranteed these rights and that it was the fundamental rights of all young people to pursue university education. She questioned the rationale for admitting a student to university while another one who is more qualified is denied the chance to pursue his dream.
- She asked the Government to look at this issue in line with the Bill of Rights in order to avoid infringing on the rights of the young people in the country.
- She inquired what plans the Ministry had in place to accommodate the big number of students who would be joining universities in 2015, noting that this was a critical issue the Ministry needed to address.
She also questioned why there were no deliberate efforts to expand the number of public universities noting that they do not have the capacity to accommodate the students.

**Date: 29th February, 2012**  
**Member of Parliament: Hon. Amina Abdalla**  
**Contribution she made on: Adoption of Report on Proposed Boundaries of Constituencies and Wards by IEBC**

- She noted that she was not going to declare her interest on anything and added that the new Constitution had reduced gerrymandering to the ward level. She noted that the Report had some errors and those errors must be dealt with. She also added that there were also errors between volume II and volume III giving the example of a sub-location in a constituency in North Eastern Province that was placed in one ward called Waberi and in the maps it was shown to be in another constituency.
- She also noted that the Report showed that there were some requests that had been adhered to and recommendations had been made on while others had not. She noted that the other error in the Report was where administrative boundaries were not respected, and that in the process there were constituencies that had been divided into two and had two district headquarters. She argued that those were errors that the IEBC had to look into.
- She pointed out that the other contentious issue was the proposal to increase wards. She supported the call for IEBC to be granted about 30 to 50 wards to use discretionally, if they would be able to give them to the really needy cases that were not in the report. She mentioned the issues of the Ogiek of Kuresoi, the Sakuyes in Moyale Constituency.
- She said that she would be moving an amendment to shift Madina Ward, an urban sub-location from Mbalambala to Dujis. She noted that that it was not a finality though, and that it was up to the IEBC to choose to approve or not.
She supported the Bill saying that it was very well crafted. She congratulated Kirinyaga County for emerging number one in the Kenya Certificate of Primary Education (KCPE) results in the country and Kabare Zone in her constituency for being the number one zone in the whole country.

- She noted that the Bill was critical as it spelt out the functions and roles of the county government and the key officials. She was pleased that right at the outset in Clause 3 the provisions of the Constitution are restated.

- She noted that from the start Clause 3 and Clause 5 give effect to the Bill to the provisions of the Constitution; therefore, any of the provisions would have to mirror, or replicate, what is in the Constitution.

- She noted that this in essence gives effect to Articles 200, 174 and 175 of the Constitution, indicating that the framers of the Bill were very conscious not to go outside the Constitution so that the Bill accorded with the Constitution.

- She noted that that the governor would be the president of the county and that the role the governor will play in the county is the role the President plays in the entire nation; therefore, the hiring and firing of the County Executive should be left to the governor subject to approval of his appointees by the County Assembly.

- She maintained that the buck stopped with the governor in the county, and in the country, the buck stops with the president; she added that it was the governor who would be going to seek election and then re-election. So, if anything went wrong with the county, or if any service was not delivered, the person to be blamed by the electorate and to be censured would be the governor.

- She noted that Clause 89 provided the modalities of the consultation which would be town hall meetings and other modalities in accordance to Clause 9 (a) which called on the members of the County Assembly to maintain close contact with the electorate and consult them on issues before or under discussion in the County Assembly.

- She suggested that the qualifications of the members of the County Assembly be left as they were in the Bill, that is; post-secondary school education. She said that these are no longer councillors; they were members of a legislative body, County Assembly, which will mirror the National Assembly.

- She noted that the County Assembly would do for the county what National Assembly does for the nation. She said that these are the people who would approve the budget and the policies of the governor and as such they
must have capacity to see that things are in accord with the Constitution, with the principles of fairness and equity within the county.

- She argued that there is need to realize that the role the County Assembly will play is in a mini way the same role the National Assembly will play to the nation. She said that in every county, there are enough men and women, the youth included, and all people included who are capable of steering the affairs of the county, and who have the requisite knowhow.

- She suggested that those who may not have attained the qualifications and want to run had a chance to do so if they had “O” levels. This she said would help them attain the postsecondary school education and added that those who have no “O” levels could book the International General Certificate of Secondary Education (IGCSE) Examination slated for June and the results would be out in September, for them to attain the qualifications.

- She called for the support of better qualifications for better performance. She noted that the County Assembly would be making laws for the county and therefore it needed people who could do all these functions and all the functions that were spelled out for the County Assembly members in Clause 9.

- She noted that the role of the County Assembly was also spelled out but most of the people were hazy about it because civic education had not started.

- She maintained that one of the key things the County Assembly was to perform was to approve the budget and expenditure of the county government in accordance with Article 208 as well as approving the borrowing by the counties.

- She noted that when these roles were looked at they would not want to go below the education standards provided for in the Bill, which were Form Four and post-secondary school education.

- She noted that for the removal of the Speaker of the County Assembly the threshold of the people to petition was one-third. She suggested that in order to balance, and not to make it too easy to remove the Speaker--- The speaker should feel a sense of belonging and not be worrying every time that he could be removed.

- She suggested the threshold for the removal of the Speaker should move from one-third to a half of the members of the County Assembly, because these are small units, but the threshold on voting remains at two-thirds. That, she said will give the Speaker stability so that he does not make rulings in fear. She said that that would balance the interest of democracy as well.

- She said that the removal of the Governor and the recall of the County Assembly Member be restricted by the law that was passed for the recall of Members of the National Assembly. The same methodology should apply to the Governor in relation to the county and to the County Assembly Member in relation to the ward. She said that if the threshold is 25 per cent or whatever it is agreed upon it should be the same in relation to the units. She suggested
that it should also be subjected to judicial processes so that a court on a preliminary basis certifies that on the face of it, the allegations look serious enough.

- She added that these are elected Members just like the Members of the National Assembly and therefore the process should be fair and mirror the same procedures reserved for Members of the National Assembly. We suggested learning to use the term National Assembly because Parliament will now refer to both the Senate and the National Assembly.

- She inquired whether there is need for another level of administrators citing Clauses 50 and 51 which address the issue of Provincial Administration. She said that the clause should be worded so that the establishments can be by the County Civil Service at the Governor’s request.

- She called for the converting of those who are in administration to new thinking. She noted that they will either be officers or coordinators but having an administrator mirroring the Provincial Administration does not give the idea of transformation that Kenyans are yearning for.

- She appreciated Clauses 63 and 95 citing the fact that the two relate and addressed the issue of the protection of minorities. She noted that many people in cosmopolitan counties have been very apprehensive as to what will happen seeing it may not be possible to have representatives of each minority group in the County Assembly.

