APRIL 2016  KEWOPA MEMBERS HANSARD [NATIONAL ASSEMBLY]

CHAIRS

Date 13th April 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 14th April 2016
Member of Parliament: Hon. Joyce Laboso
Contribution she made on: Chaired the session (Deputy Speaker)

Date 14th April 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 19th April 2016
Member of Parliament: Hon. Joyce Laboso
Contribution she made on: Chaired the session (Deputy Speaker)

Date 19th April 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 20th April 2016
Member of Parliament: Hon. Joyce Laboso
Contribution she made on: Chaired the session (Deputy Speaker)

Date 20th April 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 21st April 2016
Member of Parliament: Hon. Joyce Laboso
Contribution she made on: Chaired the session (Deputy Speaker)

Date 21st April 2016
Member of Parliament: Hon. Rachel Shebesh
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 26th April 2016

Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 27th April 2016

Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 27th April 2016

Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 28th April 2016

Member of Parliament: Hon. Joyce Laboso
Contribution she made on: Chaired the session (Deputy Speaker)

Date 28th April 2016

Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 28th April 2016

Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

COMMITTEE OF THE WHOLE HOUSE

Date: 19th April 2016

Member of Parliament: Hon. Tiyah Galgalo
Contribution she made on: Anti-Doping Bill

‘Hon. Temporary Deputy Chairman, I beg to move:-
THAT, Clause 7 of the Bill be amended in Sub-clause (1) by inserting the following new paragraph immediately after paragraph (d) -

"(da) periodically gazette International Standards."

The justification for change is to ensure that Anti-Doping Agency of Kenya (ADAK) constantly creates awareness among the athletes on the prohibited list of banned substances published by the World Anti-Doping Agency (WADA)’

(Question of the amendment proposed)

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

(Clause 7 as amended agreed to)

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

THAT, Clause 10 of the Bill be amended —

(a) in Sub-clause (1)—

(i) by inserting the following new paragraph immediately after paragraph (b) -

"(ba) The Attorney General or a representative designated in writing by the Attorney General;"

(ii) by inserting the words “who shall be the Secretary to the Board;” immediately after the words “Chief Executive Officer;” appearing in paragraph (d)

(b) in Sub-clause (2) —

(i) by deleting paragraph (a) and substituting therefor the following new paragraph

“(a) holds a post-secondary school education qualification recognised in Kenya;”

(ii) by deleting the words ‘sports or administration’ appearing in paragraph (b) and substituting therefor the words ‘sports, management, administration or any other relevant field’

(c) in sub clause (3) by deleting the words ‘ensure the representation of women, youth and persons with disabilities’ and substituting therefor the words ‘ensure compliance with the Constitution’

(d) in sub clause (5) by deleting paragraph (c).’

(Question of the amendment proposed)

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

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

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

THAT, Clause 17 of the Bill be amended in sub-clause (2) by deleting the word “ten” appearing in paragraph (a) and substituting therefor the word “five”
This is on the qualification of the Chief Executive Officer (CEO). On this one, the Bill says that we should have 10 years. However, the Committee proposes that we should have five years because this is a new field. Many of the people who will apply will be locked out. So, for that purpose, the Committee decided that we have five years’ experience for the CEO and not 10.’

(Question of the amendment proposed)
(Question, that the word to be left out be left out, put and agreed to)
(Question, that the word to be inserted in place thereof be inserted, put and agreed to)
(Clause 17 as amended agreed to)

‘Thank you, Hon. Temporary Deputy Chairman. I beg to move:- THAT, Clause 23 of the Bill be amended in sub clause (2) by deleting paragraph (b) and substituting therefor the following new paragraphs—
“(b) a medical doctor of not less than five years’ experience in matters relating to sports;
(ba) a clinical pharmacist of not less than five years’ experience in matters relating to sports;”
Hon. Temporary Deputy Chairman, instead of having two medical doctors of not less than five years’ experience, we propose to have a medical doctor and a pharmacist of not less than five years’ experience.’

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Clause 23 as amended agreed to)

‘Thank you, Hon. Temporary Deputy Chairman. I beg to move:- THAT, Clause 27 of the Bill be amended in sub clause (5) by deleting paragraph (a) and substituting therefor the following new paragraph—
“(a) shall comply with the Anti-Doping Rules;”
The justification for this amendment is that it will give clarity that athletes have a duty under the Bill to comply with the anti-doping rules to be adopted under subsidiary legislation.

(Question, that the words to be left out be left out, put and negatived)
(Clause 27 agreed to)

‘Thank you, Hon. Temporary Deputy Chairman. I beg to move:- THAT, clause 29 of the Bill be amended in sub clause (2) —
(a) by deleting the word "have" appearing in paragraph (b) and substituting therefor the words "with permission authorized in writing by the Inspector General of Police exercise
(b) by deleting the words "subject to the direction of the Director of Public Prosecution" appearing in paragraph (c) and substituting therefor the words "may cooperate with the Office of the Director of Public Prosecutions to"

This amendment was done because powers to arrest must be authorised by the Inspector General of Police (IG). Unless they are given powers to arrest, officers of WADA cannot do it. That is why we gave this amendment. It was not given in the previous clause. We are seeking the powers by the IG to the officers so that they are authorised to do arrests.

Thank you, Hon. Temporary Deputy Chairman.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 29 as amended agreed to)

'I beg to move:-

THAT, clause 30 of the Bill be amended—

(a) in sub clause (1) by deleting the prefatory statement and substituting therefor the following prefatory statement—

"(1) An authorised Anti-Doping compliance officer acting in accordance with the enabling statutory provisions may—"

(b) in sub clause (4) by deleting the words " or without" appearing immediately after the word "may with."

As discussed, the justification for this was that the amendment brings the Bill into compliance with the Constitution and Section 29 of the Criminal Procedure Code Act by permitting the officer of the Agency, who will exercise police powers of arrest, seizure and search, do so within the permitted legal framework and with a warrant.

Thank you, Hon. Temporary Deputy Chairman.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 30 as amended agreed to)

'Hon. Temporary Deputy Chairman, I beg to move:-
THAT, Clause 33 of the Bill be amended in sub-clause (1) by deleting the words "Parliament for the purposes of the Agency" appearing in paragraph (a) and substituting therefor with the words "National Assembly".

The justification for this is that the Agency is expected to be independent, both financially and in its operation in order to meet international standard as precondition of compliance and removal of threat of ban.

Two, the agency is modelled in line with the World Anti-Doping Agency (WADA). The WADA has been clear that the budget for the Agency must be guaranteed to enable it to function effectively.

Three, the Agency being created must maintain a lot of international linkages for example, with the WADA in Canada, USA, France, International Olympic Committee, International Sports Federation and the Court of Arbitration for Sports, Interpol and other similar national organisations countrywide and internationally:

(Question, that the words to be left out, be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 33 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:

THAT Clause 42 of the Bill be amended—

(a) in sub clause (1)—

(i) by deleting the words "or body" appearing immediately after the word "person" in the prefatory statement;

(ii) by deleting paragraph (d);

(iii) by deleting paragraph (g);

(iv) by deleting paragraph (h).

(b) in sub clause (2)—

(i) by deleting the words "or body" appearing in the prefatory statement;

(ii) in paragraph (b) by deleting the words "stocks" and substituting therefor the words "sells, stocks or transports";

(iii) by deleting the words "not less than three million shillings or imprisonment of not less than three years" and substituting therefor the following words "not exceeding five million shillings or imprisonment for a period not exceeding five years" appearing immediately after the words "fine of" appearing in the closing statement.

(c) in sub clause (3)—

(i) by deleting the words "sells, stocks, transports" appearing in paragraph (d):
(ii) by deleting the words “not less than one hundred thousand shillings or imprisonment of not less than one year” and substituting therefor the following words “not exceeding five hundred thousand shillings or imprisonment for a period not exceeding one year” appearing immediately after the words “fine of” appearing in the closing statement;
(iii) by inserting the words “found guilty of wilfully committing any of the offences prescribed under this section,” immediately after the word “personnel” appearing in the proviso
(iv) by inserting the following new sub clause immediately after sub clause (3)—
“(3A) A person who violates the rules relating to confidentiality, public disclosure and privacy of data commits an offence and shall be liable upon conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three years or to both.”
(d) in sub clause (4)—
(i) by deleting the prefatory statement and substituting therefor the following prefatory statement—
“A healthcare practitioner who—”
(ii) by deleting the words “not less than three million shillings or imprisonment of not less than three years” and substituting therefor the following words “not exceeding three million shillings or imprisonment for a term not exceeding three years” appearing immediately after the words “fine of” appearing in the closing statement;
(e) in sub clause (6) by deleting the words “this Act” and substituting therefor the words “the Anti-Doping Rules”

(Question, that the words to be left out be left out, put and negatived)
(Clause 42 agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 2 of the Bill, be amended by inserting the following new definitions in proper alphabetical sequence—
“athlete” means any person who competes in sport at the international level as defined by an international federation or at the national level as defined by the Agency;
“healthcare practitioner” includes any person who has obtained health professional qualifications and is licensed by the relevant regulatory body;”
“Anti-Doping Rules” includes the Regulations made under this Act;

We have included the definition of the word “athlete” and a further definition of the words “healthcare practitioner”. This has been lifted from the recently passed Health Bill. The amendment also states that Anti-Doping Rules include Regulations made under this Act.

(Question of the amendment proposed)
Date: 19th April 2016
Member of Parliament: Hon. Tiyah Galgalo

Contribution she made on: The Community Land Bill

(On a Point of Order)

‘Hon. Temporary Deputy Chairlady, I heard you say that we did not submit the amendments to the Committee. I personally submitted the amendments to the Chair and also to the Clerk of the Committee. I do not understand when you say that this was not done. I do not see the reason why, for example, some of the amendments that I have proposed should not be included.’

(Clause 5)

‘Thank you, Hon Temporary Deputy Chairlady. If we have that amendment, we are going to leave out the community. According to my amendment, we were to include communities as the recipients and compensation upon compulsory acquisition. We do not have negotiated settlements in northern Kenya and that will affect the community land especially communities that have land which is not settlement. So, we should include my amendment. This is unfair. I want to go on record that on this issue we cannot leave out the community. We have community owned land, we have trust land and we have no settlement land.’

‘I have withdrawn my amendment on that because I have been made to understand that “settlement” also includes community land.’

(Proposed amendment by Hon. (Ms.) T.G. Ali withdrawn)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 6 of the Bill be amended in sub-clause (1) by deleting the words “for which it is held” and substituting therefor the words “traditionally entitled to or resident on the land”.

The County Government holds a register on Clause 6(1). My recommendation or amendment to it is “traditionally entitled to or resident of the land” be included. This is because we have traditional owners of land and if they are not included then they will be vulnerable. They will not have an opportunity to protect the land where they buried their forefathers.

(Question of the amendment proposed)

Date: 19th April 2016
**Member of Parliament: Hon. Dr. Naomi Shaban**

**Contribution she made on: The Community Land Bill**

(Clause 8)

‘Hon. Temporary Deputy Chairlady, I agree with Hon. Oner that it is just the renumbering so that the three can read (i) and (ii). Those are the steps that are going to be taken by the CS. It is quite clear if you read it through. I support the Hon. Member. Hon. Temporary Deputy Chairlady, there are two ways you can look at it; either borrow a leaf from what Hon. Oner had said, or alternatively go ahead and leave the way it has been numbered.’

**Date: 19th April 2016**

**Member of Parliament: Hon. Esther Murugi**

**Contribution she made on: The Community Land Bill**

(Clause 8)

‘Thank you, Hon. Temporary Deputy Chairlady. I want to agree with Hon. Oner because once you say under Clause 8 (2) that “The Cabinet Secretary shall ensure that the process of documenting, mapping and developing of the inventory of community land shall be transparent, cost effective and participatory and shall involve the following steps-”; you must lay down the steps. You cannot say the following steps and then move from Sub clause (2) to Sub clause (3). It can only be Sub clause (2) and then you itemise the steps. We cannot leave the amendment as it is.’

**Date: 19th April 2016**

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

**Contribution she made on: The Community Land Bill**

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 10 of the Bill be amended in sub-clause (1) by deleting paragraph (d).

I am sorry I had stepped out for a meeting. I missed my first two amendments. Paragraph (d) says “the user of the land.” This is a vague sub-clause that could be interpreted to indicate that one person’s name may go on a community’s registration certificate. The user should actually be the community. The remedy to that is indicated in my next amendment. Thank you.’

(Question of the amendment proposed)

‘With the new change from the Committee Chair, I drop my amendment.

(Proposed amendment by Hon. (Ms.) Emanikor dropped)

**Date: 19th April 2016**
Member of Parliament: Hon. Tiyah Galgalo

Contribution she made on: The Community Land Bill

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 10 of the Bill be amended in sub-clause (2) by deleting the words “or any other written law”.

Hon. Temporary Deputy Chairman, in Sub-clause (2), the provisions suggest that an instrument may be registered in accordance with some law other than the community land law. That is the issue. I propose to amend it by deleting the words “any other written law” so that disposition of community land can only be in accordance with the Act.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 10 as amended agreed to)

Date: 19th April 2016

Member of Parliament: Hon. Joyce Emanikor

Contribution she made on: The Community Land Bill

‘Thank you, Hon. Temporary Deputy Chairlady. I beg to move:-

THAT, Clause 11 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1) –

”(1b) Community land may be registered in the name of—

(a) a community;

(b) a clan or family in accordance with the customary practices applicable; or

(c) a community association in accordance with the document constituting the association.

This amendment brings home the fact that we are clear on which organisations or groups in the community would register a community land under their names. This to me would be a community, clan, family or community association.’

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

Date: 19th April 2016

Member of Parliament: Hon. Priscilla Nyokabi

Contribution she made on: The Community Land Bill

(Clause 13)

‘Thank you, Hon. Temporary Deputy Chairlady. I want to support the amendments proposed by the Chairman of the Departmental Committee on Lands. I especially support the registered community reserving the purposes for which land might be reserved.
It is a good idea that most of them are captured including the cultural and heritage sites. It is going to be important for our communities to continue conserving cultural and heritage sites some of which are used for religious purposes. I want to support the amendments. Thank you.’

**Date: 19th April 2016**  
**Member of Parliament: Hon. Mishi Juma**  
**Contribution she made on: The Community Land Bill**  
(Clause 15)  
‘Thank you, Hon. Temporary Deputy Chairlady. I concur with the sentiments of the Chair of the Departmental Committee on Lands on the deletion of Clause 15. It is in order. I support it.’

**Date: 19th April 2016**  
**Member of Parliament: Hon. Joyce Emanikor**  
**Contribution she made on: The Community Land Bill**  
‘Hon. Temporary Deputy Chairlady, I beg to move:-  
THAT, Clause 19 of the Bill be amended in sub-clause (1) by inserting the words “to a community” immediately after the word “registration”.  
This amendment ensures that community land registration process will culminate in the awarding of a certificate of title in the name not just of the buyers but also the name of communities.’

(Question of the amendment proposed)  
(Question, that the words to be inserted be inserted, put and negatived)

‘Thank you, Hon. Temporary Deputy Chairlady Hon. Temporary Deputy Chairman, I beg to move:-  
THAT, Clause 20 of the Bill be amended in sub-clause (2) by deleting paragraph (f).  
This mandate ensures that communities will have little say, as it is now, over the planning and zoning of their lands. As it is, it also opens the door for county and national Governments to set the land use requirements for communities who will have little power to make local land use planning decisions.’

(Question of the amendment proposed)  
(Question, that the words to be left out be left out, put and negatived)

**Date: 19th April 2016**  
**Member of Parliament: Hon. Naomi Shaban**
Contribution she made on: The Community Land Bill

‘Hon. Temporary Deputy Speaker, I beg to move that the House does agree with the Committee in the said Report. I also request Hon. Sakuda to second the Motion for agreement with the Report of the Committee of the whole House.’

Date: 20th April 2016
Member of Parliament: Hon. Rose Mitaru

Contribution she made on: The Community Land Bill

‘Thank you, Hon. Temporary Deputy Chairlady for giving me this chance. I want to say very briefly this evening that the land issue in this nation has been--- I support.’

Date: 20th April 2016
Member of Parliament: Hon. Priscilla Nyokabi

Contribution she made on: The Community Land Bill

‘Thank you, Hon. Temporary Deputy Chairlady. I want to support the Chair on that amendment that he has introduced relating to both Clauses 22 and 24 on the thresholds of the community participation that is required before a decision is made.’

Date: 20th April 2016
Member of Parliament: Hon. Fatuma Ibrahim

Contribution she made on: The Community Land Bill

(Clause 26)

‘I do not have the Report but listening to the Chair, I think this clause might introduce new dynamics to the community land law, which may cause tension. Referenced to other laws, this is sufficient enough to protect other interests. The other laws that stand alone may not be relevant.’

Date: 20th April 2016
Member of Parliament: Hon. Naomi Shaban

Contribution she made on: The Community Land Bill

(Clause 26)

‘Hon. Temporary Deputy Chairlady, I stand to support the amendment by the Chair of the Departmental Committee on Lands in the sense that this is specific to private land, which may be converted to community land. It is important for us to remember that as you convert private land, it is important to look at other relevant written laws to ensure that you
do not clash our interest and end up in a legal tussle, fighting over something which should have been put in black and white.’

**Date: 20th April 2016**

**Member of Parliament: Hon. Wanjiku Muhia**

**Contribution she made on: The Community Land Bill**

(Clause 28)

‘Thank you, Hon. Temporary Deputy Speaker. I want to support the proposed amendment by the Chairman. Initially, I thought it was an issue with the articles “the, a and an,” which are sometimes used for the interest of lawmakers. For the interest of the community and land laws, it is good to have clarity. I support.’

**Date: 20th April 2016**

**Member of Parliament: Hon. Hellen Chepkwony**

**Contribution she made on: The Community Land Bill**

(Clause 28)

‘Thank you, Hon. Temporary Deputy Chairlady. I rise to support the amendment. When land has been declared community land, it will be under the community rules. There should be a penalty or punishment to that person who has done what is not supposed to be done in the community land. For example, a community might have made rules and said that their land should not be sold without consultation of the community. Whoever is entangled in that land might sell it to an investor who can invest in something that pollutes the community land. This amendment is going to protect the land. It is also going to safeguard the health of the community living there against shrewd investors. You can find that in towns, an investor buys land and invests in a manufacturing plant. He lets the waste to drain into the rivers, where the public fetch their water. If you go to Nakuru, you will find that there is a lot of pollution in the lake. This amendment is going to protect that. I support the amendment. Thank you.’

**Date: 20th April 2016**

**Member of Parliament: Hon. Winnie Njuguna**

**Contribution she made on: The Community Land Bill**

‘Yes. Thank you, Hon. Temporary Deputy Chairlady. I oppose the amendment on Clause 29 (b) that the words “one year” be substituted with “six months.” Land matters require time and reducing time will lead to making decisions which can affect the community. So, I oppose this amendment so that it can read as “one year” and not “six months.”’
Date: 20th April 2016
Member of Parliament: Hon. Annah Nyokabi
Contribution she made on: The Community Land Bill
‘Thank you, Hon. Temporary Deputy Chairlady. I rise to support this clause. When it comes to the issue of investment or issues relating to land, the earlier the resolution in terms of areas that need resolution, the better for all parties concerned because it forces everybody to bring the information together and have their facts correct before they proceed. One year’s delay becomes a bit too long when it comes to issues of land resolution. This is just for the sake of harmony and communities living in peace. I support.’

Date: 20th April 2016
Member of Parliament: Hon. Naomi Shaban
Contribution she made on: The Community Land Bill
‘Hon. Temporary Deputy Chairlady, I rise to support the amendment by the Chairperson. This is in reference to Clause 29(5) which is very clear. The situations being referred to would be when somebody who has no authority erects or occupies any building or other structure on a designated grazing land, ploughs or cultivates any portion of land, takes up abode or occupies any portion of grazing land or obstructs the access to any watering place. Some of those acts are not very serious offences. I think the reduction of the sentence period from one year to six months is quite in order. Hon. Temporary Deputy Chairlady, I beg to support.’

Date: 20th April 2016
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The Community Land Bill
(On a Point of Order)
‘Hon. Temporary Deputy Chairlady, thank you for giving me this opportunity. I want some clarification. Initially, I was encouraging Hon. Mwadime to drop the word “traditional” but based on certain consultations, I am told that there is intention to move an amendment to define “traditional community”. That would change perspective. I do not know if that has been discussed with the Committee and whether they are averse to the introduction of “traditional community”. If they are not averse, then it would make sense that this be retained but that at Clause 2, there be an amendment for “traditional community” because those are two different things. “Traditional community” would connote what was intended by this Bill. If you look at the definition section of this Bill, it widens what community is to
even modern communities when what we are talking about here is limited to very few communities.’

Date: 20th April 2016
Member of Parliament: Hon. Mary Wambui
Contribution she made on: The Community Land Bill
‘Thank you, Hon. Temporary Deputy Chairlady for giving me this opportunity. I oppose the amendment because this country has 42 tribes. Each tribe has its own traditions. If I go to the Maasai community and buy land and I am not a resident of the traditional community, I cannot do whatever I want to do. If he deletes the word “traditional” and allows all Kenyans to buy land anywhere, the amendment will be fine. If he insists on the word “traditional”, we are going to divide this country. It is not good.’

Date: 20th April 2016
Member of Parliament: Hon. Naomi Shaban
Contribution she made on: The Community Land Bill
‘Hon. Temporary Deputy Chairlady, I want to ask my brother, Hon. Andrew Mwadime, to look at it from the perspective of the Chairperson as he has tried to explain why Clause 30 (i) and (g) are there. You need people to sit together and agree on whatever is going to be done on that particular chunk of land for promoting public interest. The key words here are “public interest”. Since the community cannot make certain decisions alone, it needs to work with the county and national governments to make a decision on an issue like that or even be advised properly so that the right decision can be reached. So, this is not offensive in any way and it does not mean that the county and national governments can do things without the community getting involved. Thank you.’

Date: 20th April 2016
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The Community Land Bill
(Clause 31)
‘Thank you, Hon. Temporary Deputy Chairlady. I am looking at the Bill. In the amendment the Committee is dropping every man. I have not heard the Chairman explaining. I am as much a protector of women as a protector of men. I have no reason why I would not want to protect men and only protect women. Hon. Chairman, especially for me who is married outside the country, I want my husband to be a member of the community as much as I may also be a member of the community in his country. So, I would oppose and encourage
that we accept our men. It is discriminatory and unconstitutional to put a different standard 
for men as opposed to women. Let the man who comes like my husband is now a Member 
of Lambwe Community in Mbita. He is a Jalambwe.’

Date: 20th April 2016
Member of Parliament: Hon. Sara Korere
Contribution she made on: The Community Land Bill 
(Clause 31)
‘Yes. Thank you. I rise to support the amendment as proposed by the Chair. Many times 
land issues have been the biggest part of discrimination on the part of women especially 
where we have group ranches. Most women are not members of the group ranches. They 
do not participate in the group ranch elections. So, this is a good amendment. I am sorry for 
my friend but for a long time women have been the custodians of all the bad customs we 
have in this country.’

Date: 20th April 2016
Member of Parliament: Hon. Fatuma Ibrahim
Contribution she made on: The Community Land Bill 
‘Thank you, Hon. Temporary Deputy Chairlady. I oppose this amendment. Sub-clause 31(5) 
is very comprehensive and defines both men and women. In my view, this amendment is to 
demean women because it shows that it is only women who marry from outside their 
community. Both men and women marry from outside and move to new localities and are 
entitled to benefit from different communities. This should be removed.’

Date: 20th April 2016
Member of Parliament: Hon. Mishi Juma
Contribution she made on: The Community Land Bill 
(Clause 31)
‘Asante sana, Mhe. Naibu Mwenyekiti wa Muda. Naunga mkono mabadiliko ya Kamati 
kuhusu huu Mswada. Nataka kumwambia Mhe. Milly tungeweza kuchukuwa maoni yake 
lakini anapooa haendi kwa akina bibi yake na hatapewa mali yoyote huko. Lakini bibi 
anapolewa anakaa kule kwa akina bwana na pia hupata urithi huko. Kwa hivyo, mabadiliko 
haya ni mazuri kwa sababu atakuwa pale mpaka wakati wataawachana ama kuolewa kwa 
jamii nyingine. Kwa hivyo, mabadiliko haya yako sawa na sahihi nayaunga mkono kwa 
dhati.’

Date: 20th April 2016
Member of Parliament: Hon. Fatuma Ibrahim  
**Contribution she made on: The Community Land Bill**  
(Clause 35)  
‘Thank you, Hon. Temporary Deputy Chairlady. I strongly oppose the amendment. I think we are legalising stolen trust land and glorifying people who have stolen land that belonged to communities that lived in trust land. I think some members of this Committee are beneficiaries of some of this land which was stolen. I think they are protecting and safeguarding that.’  

**Date: 20th April 2016**

Member of Parliament: Hon. Mishi Juma  
**Contribution she made on: The Community Land Bill**  
(Clause 35)  

**Date: 20th April 2016**

Member of Parliament: Hon. Annah Nyokabi  
**Contribution she made on: The Community Land Bill**  
(Clause 44)  
‘Thank you, Hon. Temporary Deputy Chairlady. I rise to support. Penalties should be commensurate with the type of crime committed. For encroachment on other people’s land unintentionally, six months instead of one year and a penalty of Kshs100,000 instead of Kshs500,000 as had been proposed, would be more in line. I support.’  

**Date: 20th April 2016**

Member of Parliament: Hon. Fatuma Ibrahim  
**Contribution she made on: The Community Land Bill**  
(Clause 44)
Thank you, Hon. Temporary Deputy Chairlady. I support this amendment. The Committee really thought out this amendment. Knowing the communities that occupy community land, there is frequency of conflict and we should have even reduced the fine to Kshs50,000 and three months.’

Date: 20th April 2016  
Member of Parliament: Hon. Millie Odhiambo  
Contribution she made on: The Community Land Bill  
(Clause 46)  
‘On a point of order, Hon. Temporary Deputy Chairlady. I can see the proposed amendments by the Chair from Sub-clause 6. I seek clarification from the Chair of the Committee in relation to Sub-clause 46(1)’

‘I just wanted to get some clarification from the Chair of the Committee because the issue I want to raise is not arising from the sub-clauses he has raised. If you look at sub-clause 1, it says:

’(1) Unless the contrary is specifically provided in transitional this Act, any right, interest, title, power, or obligation acquired, accrued, established, coming into force or exercisable before the commencement of this Act shall be deemed to have been acquired under this Act.”

I do not know if the Committee considered this because it looks like we are actually negating what we have already passed. Maybe the Chair could look into that.

Further, with your indulgence, Hon. Temporary Deputy Speaker, I thought I would be sitting until we get to Clause 2. Looking at Article 63 of the Constitution on the definition of “community land”, maybe when we get there the Chair could reconsider. We are going way beyond the definition because we are trying to put what was in the trust land--- I was saying this because I am not going to be there and it will come when I have left. I just wanted if they could kindly relook at the issue of definition because I know that---’ Interrupted by the chair.

Date: 20th April 2016  
Member of Parliament: Hon. Mishi Juma  
Contribution she made on: The Community Land Bill  
(Clause 46)  
‘Thank you, Hon. Temporary Deputy Chairlady. I support this amendment. Adjudication process has taken a long time. This amendment has given a time frame and it is going to be done within that specified time. I support this amendment because for a long time people
have just been told there will be adjudication in certain areas but they have stayed for even 10 years before the completion of that adjudication process.’

**Date: 20th April 2016**  
**Member of Parliament: Hon. Naomi Shaban**  
**Contribution she made on: The Community Land Bill (Clause 2)**  
‘If my colleagues will look at Article 260 of the Constitution on the interpretation of marginalised communities, they will be at peace. Geographical isolation and all that has been put into consideration on page 171 of the Constitution. It is on marginalised communities. That is where the issue is. It is made to look like what the Chairman had suggested is outside the Constitution. That part in the Constitution identifies with geographical and psychological aspects.’

**Date: 20th April 2016**  
**Member of Parliament: Hon. Fatuma Ibrahim**  
**Contribution she made on: The Community Land Bill (Clause 2)**  
‘Hon. Temporary Deputy Chairlady, what is not appreciated by the people who have just joined this debate is the long struggle community pastoralists and the trust land people have put. I appreciate the broad definition and characteristics put in this new community land Bill. I feel sorry for Hon. Junet who has been in my---’

**Date: 20th April 2016**  
**Member of Parliament: Hon. Mishi Juma**  
**Contribution she made on: The Community Land Bill**  
‘Hon. Temporary Deputy Chairlady, I also oppose the amendment. As my colleague has said, it will bring some conflict because there are so many other definitions which have already been done in the previous clause especially in Clause 2. I oppose.’

**Date: 20th April 2016**  
**Member of Parliament: Hon. Naomi Shaban**  
**Contribution she made on: The Community Land Bill**  
‘Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Community Land Bill (National Assembly Bill No.45 of 2015) and its approval thereof with amendments’
‘Hon. Temporary Deputy Speaker, I beg to move that the Community Land Bill (National Assembly Bill No.45 of 2015) be now read the Third Time. I also request Hon. Alex Mwiru to second.’

Date: 21st April 2016
Member of Parliament: Hon. Fatuma Ibrahim
Contribution she made on: The County Governments (Amendment) Bill (Clause 16)

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

Date: 21st April 2016
Member of Parliament: Hon. Zuleikha Juma
Contribution she made on: The County Governments (Amendment) Bill (Clause 16)

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

Date: 21st April 2016
Member of Parliament: Hon. Dorcas Kedogo
Contribution she made on: The County Governments (Amendment) Bill (Clause 16)

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

Date: 21st April 2016
Member of Parliament: Hon. Christine Ombaka
Contribution she made on: The County Governments (Amendment) Bill
(New Clause 16A)
‘Thank you, Hon. Temporary Deputy Chairman.
I support this amendment because women never have enough resources to campaign. That
is why many of them do not get involved in politics. Finances are so limited to them that
they can never campaign and win. This will support them to participate in politics. We want
more women in Parliament. This is just a sort of an affirmative action that will allow them to
have an opportunity to campaign like any other person. I support.’

Date: 21st April 2016
Member of Parliament: Hon. Aisha Katana
Contribution she made on: The County Governments (Amendment) Bill
(New Clause 16A)
‘Asante sana, Naibu Spika wa Muda.
Nimesimama kuunga mkono Mswada huu wa marekebisho. Ni wajibu wa kila mmoja kuwa
katika uongozi. Akina mama wameshindwa kufika kwenye Bunge la kitaifa na kwenye
mabunge mengine kule nyanjani kwa sababu ya ukosefu na udhaifu wa kiraslimali.
Kwa hayo machache, naunga mkono.’

Date: 21st April 2016
Member of Parliament: Hon. Janet Nangabo
Contribution she made on: The County Governments (Amendment) Bill
(New Clause 16A)
‘Thank you, Hon. Temporary Deputy Chairman. I support this amendment. The culture of
our people in Kenya is not to believe in women. In fact, some of our colleagues who are
talking here have their wives at home. These wives can also become Members and they can
be supported through this money. Thank you.’

Date: 21st April 2016
Member of Parliament: Hon. Sabina Chege
Contribution she made on: The Political Parties (Amendment) Bill
‘Hon. Deputy Speaker, I want to go on record that I know what I am seconding. Although I had some reservations, the House already passed the Bill and made a decision. I second.’

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

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

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

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

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

Date: 21st April 2016

Member of Parliament: Hon. Wanjiku Muhia

Contribution she made on: The Political Parties (Amendment) Bill

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

Date: 21st April 2016
Member of Parliament: Hon. Florence Kajuju

Contribution she made on: The Political Parties (Amendment) Bill

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

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

One of the ways the Committee thought about was to support women so that they can go for elective positions. It is sad because without that kind of support, we are not going to have more women elected. The failure to support this Bill means that we will not have many women going for elective positions. The end result will be that we will still go for nominations. I wish Members understood that position because either way, there must be a third of women in the county assemblies and Parliament. So, failure to pass this Bill means that we are going to nominate more women to sit in those Houses meaning, we are going to eat into the taxpayers’ money. So, it is very sad and I hope that we can move further and respect the Constitution and implement it as per the drafters’ spirit and intention. Thank you.’

Date: 26th April 2016

Member of Parliament: Hon. Wanjiku Muhia

Contribution she made on: The Private Security Regulation Bill

(Clause 11)

‘Thank you, Hon. Temporary Deputy Chairlady. I stand to support the Chair of my Committee on this amendment. This Bill seeks to look at security matters in the private sector holistically. Therefore, it is important to bring all stakeholders, particularly those who contribute greatly like NIS. It is also important to have members who are nominated by the Kenya Private Sector Alliance (KEPSA) as stakeholders so that, when key decisions are made, they contribute.’

Date: 26th April 2016

Member of Parliament: Hon. Naomi Shaban

Contribution she made on: The Private Security Regulation Bill

(Clause 11)
‘Thank you, Hon. Temporary Deputy Chairlady. I am just concerned because Clause 11 is very clear that the chairperson will be appointed by the President and the rest of the members by the Cabinet Secretary. Now, my colleague Hon. Ottichilo is moving on to suggest other ways. I find this a bit disturbing.’

Date: 26th April 2016
Member of Parliament: Hon. Wanjiku Muhia
Contribution she made on: The Private Security Regulation Bill
(Clause 23)
‘Thank you, Hon. Temporary Deputy Chairlady. I fully support the Hon. Member’s amendment. It is important for one to have basic education like it would be displayed in a primary school certificate. It is also important for one to have attended training in security matters. We are aware that most guards at supermarkets and hotels have not attended any training. We witnessed Madam Barasa lose her job because of a misunderstanding between her and a security guard. I am not necessarily saying that the guard was not trained, but time and again, we have seen security guards handling people unprofessionally. Training is very important.’

Date: 26th April 2016
Member of Parliament: Hon. Fatuma Ibrahim
Contribution she made on: The Private Security Regulation Bill
(Clause 29)
‘Thank you, Hon. Temporary Deputy Chairlady. This amendment will not add any value. As indicated in most of the clauses, the security agency that will vet people will deal with this issue. I do not know why it is being introduced here as a requirement. It does not add any value.’

Date: 26th April 2016
Member of Parliament: Hon. Joyce Emanikor
Contribution she made on: The Private Security Regulation Bill
(Clause 29)
‘Thank you, Hon. Temporary Deputy Chairlady. I want to support the amendment with the proposed correction by Hon. (Eng.) Gumbo. We cannot allow assumptions in legislation. What is important is explicit and specificity.’

Date: 26th April 2016
**Member of Parliament: Hon. Naomi Shaban**

**Contribution she made on: The Private Security Regulation Bill**

(Clause 30)

‘Hon. Temporary Deputy Chairlady, we make laws for posterity and they have to be very clear. They should not be shrouded in ambiguity. The words “proper” and “improper” are ambiguous. They are relative terms describing anybody who is going to do this work. So, I agree with Hon. Ottichilo. I support.’

**Date: 26th April 2016**

**Member of Parliament: Hon. Wanjiku Muhia**

**Contribution she made on: The Private Security Regulation Bill**

(Clause 30)

‘Thank you, Hon. Temporary Deputy Chairlady. I want to bring to the attention of Hon. (Eng.) Gumbo the meaning of the word “proper”, so that we can be in agreement that this is not engineering, but rather security. According to the Oxford Dictionary, the word “proper” means “truly, real, genuine, actual, true”. So, when we speak of an improper person, it is a person who is not genuine. So, I oppose very strongly. I urge Members to oppose this amendment because someone can bring Mungiki or Al Shabaab. That is the meaning.’

**Date: 26th April 2016**

**Member of Parliament: Hon. Beatrice Nyaga**

**Contribution she made on: The Private Security Regulation Bill**

(Clause 50)

‘Thank you, Hon. Temporary Deputy Chairlady. I support the amendment by the Chair. This is very important because it is going to differentiate between the equipment of private security service providers and those of police officers.’

**Date: 26th April 2016**

**Member of Parliament: Hon. Rose Mitaru**

**Contribution she made on: The Private Security Regulation Bill**

(Clause 50)

‘Thank you, Hon. Temporary Deputy Chairlady for giving me a chance. I support this amendment because in this nation, we need to support each other by knowing who is who and where they are.’

‘Thank you very much, Hon. Temporary Deputy Chairlady for giving me this chance.'
The Departmental Committee Chair has done a good thing in proposing that we should not arm the private security guards that we employ for a month or a week. Those are the people we entrust with the responsibility of guarding our residences. There are times when people come late and you do not know where they have come from. They have not been trained properly and some of them are not even properly educated.’

**Date: 26th April 2016**  
**Member of Parliament: Hon. Naomi Shaban**  
**Contribution she made on: The Private Security Regulation Bill**  
(Clause 50)  

**Date: 26th April 2016**  
**Member of Parliament: Hon. Millie Odhiambo**  
**Contribution she made on: The Private Security Regulation Bill**  
(On a point of order)  
‘Hon. Temporary Deputy Chairlady, I do not know whether I am growing old or rusty but I do not know when we started amending this law unless I did not get the amendment well since it is not reduced into paper. The Private Security Regulation Bill is not an amendment Bill. I do not think it is in order to amend the National Police Service Bill through the Private Security Regulation Bill. I do not know whether I am rusty or confused. I have just come from Mbita so you might excuse me.’

**Date: 26th April 2016**  
**Member of Parliament: Hon. Naomi Shaban**  
**Contribution she made on: The Private Security Regulation Bill**  
‘Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Private Security Regulation Bill (National Assembly Bill No.4 of 2014) and its approval thereof with amendments.’

**Date: 26th April 2016**  
**Member of Parliament: Hon. Sabina Chege**  
**Contribution she made on: The Private Security Regulation Bill**
(Re-committal of Clause 9)

‘Thank you, Hon. Temporary Deputy Chairlady. I support the amendment. It is important that we know the membership of the security firms in this country. It is not only because they may commit crimes but because some employers abuse them and their rights. Sometimes, employers disown these guards when they suffer injuries while working in their premises. It is important that we have a database of people working for specific security firms so that we can follow up for those who want to complain or for the security of the people whose homes and premises are secured by guards. Thank you.’

‘Thank you, Hon. Temporary Deputy Speaker.

I just want to join my colleagues in congratulating the people who came up with this Bill. You know all of us rely on these security personnel. Private security workers are among those mostly abused by their employers. We have tycoons who have formed these private security companies. They charge an arm and a leg to the people who hire these security services but pay peanuts to the people who do the actual job.

In rainy seasons like now, you will find most of the guards are not well protected. They do not have umbrellas or raincoats and yet they stay out at night. You will find that the people who are mostly affected are those from the lower cadres. Some of them have to work during the day and at night to try and make ends meet. I support the Bill.

I am very happy because there is sanity in private security firms. I hope this is not just a Bill that is going to be passed in this House but one which will be followed to the letter. That is so, so that these Kenyans who are mostly abused can enjoy their work and serve the country.’

Date: 26th April 2016

Member of Parliament: Hon. Wanjiku Muhia

Contribution she made on: The Petroleum (Exploration, Development and Production) Bill

‘Thank you very much, Hon. Temporary Deputy Speaker. First, I am happy to know that all stakeholders of private security will go home smiling because this Bill was not controversial in any way. It is looking at the security guards themselves in terms of protective gears and the sector itself, in terms of guidelines on how they should work. Mostly, it is looking at the data entry because we need to curb crime. This is something that will help our country. I am very happy about this clause denying security guards guns. Clearly, we are aware they have whistles. They can continue using them because the police who are present and those who
are being recruited are enough for the country. I thank the Members who have supported this Bill. Thank you very much.’

Date: 26th April 2016
Member of Parliament: Hon. Naomi Shaban
Contribution she made on: The Petroleum (Exploration, Development and Production) Bill

‘Mhe. Naibu Spika Wa Muda, ninajiunga na wenzangu kusema kuwa kuna umuhimu wa sheria hii. Hata ingawa ilichelewa kidogo, lakini sasa hivi muda umefika. Sheria hii ikipitishwa, itasaidia kurekebisha matatizo ambayo askari gongo wa hapa nchini wamekuwa wakipata.
Kuwapatia bunduki lingekuwa janga nchini. Kwa hivyo, sheria hii ikipita itawawezesha kupata mishahara inayofaa ili waweze kujimudu kimaisha.
Ukweli ni kwamba askari gongo wana firimbi, na Wabunge walisha kuwa wao ni Wabunge na wakafanya tabia kama za askari gongo. Ninaunga mkono.’

Date: 28th April 2016
Member of Parliament: Hon. Priscilla Nyokoabi
Contribution she made on: The Access To Information Bill

‘Hon. Temporary Deputy Chairman, I beg to move:-
THAT, Clause 4 be amended by inserting the following new Sub-clause immediately after Sub-clause (5)—
”(5A) This Act—
(a) has effect subject to the Constitution;
(b) applies despite any other existing law, whether or not explicitly repealed or amended by this Act;
(c) applies despite any regulations or other subordinate legislation under any Act.”
The reason for this amendment is that in our statute books, we have over 33 pieces of legislation, which in one way or the other, touch on matters of information. Sometimes it is not towards releasing information, but towards limiting access to information.
Therefore, this law, coming as it is in 2016, is going to apply, even if the others have not been repealed. You know that cleaning up an entire legal system takes a number of years. Therefore, this particular law is going to come in 2016, but we are in acknowledgement that there are many other laws and regulations that may not be in tandem with it. But with time, and as the new jurisprudence develops, this law will continue to apply. So, this is a saving clause, as it were, on the other existing pieces of legislation. I beg the House to accept it.’
‘In view of the clause we just passed earlier, which was already protecting the intention that I intended to protect, and in view of what the Leader of the Majority Party has said, I admit that this is a lazy style of drafting where you do not want to look at what all the other pieces of legislation are saying. I agree and withdraw the amendment.’