- She noted that while this was a matter of concern, there was no need to worry as their rights are safe under Clauses 63 and 95 where the protection of minorities within the counties is enshrined. She added that when it comes to jobs under Clause 95, each county will be required to have close to one-third or 30 per cent of the jobs occupied by the minorities while in Clause 63, the protection of minorities’ human rights, services and everything is offered.

- She added that people should not be apprehensive as this is in line with the constitutional guarantee that every Kenyan is entitled to settle and live anywhere in the country and said the notion that people will be at risk for being in counties where they are a minority should be dissipated.

- She praised the preparation for civic education which is in Part 10 of the Bill. She noted that until people understand all these clauses, they will continue entertaining worries and said that that is why civil education is important. She also called upon Members of the National Assembly to supplement the civic education provided by making sure that they engage with the public wherever they met them to inform them of the protections that are available in the Bill.

- She also noted that Clause 36 is on Gender Equality, she added that there is no county where you will fail to get enough men and women who are graduates and who can be members of the County Executive. She exemplified this by saying that Marsabit, in Logologo, almost 10 years ago, there was a
lady councillor who was elected twice. She warned against the tampering of the Clause on Gender Equality saying that it should be left leave it as it is.

- She added that the County is the second level of Government and this is the level at which integrating the participation of Kenyans irrespective of gender in the affairs of governance must start so that perspective of both of men and women can be had.

- She noted that on the issue of Planning on Clause 100 there is provision for the county taking into account harmony with planning at the national Government level. She exemplified this by the United States of America’s infrastructure, saying that the design of development is in tandem with other areas and that there is some harmony in the way the planning and development is done.

- She said that there is need to understand that while there are two levels of Government, the two levels are dependent but also interdependent. She said that there was also need to understand that we remain in one country and, therefore, need to relate to each other on the things we do whether it is in planning, education or any other area like environmental standards.

- She noted that that the counties will follow the policy as laid down by the National Government which is what would really hold the country together.

- She also noted that everyone who wants to be a Governor must realise that they cannot do anything that is against the Constitution. They must be equitable to every citizen and they must protect the human rights of every citizen in the county, and that being a mini-president or the President of the County or even being the President of Kenya does not absolve them from observing the Constitution.

- She warned that anyone seeking responsibility in the new dispensation including herself have to adhere to the Constitution, respect the rights of everyone, and to discharge our duties to every citizen without fear or favour.

- She reiterated that Kenyans should rest assured and be comfortable with devolution as nobody will be marginalized because they are in a county as a minority; and that they will have all rights as a Kenyan because it is ordained in the Constitution.

**Date: 16th February 2012**

**Member of Parliament: Hon. Joyce Laboso**

**Contribution she made on: The County Governments Bill**

- She supported the bill saying that it was probably the most challenging part of the Constitution after the Bill of Rights, in terms of its implementation.

- She noted that devolution was not only about the idea of sharing government and power, but also of devolving resources. She said that it was the
devolvement of the resources that guided the idea of devolution being introduced into the Constitution.

- She cautioned against devolving bureaucracy, corruption and all the negative things associated with Central Government. She reiterated the earlier discussion about the Constituencies Development Fund (CDF) and how it has revolutionized the rural areas.
- She added that the cultural diversity of the country would soon be evident with introduction of the coat of arms as it would bring different identities of the counties. She pointed out that some Members had even suggested also devising county anthems, culminating in a much unified and diversified country.
- She asked the matter of the two-thirds of members of the assembly as stipulated in this Bill be looked at.
- She argued that the number of wards as stipulated on Article 27 were not adequate. She added that the 1,450 wards suggested as expressly stated in Article 27 is, probably, not ample. She said that while she appreciates the fact that the country is looking for a leaner assembly more needed to be done to attract a higher calibre of aspirants for those positions.
- She however noted that the numbers presented in the Bill may not be tenable. She exemplified this by saying that in her own constituency where there was a ward that was up to 40,000 people and the average populations was about 30,000. Here, she said, there would be a lot of disparities in terms of the number of people that would be administered under each of those wards. She added that in the creation of some of these wards, again, there will be conflicts emanating from the movement of one sub-location into another.
- She added that in the event that this shift happened, it may take some time for people to agree, especially those who had already been aggrieved. She said that in her constituency, one sub-location was feeling particularly aggrieved by having been moved from one ward to another and that that is Chepkeige in Ndanai Ward. She said that residents in that ward are up in arms and threatening to demonstrate and added that they are not just threatening, but they are actually going to demonstrate for being moved to a different ward.
- She noted that while the functions of the Governor are expressly defined, her only addition is on part “k” of Article 31; which is that the Governor is going to be the chair of security. She also noted that this was something that probably needed to be well thought out.
- She argued that it was quite easy for the President at the national level to be chairman of security, but at the county level, there were some ethnic overtones and other issues that might make it difficult for that Governor to actually be in control. She added that the Governor might be sucked into the ethnic or clan tensions that might be there.
She stated that she was particularly happy with the article on how to remove the Governor, noting it was not going to be easy business. She pointed out that Article 34 was quite comprehensive on the steps that will be taken.

She added that Article 36 was very progressive and gender friendly, in the sense that it was asking for gender equality which meant that there would be equal ministers from either gender, a move she said should be applauded and emulated by the other Arms of Government.

She also noted that Article 48 gave some latitude in decentralizing further providing an opportunity of decentralizing further even up to the village elders. She added that is good because each county will look at their needs and decide whether they want to devolve further.

She pointed out that Article 85 on citizens participation is a new concept expressly stated that citizens are going to participate in their own governance.

She suggested civic education to begin straightaway as proposed in Article 96 on. She added that as soon as this Bill is passed, civic education must begin immediately, because the people in rural areas really do not understand what this whole idea is and are really looking forward to information.

She argued that Article 100 on county planning should be taken very seriously. She asked for the advancement of clear principles and objectives of how planning was going to happen, so that overzealous Governors may not decide to go back to the dark days of making roadside pronouncements on development.

**Date: 16th February 2012**

**Member of Parliament: Hon. Millie Odhiambo-Mabona**

**Contribution she made on: The County Governments Bill**

- She supported the Bill saying that the country has a totally new system but many were still operating as though with the coming of the new system it would be business as usual. She added that many Members had indicated that there was need for a clear paradigm shift and it must happen because the country had moved away from a Central Government system to a devolved structure.

- She pointed out that many Members of Parliament had vested interests in constituencies, counties and that if the country was actually moving towardsthe devolved system people should start speaking of county councils, and added that they cannot have their cake and eat it.