(Proposed amendment by Hon. (Ms.) Kanyua withdrawn)

**Date: 28th April 2016**

**Member of Parliament: Hon. Sunjeev Birdi**

**Contribution she made on: The Access To Information Bill (Clause 6)**

‘Thank you for ably correcting that very quickly. The Hon. Member before me clarified it very well. I confirm and support. However, this amendment brings in Article 24 of the Constitution which is on the limitation of rights and fundamental freedoms. It brings this into the amendment and that is why I am more comfortable with the change.’

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**Date: 28th April 2016**

**Member of Parliament: Hon. Priscilla Nyokoabi**

**Contribution she made on: The Access To Information Bill**

‘Thank you, Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 6 be amended—

(a) in Sub-clause (1), by—

(i) deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) cause substantial prejudice to the national security of Kenya”;

(ii) deleting the words “or endanger the safety of life of any person” in paragraph(b);

(iii) inserting the following new paragraph immediately after Paragraph (b)—

“(ba) endanger the safety, health or life of any person”;

(b) in Sub-clause (2) by inserting the following new paragraph immediately after paragraph (d)—

“(da) information that by international law, or agreement between States or with an international organisation is required to be kept confidential;

(c) by inserting the following new subclause immediately after Sub-clause (4)—

“(4A) A public entity is not obliged to supply information to a requester if that information is reasonably accessible by other means”;

(d) by deleting Sub-Clause (7).
In sub-Clause 1, I wish to introduce the words “cause a substantial prejudice to the national security of Kenya”. In looking at interpretation, it has become clearly apparent that “cause substantial prejudice” has been interpreted and is a well-known concept. “Undermine in law” is a little bit unclear. So, we are seeking to change the language to “cause substantial prejudice to the national security of Kenya”. Information that can cause substantial prejudice to the national security in Kenya should not be released unless other standards are met. However, at a first instance, information relating to national security that will cause substantial prejudice to the national security of Kenya should not be released.

Still on the same clause, in the second part, we have the sub-clause covering the exemption on endangering the safety of life of any person. There was a typographical problem in that one. In the new amendment sought, we want to separate the exemption on impeding due process of law. Information that would impede the due process of law cannot be released. We want to separate and have another clause on endangering the safety of health or life of any person. It is just better language and arrangement.

Thirdly, amendment on Clause 6 is for the coverage of information by international law or agreement between States or with an international organisation that is required to be kept confidential. There are many agreements between States and international organisations. Under both Kenyan and the international law, at a first instance, those agreements should not be open to the public unless there are reasons why they should be disclosed. It has become controversial on some of the resources that we have. So, at a first instance, we should keep those agreements confidential until such a time as the State might, in its own interest, release the information.

The information that a requester requires should only be availed where it is not accessible by any other means. Where information has already been put out there in websites and is in public domain, it is unnecessary trouble on Government officers to come back and request the same information which is available in public domain. If that should happen, then a requester is not allowed to burden the State with unnecessary obligations.

Lastly, we have put the offences in one clause 26 instead of reading offences in every section. A neater way of drafting is to put offences in one clause. So, we are deleting the offence here, so that it goes to the offences clause in 26.

I beg to move these amendments and beg the House to accept them.

‘Thank you, Hon. Temporary Deputy Chairman. I beg to move:-

THAT, Clause 9 be amended, by—

(a) inserting the following new subsection immediately after subsection (2)—
“(2A) As soon as the information access officer has made a decision as to whether to provide access to information, he or she shall immediately communicate the decision to the requester, indicating –

(a) whether or not the public entity or private body holds the information sought;
(b) whether the request for information is approved;
(c) if the request is declined the reasons for making that decision, including the basis for deciding that the information sought is exempt, unless the reasons themselves would be exempt information; and
(d) if the request is declined, a statement about how the requester may appeal to the Commission;"

(b) deleting Sub-clause (5).

In Clause 9, we seek to insert a New Clause 2A. It requires the information officer to, as soon as practically possible, revert to the requester. In the second amendment in (b), which is deleting Sub-clause 5, is an offence. As I said earlier, we will put the offences in one section at the back of the Bill. Those are the amendments that I seek to move.’

(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted be inserted, put and agreed to)
(Clause 9 as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 10 be amended by deleting sub clause (4).

This is a drafting style amendment to ensure that the offence is put together with all the other offences in Clause 26. That is the only effect of this amendment.’

(Question, that the words to be left out be left out, put and agreed to)
(Clause 10 as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 14 be amended in Sub-clause (1) by deleting the word “redacted” in paragraph (b) and substituting therefor the word “edited”.

The amendment is just replacement of one word. The drafters of this Bill have used the word “redacted”. As a country, we have just dealt with the International Criminal Court (ICC), where we saw usage of the language of reduction. The language that we have always known in Kenya is that of editing. It would be in good stead in keeping with our own laws to use the language that we know. In Kenya, we use the language of unedited copy as opposed to redacted form. The latter is influence of other jurisdictions on our drafters. The
amendment just seeks to replace the word “redacted” with a word that is commonly used in Kenya.’

**Date: 28th April 2016**

**Member of Parliament: Hon. Racheal Ameso**

**Contribution she made on: The Access To Information Bill** (Clause 14)

‘Thank you, Hon. Temporary Deputy Chairman. I rise to support the amendment because it will make it easier for all Kenyans to understand this law with ease. I support the use of the word “edited”.’

**Date: 28th April 2016**

**Member of Parliament: Hon. Fatuma Ibrahim**

**Contribution she made on: The Access To Information Bill** (Clause 16)

‘Hon. Temporary Deputy Chairman, I want to oppose this amendment because the fine is too high. Remember, we are dealing with a nation with a 52 per cent of its population being poor people. Prisons are full and we should reduce the imprisonment term to six months or a year. We should be careful with the laws that we make here.’

**Date: 28th April 2016**

**Member of Parliament: Hon. Grace Kipchoim**

**Contribution she made on: The Access To Information Bill** (Clause 18)

‘Hon. Temporary Deputy Chairman, I rise to support the amendment by Hon. Kiptanui.’

**Date: 28th April 2016**

**Member of Parliament: Hon. Priscilla Nyokoabi**

**Contribution she made on: The Access To Information Bill**

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 20 be amended by inserting the following new Sub-clause immediately after Sub-clause (2)—

“(3) The Commission shall designate one of the Commissioners as “Access to Information Commissioner” with specific responsibility of performing the functions assigned to the Commission under this Act”.”
The amendment seeks to provide for the designation of one of the commissioners as an “Access to Information Commissioner” to oversee the enforcement of the provisions of the Bill once enacted into law. As it is now, the commissioners have many functions, but as they get the new duty on the access to information law, they designate one of their members to be in charge of access to information matters. This has a precedent in many other countries. The Government amendments, which will come in the Data Protection Bill that we are still waiting for, were to create an information commissioner who will then oversee these matters. One commissioner from the Commission on Administrative Justice (CAJ) will be dealing with these matters and when the Data Protection Bill comes, we will then harmonise the two. It would be easier handing over to one commissioner as opposed to having the entire commission dealing with access to information. This is an administrative measure. I want to beg the Members to agree to amend Clause 20 to require that the CAJ designates one of the commissioners as an Access to Information Commissioner.

Date: 28th April 2016  
Member of Parliament: Hon. Fatuma Ibrahim  
Contribution she made on: The Access To Information Bill  
(Clause 20)  
‘Thank you, Hon. Temporary Deputy Chairman. I want to strongly oppose this amendment for two reasons. Any commission has an institutional responsibility and confidentiality policy where it will not allow information to leak out. If you isolate one commissioner to handle confidential information and there are three commissioners, we will have a super commissioner who will be above the chairperson of the commission. I want to oppose this amendment for one major reason. It is not good to isolate one commissioner to handle confidential information. It is always appropriate to do it within the commission. They have a confidentiality policy and institutional responsibility. I oppose this amendment.’

Date: 28th April 2016  
Member of Parliament: Hon. Grace Kipchoim  
Contribution she made on: The Access To Information Bill  
(Clause 20)  
‘Thank you, Hon. Temporary Deputy Chairman. I want to support the amendment by Hon. Nyokabi, which was supported by the Leader of the Majority Party. We have to bear in mind the fact that we are dealing with classified information. We are further saying that those who want to access the information are supposed to request in writing. There must be a desk to receive the information. There should be an officer to deal with the information.
With those remarks, I support that there should be a commissioner to deal with the information.’

**Date: 28th April 2016**

**Member of Parliament: Hon. Priscilla Nyokoabi**

**Contribution she made on: The Access To Information Bill**

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the following new clause be inserted immediately after clause 10—

10A. (1) Access to information may be given to a requester in one or more of the following forms—

(a) a reasonable opportunity to inspect the original record containing the information;
(b) a copy of the record containing information, edited if necessary;
(c) in the case of a record that is an article or thing from which sounds or visual images are capable of being reproduced, the making of arrangements for the requester to hear those sounds or view the images;
(d) in the case of information by which words are recorded in a manner in which they are capable of being reproduced in the form of sound or in which words are contained in the form of shorthand writing or in codified form, provision by the public body or private body of a written transcript;
(e) in the case of information which is held on a computer, or in electronic or machine-readable form, and from which the public entity or private body concerned is capable of producing a printed copy of the information or part of it, by supplying such a copy; or
(f) in the case of information available or capable of being made available in computer readable form, by supplying a copy in that form.

(2) Where the requester has requested access to information in a particular form, access shall be given in that form unless the giving of access to information in that form would—

(a) unreasonably interfere with the operations of the public entity or private body;
(b) be detrimental to the preservation of the information; or
(c) involve an infringement of copyright subsisting in a person other than the public entity, private body or the State.

(3) If a requester with a disability is prevented by that disability from reading, viewing or listening to the information concerned in the form in which it is held by the public entity or private body, the information access officer of the public entity or private body shall, if that requester so requests, take reasonable steps to make the information available in a form in which it is capable of being read, viewed or heard by the requester.
(4) To the extent, if at all, subsection (2) limits the right to access to information, this is to be read as applying only to the extent strictly necessary to prevent unnecessary disruption of the work of the body providing the information, to avoid detriment to the preservation of the record, or to avoid breach of copyright, as the case may be.

Hon. Temporary Deputy Chairman, New Clause 10A seeks to give the methods through which access to information may be provided. It is one thing to say access to information and another thing to guide what that access entails. This is what the clause says. The main intention of this new clause is to give the methods of providing access to information and the detail of what those methods can be. In our jurisdiction, it has not been very easy to get electronic records and to put them into our jurisprudence in terms of the documentation that we could receive. This clause goes into a lot of details on the methods of providing access to information. I beg Hon. Members to accept this clause.

‘Yes, I am convinced, especially remembering that the devil resides in the detail. I am convinced that we stay with Clause 11(3). What we were doing is just extrapolating. That extrapolation can be done in the regulations. I beg to withdraw my amendment.’

(Proposed New Clause 10A by Hon. (Ms.) Kanyua withdrawn)

‘Hon. Temporary Deputy Chairman, I beg to move:-
THAT, the following new clause be inserted immediately after clause 15—

15A. (1) Upon receipt of a complaint regarding failure to act, or upon request to review a decision under this Act, the Commission shall, if it considers that the complaint or request appears to be well-founded, endeavour to mediate between the person lodging a complaint or requesting for review, and the holder of the information.

(2) If the mediation contemplated in Sub-section (1) fails, the Commission may—

(a) if satisfied that there has been an infringement of the provisions of this Act, order—

(i) the release of any information withheld unlawfully;
(ii) payment of compensation;
(iii) any other lawful remedy or redress; or,

(b) inform the complainant that, in its opinion, the complaint is not sufficiently serious to merit its further action.

(3) Before making any order under sub-section (2)(a) the Commission shall give the entity concerned, and the information access officer the opportunity to be heard.

(4) For the purposes of this section, the Commission may exercise the powers provided for in section 23.'
Hon. Temporary Deputy Chairman, mediation by the Commission is sometimes very important. Even before we go to an adversarial mechanism, there needs to be a chance for mediation on matters of information so that, at the first instance, the Commission would call for a mediated process. The reason that this is important is that, sometimes, the officer whose information is requested from might give an answer which is not shared by the ministry or department. So, in the mediation, there is a chance to correct what would ordinarily lead to an adversarial process that takes long. So, this clause seeks to introduce mediation as a process before adversarial.

I want to persuade the Hon. Members to agree with me on this particular one. The Data Protection Bill that is coming has an internal tribunal mechanism first before we go to the Commission. The proposed mediation by the Commission is the second best alternative to that proposal before the matter goes to adversarial. Sometimes, a person can request for information but before being given reasons as to why the information cannot be availed and the matter raises a lot of controversy, there is a chance for mediation between the requester and the department from which the information is sought. The Commission will handle that mediation.

Hon. Temporary Deputy Chairman, as you know, in our new constitutional jurisprudence, alternative dispute resolution has become a big thing, including in the Judiciary. Before we all end up in court, let us try and negotiate this matter out of court.’

Yes. I am also not very keen on adversarial methods of resolving matters. Allow me to withdraw this particular amendment. Because the legal officers are here, the provision will be carried in the Data Protection Bill and in the regulations.

(Proposed New Clause 15A by Hon. (Ms.) Kanyua withdrawn)

‘THAT, the following new clause be inserted immediately after clause 26—

26A. (1) Any person who knowingly discloses exempt information in contravention of this Act commits an offence and is liable, on conviction, to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding three years, or both.

(2) It shall be a defence to a charge under subsection (1) that the exempt information disclosed was already in the public domain at the time of disclosure.

(3) An information access officer who—

(a) refuses to assist a requester who is unable to write to reduce the oral request to writing in the prescribed form and provide a copy to the applicant in accordance with section 8(2);

(b) refuses to accept a request for information;
(c) fails to respond to a request for information within the prescribed time; or
(d) fails to comply with the duty to take reasonable steps to make information available in a form that is capable of being read, viewed or heard by a requester with disability in accordance with section 11(5), commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding three months, or both.

(4) Any person who—
(a) charges a fee exceeding the actual costs of making copies of such information and supplying them to the applicant;
(b) fails to respond to a request for information required for the exercise or protection of a right in accordance with the requirements of this Act;
(c) fails to respond to a request to correct personal information; or
(d) it having been ascertained that information held is out of date, inaccurate or incomplete, fails within the prescribed time, or within a reasonable time if no time is prescribed, to correct, destroy or delete the information, or to attach a statement to the information in accordance with section 15, commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings, or imprisonment for a term not exceeding six months, or both.

(5) Any person who is convicted of an offence under section 18(3) after a request has been made for disclosure of the information in question, with the intention of preventing the disclosure of that information in response to that request is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

(6) Any relevant private body that fails to make publicly available the name and contact details of its information access officer or officers commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings.

(7) Any relevant private body that is convicted, or any officer of which is convicted of an offence under this Act, or which, although not convicted is in serious breach of this Act may, after a fair hearing, be debarred from entering into any future contract with government under the Public Procurement and Disposal Act or any Act replacing that Act.

(8) A person who—
(a) fails to attend before the Commission in accordance with any summons or order issued under subsection 24 (1)(a);
(b) knowingly gives any false or misleading statement of information to the Commission; or
(c) causes an obstruction or disturbance in the course of
any proceedings before the Commission,
(d) commits an offence and shall be liable, on conviction, to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both

(9) A person shall not be criminally liable for the disclosure or authorisation of the disclosure made in good faith in reliance on this Act.

(10) A person to whom information is disclosed under this Act, conveys that information to others but who alters the information, or conceals part of the information or misrepresents the information, with intent to deceive, commits an offence, and is liable on conviction to fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.

This clause seeks to bring the offences and penalties in one section of the Bill instead of having to read the offences piecemeal. This is the new style of drafting, where you put the offences and the penalties as an enforcement section. It is good for the readers and users of the law and for the enforcement commission. We are just tidying up the Bill so that the offences are found in one place.

Thank you, Hon. Temporary Deputy Chairman. I beg to move.’

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

‘Thank you, Hon. Temporary Deputy Chairman. I beg to move:-

THAT, Clause 2 be amended—
(a) by deleting the definition of “exempt information” and substituting therefor the following new definition—
“exempt information” means information that may be withheld by a public entity or private body in accordance with section 6;
(b) in the definition of “information access officer”, by inserting the phrase “or private body” immediately after the phrase “public entity”;
(c) by deleting the definition of “person” and substituting therefor the following new definition—
“person” includes a company, association or other body of persons whether incorporated or unincorporated;
(d) by inserting the following new definitions in their proper alphabetical sequence—
“chief executive officer” of a public body or private body means the Principal Secretary in the case of a Government Ministry or Department, managing director in the case of a
corporate body, or the person assigned the principal administrative responsibility in any body by whatever title; and,
“citizen” means any individual who has Kenyan citizenship, and any private entity that is controlled by one or more Kenyan citizens.

This amendment is on definitions. One of the definitions is on exempt information that may be withheld by a public entity or a private body in accordance with Section 6. It is very critical that the Bill is clear on what information is exempt. That is what the interpretation will seek to do.

The second interpretation is on information access officer, who is required to be appointed not just by a public entity, but also by a private body that is covered by the provisions of this Bill.

In paragraph (c), we seek to define a “person” to include a company, association or a body incorporated or unincorporated. This is meant to expand the meaning of a “person” beyond just a natural person. In paragraph (d), we provide the definition of a “chief executive officer” of a public body or a private body to mean the Principal Secretary in the case of a Government Ministry, or department, managing director in the case of a corporate body, or any person who is assigned the principal administrative responsibility in anybody by whatever title.

In this country, we have many ways of referring to chief executive officers. Sometimes, it is “managing director,” “executive director,” or “CEO”. So, we want to capture all of that as part of the definition of “chief executive officer”.

Lastly, the amendment seeks to define a “citizen” to include a Kenyan citizen and a company controlled by one or more Kenyan citizens. These are just definitions for easy understanding of the law.

Thank you, Hon. Temporary Deputy Speaker.

On (c), which is on the definition of “person”, I am convinced. It is particularly speaking to the judges who have decided to interpret “person” to mean a natural person. That introduced a whole new concept in law that was unknown. In a country where we need to interpret the law progressively, “person” must mean natural and incorporated persons in our country. We hope the judges will get that. That is why we wanted to put it here. The few judgements that have come up have been moving in the direction of vindicating the idea that “person” only means a natural person.

On CEOs in parastatals or Government ministries, there is no doubt in anybody’s mind that our Cabinet Secretaries (CSs) remain political heads of institutions. The administrative head
has always been the PS. The buck must stop somewhere. In this amendment, it stops at the PS. We should keep the definition of a CEO and drop that of “person.””

(Proposed amendment on part (c) withdrawn)

‘Hon. Temporary Deputy Chairman, I beg to move that the Committee of the whole House doth report to the House its consideration of the Access to Information Bill (National Assembly Bill No. 36 of 2015), and its approval thereof with amendments.

In particular, we seek a re-committal of Clause 23(6). We give the reason for the re-committal being the tidying up of the Bill.’

(Re-committal of Clause 23(6)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 23(6) of the Bill be deleted.

We recommitted this clause for the purposes of deleting it because Clause 26(7) already covers it.’

(Question, that the words to be left out be left out, put and agreed to)

(Clause 23 as amended agreed to)

Date: 28th April 2016
Member of Parliament: Hon. Rachel Ameso
Contribution she made on: The Energy Bill

‘Thank you, Hon. Temporary Deputy Chairlady. I stand to support the amendment made by the Chairman on the Order Paper. It is important that we know the exact period of time instead of just putting the word “regularly”. So, doing it after every three years will be good enough for every Kenyan to understand. Thank you.’

Date: 28th April 2016
Member of Parliament: Hon. Mishi Juma
Contribution she made on: The Energy Bill

(Clause 10)

‘Thank you, Hon. Temporary Deputy Chairlady. The amendment is straightforward and in order. I support it.’

Date: 28th April 2016
Member of Parliament: Hon. Janet Wanyama
Contribution she made on: The Energy Bill

(Clause 12)
‘Thank you Hon. Temporary Deputy Chairlady. I support the Chairperson because the amendment is straightforward.’

**Date: 28th April 2016**

**Member of Parliament: Hon. Jessica Mbalu**

**Contribution she made on: The Energy Bill**

‘Thank you, Hon. Temporary Deputy Chairlady. I wish to support the amendment by the Chair in Clause 22. When it comes to the fine, I agree with the Chair on the figure of not less than Kshs500,000. This time I disagree with the Chair of the Public Accounts Committee. Less than Kshs500,000 would mean that it can even be Kshs.10,000. I do support the amendment by the Chair on Clause 22.’

‘Yes, Hon. Temporary Deputy Speaker. This is on the other clauses we have passed. It is my observation that we pronounce the position we are taking on the clauses for the sake of the HANSARD. It does not matter whether the explanation in the amendment is the same. For example, in Clauses 23 and 24 we are deleting the word “Authority” and substituting with the word “Commission”.’

(Clause 79)

‘Thank you, Hon. Temporary Deputy Chairlady. I support the amendment. It is important that any aggrieved person or applicant has to be heard by the courts. I also welcome the decision of the court that a tribunal be formed. This is to ensure that the aggrieved person shall be heard fairly.’

**Date: 28th April 2016**

**Member of Parliament: Hon. Naomi Shaban**

**Contribution she made on: The Energy Bill**

(Clause 44)

‘Hon. Temporary Deputy Chairlady, I wish to also support this amendment in the amended form to allow qualifications in social sciences to be carried on board. That means the person who is going to be given that particular duty will encompass many Kenyans who will be capable of doing the work.’

**Date: 28th April 2016**

**Member of Parliament: Hon. Regina Nthambi**

**Contribution she made on: The Energy Bill**

(Clause 53)
Hon. Temporary Deputy Chairlady, although my comment was on the earlier amendment, I want to support the proposed amendment.’

Date: 28th April 2016
Member of Parliament: Hon. Priscilla Nyokabi
Contribution she made on: The Judiciary Fund Bill

‘Hon. Temporary Deputy Speaker, I beg to second the Motion for agreement with the Committee in the said Report, and to thank the House for passing the Judiciary Fund Bill quickly.’

Date: 28th April 2016
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The Energy Bill

(On a point of order)
‘Thank you, Hon. Temporary Deputy Chairlady, for directing me because I have been struggling.
First of all, on this issue that we are discussing, if a Member has an amendment, they can bring a further amendment to their own amendment. That is procedurally correct. In the last Parliament, you could even move the amendment on your feet more or less like the Mover of the Bill because it is your amendment. It is only this Parliament that is operating differently.’

(New Clause 193A)
‘Hon. Temporary Deputy Chairlady, I very reluctantly stand to oppose the amendment. I think this is godsend. Two days ago, a pole which is outside my house but not in my compound, was hit by a third party that I do not know of. I have been calling Kenya Power consistently for two days and I am told they are transferring me to an emergency line. It has been removing sparks. If a child goes there, he would be electrocuted. With the rains, it can easily burn my entire house.
The provision of electricity is a monopoly of the Government. You cannot tell me when some random person passes by my House and causes damage I am supposed to go knocking everybody's door telling them to replace the pole.
Even if I wanted to, I have no capacity to repair the electric pole. It is extremely dangerous. What we are doing by this further amendment is to revert or take away a right that is available to every Kenyan and in the law of torts. If anybody is negligent in the provision of their service, they are culpable. Whether we like it or not, that is a straight law. Under the
law of torts, it becomes a different story if a person does not report what happens even if
the causality was negligent.
I have been reporting consistently for two days. All I am told is that, that is an emergency.
Nobody responds in the long run. I have even been given a reference number. Are you
telling me to go to church to pray then call my brothers to fundraise for me if my house
burns? I know Hon. Duale is telling me to insure. Insurance cannot give me the comfort of
my mother who died four years ago. There are things of sentimental value which no amount
of money can return when they burn. That is why we have something called diligence in the
law of torts. That is why I vehemently oppose. What this amendment seeks to do is to dilute
our rights.’

Date: 28th April 2016
Member of Parliament: Hon. Sunjeev Birdi
Contribution she made on: The Energy Bill
(New Clause 193A)
‘Thank you, Hon. Temporary Deputy Chairlady. I was very happy with the amendment
brought by Hon. Nassir in 193A. I am not happy with the proposed amendment being
brought now.
Unfortunately, I have to oppose it because we are living in a digital era. I cannot expect one
to be a subcontractor with the main dealer and not accept the responsibility fully. If there
will be somebody else involved in giving this electricity, they should be fully responsible for
compensation from ‘A’ to ‘Z’ and not say that they are not liable for some reasons.
For that reason, I oppose.’

Date: 28th April 2016
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The Energy Bill
‘Thank you, Hon. Temporary Deputy Speaker. I want to congratulate the Energy Committee
even though I may not agree on one or two provisions. I am sure they will spend a little
more time with their lawyers and think through the implications. This will be better than if
the Mover had not brought any amendment and left the original Bill as it was. We will be
limiting rights, some of which should be left to judges in courts to determine especially on
issues of negligence.
I want to agree with the Chair that of late, I am surprised. I used to say the water supply in
this country was horrendous but KP for a long time was excellent. It surpassed several
organisations and it is doing very badly now. I know in the past, if there was a problem and you called KP, in one minute there would be somebody. If it is an issue of lack of overtime payment, they need to reconsider. If they stopped paying or if people are not doing their work somebody needs to check.

There is a problem in terms of delivery and in the last two years I have noticed that. We are endangering the lives of Kenyans not just those like us who are privileged, but even the poor Kenyans. The other day their own employees where electrocuted over negligence. We cannot have that kind of thing. With those few remarks, I thank the Committee and the team that has done this.’

**BILLS**

**Date:** 12th April 2016

**Member of Parliament:** Hon. Tiyah Galgalo

**Contribution she made on: Anti-Doping Bill**

‘Thank you, Hon. Speaker. I rise to support the Anti-Doping Bill. As the Vice-Chairperson of this Committee, we were in Mombasa and as my Chairman has already said, we have been very committed to ensuring that this Bill comes before this House. From 2005 when this anti-doping issue started, Kenya did not enact any legislation to ensure that our sportsmen and sportswomen are safe.

Hon. Temporary Deputy Speaker, I also want to congratulate and thank the Ministry of Sports, Culture and Arts because in three years, they have been able to put the policy together, looked at all international standards, complied and ensured that this Bill was brought to Parliament. Lack of this legislation has exposed our athletes, sportsmen and sportswomen to many dangers.

If we had this piece of legislation that early, we would not be dealing with some of the health issues that we have been discussing here in Parliament. We know that a number of athletes have died because of these drugs. We also have a number of them who have lost jobs because even running is income generating. Many of them have been barred from participating in any of these sports because of using these drugs.

If we pass this Bill, this legislation will protect Kenyan sportsmen and sportswomen. We know that we are the world champions and many countries out there that we are competing with are not very happy because we have been taking all the gold medals. We have had the great name of our nation and our flag flies very high. There is a lot of pressure from the other countries to ensure that Kenya does not participate in the next sport activity.
If we have this Bill passed, we will be protecting Kenyans and our sportsmen and sportswomen so that we can continue to dominate the world champions. So, I am urging this House and Members to assist and ensure that we have this legislation passed. I am sure a number of Kenyans are waiting. Many of our sportsmen and sportswomen especially the athletes are very scared. Many of them think that they are going to be thrown out and that they are not going to participate in many of the activities that are ongoing in the world. It is only prudent that we get back Kenyans to believe that we are also working for them.

The main function is to promote participation of our sportsmen and sportswomen in sport which is free from doping. As earlier said, it also protects the health and well-being of our sportsmen and sportswomen. These drugs are going to affect the health of our people, athletes and sportsmen. If all this affects them, they will not be able to fully participate in sports.

We also looked at the issue of funding. Quite a number of times when we participate in international sports, many of our sportsmen and sportswomen are not fully supported because we do not have an institution or agency that deals with this issue. Once this legislation is implemented, funding will be guaranteed. The proposed funding source will be a consolidated fund. We will have money to ensure that our sportsmen and sportswomen participate in different activities outside the country. A number of them prepare themselves before such events. At the end of the day, they lack money to go out there and participate. Guarantee of funding will help them. It will ensure that our teams participate as required.

We also looked at the penalties for individuals or organisations that are guilty of breaking some of the laws that we are going to put in place. Starting with the people who sell drugs, those who use them and those who are distributors, this Bill has given extensive penalties that can deter any person who sells these drugs.

We also looked at the management of the agency. We came up with a board of directors. We looked at the Chief Executive Officer (CEO) and the qualifications that are required of him or her. Considering the importance of this agency, the qualifications required for the CEO are of international standards. The experience required is important. We also looked at the board of directors. One unique thing we looked at is the provision for inclusion of athletes on this board. Many times we do not look at the people who need the services. We want to ensure that people who engage in different fields of sports are brought on board to solve issues that affect them. These people will be on the board to improve the status of sports and ensure that life is made easy for them. I support the Bill.’

Date 12th April 2016
Member of Parliament: Hon. Tiyah Galgalo
Contribution she made on: Anti-Doping Bill

‘Thank you, Hon. Temporary Deputy Speaker for this opportunity. This is a very good Bill. Drug addiction is dangerous not only to sportsmen and women, but to anyone who consumes them anywhere in the world. This is a good Bill simply because it is protecting the heroes of this nation. These are people that we admire who have brought gold medals to us, earned a lot of money and brought success stories to us. We need to protect them because they contribute to the name of this nation as the country continues to be admired worldwide.

In trying to protect them through this Bill, we are preserving the history of this nation. However, I wish this Bill also concentrates on local sports that are done in villages. I deal with young people in sports and I notice that they participate in drinking as they participate in sports in order to win. They have the sense that in order to win, you need to enhance your body with some kind of substance, so that you can win. It boils down to the local areas and this Bill should apply to our local sports without focussing on athletics alone.

It is alleged that musicians take drugs to perform in public. These are people who are involved in the entertainment world. They are good people, we love to watch them perform, but they take drugs in order to perform well. Musicians and athletes are known for that. When I was in high school, I was a swimmer and one day, a young boy came to swim while drunk and he drowned in the pool. This is a good Bill, but it must encompass participants in all the sports and not only at the international level, but also locally. People are dying in sports locally, but we do not know that. It is happening all the time. In any competition, people try to cheat. We even saw in national exams last year people trying to cheat in order to get grade “A” or pass very well. This is a good Bill that is going to protect sportspeople in the country.

In conclusion, I support the Bill. We need to extend it to involve local sportsmen and women and all those who are involved in entertainment.’

Date 12th April 2016
Member of Parliament: Hon. Grace Kiptui
Contribution she made on: Anti-Doping Bill

‘Thank you, Hon. Temporary Deputy Speaker. I also rise to add my voice to what my colleagues have said. Everyone is in support of the Bill, save for the few areas where the Bill needs some amendment. This is a good Bill.'
I come from the Rift Valley and I stand here as a legislator from that area. I stand here as a mother. Before I go into the provisions of the Bill, my first call is to our sportspeople to desist from using enhancing substances. I urge them that like in the old days, we can conquer the world with our sports prowess because it is a God given gift. They do not need to partake of those substances. In any case, we have a history. We have people like Kipchoge Keino and Rose Tata-Muya of those days. They conquered the world without using drugs.

However, I feel that they do not take the drugs out of their will. There must be some sneakers who are people who are not endowed with the gift of running like our young people and who want to make money using the young people. It is enumerated here that we have agents, managers and coaches. When you look at the list, you find that most of them may not even be from the areas the athletes come from. This law should pin down those people because they are taking advantage of our very young people who have their raw god given talents.

The punishment is very lenient. We need to amend it and make it a very serious issue. Besides the law, I know that human beings are prone to lawlessness or breaking the law. Laws are made to help those who cannot stay straight out of their own volition.

I support this Bill. However, I also ask the people in the area of sports, especially athletics, to be encouraged and exposed to the dangers that lie ahead, so that we can prevent them from using drugs. We hear that 50 people have already lost their lives or have tested positive. We have been given the list of disadvantages of doping. We have heard very many strange things like women growing beards, having hoarse voices, breasts shrinking and all those manner of things. Let me tell the athletes that winning is not an end in itself. It is only one thing that they do in life, but they still have their lives ahead of them. So, they do not need to cut corners to make that money. We are very happy that they are able to make money. They bring a lot of money to this country. Most of them have opportunities to study abroad.

Yesterday, I got a photograph via the Whatsapp of my niece who went through a sports scholarship to America. They have settled down and right now they have a baby. It is a joy for us to see that they are progressing. However, we are against the issue of people taking advantage of our young people to make money which they do not deserve.

Apart from the fact that we have evidence that doping is taking place, there is an element of corruption. It is an indicator that our society is permeated by corrupt practices just like young people cheating in exams and people in public positions stealing money. It is a wakeup call that we, as a country, need to smash mercilessly corruption in our country. It is
unfortunate that even something as beautiful as sports has been attacked by this evil spirit of corruption. Apart from passing laws, we all need to do our role to ensure that we educate the young people on the dangers of doping.

Clause 10 gives the people who will be appointed to the agency. I hope and pray that when election time comes, they will remember gender balance. It is alleged that women are less corrupt than men. We hope that they will elect women into these positions and this will help a bit.’

Date 12th April 2016

Member of Parliament: Hon. Rachel Ameso
Contribution she made on: Anti-Doping Bill

‘Thank you, Hon. Temporary Deputy Speaker. I stand to support this Bill. I also take this opportunity to salute the starlets who have made history as the first Kenyan women team to defeat Nigeria in the Africa Cup of Nations (AFCON) qualifiers. It is the right time that we are talking about anti-doping. I just want to address women that they should avoid being doped at any time anywhere as they continue to perform in their sports.

I also want to support Hon. Korir who is in Boston. As we are discussing this, I know wherever he is, it is already a win for him because this is something that he has always been following up and pushing to happen.

As we talk about sports, I also want to support Kenyan athletes, more so, when I look at one of us, Hon. Eusilah, who is married to an athlete in this Republic of Kenya who has won many races. It means that Kenyan women depend on good athletes because that is where we get future husbands.

I want to support them especially when they are not doped. We have listened to the Chairman of the Departmental Committee on Labour and Social Welfare saying that those who go into doping do not perform and do not give us children. We are fighting that it never happens, so that our daughters and sons can get future husbands and future wives who are rich because of the natural resources that are found in Kenya. I support this Bill especially when I notice that it takes care of minors. There is a clause that takes care of minors. There are experienced minors who get involved in athletics. Guardians or parents of these minors take care of the minors and sign any document that is required.

We also need to deal with the firms which supply these drugs. A drug user is a sick person. We need to fight those who supply the drugs through supply suppression. Once we deal with them, the drugs will not be available in our country. Our innocent athletes or sportspersons will not be involved in doping.'
Kakamega is known for producing footballers, volley-ballers and rugby players. All these should not be easily involved in doping. With that, I support the Bill.’

**Date 12th April 2016**

**Member of Parliament: Hon. Beatrice Nyaga**

**Contribution she made on: Anti-Doping Bill**

‘Hon. Temporary Deputy Speaker, as you can see from the mood of the House, there is no Member who is opposed to this Bill. I rise under Standing Order No.95(1) to request that the Mover be called upon to reply. Everyone is repeating what has been said.’

**Date 12th April 2016**

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

**Contribution she made on: Anti-Doping Bill**

‘Thank you, Hon. Temporary Deputy Speaker. I stand to support this Bill and I will not repeat points that have been stated.

This Bill is long overdue given the fact that institutions like the International Olympics Committee (IOC) which works with the World Anti-Doping Agency started the fight against doping in the 1960s. It considers the fight against doping a priority and has established a zero tolerance policy to combat cheating and punish the culprits. By passing this Bill, Kenya will be at par with the rest of the world because we will be effecting the World Anti-Doping Code and the UNESCO Convention Against Doping.

I want to bring in the issue of the recent police recruitment where many of the candidates collapsed after running and we lost a few. I also lost a cousin. I am just suggesting that there should be ways of administering tests even before people run, so that we do not lose many of our young people. I understand we lost about three people on that Monday.

I also urge the Ministry and all the actors in sports to start recruiting and supporting athletes from the rest of the counties. In Turkana, we had Ereng and Kelai. We have many others who do not access the opportunities because they do not get support.

With those few remarks, I support.’

**Date 12th April 2016**

**Member of Parliament: Hon. Mary Keraa**

**Contribution she made on: Anti-Doping Bill**

‘Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to add my voice to this important Bill. Doping in sports is a major challenge as it is not only a threat to the integrity of sports, but it also puts athletes’ health at risk. This Bill seeks to protect the
health of athletes and put in place coordinated effective mechanism to deter and prevent
the use of prohibited substances. Many points have been said and I do not want to repeat,
so I support. Thank you.’

Date 13th April 2016
Member of Parliament: Hon. Zainab Chidzuga
Contribution she made on: The Banking (Amendment) Bill

‘Shukrani, Mhe. Spika wa Muda, kwa kunipatia nafasi ya kuchangia Mswada huu ambao
umeweza kufika ambao Wakenya wanateseka. Wakenya hukaa wakiwa na vipeni
vyao hususan kina mama ambao wameamka na biashara ndogo. Wanatafuta mahali pa
kuwekeza vipeni vyao vidogo ili waweze kupata mkopo waendeleze biashara. Lakini unakuta
katika zile benki zetu tunazozitegemeza za Serikali, ni vigumu kupata mkopo kwa sababu
wanahitajika udhamana wa hali ya juu. Wanapokimbilia hizi benki ndogo ambazo zinabuniwa
za kisasa zenye riba ya chini, inafika wakati wanarudi kujuta kama hivi sasa tunalia Chase
Bank na Imperial Bank zimefungwa.

Katika eneo Bunge langu, kuna mwekezaji ambaye alikuwa ameamua kushirikiana na
wananchi katika upande wa baharini ili waweze kuanzisha mradi ambao ungekuwa ni
historia katika Afrika wa Well Shark ambao kwa Kiswahili tunamwita Papa Shilingi. Pesa
ziliwekwa katika Imperial Bank. Leo hatuelewia kama Imperial Bank itawezekufufuka ama
itakuwa ni vipi. Kwa hivyo, Mswada huu umeletwa kwa wakati unaofaa lakini tunajuliza
Benki Kuu ya Kenya iko wapi wakati benki hizi zinakupa kutapeli wananchi? Banki kuu ya
Kenya ndio macho ya mwananchi na Serikali. Mboma wakuu wa Benki Kuu wamenyamaza
wakati watu wanatapeliwa? Hakuna hatua ambayo inachukuliwa kwa wale wanaotapeli
wananchi.

Kwa hivyo, Mswada huu utatusaidia kurekebisha na kuweka sheria mwfaka ambazo
zitasimamia haki za mwananchi kupitia maeneo inayohusiana na pesa wanazoweka katika
benki zetu.

Pia, tungependa Bunge hili, kupitia Kamati yetu ambayo inahusika na mambo ya fedha,
ihakikishe kuwa Benki Kuu ya Kenya na Waziri wametuelezea ile pyramid scheme ambayo
iliwatapeli Wakenya fedha ilienda wapi. Kule Kwale, kina mama na wazee wengi walikuwa
kwa kiwewe baada ya ile pyramid scheme kuwanguka. Tunafaa kujua kufikia leo pesa hizo
ziko wapi na ni lini wananchi weto watarudishiwa pesa zao. Watu walikuwa kima pesa
kwa wingi kilo iku na kilo uchao wakifikia kwamba wakati umefika wa kujinasu katika
matatizo waliyo nayo ya kiuchumi. Kumbe waliweka pesa zao katika midomo ya papa na
zilimezwa na mpaka leo hatujui tutaelekea wapi.

Ningeomba kupitia kwako, Mhe. Spika wa Muda, niweze kutoa hiz o dakika zangu mbili or tatu ambazo zimebaki kwa Mhe. Mwanyoha ambaye amekaa sana hapa ndani.’

**Date 13th April 2016**

**Member of Parliament: Hon. Alice Wahome**

**Contribution she made on: The Banking (Amendment) Bill**

‘Thank you, Hon. Temporary Deputy Speaker for this opportunity. I rise to support Hon. Jude Njomo in bringing this Bill. It is truly timely to debate those matters at this moment. The banking industry is going through some form of a crunch or destabilisation because of the recent activities of three banks.

I want us to interrogate the activities of the CBK as the banking sector regulator. I see that the Governor of the CBK has put these banks under receivership. It is good for us to appreciate that once a bank gets into a crisis where people rush to withdraw their money, it will not take two or three days before it collapses. We have a regulator who is supposed to be receiving reports from banks regularly. For us to know what truly happened with Imperial Bank and Chase Bank, where people lost or are likely to lose money, we need to know if the Deposit Protection Fund is working. Is there audit and regular feedback to the CBK, as the regulator? What happened?

We have been told that Kshs8 billion was withdrawn in one day. The country is entitled to a report on the withdrawals that occurred on Wednesday. That is why the bank went down at midnight. We need to see how one bank is able to give people Kshs8 billion in a day and collapse the following day. I suspect that there are people within the directorship who withdrew money. I think it is right to do so. These people are culpable. We need to rein in the people even as we say we want to rein in the banks. It is individuals who are putting our people into this shame and pain. We want to see quick action from the authorities who are supposed to tell us the culprits.
Even as we are told that Kshs8 billion was withdrawn on Wednesday, there are people who were waiting for their transfers of money for about three or four days or a week yet Kshs8 billion was withdrawn on Wednesday. There are some very serious questions that the CBK must answer. Therefore, I ask the Governor to be courageous enough and do his work as he has done. Much as we support him, we also do not want banks to go down like they did about 15 or 20 years ago. The Government must restore confidence in the banking industry. Of course, it is mostly small savers of Kshs20,000 or Kshs15,000 who need to be rescued quickly. We want to see quick action in terms of calling the small depositors to be cushioned by the Deposit Protection Fund. There must be some insurance.

I am happy to see this House speaking in one voice at this particular time. Previous Parliaments attempted to cap interest rates. We know the banks. That is where money is. Other Parliaments have failed. It is for this House to rise and put a ceiling. Imagine I give my money to the bank and I get six per cent interest on it yet you are given the same money at between 18 per cent and 20 percent when you go to borrow it. It is illegal, questionable and immoral for banks to get three to four times interest. We have said that a bank should not get more than twice of what it has lent to a customer, but it is still happening. It is because of the very unclear penalty rates. With those remarks, I beg to support and say that the Bill is timely. As a House, we should allow this to pass.’