- She contended that in order to have this paradigm shift the law should use terminology that reflected this shift and that bestowed this devolved structures with authority. She urged the Ministers to consider amendments
that take into account terminology that bestowed authority to the new institutions.

- She suggested an amendment to call County Assembly Members, Members of Assembly just as they were referred to as MPs. She also added that just as they talked of County Executive Committee they should be referred to as County Executive Cabinet. She reiterated that a committee is a committee of Parliament.

- She also suggested the members of those county cabinets be cabinet Ministers. She said that at the national level now there are Secretaries so at that level they should have Ministers. She went on to question why it was called the Public Service Board and suggested it be given a name that bestows the authority and the stature that it deserves.

- While noting that the law was very positive she recommended further amendments to the suggestion made on giving insignia to counties. She suggested for instance, to call the Kirinyaga County the County of Mountains, Kericho the Tea County, Nyeri County the County of Power; Naivasha the County of Roses, Homa Bay County the Aquatic County and Kisumu the County of Kings since it had Kings like Wuod Alego and Owadgi Akinyi.

- She also pointed out under Article 27(6) of the Constitution; there was a provision on affirmative action. She noted that the way the Constitution was worded (“Parliament will take measures including legislative measures to give effect to affirmative action”) gave that affirmative measure so that where the County Governor is a woman then the Deputy would be a man. She added that she was going to move an amendment to that effect.

- She added that this was constitutional and congratulated the Minister for the very progressive thoughts and noted that persons who drafted this Bill were very intelligent and very progressive in thoughts. She indicated that she was extremely excited that they had a made provision for input indicators, outcome indicators and other indicators which showed that country wanted real reforms but was quick to add that she hoped that these would not be merely issues that appear on paper that do not appear in practice.

- She noted that the bill gave a lot of definitions; for instance, the definition of resigning, redeployment and all that. She said that they should also give a definition of stepping aside to avoid too much acrimony in the County Assemblies when this situation arises.

- She revealed that she was going to propose certain amendments to certain clauses, for instance, on definition of a temporary resident because it was not clear who a temporary resident of a county was. She also added that she was going to propose an amendment to Clause 3(c) to add the words, “By the County Government”, for avoidance of doubt that it was not talking about the National Government. She also said she would be proposing an amendment to clause 6(v) to clarify companies counties could create.
She noted that while the House had deliberated on the issue of public participation it was one of the areas the Bill was not very bold about. She went on to say that though the Constitution had given the principles the moral framework to provide for public participation, the Bill was still skirting around the issue of public participation. She said that she was going to be moving an amendment to give clout to the concept of public participation.

She revealed that she was going to move an amendment to clause 9(f) to include the role of the County Assemblies to legislate, and on clause 17, the addition of sign language or Braille.

She noted that clause 27 provided for civic education over boundaries. She said that she had observed in many instances mistakes made because the public were not aware. She gave the example of Lambwe, where a part of Ruma National Park was curved off and taken to Gwasi. She added that there were very valid issues relating to community of interest and historical times but because civic education was not done, this issue was not brought in time. She warned that the way the boundaries were crafted may be problematic.

She pointed out that under Clause 29, there should have been provision for appeal on the recall clause if the IEBC failed or refused to act. She added that Parliament was giving the IEBC powers that they do not have constitutionally based on Clause 31(2) (b) as it was unconstitutional since the country was running as a devolved system as opposed to a central system.

She indicated that there was need to provide the timeline for giving of State-of-Address under Clause 31. She said that she was going to add a new sub-clause (m) for any other function as per the Constitution for the role of the county members.

She suggested the addition of the words “human rights” under Clause 31 where the words “promotion of democracy and good governance” were. She said that she was not going to push for amendments under Clause 56(7) because she thought it was positive as it took the zebra approach whereby if the chairperson is a woman, then the vice-chairperson would be a man.

She also commended the Minister for providing for marginalized groups although she noted that the mention of the word “youth” is missing almost totally in the Bill even though they are part of the marginalized group. She added that to feel the ownership parliament should provide for the youth and persons with disability, noting that there were a lot of weak provisions in relation to that.

She asked the house to be clear on the matter of wards and their qualifications. She also noted that she was uncomfortable with the use of the word, “sub-county” which she said sounded like “sub-way”, and that a new word was needed. She said that the word “county” makes sense, but “sub-county” sounded a little strange.

She called the members attention to Clause 71 which she said they needed to tie with the issue of resources. She asked to move an amendment that the
national government take care of all recurrent expenditure. She also suggested the capping from 15 per cent that is provided constitutionally to 40 per cent. She said that if this was not done it would debase the issue of devolution.

- She added that a closer look at all the funds that were available from LATF to CDF would reveal these funds were more than 15 per cent. She cautioned against the move saying that if parliament was talking of 15 per cent there would be no provision for recurrent expenditure and this would in effect kill devolution before it even began.

- She commended the Minister on the section of planning but called upon the house to further deliberate the issues that were addressed on spatial planning under Clause 108(2) (c) (ii) to show where the public and private land development and infrastructure investment should take place.

- She pointed out to the fact that the Minister forgot an important chapter on finance. She said that while the Bill makes reference to a public service finance that provides for issues of finance, it was actually a mirror of the Constitution at the national level as well as at the county level. She Cited the similarities between the national constitution and the Bill, she inquired why the chapter on finance was missing.

Date: 16th February 2012
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: The County Governments Bill

- She supported the Bill saying it was a very comprehensive Bill that was critical to the realization of the Constitution.

- She called attention to the issue of conflict based on land allocations. She noted that the issue of boundaries had been the cause of conflict between clans and tribal conflict. She noted that when the issue of the boundaries was being discussed, the boundaries were not supposed to create hatred; they were meant to create cohesion and that the County Governments were totally based on the constituencies that had been formed and, of course, the new wards that had been merged.

- She called for a mechanism to correct or address conflicts that would arise because of the way the boundaries were been drawn within the County Governments noting that it was an unforeseeable eventuality. She gave the example of Nairobi where during the first review, famously christened the “Ligale Review”, the issues that came out were mainly surrounding one constituency and that was Dagoretti. She cited her concerns saying that that process led to the merger which now developed into what could be easily termed in Nairobi as tribal constituencies. She warned that if the issue was
not addressed they would clearly have demarcated Nairobi into tribal constituencies and tribal zones.

- She noted that on the issue of the by-laws, it was clear that there were counties that would have the Urban and Cities Act operating within. She sought clarification as to whether the by-laws would be under the County Assembly or the urban cities, which they obviously fell under. She added that her concern was conflicts between laws being created in the County’s and the ones that already existed.

- She pointed out that while Nairobi was the Capital City of Kenya there were unique problems in every county and when by-laws were being fixed, they should be respected. She went on to add that councils should be respected and if they felt that there was a by-law necessary to regulate an issue then it should be respected. She also called on the house to clarify on the issue of authority in the county and the urban cities to avoid conflicts.

- She called the Members attention to the issue of the governors saying that it was over glorified unnecessarily. She was quick to point out these were not federal states, and that rather what had happened was the devolution of resources and political power. She stated that that misconception has been created by the members and should be corrected. The corrections she called for were regulations on how far the flamboyance of a governor could be allowed.

- She asked the house to lay more emphasis on the importance of the office to Kenyans and what was expected from governors rather than what was in other countries.

- She inquired what the role of women county representatives was noting it was hardly mentioned in any of the discussions. She added that it would be pointless to direct her energy and time campaigning for this position if it was not recognised in the Senate or in the County Assembly.

- She reiterated that if the County Governments Bill could not address that then there was cause for concern. She said that it was an Act of Parliament to actualize a Constitution that clearly gave three electoral units for the counties. She suggested delving deeper into the reasoning behind its inclusion for answers. She added that the mechanism of how the governor, the Senator and the county women representatives would work together in same county could not be ignored if conflict was to be avoided.

- She warned that ignoring these issues would be detrimental to the country as a whole. She said that since the law was being written it would be prudent to define the roles, whether minimal or extensive rather than leaving them to people to politic about them or decide that they were going to ignore them. She called on the house to look at the role of the women county representatives and how they can be involved in the County Assembly.
Date: 21st February 2012  
Member of Parliament: Hon. Dr. Naomi Shaban  
Contribution she made on: The County Governments Bill

- She supported the bill saying that the Minister had done a commendable job by going all over the country and collecting the opinions of different Kenyans.
- She noted that as the discussion on the county government began and in particular the issue of voting areas for the county representatives, the size of the voting area should be considered. She added that there were some areas that were relatively small and had a small number of people but none-the-less needed to receive equal representation.
- She called upon the house to consider this issue when the Bill was brought to the house for the third reading. She said that the proposals should be taken into account especially on Clause 27 that addressed the number of Counties required by law. She added that the house needed to be clear and transparent on the exact number of wards within each county.
- She asked the house to allow for a certain number of wards per each county for example in every county there be 15 wards where people can vote for their representatives. She suggested that these wards not be less than 10.
- She pointed out that the passing of this Bill would be an indication of the Members commitment to serve their people through County Governments, so as to bring political leadership to the grassroots. She added that it was only through this sort of leadership that the less fortunate people would get their rights respected.
- She maintained that through the County Governments, the Governor would ensure that all the people were involved in governance and would ensure that the less fortunate and the minorities’ interests were represented just as those for the rest of the citizens and that their voices were heard.
- She also noted that the same clause stated that the Governors and Senators would be forced out should they failed to fulfil their mandate and re-seek votes from their electorate. She added that this was encouraging as it would cause the leaders to work hard because they risked losing their votes if they fail to do so.
- She argued this clause gave power back to the common mwananchi and ensured that their leaders do not fail to perform their duties. She added that this would ensure accountability from the Governors as they would be called upon to provide proof of spending public funds.
- She pointed out that the clause on the sacking of the Governor should be deliberated further as it could provide a leeway for senators to get rid of the Governors should they come from a minority group. She noted that this issue had not been given proper attention and such could be used to propagate ethnic agendas.
She asked for the matter to be awarded proper attention and the issue of sacking the Governor be made reasonably rigid. She added that if the clause was left as it was, the Governor would not perform his duties well as he may be subjected to political coercion.

**Date: 21st February 2012**  
**Member of Parliament: Hon. Martha Karua**  
**Contribution she made on: The Transition to Devolved Governments Bill**

- She supported the Bill saying that it might have had a foundation in the transitional provisions but added that the only body known by the Constitution to oversee implementation was the Commission on Implementation of the Constitution (CIC).
- She noted that this Bill was not well co-ordinated to acknowledge the role of CIC everywhere. She said that, in the bill Authority was by the legislative power of the Assembly, she added that every action of this Authority had to be tied to consultations with the CIC to avoid a stalemate.
- She called to the attention of the members the fact that Clause 5(A) of the bill gave the President, the Prime Minister, and 8 other members from the Ministries the mandate to make appointments, and noted that the Executive was not a very willing partner in the change agenda, because they were being asked to cede power. She suggested the inclusion of an arbitrator who is not part of the Executive. The arbiter in this sense, she suggested would be the CIC.
- She asked the house to include a clause that clearly stated that the Authority had to consult with the CIC. She said that that was the only way the country could get faithful implementation of the devolution.
- She pointed out that the Constitution gave in the Sixth Schedule, three years within which the functions be transferred to the County Governments. She however said that it did not give the details on what was to be transferred and when this was to happen. She noted that the Bill was proposing of a phased implementation. She suggested that phase one be the period between now and the time the County Governments are elected.
- She noted that Phase two would begin after the new County Governments were sworn in. She suggested giving only 12 months, within which to transfer all functions. She reminded the house that only the functions were being transferred. She noted that the issue was the staff and the Budget. She maintained that just the budget was being transferred and the only other thing was the seconding staff before the County Government employed their own staff. She reiterated that there was absolutely no reason, why any function should not be transferred within 12 months.
She suggested this Authority be given 12 months within which to make sure that all functions were transferred and that if there was any special reason why any function could not be transferred, then they should come for authority from the National Assembly. She said if this wasn’t done it would make those in power resist change and want to remain far more than it was necessary.

She also noted that it was likely that the country was headed to the polls in December. She added that the next Parliament would adjourn before August because that was when the elections were. She said that if the Transition Authority or anybody was allowed to delay the ceding of the functions to the county government, then the Governor may end up only having two years or one year; noting that the buck would have to stop with the Governor.

She pointed out that there would be no devolution without the functions being devolved adding that this authority must be time bound. She reiterated that all functions should be with the county governments within the first year with all the consultations being in line with the Commission for the Implementation of the Constitution (CIC). She pointed out that this was the phased approach.

She noted that Phase 1 would be taking an inventory of the assets, and doing auditing. She pointed out the fact that the authority may find that it would want to audit all the county councils that existed in order to ascertain their debts and liabilities. She said that that would be a phase at which they can outsource and complete all the audits in the 47 units before the end of this year, that or before the elections, and we immediately go into Phase 2.

She noted that the process will be in Phase II when the country goes for elections. She said that there were many areas where they could keep on mentioning the CIC, and that instead of inserting it in ten to 12 places, it was better to have a clause earlier on that clearly stated that the house would work in consultation with the CIC, so that they knew that they are following the Constitution.