Date 13th April 2016
Member of Parliament: Hon. Regina Nthambi
Contribution she made on: The Banking (Amendment) Bill
‘Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. Kenyans are tired of listening and watching news of people playing around with their money. I am shocked just as others have said, that a day before this bank was closed, I saw the Governor of the CBK assuring Kenyans that the bank is okay and customers should not worry, only to see customers the following day lining up reading a statement that the bank has been closed. One wonders what happens with the auditors who were in charge of the bank. When new banks are opened, I am sure there are procedures which are followed. The new ones are usually monitored on how they are doing.

Secondly, this bank has gone outside and opened several small branches in the rural areas where small business people have sunk their money. If this continues, the gap between the rich and poor will widen. Some of the directors are walking free in the streets. We are supposed to see these people being put in and investigations done. Once they are out there, nothing concrete will come out of this because there will be a lot of interference. It is not
only the banking sector, but when we look at the National Youth Service (NYS) and other areas where people are given mandate to take care of our money, we need some seriousness. After two or three months, you hear that a bank has gone down and nothing happens. Interest rates in this country have discouraged so many people from investing. When you borrow Kshs1 million, you end up paying more than what you borrowed. This Parliament should come up with a law to regulate this. For example, if I borrow money at 15 per cent today, the interest rate must remain at 15 per cent until the loan is repaid. It frustrates many people. We say that we want to implement certain provisions but nothing happens. Investigations are done for two or three months, but at the end of the day, nothing is done. What is happening? Look at the Uwezo Fund. We get money for Uwezo Fund, but the requirements are too high even for women to access the money. Is there a way these small enterprises can be given loans at low interest rates? The interest rates should not be similar to the interest rates for big investors in industries and other big properties. The rate can be 3 or 5 per cent. The gap I am talking about will continue. There is a very big gap between the rich and the poor and the poor always suffer.

I wish to request the Governor of the CBK to work on this issue. The small person down there needs to be protected and this House has a mandate to do that.’

Date 13th April 2016
Member of Parliament: Hon. Hellen Chepkwony
Contribution she made on: The Banking (Amendment) Bill
‘Thank you, Hon. Temporary Deputy Speaker. I stand to support this Bill as proposed by Hon. Njomo. I thank Hon. Njomo for bringing this Bill. We know the issue of banks. Our people have really suffered, especially the women who normally take small loans. For example, someone can take a loan of Kshs10,000, but they end up paying back over Kshs15,000. I support this Bill so that we may be able to control the banks with their high interest rates. We are trying to change this country. We are trying to encourage our people to engage in business, especially in my area where women are not so keen on doing business because they do not have money. The moment you tell them to apply for loans, they fear because of interest rates which are never controlled by the Government. They are told to take loans and that they will pay interest rates of 10 or 12 per cent. They end up paying at interest rates of over 20 per cent.

I thank Hon. Njomo for bringing this Bill. We want it to be implemented. We pass so many pieces of legislation in Parliament, but they are never implemented. Imperial Bank, which went under receivership, had the tea farmers’ money. It went under receivership with over
Kshs3 billion of tea farmers’ money. The farmers do not know that this is going to affect them when it comes to bonuses. Without regulation of those banks, our people are going to suffer. The farmers are hoping that they are going to get their bonuses in October, not knowing that the bank that they had put their money in has gone under receivership. Those things must be taken seriously. Those banks engage in their own private businesses in their own time.

I thank the Governor of the Central Bank of Kenya, Patrick Njoroge, for cleaning up those banks, which cheat farmers and business people. How can we improve our economy when the banks exaggerate their interest rates? We cannot have that. So many people have had their property auctioned. The banks have taken cows, house seats and vehicles without minding the people. They are only looking out for their own interests. They are not looking at the interests of *wananchi*. I support this Bill so that there can be sanity in the financial industry. With those few remarks, I support the Bill.’

**Date 19th April 2016**

**Member of Parliament: Hon. Dr. Naomi Shaban**

**Contribution she made on: The Constitution of Kenya (Amendment) Bill**

‘Thank you, Hon. Temporary Deputy Speaker. I stand to speak on The Constitution of Kenya (Amendment) Bill. I also add my voice to congratulate the Leader of the Majority Party, Hon. Aden Duale for bringing this very important Constitution (Amendment) Bill which has been standing for a long time awaiting us to debate and deliberate on it.

This has been a thorny issue, in the sense that the Constitution is very clear that any elective body or appointment must include both genders and should not surpass the two-thirds gender rule. This has been an issue that has been canvassed for a long time. It is not a good policy for people to be sitting in this August House and discussing issues when more than half of the population which is women is not involved because most of the membership happens to be of the male gender.

This can happen either way because I know it is not easy to force people to elect members from either gender. It has not been easy even in very old democracies. This time round with the affirmative action seats, it was possible for us to have special seats for women and 47 women came through that route. Even with the improvement in the number of elected women on the affirmative action seat, we still fall short of the required numbers. The Constitution talks about 33 per cent of this august House being made up of women yet they are slightly less than 20 per cent.
This Bill comes as a result of an advisory opinion that was given by the Supreme Court, the highest body which interprets the law. It also comes in following several interventions by the Judiciary. It is high time we looked at it very seriously. I am appealing to all my colleagues that we need to do something about the constitution of this august House. The law is very clear in Article 177 which refers to county assemblies and they have been given an opportunity to fill in the gender which has been left out. This is by making sure that not more than two-thirds of the Members happen to be from the same gender. Article 97 on the membership of the National Assembly and 98 on the membership of the Senate falls short of the numbers which are required. Article 98 tried to achieve the numbers by giving a party list of 16 women members and another two; one being a youth and another a disabled person who would fill in the numbers required in the Senate.

Hon. Temporary Deputy Speaker, looking at it, there is still a small shortfall in the membership of the Senate but the membership of the National Assembly needs to be looked at seriously as we seek a way forward. This is the only way out to have this constitutional amendment. Most people would want to refer to women as joyriders who want to come here through an easy way. That is not the case. It is not easy for women to be elected due to the cultural and traditional background where women were not meant to be leaders. Over the years, Kenyans started appreciating and accepting that even women can lead, and more so take political leadership positions. We just need to insert this and make sure that it is in the law for it to be realized.

I have no doubt that in the coming general election we will have more members of the female gender being elected from the constituency level. If so, then most likely, the party list will not be as long as people are anticipating it to be. Since we have been going from strength to strength, as you are aware, this is the third time I have been elected. Being elected the third time, I have seen the numbers grow. We have not been going backwards in increasing our numbers. As we make decisions about this country, it is important to have a voice from people who represent the 52 per cent of our population being heard in decision making. I am appealing to my colleagues; that, we cannot move on the way we are. We need to do something about it. I know there is the question of the wage bill. That question always comes when it comes to the issue of women. Generally, our Constitution has to be looked at this time when looking at the issue of gender. We need to re-evaluate everything and see if we need to reduce the number of constituencies in future but for the time being, we need to realize what is in the Constitution.

I know that women are as hard working as men. In future, men will also require this amendment so that in the event that we will have more women elected, then men---
Hon. Temporary Deputy Speaker, please protect me from my colleagues. In the event that we might require more men to be elected in future, and once we have had women coming on board, then this amendment will be very useful.

Having more women in this House will actually add value. There is no doubt that the more balanced we are in terms of gender – as stated in Articles 81 and 27 on the Bill of Rights – the better. There is value in making this amendment. I just want to ask my colleagues to be patient with us and join us in making sure that this particular amendment is passed, so that we can have the required numbers come the next election.’

Date 19th April 2016
Member of Parliament: Hon. Cecilia Ngetich
Contribution she made on: The Constitution of Kenya (Amendment) Bill

‘Thank you, Hon. Temporary Deputy Speaker for this opportunity to add my voice to this Bill. At the outset, I want to say that I support the amendments of the Bill, and not necessarily because I am one of the affected gender. Our President took an oath to protect the Constitution which emphasises the need for gender equity and human rights. One of the clauses states that either gender should have one-third representation. This is in the spirit of implementing the Constitution that we all voted for. In an elective position, this can be difficult to achieve because of the perceptions and challenges that candidates might face particularly women. However, just like it was done at the county level, it is important that the gender that will be underrepresented be given the opportunity to serve through special created seats.

Secondly, we only have 19.6 per cent female representation but the 10th Parliament was allowed to proceed by the Supreme Court which advised that there should be a framework on how to meet the---’

Date 21st April 2016
Member of Parliament: Hon. Fatuma Ibrahim
Contribution she made on: The Constitution of Kenya (Amendment) Bill

‘Thank you, Hon. Deputy Speaker, I would like to support the Two Thirds Gender Bill of Hon. Duale. I was here in the morning when the Political Parties (Amendment) Bill was passed. The intention of that amendment was to introduce some formal support to increase the number of women in elected positions to Parliament. The two-third gender rule is as a result of the requirement of the Constitution. All over the world, the best practice and committed democracies create special arrangements to boost the leadership of women. The
drafters and people who agitated for this Constitution pursued the line of increasing the positions of women in leadership and, in particular, in politics.

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

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

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

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

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

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

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

Date 21st April 2016

Member of Parliament: Hon. Denitah Ghati

Contribution she made on: The Constitution of Kenya (Amendment) Bill

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

I would like to urge the men in this House to support this Bill. Women, for a long time, have not been given a level playing field. Traditionally, where we come from, even many of us who are seated in this House, have had to endure a lot of cultural issues, competing with men who have traditionally been well off economically and who have been ahead in terms of education and access to resources. We are looking for ways in which we can cut down the wage bill. If Members can think critically, cutting the wage bill is not about nominations. In fact, if you want to save this country from economic doldrums, we must ensure that we elect women so that we do not have the entire House having nominated women legislators
in this Parliament and even in the county assemblies. We shall put in place mechanisms that are going to ensure that our women are on board.

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

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

Date 21st April 2016

Member of Parliament: Hon. Reginalda Wanyonyi

Contribution she made on: The Constitution of Kenya (Amendment) Bill

‘Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this important Bill. I am excited about how far this Bill has reached.

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

Secondly, we need to address the historical injustices that have bedevilled our people. Culturally, for a long time, it is men who sat together and manufactured it. Gender is embodied in culture in the sense that men sat and allocated gender roles which did not favour women. Women have taken up those roles. Because they are good custodians, they have ensured that the culture that is there is upheld. Women have done those roles for a long time, but the injustice in it is that culture never allowed women to participate in it. So,
the affirmative action in this Bill will enable women to be in a position to make decisions that, in one way or another, will benefit this nation. On that note, I want to beseech most of the tribal communities that have specific cultures to include women in their council of elders so that when decisions are made at the cultural level, women participation is enhanced. women in leadership positions. If more women participate in leadership and in Parliament, the policies which will be passed will be sensitive to the household food security. Women interact more with families in food provision. They are the ones who look left and right to see to it that children are not sleeping hungry. Therefore, this Bill will enhance food security at the household level.

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

Date 21st April 2016
Member of Parliament: Hon. Zuleikha Hassan
Contribution she made on: The Constitution of Kenya (Amendment) Bill
(On a Point of Order)
‘Thank you, Hon. Temporary Deputy Speaker. I rise under Standing Order No. 97 on limiting the time allocated to each Member to contribute. I would like to move that Members have, at least, five minutes each to contribute to this Bill. There have been many women from the Coast region who have been waiting for two weeks up to 6.30 p.m. and none of them has had a chance to contribute.’

Date 21st April 2016
Member of Parliament: Hon. Shukra Gure
Contribution she made on: The Constitution of Kenya (Amendment) Bill
‘Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. I would like to add my voice to the Constitution of Kenya (Amendment) Bill. This Bill is a fulfilment of constitutional obligation by Parliament. Schedule 5 of the Constitution requires Parliament to enact a legislation that will facilitate the implementation of two-thirds gender principle within five years. The deadline was in August 2015 last year. The National
Assembly pushed the deadline to August 2016. If we do not pass this Bill, this House will be dissolved. As a representative of the people of Kenya, Parliament must attend to their interests because they passed the referendum which gives the inclusivity of gender.

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

**Date 21st April 2016**

**Member of Parliament: Hon. Mary Seneta**

**Contribution she made on: The Constitution of Kenya (Amendment) Bill**

‘Thank you, Hon. Temporary Deputy Speaker. I also stand to add my voice to this very important Bill. This Bill ensures that the membership of the National Assembly and the Senate conform to the two-thirds gender principle. It makes the membership of the two Houses to have equal number of members from both genders. Everyone in Kenya should support this Bill. We need both our men and women to support the idea of having equal numbers of all genders in the two Houses. This should happen not only in Parliament, but also in our counties. We also need to have structures that ensure that women are also elected as governors and in all other elective seats, especially in the county assemblies. This issue of nomination is proving to be expensive because every time we nominate women to all Houses, our budget increases. We also urge women to also vie for all seats so that we do not just believe in nomination. I, particularly, urge the women of Kenya who, most of the times, are the ones who elect our leaders, especially our elected Members of Parliament, to vie for political seats. Most of the Members of Parliament are elected by women in our counties and constituencies. I urge women outside this House to make sure that our fellow women who vie for different elective seats are elected. I also urge our elected women to also vie for different positions.

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

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

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

Date 21st April 2016
Member of Parliament: Hon. Christine Ombaka
Contribution she made on: The Constitution of Kenya (Amendment) Bill

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

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

Date 21st April 2016
Member of Parliament: Hon. Winnie Njuguna
Contribution she made on: The Constitution of Kenya (Amendment) Bill
'Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to join members in supporting this Bill. It is a very important Bill in this country. We are here to implement the Constitution. It is a requirement of the Constitution that we support this two-thirds gender rule. Let us go back to creation when God was creating this world. It is written in the Bible that God created man and woman. This means that where there is a man, there must be a woman. He also said that it is not good for a man to live alone. According to the Bible, we should--- I take this opportunity to thank male Members of this House. Previous Houses have never supported this rule. Our male Members of Parliament have really supported us. I thank them and may God bless them.

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

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

**Date 21st April 2016**

**Member of Parliament: Hon. Zuleikha Hassan**

**Contribution she made on: The Constitution of Kenya (Amendment) Bill**


Kitu kingine, utaona katika dini, mila zetu na maneno ya wahenga, kuna maneno ya kuonyesha kuwa wanawake ni kiungo muhimu katika jamii. Kwa mfano, katika Dini ya Kiislamu, Mtume Mohammed (Rehema na amani ziwe juu yake) alisema kuwa mama ni


Nawaomba Wabunge wenzangu wahakikishe kuwa vijana wa kike wako katika orodha ya watakaoteuliwa. Isiwe ni wanawake watu wazima pekee ambao watateuliwa. Kwa hayo machache, shukrani Naibu Spika wa Muda.’

Date 21st April 2016

Member of Parliament: Hon. Wanjiku Muhia

Contribution she made on: The Constitution of Kenya (Amendment) Bill

‘Thank you very much, Hon. Temporary Deputy Speaker. As I sit here, I am one person disturbed by the way people and all speakers ahead have interpreted this Bill. From the Oxford Dictionary, the word “gender” means the state of being male or female. So, when we are speaking of this Bill, we should not be speaking of women being nominated, rather it is gender. It can be either way as Hon. Kaluma has just concluded. One day, we can wake up and find more women, therefore, we shall be requiring more men.
Having said that, I support this Bill strongly because our sole mandate when we were sworn in here in the National Assembly and in the Senate - we swore by the Almighty God – we promised to defend and implement the Constitution of Kenya. This being one of our mandates to implement the Constitution of Kenya, we therefore remain with no other alternative other than to implement it in totality; not to implement selectively. Investing, particularly in this case - though gender more likely looks like women- is investing positively for a country. We need to change our mindset, culture and ideology. I always give the very gracious people of Nyandarua an example of myself. I always say if the affirmative action seat was not in place and the 47 women today were not in this Constitution, the people of Nyandarua would never have known me. They would have never known that I could be a leader and so are the many other women.

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

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

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

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

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

Date 21st April 2016

Member of Parliament: Hon. Mishi Juma

Contribution she made on: The Constitution of Kenya (Amendment) Bill

‘Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute on this important Bill. First and foremost, I want to congratulate Hon. Duale and Hon. Chepkong’a for coming up with this Bill which is going to give lasting solution to the issues of gender parity in the elective position, especially in the National Assembly and the Senate. As a legislature, we have an obligation to fulfil the Constitution of this country. By passing this law, we will have fulfilled the gender rule which is in the Constitution. This Bill is gender neutral. It is not only going to nominate women but it will also nominate men in case they have a deficit in the representation in both Houses. When you look at Vision 2030, some of the recommendations were the need to empower women politically, socially and economically.

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

In this country, women had been marginalised for so long. That is why even in the current Parliament, we are seeing very few women. That is why we are pleading and requesting our male counterparts to give us support in this Bill. We know culturally the burden of a breadwinner has been left for the male but passing this Bill and empowering more women, it will mean even women who are going to be in this Parliament, in other elective positions or decision-making positions are going to reduce the burden of being breadwinner from the male counterparts.

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

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

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

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

**Date 21st April 2016**

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

**Contribution she made on: The Constitution of Kenya (Amendment) Bill**


kuujadili. Nauunga mkono kwa sababu ya marekebisha ya kikatiba ambayo tunaenda kuyahitimisha tutakopofika tarehe 27.

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


Hata hivyo si jambo ambalo limekuwa rahisi. Nawapongeza vinara wetu wa muungano wa CORD. Tulipokutana kujadili swala hili, waliungi kwa sababu ya kuleta na kuibadilisha Katiba ambayo imetupa fursa hivi sisi tunaongea hapa tayari kuunga kina mama ama jinsia ya kike ndani ya uongozi.


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

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

Kina mama ama jinsiia ya kike katika taifa hili na katika ulimwengu mzima si kitu ambacho kinaweza kuangaliwa na jicho moja likiwa limefungwa. Tumeona nchi ambazo zimepata kupiga hatua lakini tunajivuta nyuma kwa sababu ya kukosa uakilishi wa jinsiia ya kike.

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


Date 21st April 2016
Member of Parliament: Hon. Alice Wahome
Contribution she made on: The Constitution of Kenya (Amendment) Bill

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

Date 21st April 2016
Member of Parliament: Hon. Susan Chebet
Contribution she made on: The Constitution of Kenya (Amendment) Bill

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

Date 21st April 2016
Member of Parliament: Hon. Cecily Mbarire
Contribution she made on: The Constitution of Kenya (Amendment) Bill
‘Hon. Temporary Deputy Speaker, since we seem to have consensus on this Bill, would I be in order to request that you call the Mover to reply? We also have the challenge of the fact that we are going on recess next week. This thing has a timeline and we must leave it with the Senate to proceed. I am thinking, to give it the necessary---’

Date 21st April 2016
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The Constitution of Kenya (Amendment) Bill
‘On a point of order, Hon. Temporary Deputy Speaker. Based on your ruling and for purposes of record, there are very many women in the House who wanted to contribute. But, because of time, they have not been able to contribute. Let this go down in history. Thank you, Hon. Temporary Deputy Speaker.’

Date 21st April 2016
Member of Parliament: Hon. Alice Wahome
Contribution she made on: The Judiciary Fund Bill
‘Thank you, Hon. Temporary Deputy Speaker for giving me opportunity to support the Judiciary Fund Bill, 2016. It is regrettable that Parliament, in its duty, has not enacted this Bill. However, this 11th Parliament is doing the job timely. The timing of this Bill allows us to say something about the manner in which our Judiciary is managing administration of justice. We have been treated to numerous cases, allegations and accusations that the Judiciary is being compromised. We have heard that those who have money in this country buy justice. This story has been going on for long. You will recall that there was the radical surgery of the Judiciary and then thereafter the vetting of the magistrates and judges. We are talking about reforms under the new
Constitution. It saddens Members of this House and legal practitioners who take cases and believe that they can get justice on merit. When we talk about having this Bill in order to assist the Judiciary in its financial management, administration of justice, creating more space and facilities for the Judiciary, we cannot avoid saying we need seriousness in our Judiciary. We need cessation of commercialisation of our Judiciary by the judges and the leadership of the Judiciary. Personally, I would say that it is not proper for the Head of the Judiciary to be the one saying that there is corruption and that there is nothing he can do about it yet he is the Chief Justice of this country; a position constitutionally given to him. The objective of the Fund is to safeguard the financial and the operational independence of the Judiciary. Money alone cannot give the Judiciary its independence. There are cartels and criminals. That is where the biggest problem is. We may give money and allow larger or wider facilities but still there is no independence of the Judiciary in administration of Justice in terms of fairness, timeliness and expeditious disposal of cases. Cases are referred to known judges for specific interests. We must stop that as a country and clear those who are not able to work within those parameters.

I am supporting this Bill. In terms of accountability of the funds, we have seen some investments by the Judiciary that are not above board; houses being bought by the Judiciary with monies and amounts that are not logical in terms of the figures. The Kshs300,000,000 was spent on the purchase of a house for the Chief Justice a year ago but to date, it has not been occupied. We have heard of renting of houses for the Judiciary. When we create this Fund, we are hoping that we are now not putting money in the hands of the same people who have failed to be accountable to the people and to the country. Therefore, for this very critical arm of Government, it is right and proper for us to have this legislation to support them in handling their own funds.