Date: 22nd February 2012
Member of Parliament: Hon. Martha Karua
Contribution she made on: The Land Bill

She supported the Bill as it was a citing its forthright nature. She pointed out the Bill replicated the Constitution on the mandate of the Land Commission. She noted that with the new Constitution, the country had entered the transition phase with the Commission coming into being.

She pointed out that the biggest land owners in the country were the political class and added that those who had been cited in scandals of land grabbing – whether it in the Ndung’u Report or the Public Accounts Committee or any other report –were also the political class in and out of Parliament. She noted
that as they discussed the issues of land, they should acknowledge that there would be a lot of vested interests in the House.

- She noted that since 2003, when the Kibaki Administration came into place, there had been various occupiers at the Ministry of Lands. She said that the one thing that was very notable – even with all the attempts at the reforms that had come – was that corruption had not been completely battled at the Ministry of Lands. She added that there are a lot of corrupt deals going on and the Minister had done well to revoke land title deeds where it was necessary, but that there was a lot that still needed to be done.

- She argued that they needed the Commission to come in and help to unravel the mysteries that went on and the web of corruption in the lands office. She noted that the mandate under Clause 14 enabled the Commission to review all grants or dispositions of public land. She said that a majority of those in the political class had acquired huge tracts of land through grants and many other people connected and therefore these grants would be revealed so that people stopped sitting on huge tracts of land when a majority of Kenyans were landless.

- She noted however, that would be done within the law and notice will be given and representations entertained by the people whose grants we being reviewed. She hailed the section that helped many counties recover land that has either been illegally excised or whose lawfulness of the disposition cannot be proved.

- She suggested the inserting of a clause that stated that, it was upon each individual, where the land grant is under review to show that they acquired that land lawfully. She said that in her home county, Kirinyaga, just like all counties in Kenya, there were huge tracts of public land that had been acquired by individuals in a suspicious manner that is and, therefore, along with the country, these grants will need to be reviewed by this Land Commission.

- She raised concerns for Clause 18 which called for each county management board to have, at least, three but not more than nine members. She wondered why the House want a bloated land board in the county. She said that the county was a small unit and it was not like the country. She suggested having at least three but not more than five members at boards at the counties.

- She argued that the county needed to have lean and efficient entities to avoid burdening the Exchequer with a lot of expenses. She also pointed out Clause 35, which talks about the offences. She said that Clause 35 said that any person who contravened sub-section (1), who without justification or lawful excuse, obstructs or hinders, assaults or threatens a member of the Commission staff or submits false or misleading information and misrepresents or knowingly misleads a member or the staff of the
Commission will be liable on conviction to a fine not exceeding Kshs3 million or imprisonment to a term not exceeding five years or both.

- She commended that Section but also recommend that the House goes further the same way it did with the electoral laws. She said that just like it created offences for all the participants in the electoral chain, for candidates, for their supporters, for the electorate and for the Commission and its staff, the source should also go a step further and create an offence or offences by members or staff of the Commission; so that if any person knowingly misled, misrepresented or subverts the law so as to defeat the interest in title of an individual or of the public, shall be liable to an offence and I propose equal penalty to that given in 36.

- She noted that a lot of the problems in the country arose as a result of land. And that there would be people trying to hide their tracks where they had grabbed or tried to give misleading information if they wanted certain people to lose interest in land and suggested Parliament put a very high threshold so that anybody who was working for the Commission knew that performing functions in the Commission was walking a tight rope and that needed everything done with utmost integrity.

- She suggested that at the Committee Stage they include a clause there for offences by the Commission or its staff. She suggested they include the clause that if any member of the selection panel has an interest regarding any applicant must disclose and failure to do so would constitute a criminal offence.

- She added that the house needed to make it clear that when the names were being listed and chanced to be related to any of the members they should let the house know that the members can debate the names in Parliament from a position of information. She was quick to add that that did not mean that anybody related to a Principal cannot get a job.

- She warned against any manipulations and added that besides the few suggestions she had mentioned, the bill was a very straightforward Bill and the only thing left was strengthening the areas that needed to be strengthened so that they could get rid of it and the Commission came into being to assist the parliamentarians in the rest of the work.

- She noted that the members of the Commission and the appointment of the Commission are under Clause 7. It provided for a Chairperson and other eight other members.

- She inquired whether it was possible that that clause should be worded differently to say, “Shall consist of a chairperson and not more than eight other members.” She added that in the future, when the country had reached a better place, the authorities of that day may find it fit to only appoint three members or five members of that commission.
She reiterated Hon Ntimama’s sentiments saying the country had come from a history of deceit, fraud and outright land grabbing, with people abusing their positions and taking advantage of those who are less knowledgeable. She added that there are officers of the Lands Office that were taking advantage to unfairly take away people’s land. She said they should be looking critically at every bill to ensure that this did not recur.

She noted that by leaders taking land away from people was just as bad as what the colonialists did. She added that as a country we had failed ourselves but that we had an opportunity to redress the grievances of Kenyans. She asked for the consolidation of all the laws that assist in the registration of land.

She restated that she was not convinced that the Sectional Registration Act should not have been part of this Bill. She also added that the Sectional Titles Act as a law will allow people to own apartments. She suggested having provisions made in this law, so that the house can consolidate all the laws relating to titles.

She called for the Minister to come up with the Miscellaneous Statutory (Amendment) Bill that will addresses the sectional titles, so that they consolidate the registration into just one law and not various laws. She also said that she was looking at Clause 3, at the application of this law and was glad that the Constitution is being cited in particular, Articles 62 and 64.

She queried why there was a need to include clause 10 especially in view of Clause 30 which was clearly saying that notwithstanding Clause 10, every proprietor at the time of acquiring any land, lease or charge shall be deemed to have had notice of every entry in the register relating to the land lease or charge and subsisting at the time of the time of acquisition. She noted that it appeared a little bit like it was contradictory because it was talking about constructive notice and yet, that was precisely permitting that.

She stated that she was happy with Clause 34 which talked about lost titles. She noted that it allowed the registrar to issue a new certificate without the original title provided they are satisfied that the proprietor cannot produce it. She added however that the conditions upon which the registrar satisfies himself or herself that this cannot be produced must be clearly spelled out.

She suggested the deletion of sub-clause on Clause 37(2) when it came to the Committee Stage as it was likely to perpetuate fraud. She said this clause would open up avenues where for instance brokers can take advantage of the poor or even the old people. She said that she was not the clause should be maintained.
She added that Clause 29 on the overriding interest was very important praising it for its detail. She noted with concern that in most counties, a lot of the public utility land had been acquired irregularly. She wondered where various facilities like the county headquarters will be built adding that the waterways in a city like Nairobi had already been grabbed. She also said that it was now inevitable that when one goes to purchase a piece of land owned by a couple they make sure that both of them are in the deal.

She noted that Clause 13 which talked about the appointment of the chief land registrar gave the chief land registrar too much power. She said for example that Successive Ministers had been put in the Ministry of Lands since 2003 when the Kibaki Administration came and like many other unscrupulous Kenyans were taking advantage of their positions and abusing the office. She added that the country needed to find a transparent formula to appoint the land registrar, especially the Chief Lands Registrar.

She inquired why in Clause 95 dealing with matrimonial property, the Minister found it necessary to put the spouses under matrimonial property as tenants in common as opposed to joint tenants? She added that she thought "joint tenants" would be a better and clearer term than tenants in common when the Registrar power determines what shares each owns. She said unless it was a polygamous union where they can be made tenants in common, in monogamous unions it ought to be joint ownership.

She supported Hon. Ethuro in calling for the settlement of the Internally Displaced Persons (IDPs) before the first quarter of 2012 ends. She added that the government should stop telling IDPs that they will settle be settled. Let them do it now.

She noted that Clause 105 which was the very last there were offences by persons who knowingly make false statements, knowingly give false information, fraudulently procure and all the other things. She said that had to be a corresponding offence on the Chief Land Registrar or the Land Registrars and all the officers working in the Lands office. She added that everybody should bear responsibility and account for their actions.

Date: 22rd February, 2012
Member of Parliament: Hon. Millie Odhiambo-Mabona
Contribution she made on: The County Governments Bill

She argued that land was a very contentious thing as it was the basis upon which wars had been fought. She asked for a clearer definition of what a caveat was. She noted that even under the area of co-tenancy, defined under Clause 93, especially in relation to matrimonial property, they needed to be very clear so that it was made known that it is beneficial, especially to women.
She appreciated the Minister’s move to indicate that land for public purposes included land for the re-settlement of squatters, the poor, the landless and IDPs but was quick to add that she failed to see where it was translated in the body. She asked for clarification on what “nominal consideration” is and lauded the Minister for Clause 5, which sought to bring cohesion in the land sector by providing for proper registration of land.

She noted that all women played a role in the land use and this should be reflected in the Bill. She indicated that in relation to Clause 13 that even though the public service said it shall recruit competitively and vet, and do so constitutionally it was not mandatory but it should be not excluded either. She also added that the position of the Chief Land Registrar was very important and should be subjected to vetting by Parliament.

She pointed out there was a need for clarification in Clause 14 and 13 on how to appoint the Deputy Land Registrar. She suggested the zebra approach whereby if the registrar was a woman the deputy is made a man. She also said that there should be inclusion of harder penalties in Clause 21(2) because there was a tendency to be too lenient with the punishments.

She noted that there was a need to also do the same for Clause 22 because land was a serious matter that had seen people being killed because of it. She asked the Minister to address Clause 27 particularly Clause 27(a) on issues of fraud.

She supported Hon Karua’s take on clause 29 saying that more was needed for the protection of women in the matrimonial property rights. She also called for the amendment on this in tandem with the Ministry of State for Planning, National Development and Vision 2030. She noted that the issue of outstanding rates and other charges, had been dealt with so that Kenyans do not get conned when they are buying land.

She asked that Minister to allow the court to appoint a guardian and create a list of persons, especially from civil society organizations that are working for children as stipulated in Clause 49 that talked about children those especially whose parents have died.

She concluded that there was need for a lot of civic education especially on the issue of matrimonial property; she said there was a need to clearly define the terms tenancy and co-tenancy adding that what you define by labour which would include child bearing labour.

Date: 23rd February, 2012
Member of Parliament: Hon. Millie Odhiambo-Mabona
Contribution she made on: Extension of prescribed period for enactment of Constitutional Bills
She supported the Bill and thanked the Chairman for moving that Motion. She said that in seconding it she wanted to indicate that there were a lot of Kenyans who were calling for more time for debating the issue.

She noted that in the post-election violence report, one of the issues that was raised as an underlying factor for the conflict was land. She added that even though they were mindful of the constitutional timeframe, they wanted to indicate that as the Constitutional Implementation Oversight Committee (CIOC) they were not responsible for the lapse of time, and it was also neither was it as a consequence of an act by the Back Bench; it was a consequence

She called on the members to carefully look into the issues in these Bills and asked for the time to look at them carefully whether they were serious issues or not. She added that the Constitution enshrined the principle of the participation of the people and must therefore ample time had to be given to Kenyans to debate the matter.

Date: 23rd February, 2012
Member of Parliament: Hon. Millie Odhiambo-Mabona
Contribution she made on: The Intergovernmental Relations Bill (Committee Stage)

She suggested the amendment in the bill be removed as there was no need to have two people; the President and the deputy while most of the time the President was not likely to be there. She said that the introduction of this amendment was to subject decisions by the National Assembly to the Senate and then to the Summit. She added that in essence it made the Senate a senior House.

She pointed out that these were some of the things the House was trying to avoid – and that they should not set up a clash when it was not necessary and suggested the amendment be withdrawn.

She asked for clarification on whether it was suitable for a County Government to be a body or a corporate and National Government a body corporate

She opposed the amendment proposed by Hon. Mungatana saying that he was not giving the correct constitutional provision. She noted that the constitution talked of both equality and equity but more emphasis was given to equity. She pointed out that for the first time people actually recognized that the Constitution talked of both equality and equity and lauded the drafters for that detail.

She pointed out that hon. Mungatana was misleading the House that what was being proposed was unconstitutional, she noted that the preamble said: “Recognition of the Aspirations of Kenyans for a Government based on among
other things human rights equality.“ She said that that was constitutional
language.

- She pointed out that the Article 27 on Equality and Freedom from
  Discrimination had some clauses from 1 up to 5 which talked about equality
  including the full and equal enjoyment of all rights and fundamental
  freedoms. She added that every person was equal before the law and that he
  had the right to equal protection of the law.