If they have to resort to the Government, we are aware and I know that it is possible for them to be arm-twisted and be given some conditions. Therefore, we want to speak to the fact that it is now time that the Judiciary lived to the expectations of this country. Judges who have attained the age of retirement whether there is a case going on or not, must know the Constitution did not exempt anybody. The retirement age has been stated at 70 years. I do not know why we are speaking very many words about that. The swearing of the new judges under the new Constitution allowed and made them accountable to the Constitution which they should defend and protect including provisions and articles that speak to when they will retire from the Judiciary.
I am reminded that there is a case going on. The issue of *sub judice* has been pushed to levels that are not acceptable. We must continue to tell the judges that they are no longer living in the old regime where we did not criticise the Judiciary. They must also give this Parliament room to do its business and avoid putting the country in situations that are not acceptable. We have always known that in the administration of justice, judges do not operate in a vacuum. They must also remember that the country is still bigger than one individual. Therefore, even as some judgements are coming, we need to interrogate them and see whether they are also politically aligned or are serving certain sectors.

I am happy with this specific legislation. Defraying the administrative expenses of the Judiciary, is something that the Chief Registrar needs to have. I want to rest my case. I support.’

**Date 21st April 2016**  
**Member of Parliament: Hon. Naomi Shaban**  
**Contribution she made on: The Judiciary Fund Bill**

‘Thank you very much for giving me this opportunity to add my voice. Although we are late in debating and passing this Judiciary Fund Bill, there is a saying that better late than never. This is the time we need to work on this and make sure that it becomes law.

According to Article 173 of the Constitution, this Judiciary Fund should have been operational by the beginning of 2013 after the promulgation of the new Constitution in 2010. Having said that, when we look at it from the angle of what this Fund ought to do, a lot of emphasis should be put on how these funds are going to be utilised. We do not want to see a situation where now that they are going to have their own funds, they are going to decide to misuse money, fail to account for it and get away with it and say since they are the Judiciary, they can do as they please.

We have seen at the county government level, people coming up with funny benchmarking trips just because they have the money and they have decided to use it for their own benefit; that once they have, it does not matter whether the money is going to do what it ought to do. These funds should be specific on what the Fund is supposed to do. For example, the two issues which have been set out in the Constitution were administrative. I am worried that administrative is too huge an animal for it to be just used. It is a relative term. On administrative, people can even choose to go on those funny trips and use the money. What is very important is that the Act itself will come talking about providing space, buildings and maintaining buildings to make sure that this service reaches the people of Kenya wherever they are.
We come from areas where people have been carrying out this judicial service in some small dingy place where you find most of the people are seated outside in small structures or old structures which were done during the colonial times and were meant to be stores or something. That is where these functions are being carried out.

What is important in the Judiciary Fund is that we shall be able to allow the Judiciary to build courts all over the country. This is more so with the new Acts which are in place like the Small Claims Court Act and the High Court (Organization and Administration) Act. The High Courts are being implemented in all the counties. This is the money that they require so that this service can reach the people.

As we are looking at this Bill and as they go out there to carry out the regulations, the Chief Justice and the JSC should come up with foolproof regulations so that there is no pilferage of this money and people will look at this money like money which is meant to improve the Judiciary. This money is not meant for their personal use; that is to make them more comfortable and misbehave as they please.

There is a disease which got into this country since the promulgation of the new Constitution. As money is going out there for devolution and for other things which are supposed to be implemented by the Government----I believe that Kenya is a unitary State which has one national Government and 47 county governments but people have decided to make their own small kingdoms where they can do as they please and get away with it. This is a disease which has to stop. We have to move on. I have heard some of my colleagues saying that they were very unhappy that during the State of the Nation Address, the President pointed out that he is also joining Kenyans in asking what the money which has gone to county governments has done. Apart from what the money is doing at the county governments’ level, we also ask that as the Judiciary implements this Fund, we want to see it being properly utilised, doing the work it was meant to do and not being misused.

This law is long overdue. We shall pass this Bill quickly and it will be assented to as quickly as possible so that this can be a reality. People pay a lot of money when they go to those courts, file cases and are fined quite a bit of money. This is a Fund which should operate almost instantly, considering that there are quite a number of fees that the Judiciary collects from Kenyans as they go to obtain services.

Having said that, I join my colleagues in saying that the earlier we do this the better, so that we can see improved service delivery by the Judiciary officers in our country, who would be able to make decisions on their own as an arm of Government. This is considering that some of the monies that they have been collecting will be useful in making sure that Judiciary services are improved for Kenyans. I support the Bill.’
Date 21st April 2016
Member of Parliament: Hon. Priscila Nyokabi
Contribution she made on: The Judiciary Fund Bill

Date 21st April 2016
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The Judiciary Fund Bill
‘Thank you, Hon. Temporary Deputy Speaker. Thank you, Hon. Nyokabi for donating time to me.
I want to support the Bill because of entrenching separation of powers and the independence of the Judiciary. I urge it becomes real independence. In Parliament, we are supposed to be independent, but we do not appear to do so in our monetary expenditure. As the Departmental Committee on Justice and Legal Affairs considers this, I encourage that the regulations be timed so that we do not leave it open-ended. There should be a timeline for the regulations to be effected. I support. Thank you, Hon. Temporary Deputy Speaker.’

Date 21st April 2016
Member of Parliament: Hon. Priscila Nyokabi
Contribution she made on: The Judiciary Fund Bill
‘Thank you, Hon. Temporary Deputy Speaker.
The Departmental Committee on Justice and Legal Affairs wants to thank all the Members for supporting the Judiciary Fund Bill. We also thank the Mover who is our Chairman for bringing this Bill.
We note that there could be amendments from some of the things that have been raised by Members. We will look into that. We thank the Members for supporting this Bill and an independent Judiciary. All the speakers of today have noted the importance of the Judiciary, having it strong and the importance of following the Constitution.
Members have also noted the question of relevant judgements. As we ask for the independence of the Judiciary and the judges, we also ask them to give judgements that are in tune with the country and offering solutions when the country has problems.
The Speaker, Hon. Justin Muturi, had earlier on asked about the delay in passing the law. What happened before was that some provisions on sources of funding were included in the
Judicial Service Act of 2012. In some way, the 10th House had complied with the requirements of the Constitution in certain aspects. There was need to go further and pass a comprehensive legislation on the Judiciary Fund Bill with its own modalities and mechanisms and not to rely on the Judicial Service Act as had earlier been envisaged. Again, there was need to cushion the Judiciary on returning of funds at the end of a financial year. That is one of the functions this Bill will serve when it is assented to. Accountability is critical. It has remained very sad to watch corruption in the Judiciary. As we pass this law and protect the funds of the Judiciary, it is going to be very important for the Judiciary to be fully accountable. Caesar’s wife must be above reproach. Those expected to jail other people for corruption must be spotlessly clean. All those things that we continue to see in the Judiciary must end with this law. We will be asking for increased and enhanced oversight on the Judiciary Fund Bill to avoid any issues of accountability.

There was institutionalization and the political parties debate earlier. Everybody who is receiving funding from taxpayers must continue to use those taxes and those funds appropriately. This is a poor country. Any fund must be put into good use. We thank the House. I beg to reply.’

Date 27th April 2016
Member of Parliament: Hon. Naomi Shaban
Contribution she made on: The Seeds and Plant Varieties (Amendment) Bill of 2015

‘Thank you, Hon. Deputy Speaker. I stand to second the Seeds and Plant Varieties (Amendment) Bill, 2015. It is clear that we need to align all the statutes in this country to the Constitution. Article 11(3)(b) states that:-

“(3) Parliament shall enact legislation to—
(b) recognise and protect the ownership of indigenous seeds and plant varieties, their genetic and diverse characteristics and their use by the communities of Kenya.”

To support that and to give more emphasis on the obligation in respect of the environment, Article 69 (1)(a) states:

“(1) The State shall—
(a) ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits”.

Hon. Deputy Speaker, the same Article 69(1)(b), (e) and (h) state:-

“(1) The State shall—
(b) work to achieve and maintain a tree cover of at least ten percent of the land area of Kenya;
(e) protect genetic resources and biological diversity;
(h) utilise the environment and natural resources for the benefit of the people of Kenya.”
This being a small amendment, it seeks to change the name of the resource centre, so that it can conform to what is in the Constitution. As we look at this, we know that agriculture has been devolved. Most of the issues dealing with agriculture are at the county level. This Bill will also affect what happens at the county level.

As we go on to debate and enact this, issues which have been raised in this amendment are straightforward and do not require a lot of debate because we need to put it in conformity with our Constitution. I ask my colleagues to quickly go through this and pass it on to the Senate, so that it can meet the timelines and it is assented to, to become the amended law. I beg to second.’

Date 27th April 2016
Member of Parliament: Hon. Zainab Chidzuga

Contribution she made on: The Seeds and Plant Varieties (Amendment) Bill of 2015

Mswada huu utatusaidia kuikuza mimea yetu na kuipatia mapato kwa kuwa tutakuwa tunaelewa mimea huu ni wa aina gani na unaweza kutibu nini ama unaweza kusaidia lishe ya aina gani. Katika miaka ya sabini, kule kwetu Shimba Hills, kulikuwa na mzee ambaye
alizindua mti ambao ulikuwa ukitibu saratani. Hatukujua ni vipi ilitokea kwa sababu wananchi walishtukia watu wamewasili kwa magari makubwa na kuikata miti yote, wakaibeba na kuenda nayo. Wakazi wa sehemu hawa hawajua ilikopelekwa miti ile. Hakuna faida ambayo huyo mzee na Serikali ilipata. Si ajabu kuwa mti huo unatengeneza madawa ambayo tunauziwa kwa bei ghali na ilhali hu most ulitoka nchini kwetu.


Ninaunga mkono Mswada huu kwa maana utalinda hali ya mazingira, utamaduni na mimea yetu. Mswada huu utatusaidia kufanya utafiti kwa maana vyuo vyetu vinatumia rasilimali iliyotaka nchi yetu kukuza taaluma katika kitengo cha kilimo na kulinda mazingira. Ninafurahi na kushukuru kwa sababu tumepea Mswada huu ambao utaweza kuokoa nchi yetu. Shukrani, Mhe. Naibu Spika wa Muda, kwa kunipa nafasi hii ya kuchangia Mswada huu.'

Date 27th April 2016

Member of Parliament: Hon. Sunjeev Birdi

Contribution she made on: The Seeds and Plant Varieties (Amendment) Bill of 2015

‘Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to this Bill on the biodiversity of our country. I commend the comments by my colleagues. It is not only eye-opening, but it is also very encouraging to know that our Parliament is making such great leaps in very sensitive areas such as biodiversity that affects such an important part of our environment.

This is a very important Bill. I would like to add a few comments on the Bill. This Bill protects Kenyans against misuse of resources. Any unauthorised exploitation is a criminal act. These criminal acts are not performed by local citizens, but by multinationals who come into our country and exploit these resources and patent them. At the end of the day, the common wananchi do not get their dues. This biodiversity has got very huge commercial attraction from industry and investors, as I have mentioned.
I would like to give the example of a local indigenous tree called *mweri* in Kikuyu. The bark of this tree is known to treat various diseases. This is a very old tree whose bark has been medicinal for centuries. Unfortunately, a French company has patented it and is using it to their advantage. I will give you another example from South Africa. There is a very interesting cactus whose characteristics are known to treat obesity. There is a multinational company that has patented the attributes of that plant. In simple words, it is like somebody coming to my place, using my things and just walking out without even a simple thank you, which is simply preposterous. It is not right. I would not allow that anyway.

As has been said before, this Bill mainly seeks to establish Plant Genetic Resources Research Centre, which shall be responsible for providing guidelines on matters relating to plant genetic resources for food and agriculture. This is in line with Vision 2030 and the Jubilee Manifesto. I am also very happy that this Bill is coming at an opportune time. It will help to stop people from taking away the rights of the common *mwananchi*. In enforcing this Bill we are going to do something very akin to what we did with the Wildlife Bill. This is because we are conserving biodiversity. It is equally important as conserving our wildlife.

Having said that, there are a few parts of this Bill that I think need some amendments which I will try and propose to the Committee later on. Overall, there is a very huge battle between the private seeds companies which bring sub-standard seeds and flood the market with them and the public seeds company. It does not go very well with the performance of the economy and the growing of healthy seeds and plants.

With that, Hon. Temporary Deputy Speaker, I would like to thank you once again for this opportunity. I would like to urge this House to support this Bill.

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

**Date 27th April 2016**

**Member of Parliament: Hon. Esther Gathogo**

**Contribution she made on:** The Seeds and Plant Varieties (Amendment) Bill of 2015


Ninaunga mkono nikisema kwamba mara nyingi tunafanya mambo na kukosea kwa kukosa kuelewa. Kama vile wenzangu wamechandia mbeleni, ni vizuri tuangalie mimea na hata


**Date 27th April 2016**

**Member of Parliament: Hon. Susan Chebet**

**Contribution she made on: The Seeds and Plant Varieties (Amendment) Bill of 2015**

‘Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to support the Seeds and Plant Varieties (Amendment) Bill, 2015. I also support the centre that will be mandated to deal with all types of seeds and indigenous plants.

At the beginning of this Century before the colonialists came to Kenya, Kenyans knew how to live in their environment. They had seeds which dispersed themselves and grew wildly and some were planted around homes. We also had roots for food, especially during famine in arid and semi-arid lands.
We also had types of indigenous vegetables and fruits; like the gooseberries which supplemented our foods. Indigenous grains like millet and finger millet were used as body building foods. Therefore, we need a centre that can take care of that. We are losing a lot of our bio-diversity and we need to reclaim it. The centre will do that very well. It will test the seeds and conduct research. Our institutions of higher learning will use the centre to generate information through research and disseminate the same in their institutions. The centre will give us a very good opportunity of taking care of what is good for our environment.

Every community in Kenya, Africa and the world has an environment that people can adapt to if it is protected. Our indigenous knowledge is very rich and we need to protect it. We need to have foods that can build our bodies.

We are now experiencing obesity in children, women and men. It causes a lot of health problems. We now have cancer and we are yet to know whether it is caused by the types of food that we eat now. We have diabetes which is a lifestyle disease. We need to know how to counter it using indigenous knowledge, food and medicines. We have seen herbal food supplements and medicines from China. They are processed and packaged very well and we are using them in Kenya. So, we need to have that centre so that we can do the same. We can use our foods that can build our bodies and use medicines originating from our plants.

As it is now, we have destroyed our environment. Our indigenous trees and plants are gone. So, we have to salvage the few seeds that are still available so that we can grow them in that center and use them to regenerate our environment.

When you look at the case of Galana where we are experimenting growing various foods, we did not even test whether the crops that we are growing there are adaptable to that environment. I think we should have done a pilot study first before going there in full swing to spend a lot of money on fertiliser and seeds. The harvest is about nine bags per acre of maize compared to other maize growing areas where they produce up to 40 bags per acre.

So, we need to look at some of those conditions. We are using Genetically Modified Organisms (GMO) foods and that will come with some of problems that will give Kenyans unhealthy lifestyles. If we have indigenous fruits and foods, they will take the place of GMOs. We need to protect the intellectual property rights at the center. We have to registrar and protect the seeds, knowledge and products that are generated through the center so that our future generations can use the same information and also benefit from products that are generated through the center.

With those few remarks, I support the Bill. Thank you.’
Date 27th April 2016

Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: The Seeds and Plant Varieties (Amendment) Bill of 2015

‘Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I can only support this Bill with amendments. As it is, I will not support it. That is because if you look at the Statement of Objects and Reasons that are indicated in the Bill, it says that the principal object of the Bill is to amend the Seed and Plant Varieties Act (Cap.326) to facilitate the implementation of Articles 11(3)(b) and 69(1) of the Constitution. Both Articles require Parliament to enact legislation to recognize and protect the ownership of indigenous seeds and plant varieties, their genetic and diverse characteristics and their use by Kenyan communities, and the protection of genetic resources and biodiversity for equitable sharing of the accruing benefits.

What this Bill does is to set up a research center that does not do what the object of the Bill says it does. I know that we are in a hurry, as a House, to meet the constitutional deadlines, but we are doing a lot of disservice and I am hoping that once we beat the deadline, we can bring back some of the Bills to this House and relook at them and amend them further. One of the Bills that I hope we can look at in tandem with this one is the one that we passed on traditional rights on plants, which is related to this one. If we are serious, we should consolidate them and do exactly what this memorandum says this Bill seeks to do. Otherwise, the intention is good.

We will be proposing to the Departmental Committee on Agriculture, Livestock and Cooperatives some of the amendments if it is possible, but they will be fairly cosmetic amendments. I remember a case that we did in the first year in the School of Law. It was Carlille vs Carbolic Smoke Ball and Company where a company purported to cure the common flu and told everybody in the world that had not been cured by their medicine that they would be given a reward. Somebody who did not get the cure went to the company and sued it. It is a case on contract law. The reason I am saying this is that my mother who was a trained nurse knew when she could use the conventional medicine and where it did not work like in the case of the common flu. As I grew up as a little child, my mother used traditional medicine which, unfortunately, I do not know how it cured the common flu. She did not get it from Tanzania; she got it from Kenya.

Hon. Temporary Deputy Speaker, we need a law which is serious because, as a country, we have very many plants of medicinal value that are very good for food. They are good for enhancing food security in a country where we have majority that are extremely poor and
yet, we are not doing a lot to protect our own plants. I have said before on the Floor of this House about the case of the Rosy Periwinkle which is a plant in Madagascar that has enhanced the chances of children being cured from leukemia. I have also given, in the past, an example of our own *Mwarubaini* that is said to cure virtually everything. I have not been a beneficiary of *Mwarubaini* but, if we were to be serious as a country and look at the properties of such a plant, I am sure Kenya would not just be a healthier nation, but that is one of the resources that could even make Kenya a rich country.

Another example that I have given on this Floor is the case of Endod, which is a plant of Ethiopian origin that some of the American researchers together with an Ethiopian who was doing research in the United States of America (USA), noticed at some point that it was killing snails at a point of a river. They noticed that it has some values that were harmful to the snail but not to humans. They took that plant to the USA and patented it. If the Ethiopian people want to use it, they have to pay royalties for their plant. That is happening even here in Kenya to many of our plants. I am not happy because of what this Bill and the other one is supposed to do. This Bill should provide a legal framework to tell us under what conditions one can access plants in Kenya and manipulate properties. What conditions can we set because we may not have the technology? Sometimes, we may require the exchange of technology for our own plant genetic resources.

I also come from a very rich background, but not in terms of material wealth. My father came from a fairly poor background. When I was a little kid, I visited my grandfather at home. He was not rich in terms of what a Member has just said here. I come from a very dry area and there are many snakes. When somebody was bitten by a snake, I saw my grandfather use a plant and they would be cured. But if one went to the hospital, one could get amputated or fall sick. I wish I studied medicine, unfortunately, I went to study law. That is knowledge lost. I have asked by cousins and other relatives, but nobody seems to know what he used to cure snake bites.

What we want as a country is not just research. Already, there are people who use traditional plants that are of medicinal value. Sometimes, people confuse them with the people who extort Kenyans with witchcraft. There is a difference between witchcraft and using plants of medicinal value. That is what companies that make millions of dollars use; they use plants that they get from Africa. I was surprised that, for the first time in Kenya, we were very proud when we hosted the World Trade Organisation (WTO) meeting which took place in Africa for the very first time. If it was held in India, farmers would have burned themselves because of poor conditions that are set by WTO, in relation to plants and other
conditions placed by international communities, in relation to access, especially to our plants.

I know other Members want to speak and so, I will not go on. I have the advantage of sitting in the Committee on Agriculture, Livestock and Co-operatives. Therefore, I will be pushing certain amendments which I think are fairly cosmetic. We need to do a much broader and comprehensive amendment of the legislative framework in relation to indigenous plants and knowledge of the beneficial properties of those plants that have been passed from generations to generations by our grandfathers. Hon. Temporary Deputy Speaker, I support only with amendments.’

Date 27th April 2016
Member of Parliament: Hon. Reginah Nyeris
Contribution she made on: The Seeds and Plant Varieties (Amendment) Bill of 2015


Tukiongea kuhusu chakula na mimea, sehemu hizo nyuzi zinahitaji wanayansi waangalia kwa makini ili kujua ni sehemu gani zitanapandwa mbegu ambazo zitakafanya hivyo. Mbegu zetuzi zina manufaa kwa sababu zitapata nguvu na zilimwiliwa na wazazi wengine. Kwa hivyo, sehemu hizo hazifanani.

Tukiangalia mbegu kama wengine na mtama zinaweza kutoa kwenye sehemu kamo. Wanayansi wetu kwa wachechukulia mambo haya na kuleta mbegu ambazo zinaandagezi na sehemu hapa. Lakini, hivyo, zinaandagezi kuna mimea ambayo ni dawa.


Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. The establishment of a research center in relation to indigenous seeds and plants is a welcome idea. I am still very concerned about the many research centres that we have in this country. We have so many of them, including those that exist in the universities. I happen to have been a university lecturer. There are several departments and research centres in the universities that conduct research in the area of indigenous plants and medicines. Maseno University has an excellent research center. What that university suffers from is lack of funds. They do not have enough funds to extend the research in the areas of seeds and plants. I am not so sure that if we start the research centre that is proposed in this Bill, it will receive funds to enable it conduct more research given that the research centres that we already have are not being funded properly. That is the challenge we need to address. Are we ready to establish a research center that will be well funded to enhance research in the area of seeds and plants? We may be starting another research centre only for it to fail, when we already have research centres at the various public universities. We need to exhaust what we already have as we find out where the weaknesses are so that, even if we start another center, it can enhance the work for the existing ones or work together with the centres that already exist.

I am a supporter of indigenous plants and seeds. Last night, I was so ill. I did not believe that I would be ready to come to work today. I took some *mwarubaini*, which was given to me by my house help. When I woke up this morning, I was whole again. I am so fine now. Traditional medicines and plants are very important and yet, we do not value them so much. We need to put more effort in their establishment. In the rural areas, there are so many people who do not go to hospitals because they have indigenous plants that they use all the time to treat malaria, diarrhoea and many other diseases. Many people believe in indigenous plants. This is a rich area that needs protection, funding and more research. We need to put more effort in their establishment.
If we do not do this, our country will be flooded by indigenous plants from other countries. When you go to any supermarket now, you will be met by a whole world of traditional medicine from other countries. We have traditional Chinese and Indian medicines all over. Those countries are promoting their traditional medicines. We are not promoting ours and yet, we also have very powerful indigenous plants. We need to start with what we already have before we establish another research center. The Bill is good and I support it.’

Date 27th April 2016

Member of Parliament: Hon. Florence Mutua

Contribution she made on: The Seeds and Plant Varieties (Amendment) Bill of 2015

‘Thank you, Hon. Temporary Deputy Speaker. I stand to support this Bill as a Member of the Departmental Committee on Agriculture, Livestock and Co-operatives. There were amendments that Hon. Millie and Hon. Kimei talked about, on where the Plant Genetic Resources Research Centre should be placed. We will look at those amendments. I hope the Members will support us. It is very clear that when farmers plant the right seeds, they get a bumper harvest. So, it is very critical to have the right seeds for all farmers.

In normal circumstances, people in the villages do not know how important the right seeds are. That is why they always recycle the crop that they have harvested from the farms. People in the villages plant the same seeds and they end up not having bumper harvests. It is very important to ensure that our farmers become aware of the seeds that they need to plant. The proposed Plant Genetic Resources Research Centre will ensure that the seeds that we will produce will be friendly to the various soils that are in every area of the country. We need to encourage our people to embrace the organic indigenous foods that have been there during the time of our fore-fathers. We need those types of seeds to be protected so that we can have them for our future generations.

We can see the trend that is in the country on cancer and obesity, which are causing so many deaths. It is because of the unhealthy food which people eat nowadays. It is important that we embrace our organic indigenous seeds so that we can continue to have healthy livelihoods. We need to move on with research and ensure that we have the right seeds all the time. I believe that the Plant Genetic Resources Research Centre is one of the institutions that will be doing continuous research. This is important so that we have the right seeds all the time.

When we go back in time, we never used to be sick the way we are seeing so many diseases nowadays. When you became sick, your grandmother or whoever you were staying
with would make a concoction of herbal medicine and give it to you to drink, and you would be well and go to school immediately. However, nowadays, a small disease will take you to hospital, where you get hospitalised for a very long time. We need the wild plants that were used in those days to give us medicine to be very well protected by the proposed institutions. We need them to be tested and tried so that we can have the right seeds. Nowadays, people die of snake bites every other day. We used to have snakes and they used to bite us all the time, but we never died. There were plants that were used to ensure that snake poison did not kill you. Nowadays, people die of snake bites. Some counties do not have the medicine to treat snake bites. So, people end up dying.

It is important for the proposed institution to ensure that the seeds that they produce are disease free. For example, in Busia County, we need cotton seeds that are disease free. It is not any seed that can be planted there and do well. We need to have the ginneries in Busia County working again. Cotton was one of our cash crops that were giving our people some money. As I sit, I want to say that I have distributed 3,500 bags of certified maize seeds to my people in Busia County. I am sure this is going to improve the food security in the county. Those seeds will do well because they are certified.

So, I support this Bill. We are going to propose amendments on where the institution will be housed because it is critical. As one Member of Parliament said, it is also important to ensure that it is given the funding it needs to do its work properly. I support.’

**Date 27th April 2016**

**Member of Parliament: Hon. Cecily Mbarire**

**Contribution she made on: The Constitution of Kenya (Amendment) (No.4) Bill**

‘Thank you, Hon. Speaker. I also rise to support Hon. Duale and Hon. Ochieng in requesting you to invoke Standing Order No. 62(2).

I also want you to give guidance to this House as regards the voting rights of Members. This is because under Standing Order No. 70(3), it says that Members shall cast their vote by pressing “yes,” “no” or “abstain” buttons during electronic voting.

Under Standing Order No. 70(5), it also says that any Member who is for some reason unable to vote, can be allowed to record their decision in favour of or against the Question verbally, through your direction. From the look of the vote that we have just cast, there are Members who did not vote. What does it mean when some Members do not say “yes,” “no” or abstain? Your direction is important.’

**Date 27th April 2016**

**Member of Parliament: Hon. Millie Odhiambo**
Contribution she made on: The Constitution of Kenya (Amendment) (No.4) Bill

‘Thank you, Hon. Speaker, for giving this opportunity. I thank all the Members who have voted. Even though we have not got the requisite numbers, for me it is a great milestone. When I was coming here, I was worried. I thought we would only get 50. For those of us who were here in the last Parliament, I want to congratulate Members. They have done a wonderful job.

I want to agree with the Speaker that this is a case where we should not be punishing Members who have not voted. Let us take time to talk to each other. Even up to yesterday, I was still talking to Members who for one or two reasons were supporting us before, but were upset because of one or two reasons. Let us take time to talk to each other and persuade each other so that if we are given a second chance to vote by the Speaker, including having a good finishing for our brothers who are not able to see how we can throw a good jig, that is also possible.

I want to encourage our brothers and sisters that we are not bribing you. We are begging you for the sake of our sisters, aunties and grandmothers. For the sake of this one, we have cut the line and not put grandmothers. We put an age limit, even for mistresses for those who are shouting mistresses. For purposes of this, I have no qualms even if it is Mr. Mabona who wants to bring a co-wife to join me here. I will be very willing for the purpose of this. Mr. Mabona can bring another woman in the House. I, therefore, agree that you give us a chance either tomorrow or next week for us to take another vote.

Once again, I thank all the Members. This is really good.’

Date 27th April 2016
Member of Parliament: Hon. Cecily Mbarire

Contribution she made on: The Constitution of Kenya (Amendment) (No.4) Bill

‘Thank you, Hon. Speaker. There is a special request by Hon. Cheboi that, maybe I should be allowed two votes seeing that I am carrying myself and somebody else. Hon. Speaker, with regard to Standing Order No.62(2), we want to thank the 195 Members who voted for the Bill today. The difference between 233 and 195 is only 38 Members. We did a lot of lobbying. We spoke to each other. We came very close to passing the two-thirds gender law. If you allow us another five days or another few days, we are sure that we are going to have the 38 Members that we did not have today. We can already see that the Members who did not vote “yes” today were only 28. A further time allocation, under Standing Order No.62, will allow us to close that gap. If you allow the vote to come back next week, probably on Wednesday as opposed to now, we can confirm to this House that the 195
Members who voted for the Bill will do so again. We will reach out to the 38 Members and the Members who were not available today. Our principals will get on this matter and help us to convince Members. We are sure that the few brothers who did not vote for the Bill today will vote next week.

A few female Members were not present in the House today. They will be present if we implement Standing Order No.62 (2). These matters have been on the chancellor’s foot. We have a new Constitution which we interpret every day. Hon. Speaker, every other time, you have to make a rule or extend the spirit of the Constitution. In the spirit of that Constitution, allow Standing Order No.62(2) to apply so that we can come back and vote. For the female Members, we clearly need another dinner dance. Those who might have missed the dinner dance yesterday should not worry. Over the weekend, there will be another one so that the Bill can pass next week.

**MOTIONS**

**Date 13th April 2016**

**Member of Parliament: Hon. Winnie Njuguna**

**Contribution she made on: Initiatives to Promote Clean Environment**

‘Thank you, Hon. Temporary Deputy Speaker. I support the amendment to this Motion. The promotion of clean environment is key to good health because we need to live in a clean environment. This one can solve very many problems because when we have an environment which is conducive---’ (Interrupted by a point of order)

**Date 13th April 2016**

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

**Contribution she made on: Initiatives to Promote Clean Environment**

‘On appoint of order. Is the Hon. Member in order to mislead the House on two accounts? First, in the Constitution, it is very clear that everybody has a right to a day of worship and it was pushed because of SDAs. I sat in that Committee and it was pushed because of SDAs. Why I am saying he is out of order is that the working days of the Government ends at 5.00 p.m. As he has rightfully said, SDA’s day of worship begins at sunset on Friday to sunset Saturday. The Government does not work at sunset. To distinguish it from my Muslim brothers whom I had taken into account, the SDAs do not work on Saturdays at all. They do not even cook. My Muslim brothers work on Fridays except for the time of worship. So, that
would be like an hour or two, which we cannot compare. So, is he in order to mislead the House?

**Date 13th April 2016**

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

**Contribution she made on: Initiatives to Promote Clean Environment**

‘Thank you, Hon. Temporary Deputy Speaker. Actually, unlike my brother, Hon. Duale, I do not like to fight on matters of religion. All he needed to do was to explain to me nicely and quietly the position of Muslims. I am only putting the position of SDAs. He does not need to do any grandstanding about his religion. I also have Muslims in my constituency, including from his own constituency who are doing business there.

Therefore, I wish to move a further amendment that we move the date from Friday to Thursday, to take into account Muslims who are in my constituency and SDAs. I am a very peace-loving Kenyan who promotes cohesion and healing. But I can still blow the whistle on my brother Hon. Duale when he is out of order.’

‘Yes, I wish to move a further amendment to my amendment. We delete the word “Friday” on my amendment to read “Thursday”, so that SDAs do not have to violate their religion and Friday, so that Muslims will not violate their religion. I am happy I have been educated because the only people I know to be strict observers are the SDAs.’

**Date 13th April 2016**

**Member of Parliament: Hon. (Dr.) Naomi Shaban**

**Contribution she made on: Initiatives to Promote Clean Environment**

‘Ahsante sana, Mhe. Naibu Spika wa Muda kwa kunipa nafasi hii kuungwa mkono Hoja ya Mhe. (Dkt.) Ottichilo ameona umehumwa wa sisi kuzungumzia suala la mazingira. Suala hili limekuwa donda sugu ambalo Wakenya wote wanatakokana kuliangazia. Suala hili limetajwa kwenye Katiba katika Vipengele vya 42, 69 na 70, japo kama Wakenya, tumechukulia mazingira kama jambo la dhikira na mchezo na wala sio jambo la kulindwa na kutunzwa.

Date 13th April 2016

Member of Parliament: Hon. Winnie Njuguna

Contribution she made on: Initiatives to Promote Clean Environment

‘Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. I want to support this Motion on promotion of clean environment because we have seen that is the cause of very many problems in our country. I feel that this one can only be achieved if everybody participates. It is a matter of self-discipline on how we can keep our environment clean. We have seen very many countries whose environment is very clean. In most cases, it is just a matter of waste management. How are we going to manage waste because Members are saying that we have the problem of plastics which are all over? They are used in every way. The only thing we can do is to abolish the use of plastics. We find that those plastics are the ones which are used for the flying toilets and they block rivers. There are plastics which cannot rot. So, they remain on the ground for a very long time. It is high time we abolished that material. I know that we have factories which are manufacturing plastics, but they can manufacture other things. The plastics are used in other countries to collect garbage from hospitals. This is what should happen in our country. Again, we need to recycle whatever waste we have. Some materials can be useful if they are recycled. So, even if we set aside a day for cleaning, we cannot say that we will be cleaning once in a month because this should be a daily activity to keep our environment...
clean. We need to ensure that all those vehicles which are polluting the environment are not on the road. I am really supporting this Motion, but we need to make sure that we check the cause of pollution in our country. We have seen other countries like Rwanda and Japan which are managing their environment well. For example, the waste from tins can be chopped into small pieces and then it is thrown away where it can take very little space.

Pollution is of many kinds. For example, banks are also polluting the environment. It is affecting our people. I even wanted to give a suggestion when we were discussing the Banking (Amendment) Bill. When we are applying for loans, we are always asked for title deeds and other securities. They should be keeping security in case they collapse so that they are able to pay back people. The people who lose money are the ones who get affected. So, I still feel that pollution is of many kinds and it should be controlled in Kenya.

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

Date 13th April 2016

Member of Parliament: Hon. Rachel Ameso

Contribution she made on: Initiatives to Promote Clean Environment

Date 13th April 2016

Member of Parliament: Hon. Rose Nyamunga

Contribution she made on: Presidential Address

‘Hon. Speaker, thank you for giving me this opportunity to make my remarks on the President’s Speech. Article 132 of the Constitution states that the President is expected, once every year, to report in address to the nation, on the measures taken and the progress made in the realisation of our national values. The nation consists of three elements, namely, population, Government and sovereignty.

The speech by the President failed us as Kenyans because he just took this opportunity to narrate the Jubilee Government’s achievements and not the assessment of the health of the nation of Kenya. As the Head of State, he ought to have spoken about the failures, fears, pains, aspirations and the achievements of the Government. That would be two sided. However, he only mentioned the achievements and was just narrating them.

In my view, he failed us by not looking at both sides of the coin. As has already been stated by Hon. Jakoyo Midiwo, he equally should have talked about the fears of the people of Kenya.

Article 10(2) of the Constitution sets out the values and principles that are supposed to be shared by all. It states:-

“The national values and principles of governance include—
(a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
(b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised;
(c) good governance, integrity, transparency and accountability; and
(d) sustainable development.”

The President, by going back to the national covenant of 1963, in my view, takes away the principles of Article 10. It shows that the President does not give allegiance to Article 10 of the new Constitution of Kenya. Remember on 9th March, the Catholic Church reported in The Standard Newspaper on Page Three that our nation is sick from poverty and graft.
This is what captures the hearts of many Kenyans. The President just enumerated the charitable acts that they give to a few individuals. In essence, those charitable acts should be done across. It should not be given to just a few individuals as stated in Article 43 on social and economic rights. That should be extended to everybody.

In his Address, the President failed us in addressing issues of integrity, land reforms and climate change. Last year, the President categorically gave the EACC 60 days to report on the list of shame. Yes, it was done, but up to now what is the status? He should have given us a brief on that particular statement that he made. Other than the people that we know who have been taken to court, we do not know what else has been done. In my view, there is a lot of desperation in this country.’

Date 13th April 2016

Member of Parliament: Hon. Christine Ombaka

Contribution she made on: Presidential Address

‘Thank you, Hon. Speaker for giving me this opportunity to contribute. First, I want to say that the speech of the President is full of flowery and religious language. When he talked about a covenant, one thought about the biblical covenant. So, if it is so religious, then we must go into what he has done that shows that he contributed to the change of lives of the people in a manner that God really loves. Unfortunately, the President allows us to criticise him. In one of the sentences here, he says that you can criticise his Government but do not make it a sport. In other words, it should not just be a hobby on the side of the Opposition to criticise him as a sport. I will criticise his speech very constructively but not as a sport.

The President should have highlighted his achievements and how they have impacted on the lives of the people by statistics as well. This will make us visualise and see that there is an impact in what he has done. For example, if he was talking about education, he should have told us the number of children who have laptops and the number of teachers who have been trained in computer skills so that we can see that there is an impact in the laptops programme.

I am a Member of the Departmental Committee on Education, Research and Technology. The laptops are no longer in the domain of the Ministry of Education, Science and Technology. They have been shifted to the Ministry of Information, Communication and Technology. That means that there is some kind of second thought about what the President should have achieved. He would have done a lot if he had listened earlier to us when we said that implementation of laptops programmes is not achievable within such a short time. The President did not listen to us and he never implemented the programme.
The President has realised that a mistake was made three years down the line. That is why the laptop project has not only failed but has been shifted to another Ministry. They have realised that there was a failure. That is important to highlight. That was a challenge for his Government. He should have explained to us so that we can see how the state of laptops within the education sector has failed and how it has been moved to another Ministry to salvage the flagship project.

Secondly, the President touched on the health sector in a small manner. It is also very important to highlight what he has achieved in the maternal and child health sector. He should have told us how many women now go to hospital for child birth, how many women have died during the exercise and how many children have been saved so that, by statistics, we would have seen the impact of his work in this area. He did not bring that out. His speech failed to show us the impact of his work and the achievement within the health sector, especially within the maternal and child health. I would have really loved to see his achievement by giving us statistics to show the impact and the challenges he is facing currently.

I want to also say that in terms of security, it is true we have been challenged in this country. The President has tried but he has not tried hard enough. I would have loved to hear what he is doing with the Migingo Island. That is an area of insecurity. He did not touch it. I would have loved to know the steps he is taking so that foreigners do not occupy that island and that the people in that island can get it back so that there is peace in this country.’

Date 14th April 2016
Member of Parliament: Hon. Reginalda Wanyonyi
Contribution she made on: Presidential Address

‘Thank you, Hon. Deputy Speaker. I rise to contribute to the State of Nation Address by His Excellency the President. I am glad with what the President spoke about. His concern for our soldiers in Somalia is great for the nation.

Secondly, before I make any further comment, I want to applaud the Speaker for the manner in which he handled issues in the House that day. As a leader, I am happy with what the President outlined. One key thing that came out is that the Government waived examination fees for students in our schools. That in itself was helpful to the poor person who is not able to raise examination fees. This is something that goes down in history. It trickles down to the very poor person who is assisted in this manner. We will witness poor
students completing school and sitting for exams simply because of that kind Government policy.
Secondly, electricity has been spread all over the country. In a single year, about 1.2 million homes have been connected to the national grid. This is something that was not there before. The rate at which electricity is being connected to households in the rural areas is the highest in the history of Kenya. This is of great concern to our people. In my Bungoma County, almost all markets, for example, Kamukuywa Market, can now run for 24 hours simply because there is electricity. The local people can do their business for 24 hours if they wish. That is something great.
The construction of the Standard Gauge Railway (SGR) has created employment and about 27,000 people have been employed. This is one major step towards creating employment in Kenya. As leaders, we must benchmark our discussions and what we want the nation to know. We are taking Kenyans for granted and assuming that they are not intelligent enough to understand what we talk about and see what is happening. The truth is that we must work towards harmony and unifying our country.
I have heard a speaker commenting about the President’s Speech and saying that covenants are made by churches and we are not a church. Leadership comes from God. If there is any leader who thinks that leadership does not come from God, they do not know what they are talking about. The Bible says that Moses was a great leader, but one key virtue that he had was that he was the meekest man on the face of the earth. We must emulate him. If we want to be great, we should not hurl insults at each other. We should embody the virtues of greatness and one of them is humility. Humility is not humiliation. It is simply greatness. So, if we want to be great as I can see some leaders want to be, then let us embody humility.
With those remarks, I support the Speech by His Excellency the President.’

Date 14th April 2016
Member of Parliament: Hon. Sara Korere
Contribution she made on: Presidential Address

Hotuba ya Mhe. Rais ilidihirisha mahali tumetoka na kule tunakoelekeza. Wahenga walisema kuwa mwenye macho haambiwi tazama. Tukiangalia upande wa elimu, Serikali ya Jubilee imefanya mengi. Kwanza, tukiangazia ada ya mitihani iliyoikuwa ikitozwa wanafunzi wa


Mhe. Rais alizungumiza kuhusu pesa za ugatuzi. Ni lazima tuelewe kwamba ugatuzi unakuja na changa moto zake na ni lazima ukweli usemwe.

Date 14th April 2016
Member of Parliament: Hon. Susan Chebet
Contribution she made on: Presidential Address

‘Thank you, Hon. Deputy Speaker. I want to respond to the President’s Address on the state of the nation. It was a good Speech. However, I would like to express my disappointment on the Members of the Opposition for interrupting the Presidential Address. They were selfish and did not want Kenyans to listen to the Address. I am glad that the President composed himself and later gave his Address.'
The Address gave an overview of what the Jubilee Government has achieved in three years. Despite the complaints that he did not give details of the Address, I want to say that it is not supposed to give details, but an overview of the direction we are taking and where we have come from. His Address touched on socio-economic and security issues. As far as security is concerned, we now know the state of our soldiers in Somalia. Our soldiers were sent to Somalia during the *nusu mkate* Government. The agreement that was signed did not specify the period our soldiers would be there. It is not in order for the Opposition to blame the Jubilee Government for not bringing back our soldiers yet their leader, Hon. Raila, was a signatory to the agreement to allow our soldiers go to Somalia.