- She also noted that both women and men had the right to equal treatment
  including the right to equal opportunities in political, economic, cultural and
  social spheres so the one-third was affirmative action. However, she added
  the ideal is equality constitutionally.
MINISTERIAL STATEMENTS

Date: 16th February 2012
Member of Parliament: Hon. Joyce Laboso
Contribution she made on: Funds for infrastructure development / Vehicle for Kuresoi

- She asked the Minister clarify whether projects falling under the Economic Stimulus Programme (ESP), particularly the centres of excellence could also benefit from infrastructure development allocation

Date: 22nd February 2012
Member of Parliament: Hon. Martha Karua
Contribution she made on: Delay in payment of retirement benefits to retired teachers

- She noted that the Minister for Finance had undertaken to pay the retired teachers their entire pension before Christmas but he breached the agreement. She added that that almost two months later action was yet to be taken.
- She wondered why the Minister did not ensure that whatever communication they needed from the Attorney-General was delivered in good time so that he could give a comprehensive answer on that day. She asked where the documentary evidence of internal queries that were that prevented the payment
She asked the Deputy Speaker to consider the import of the law that the house had passed while making his decision. She added there were Members who were very furiously opposed to that law noting that it was these same members who unanimously passed a law to go by the Report there.

She further asked for clarification on whether the report passes straight to the committee or to the whole house when it was brought into parliament. She asked the Deputy Speaker to rule as to how Members know what the Report held. She noted that this was because they did not sit in the Committee.

She stated that she knew as a fact that when adopting the Report the Members who were raising those issues were not in the Committee. She also said that she was glad Hon. Mbadi had declared his interest of opposing that Report because he came to the Committee and he opposed the inclusion of Ruma from Suba South to Suba North and that that was the bone of contention!

She noted that the Commission was independent and was the only one vested with the authority to review boundaries. She however said the Parliamentary Committee also had a role given to it by law, to look at that report.

She pointed out that it was really a balancing act that while performing its duty the Committee does not go beyond or rather violates the constitutional mandate of the Commission. She added that since the House only got that when the report was laid, then it ought to be laid before the House, and if anybody thought that the Committee had exceeded its mandate that was the point at which this House then tackled it.

She supported the Chair of the Committee on the issue of canvassing so in a bid to seek extension of the debate of the Bills since it was both a parliamentary and public debate. She asked for adequate time for Members of the House to prepare for the debate on the issue.
She called on the Deputy Speaker to lift the sanction on the Ministry of Water and Irrigation from transacting business in the House because her ministry had explained why they were not available to answer the Question on time. She explained that some information that had not reached her office before they went into the house.
COMMUNICATION FROM THE CHAIR

Date: 22nd February, 2012
Member of Parliament: Hon. Millie Odhiambo-Mabona
Contribution she made on: Passing on of the Hon. John Njoroge Michuki

- She said that she joined other Kenyans in giving her condolences to the family of the late Hon. Michuki. She said that Hon Michuki stood firm in what he believed and that it did not matter whether or not people agreed with him.
- She also said that she respected his strength of character, and that even when the going was tough, he stood firm in what he believed. She said that she also respected the fact that he delivered and noted that if half of them worked as hard as he did, then the country would be very different.
- She recalled a situation back in 1997 when there was a reform wave in the country and the civil society together with Opposition met in Ufungamano and the youth wanted a violent revolution but not knowing who she was, the late Hon Michuki held her hand and told her to go and talk to her colleagues stating that if that is the way they are going, then Parliamentarians were leaving the process and indeed, the Parliamentarians left. She added that the late Hon Michuki be remembered for promoting peace, that saw the country move forward during difficult times.

Date: 22nd February, 2012
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: Passing on of the Hon. John Njoroge Michuki

- She joined Kenyans and the other Members in sending condolences to the family of hon. Michuki and the people of Kangema. She said that in the last Parliament, those who would not dare call Hon. Michuki on his face called him “Uncle Mich” because he kept asking them not to look for shortcuts. She added that anytime he was praised him for a good thing he did, he would say that if anyone didn't want to do something, then they should not do it at all if they did not plan to do it as well.
- She also noted that the Late Hon Michuki was a strict time keeper which is what he was also admired for and added that he always said that poor time keeping was the reason why Kenya was lagging behind and that time was a resource.

Date: 22nd February, 2012
Member of Parliament: Hon. Prof. Margaret Kamar
Contribution she made on: Passing on of the Hon. John Njoroge Michuki

- She said she was grateful for the opportunity to pass on her condolences to the family of hon. John Michuki. She said that she had worked under Hon. Michuki as his Assistant Minister and she noted that he was a very intelligent and courageous man. She also said that he was a man who was extremely thorough in everything that he did and the country is going to miss him.
She noted that she was the last person to have been in an official function with him. She said that they were in a meeting in Durban, South Africa, in December, 2011, preparing for the meeting that was supposed to happen in June. She also said that at that time, he mentioned that he was going to the United Kingdom for an eye clinic.

She also said that Hon. Michuki had passed on at a time when was supposed to have been hosting the Governing Council as the host Minister of the United Nations Environment Programme (UNEP). She noted that on that Wednesday, the President went to open the UNEP Governing Council, where the entire world’s Ministers of Environment would be converging at the UNEP Headquarters. She added that were going to be devastated by news of his passing on and that he was not going to be able to read his own statement on that Monday.

She also said that hon. Michuki stood out in his duties at the Ministry of Environment and Mineral Resources. She added that he has been the one who had been carrying the banner of UNEP to be confirmed as a UN organisation that is headquartered in Kenya; the only UN organisation that is based here.

She said that while she could never complete describing the work that the man had done she said she believe that there would be other opportunities to do so. She went on to say that the man Kenya had lost was a man who had done a lot for this country.

Date: 22nd February, 2012
Member of Parliament: Hon. Joyce Laboso
Contribution she made on: Passing on of the Hon. John Njoroge Michuki

She said that she wanted to also send her sincere condolences to the family, friends and relatives of the late Hon. John Michuki. She said that he was a man worth emulating and who has left a legacy. She also pointed out that Hon Michuki was a man who would all want the same things to be said about others when they were no longer there.

She called upon everyone to remember the good work that hon. John Michuki had done for this country – the legacy of hard work, the legacy of never saying die, and the legacy of making sure that once an opportunity arises to serve everyone should do their very best and make a difference.

Date: 22nd February, 2012
Member of Parliament: Hon. Dr. Sally Kosgei
Contribution she made on: Passing on of the Hon. John Njoroge Michuki

She passed her condolences to the family and friends of Hon Michuki. She noted that he was a candid person who gave candid opinions whenever he was asked. She said that like most Members, she too had worked with him.

She said that at one point when she ran to him as a District Officer she thought “that was what she would have liked to be”. She added that working and sitting next to him in the last four years had enriched her own experiences because he brought all his experiences to the work that he did.
She said that she respected hon. Michuki for his hard work, and for never shying away from giving his own advice on what was really the problem. She added that in the previous year she had gone to him for support and he gave that support willingly and candidly, and she left his office feeling that she had learnt more than she expected when she went there.

**Date: 22\textsuperscript{nd} February, 2012**  
**Member of Parliament: Hon. Martha Karua**  
**Contribution she made on:** Passing on of the Hon. John Njoroge Michuki

She pleaded with the Speaker to add more time for a few more Members to give their condolences. She added that it was a unique thing; the passing of a Member and noted that while the speaker had given his ruling it was within his discretion to extend a little.

She said that she too wanted to give her condolences to the family and friends of the late John Michuki. She said she recognized him as a Kenyan who was hard working and that whenever he put his mind on an issue, he would exhaust it to the end. She added that while they started as allies, towards the end we were not political friends but nevertheless recognized him as a great Kenyan who made his contribution to this county.

**Date: 22\textsuperscript{nd} February, 2012**  
**Member of Parliament: Hon. Elizabeth Ongoro**  
**Contribution she made on:** Tribute to the late Minister for Environment and Mineral Resource; Hon. John Njoroge Michuki

She said that on her own behalf and on behalf of the people of Kasarani Constituency she would like to mourn with the Michuki Family and the people of Kangema Constituency. She said that in Kasarani they had lost one of their senior most constituents. She said that the late Hon. Michuki will be missed.

**Date: 29\textsuperscript{TH} February 2012**  
**Member of Parliament: Hon. Sophia Abdi Noor**  
**Contribution she made on:** Legality of Motion on Boundaries and Wards

She stated that after consultation with the President of the Coast Regional Assembly, she was asked to postpone the discussion because she felt inter-tribal bitterness was so sharp at that time negotiations could not be conducted on the negotiation basis. She added that those two letters had been communicated. After that, she noted, there had not been any demarcation of any boundary between the Coast and North Eastern provinces on any paper.

She said there had been an agreement between tribal clan leaders between the Coast Province; the Ormas and the Abdalla community in particular, and they had agreed on Malkas. She pointed out to a map where they had agreed on and they signed a memorandum between them.
She said that they had signed and agreed on Malkas until it became a corridor for watering the animals. She added that they had even agreed to the cultivation of the Pokomo people. She pointed that after the agreement Malkas was no longer there; and that nothing was there and yet, that was the agreement between the two communities.

She said that there had been a long outstanding conflict between those two communities and there had been many deaths and what the people of North Eastern and, in particular, the people of Ijara who are a peace loving community wanted to do was to solve that by putting the issue to the rightful place so that those people could look at that and give a solution to that problem.
PROCEDURAL MOTION

Date: 23\textsuperscript{rd} February, 2012  
Member of Parliament: Hon. Prof. Hellen Sambili  
Contribution she made on: Extension of sitting time

- She supported the extension of the time for discussing this issue. She pointed out that the issue of land as stated by other Parliamentarians my colleagues was extremely critical and that they were dealing with it for the future of this country.
- She added that she was supporting the call for the extension of time so that they can do justice to the issue of land. She added that in the past land had brought about a number of problems and that it was still the most serious issue that affected the country.

Date: 23\textsuperscript{rd} February, 2012  
Member of Parliament: Hon. Dr. Naomi Shaban  
Contribution she made on: Extension of sitting time

- She supported the motion saying that land was a very important and sensitive for Kenyans. She added that she and her counterparts from Taveta and the coast area were expecting the Members of the 10\textsuperscript{th} Parliament to deliberate the issue of land and in particular the laws protecting the citizens from unfair land deals.
- She noted that Kenyans were used to bureaucracies that led to the abuse of their rights in regards to land and also said that there was no justification for hastening the bills since they had enough time to deliberate the Bill.

Date: 23\textsuperscript{rd} February, 2012  
Member of Parliament: Hon. Esther Murugi  
Contribution she made on: Extension of sitting time

- She supported the Motion of extending the time because since independence the country had not resolved the issue, she went on to say they people in Kenya had killed each other because of land in the past and were still killing each other for purposes of land.
- She argued that even as she tried to resettle the IDPs, she had have issues as to where to settle them because everybody had an issue of land. She added that there was need to extend the time and allow Kenyans to ventilate and express their views on issue of land.

Date: 23\textsuperscript{rd} February, 2012  
Member of Parliament: Hon. Peris Chepchumba  
Contribution she made on: Extension of sitting time

- She supported the Motion saying there was need for more time to be time to deliberate more on the matter and contribute to this important issue. She
added that she strongly supported the Motion because land was very emotive and that as a factor of production it was limited by its very nature.

- She pointed out that historically there had always been surrounding land and that people had suffered historical injustices. She added that even before independence there were people who did not have land because they were forced to move.
- She reiterated the other members saying that there was need to be careful so as not to rush to sign the Bill into law. She added that Kenyans were looking at Parliament to provide a Bill where the stakeholders had given an input and where the public had been heard.

**Date: 23rd February, 2012**  
**Member of Parliament: Hon. Dr. Joyce Laboso**  
**Contribution she made on: Extension of sitting time**

- She thanked the Deputy Speaker on being extremely gender sensitive that day because the issues of land also concerned women; she added that it was women who suffer when people fight over land and that it is women who have to run away with their children when people fight over land.
- She recommended enough time to ventilate on the issue of land. She said time should be given for the public to ventilate and even Members to ventilate. She added that each and every person should have their say, and this should also be extended to the civil society to bring their views on board so that, finally they would have a Bill that covered everybody’s interest.

**Date: 23rd February, 2012**  
**Member of Parliament: Hon. Sophia Abdi Noor**  
**Contribution she made on: Extension of sitting time**

- She supported the Motion saying that that the House had made history before but they had also made some mistakes. She said that after rushing through the Constitution, there were a few critical issues that needed to be amended. 
- She noted they had rushed through the Constitution and that day they had a lot to say about it, she also said just like the Constitution, they had also rushed through the Elections and the Political Parties Bills and passed them but currently the Acts have problems and some of them were already bringing amendments to them. She cited carelessness of a House in looking at the details as a cause for concern.
- She also noted that the Ethics and Anti-Corruption Commission Act also had a problem because the house rushed through the process. She said that was important to be keen this time round, because land was very important in this country and had led to the deaths of many people.
- She reiterated that is was critical that the Bill be looked at very critically and added that the women of this country had a lot of interest in the Land Bill.

**Date: 23rd February, 2012**  
**Member of Parliament: Hon. Linah Jebii Kilimo**  
**Contribution she made on: Extension of sitting time**
She supported the Motion on the issue of community land register. She pointed out that land outside of Nairobi, or the central areas did not have title deeds and that in far-flung areas of the country, the tenure was communal. She said that a lot of time was needed so that the people managing community land could have their input in the Bill.