The waiver of exam fees is a good example of how our Jubilee Government is mindful of *Wanjiku* or the common man. The free primary and secondary school education has helped many families. Families face problems during registration of students. I am sure every household in Kenya has benefitted from the waived exam fees. It is not only benefitting Members of the Jubilee Government, but also Members of the Opposition. In fact, most children who benefit from this waiver of exam fees come from the western side of Kenya. We know that Central Kenya has fewer students because of the problems they had recently. We have also benefitted from the technical training institutes that have been built. Every constituency in Elgeyo Marakwet County has constructed a technical training institute for the benefit of our youths. Our youths are not accessing employment opportunities because they lack skills. If we have technical training institutes and vocational training centres, our youths will acquire skills which they will use to seek employment.

There is also improvement in the health sector. We have free maternity facilities. Our mothers are accessing the facilities and they are enjoying it. More mothers prefer to give birth in hospitals as opposed to some time before when they were doing it at home. There is also the issue of corruption which is everybody’s problem. It is a problem in Kenya whether you are in the Opposition or in the Government, which is caused by individuals. Our President has done his best to make sure that those who are involved are prosecuted. I applaud him for that. With those few remarks, I rest my case and support the President’s Speech.’

**Date 14th April 2016**

**Member of Parliament: Hon. Zeinab Chidzuga**

**Contribution she made on: Presidential Address**

‘Shukrani, Mhe. Naibu Spika wa Muda. Ninampongeza Rais kwa Hotuba yake iliyokuwa na mwelekeo katika uongozi bora wa nchi yetu. Sisi sote tuko hapa kuwawakilisha wananchi


Kwa upande wa elimu, Wizara ya Elimu imejaribu kwamba katika elimu wameza na kusukariwa katika elimu ya 8-4-4 ili watoto wetu wawe na hosipitali. Kwa hivyo kuna wataalamu ambao wanaweza kuzingatia hosipitali kwa hivyo, hosipitali zikosi kwa sababu watoto wetu wawe na hosipitali zetu. Ninampongeza Rais kwa Hotuba hii ilizungumziwa na kazi nzuri anayoifanya.‘

Date 14th April 2016
Member of Parliament: Hon. Dr. Susan Musyoka
Contribution she made on: Presidential Address
Thank you, Hon. Temporary Deputy Speaker for this opportunity to add my voice on the President’s Address. First and foremost, I want to comment on page 11 where the President says that our lowest common denominator or our irreducible minimum is a collection of communities. It is our unwritten contract binding one to all. I like that statement. I believe that the President should be the symbol of unity for Kenya. Kenyans become more divided as we near elections. As we move towards 2017, we become quite divided along tribal lines. The 42 communities should be one nation as it has been clearly stated. The President being the symbol of unity should put great effort to see that Kenyans are united. Right now somebody has said that the high flying jobs have been divided between two ethnic groups. Statistics to support that is available. About 60 per cent of the jobs have been divided between two groups. This should change and we should see more inclusivity. We should see more ethnic groups involved in governance and in jobs in this country. The President is well placed to see that happen. One of my greatest expectations is to see more inclusion of women, youth and Persons Living with Disabilities (PLWDs). Unity is very elusive in Kenya. More than 50 years after Independence, we should have got closer but every time we become more divided.

After the International Criminal Court (ICC) cases were concluded, we still have the question, will justice ever be done for the IDPs? Should this happen again in 2017, how prepared are we to prevent that? How close are we as a nation to avoid such a thing happening again? Tribalism is one of the greatest diseases that we have in Kenya. In other paragraphs, he talks about the fight against corruption.

As Kenyans, we are not satisfied with the way the Jubilee Government is handling matters of corruption. This is a serious cancer which has penetrated and has been devolved. It has gone to counties and it is important for the Government to be firm and see that some of the big fish are fried. Something should happen to ensure that corruption is minimised in this country.

We have very many cases that are pending before court but we see very little being done. It is important that we see some serious action being taken and not just talk. On matters of healthcare, about 30 hospitals have received equipment on lease. My worry is that this equipment has been leased at a very high rate. Although the equipment has been placed in some hospitals, not all are in use. If you lease a *shamba* and you do not cultivate, you lose money.’

**Date 14**th April 2016

**Member of Parliament: Hon. Rachel Ameso**
Contributions she made on: Presidential Address

Thank you, Hon. Temporary Deputy Speaker. I stand to speak on the President’s State of the Nation Speech. It is a requirement in our Constitution that the President has to address the Republic of Kenya.

I will talk on corruption scandals and incompetence in our institutions. We needed to hear much more on issues of corruption. Yes, it is not the President who tells people to engage in corruption but he needed to address this issue so that the people being involved can be arrested so that they are out of our society.

The other issue that I expected to hear from the President was the issue of the Kshs10 billion which should go to reparation. We need to see the regulations. We have not seen how that money is going to be regulated and distributed to the concerned community in our society. This is a very crucial issue which we cannot bury under the carpet. We need to address it. The President is the President of the Republic of Kenya. Most of the time we hear him say that he is the President of the Jubilee Government. That is what brings division in the country. When addressing the nation, he should refer to the Government as “My Government.” That gives him boldness to address the Government of Kenya. However, the minute he brings the words “Jubilee Government,” then he is leaving a section of Kenyans out of the Jubilee Government. It should be referred as “My Government.” That gives him 100 per cent ownership as the President of the Republic of Kenya.

The other issue that we need to look at is the 27,000 jobs through the railway construction. However, on the other side, we have 600 workers from Kenya Airways who are being rendered jobless. It is an issue which comes because of corruption. People have eaten from all our institutions. When jobs are being created, we are losing jobs on the other side.

The issue of security was not addressed, especially in Kakamega County. Every day, there are killings from sub-county to another. We need this issue to be addressed fully so that people in Kakamega can also live peacefully like any other Kenyans who are saying that security has been enhanced in their areas.

When it comes to infrastructure, there is a road that comes from Kisumu to Webuye. This road has been constructed since the year 2010. To date, nothing has been happening on that road. For us to continue doing our business and move from one county to another, this road has to be looked at.

We talk of the Jubilee Government. I am in the Opposition and all Opposition people pay taxes. That is why I am still emphasizing that the President should address this country as “My Government” so that the taxes from the Jubilee Government and those from the Opposition can all be put together in one basket to support this Government of Kenya.
The education sector is a very crucial thing because it is the key that can bring change in our country. Our teachers are really suffering. To date, the teachers are still suffering because they are underpaid. We need to look at this issue. We have seen establishments like the Kenya National Examinations Council being brought down by corruption. Because of corruption, we have seen examinations being leaked out there. This brings down the standards of education in the country. It is good to always listen to the Opposition. Just listen to them because by listening, you pick the issues they have so that you can sit on the table and see how you can solve them. So, it is very important that we listen to one another. Let us listen to what the Government is talking about and let the Government also listen to what the Opposition is talking about. That way, they can sit down and address those issues so that next time they come, they will tell us the state of the nation.

Date 14th April 2016
Member of Parliament: Hon. Eusilah Ngeny
Contribution she made on: Presidential Address

‘Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to thank and congratulate the President of this Republic for his commitment to this nation. I want to say something on the Anti-Doping Bill, 2016. It is well on track and Kenya is not at risk at all. Those discouraging the sportmen and women of this great country should support them instead, right from their village levels. Having come from Uasin Gishu, the home of many athletes and city of champions, I want to thank the President for always supporting our sportmen and women, especially the athletes. The agency will realign sports policies to that of international standards for the good of all participants, as well as their wellbeing and health of all our athletes. The President has been supporting our athletes and we really thank him. I want to urge Members of the 11th Parliament to support all our athletes and other sportmen and women so that they can protect their images and integrity.

The President is very committed. I want to assure Members that from history all our athletes in particular have the strength and ability to run all their races nationally and internationally. They are heroes and they are all committed. Those criticising, like Hon. Kalonzo Musyoka in one of his statements, should stop and encourage them instead. They have put Kenya in a good position on the world map. Those asking queries on stadia, the Government is still raising money to build the five stadia in this country.

On education, the Government has increased capitation and grants to primary and secondary schools. On road networks, the Jubilee Government has completed most of the
projects that were started by the Grand Coalition Government. For example, in Uasin Gishu County, Ziwa Road has been completed by the Jubilee Government.

I want to congratulate the President. Let us all support Government policies other than criticising. Let us all be solution makers but not criticisers. Thank you, Hon. Temporary Deputy Speaker.’

Date 14th April 2016
Member of Parliament: Hon. Maison Leshoomo
Contribution she made on: Presidential Address
(On a Point of Order)

‘Naibu Spika wa Muda, unatumia mbinu gani kutupatia nafasi? Hii ni kwa sababu unaona mtu amekuja nyuma na anapata nafasi ya kuongea na wewe umekaa hapa kwa muda huwote. Ni vizuri tuelewe unafuata mtindo gani.’

Date 14th April 2016
Member of Parliament: Hon. Maison Leshoomo
Contribution she made on: Presidential Address


Date 14th April 2016

Member of Parliament: Hon. Zuleikha Hassan

Contribution she made on: Presidential Address

(Point of Order)

‘Shukrani sana Mheshimiwa Naibu Spika wa Muda nafasi hii. Ningependa kuuliza ikiwa ni haki kweli kwa Mbunge huyu kuita Wabunge wenzake watoto wa darasa la kwanza? Ni haki kweli? Je, inaruhusiwa katika Sheria za Bunge?’

Date: 20th April 2016

Member of Parliament: Hon. Reginalda Wanyonyi

Contribution she made on: Approval of the Mediated Version of the Climate Change Bill, 2014

‘Thank you, Hon. Deputy Speaker. I stand to support the mediated version of the Climate Change Bill. I feel privileged that the Bill came this far for some of us to give our input. I congratulate Hon. (Dr.) Wilbur Otichilo for the effort he has put into this Bill.

One key thing about the mediated Bill is the inclusion of the civil society representation on the board. For a long time, when we talk about Wanjiku, in most cases, the mainstream Government structures may not capture isolated marginalised cases that need to be noticed. The civil society is very key in ensuring that those single unnoticed aspects of climate change are captured. Therefore, their inclusion is very key. I commend the Mediation Committee for what it has done. I also thank the Senate for their input into this Bill.

World over, climate change is a big problem. Kenya is on record as being among the first few countries that have come up with laws on climate change. This is something we must strongly commend. As Kenyans, we must be proud of it. It is high time that this Bill was assented to by His Excellency the President. This will make Kenya go down in history as one of the first countries to come up with laws on climate change. As it is, if we do not move as fast as possible, the effects of climate change will be clear. If we do not actualise this law
and enable Kenyans to make it a culture and part and parcel of their daily lives to manage climate change, we will not go far in terms of development.

I support the mediated version of the Climate Change Bill. In that respect, let it be assented to.’

**Date: 20th April 2016**

**Member of Parliament: Hon. Rose Mitaru**

**Contribution she made on: Initiative to Promote Clean Environment**

‘Thank you very much, Hon. Temporary Deputy Speaker. I thank Hon. (Dr.) Ottichilo for bringing this Motion that will help us clean our nation. We have been talking with him for a long time and he has been telling us that every corner of this House and nation should accept that our people and children should wake up at least once a month and organise themselves to clean the environment. This is so that we can have water in Kenya, plant trees and come up with an environment that will be the best. We have Mt. Kenya which has ice and the best rivers that take water all the way through my county and we harvest it to bring electricity to this nation. It is because of this that the environment in my county has been taken care of. I support because, at least, 10 per cent of Kenya is dryland. However, if we improve the environment in our nation in all the 47 counties, we will produce food and create employment for our youth and communities within the 47 counties. This is because the environment will bring resources together and food security in our nation. So, I support and thank Hon. Ottichilo. Daktari, keep it up because when you work like this and we have 10 people like you in this country, this nation will improve economically and there will be food security.

So, look for people like you as we support you so that we can have, at least, one or two hours in a month dedicated to environmental matters of this nation.

Thank you and God bless you.’

**Date: 20th April 2016**

**Member of Parliament: Hon. Zainab Chidzuga**

**Contribution she made on: Initiative to Promote Clean Environment**


Shukrani, Mhe. Naibu Spika wa Muda, kwa kunipatia nafasi ili niweze kuichangia Hoja hii yenye nia ya kuleta usafi kwenda mazingira yetu. Ninaiunga mkono Hoja hii.

Ninamshukuru sana Mhe. Ottichilo kwa kuileta Hoja hii. Ni lazima tusimame na afya na mazingira yetu sio kwa kuzungumzia tu bali kwa vitendo pia. Tuitenge siku ambayo itakuwa maalum kwetu sisi sote kwa maana moja ama la watu fulani bali ni jukumu letu sisi sote.


Twende katika Kaunti ya kwale. Hapo awali kulikuwa kusafi sana. Hivi sasa kila mahali kuna makaratasi na kinyesi. Wakati umefika Bunge la Taifa lisimame kindete kuokoa mazingira, afya na nchi yetu kwa jumla bila kujali ni nani; tusimame kwa umoja tuamue.


Shukrani, Mhe. Naibu Spika wa Muda. Pongezi kwa Mhe. Ottichilo.’

Date: 20th April 2016

Member of Parliament: Hon. Fatuma Ibrahim

Contribution she made on: Initiative to Promote Clean Environment

‘Thank you, Hon. Temporary Deputy Speaker. First and foremost, I congratulate Hon. Ottichilo for bringing this timely Motion. It is necessary. Kenya is littered with a lot of garbage and waste. One time I was watching television and I saw the environment complaining. It says that it provides shade, water, beauty and fresh air but we are destroying it. That is a very powerful complaint of the environment. A clean environment supports the life of human beings and plants.

Kenya needs an institutional framework which is active and proactive in involving Kenyans to be part of promoting a clean environment. Speakers have said that Kenyans have not created a culture to contribute to a clean environment. If you walk in town and villages, you will see plastic papers hanging from trees, houses and settlements. The biggest challenge for this country is to enforce laws for a clean environment. Article 42 of our Constitution is very clear that a clean environment is an obligation of the State. This is not happening. Many Kenyans are suffering from diseases caused by effluents from industries. They are not controlled. They are released to our rivers and to our environment. They are hazardous to our health. There are many sites which are no go zones like dumpsites which have hazardous waste.

Even my county, which is an arid area with very limited capacity to regenerate, our environment and many of our trees are littered with plastic papers. Garbage is thrown everywhere with no particular designated location. The public is not sanctioning some of the things that are happening. The public think that the role of promoting a clean environment is a State function, which is a misunderstanding and lack of appreciation of the citizens’ role in contributing to a clean environment.
The other challenge this country has is lack of a culture of appreciating that it is our responsibility to contribute to a clean environment. Everybody is littering everywhere. The National Environment Management Authority (NEMA), which is supposed to protect and assess damages to the environment, is not taking a proactive role. The other challenge is weakness in or absence of enforcement of laws to give responsibility to citizens to be part of promoting a clean environment. Garbage is a resource which should be managed and recycled to produce biogas, fertiliser and many other products, but this is not happening. We are not utilising waste as is done in many other countries.

The other challenge we have in this country is inability to enforce sanctions to environmental polluters. People who cause pollution to the environment as individuals, groups, industries or communities should pay fines. There was a documentary one time, and the Departmental Committee on Environment and Natural Resources investigated the claims, of industries that have caused suffering to communities, children and mothers by releasing waste into the surrounding settlements.

There is no sanction, fine or punishment to those who are polluting the environment and destroying the lives and health of people. Personally, I support the proposal that the mandate to manage the environment should be given to both the county governments and the national Government. This will ensure that it is a funded function of these levels of government so that we have a more proactive promotion of a healthy environment. We should have restoration of a clean environment. Institutions such as schools and colleges should be compelled to work towards a clean environment so that we have a healthy nation, healthy citizens and we get the benefits that can be tapped from waste management and other products that are easily disposed of without recycling.

I think we need to appreciate that the environment is a common natural resource for everybody. Every individual in a country, whether a citizen or non-citizen, has an obligation to contribute towards a clean environment. It is a global requirement. The more we destroy our setup within the house, compound or surroundings, including destroying trees and plants, the more we are likely to destroy our future. We will not have a healthy nation. I think what is necessary is an annual event to celebrate clean environment. I think it would be very expensive and consuming in terms of time and resources of the public to have a monthly environmental day. I support an annual environmental day, which should be celebrated all over the country. It should be anchored on international standards so that we have standards for sustainability. This will compel all actors, including individuals, to take the responsibility of promoting clean environment.

Hon. Temporary Deputy Speaker, I support the Motion."
Date: 20th April 2016

Member of Parliament: Hon. Dorcas Kedogo

Contribution she made on: Initiative to Promote Clean Environment

‘Thank you, Hon. Temporary Deputy Speaker. I just want to support the Mover of this Motion and say that we really need neat and clean environment for our safety. Our health is very important. Apart from setting aside one Thursday, we must also observe cleanliness of our environment even on other days. If we leave it, we will suffer. There are so many diseases which are airborne, waterborne and so on. There is an outbreak of Hepatitis “A” in Mombasa because of dirty water. We need to make the environment cleaner. Penalties should be put in place to curb bad use of the environment.’

Date: 20th April 2016

Member of Parliament: Hon. Mary Emase

Contribution she made on: Initiative to Promote Clean Environment

‘Thank you, Hon. Temporary Deputy Speaker. I must, from the outset, congratulate Hon. (Dr.) Ottichilo for this very important Motion. Our lives and health depend on a clean environment. If there is one thing we can leave as a legacy for this nation, it is a legacy of healthy future generations. There is a slight awareness towards the importance of a clean environment and increasing levels of pollution. That is one very important aspect this Motion attempts to address. It is a very important Motion and it should be extended so that whatever legislation we develop is extended to our counties. That is so that we begin to see clean counties and cities.’

Date: 20th April 2016

Member of Parliament: Hon. Dr. Joyce Laboso

Contribution she made on: Approval of the first supplementary estimates for 2015/2016

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

THAT, this House adopts the Report of the Liaison Committee on the First Supplementary Estimates for 2015/2016, laid on the Table of the House on Tuesday, April 19, 2016, and in accordance with the provisions of Article 223 of the Constitution, approves the issuance of a sum of Ksh25,968,239,099 from the Consolidated Fund to meet the expenditure during the year ending 30th June 2016, in respect of the various Votes, as indicated in the Schedule.'
On behalf of the Liaison Committee and pursuant to Article 223 of the Constitution, it is now my pleasure to present to the House the Committee’s Report on the First Supplementary Estimates for the 2015/2016 Financial Year.

The First Supplementary Estimates for the year 2015/2016 was tabled in this House on 15th March, 2016 and submitted to the Liaison Committee for review. In reviewing the 2015/2016 Financial Year First Supplementary Estimates, the Committee held five sittings and also sought the views of the National Treasury. More importantly, the Committee received recommendations from the various departmental committees.

In terms of Appropriations-in-Aid (A-in-A), there are increases. The major ones include Kshs11.83 billion in the State Department for Infrastructure due to an upward review of amounts collected as Road Maintenance Levy Fund, and also Kshs640 million for National Environment Management Authority (NEMA) and Kenya Forest Services under the Ministry of Environment and Natural Resources and Regional Development Authorities. However, the Committee noted that reduction of Kshs20 million for foreign relations and diplomacy programme under the Ministry of Foreign Affairs and International Trade.

With regard to Development Estimates, the Committee noted that the allocation have been revised downwards especially on items such as construction of buildings, refurbishment, works on buildings and the purchase of specialised equipment. Those reductions may lead to pending bills if commitments had already been done. For example, the allocation for the construction of Mitihani House by the Kenya National Examinations Council (KNEC) has been reduced and that project has been ongoing for the last 29 years.

The Committee also noted the reallocation of funds across all the Ministries, Departments and Agencies (MDAs) from specific votes such as construction of buildings to general items such as capital transfers to Government agencies, which will make it difficult to monitor the use of those allocations. The Committee, therefore, recommends that going forward, it is important for the various entities receiving resources in form of grants to other levels of Government to submit their detailed budgets for scrutiny to ensure that there is value for money.

As earlier mentioned, the preparation and approval for the Supplementary Budget is provided for in Article 223 of the Constitution, Sections 43(2) and 44 of the PFM Act, 2012 and Section 40 of the PFM Regulations. The PFM Act, 2012 Section 43(2) states that the reallocation per programme should not exceed 10 per cent of the total approved budget of a programme. However, most of the supplementary allocations for the programmes have changes of more than 10 per cent which is an indication of poor planning and lack of programmatic approach to budgeting.
The Committee notes that some of the programmes with changes in expenditure do not have reciprocating adjustments in key performance targets and indicators. There are also cases of transfer of programme from one Ministry to another in the course of the financial year as in the case of the State Department for Agriculture to Water and Irrigation and State Department for Education to Ministry of Information, Communication and Technology.

In this year, movement of programmes distorts budget execution. The Committee observes that the National Treasury did not provide adequate information on budget performance in terms of actual expenditure and outstanding liabilities and commitments, especially of MDAs where there are reductions or increases. This highly limits the oversight role of Parliament especially in assessing the rationale behind budget cuts or increments.

The Constitution provides that the National Treasury should seek approval from Parliament, within two months after the first withdrawal of money from the Consolidated Fund, for purposes of supplementary appropriation. The Committee observes that there is no evidence of whether withdrawals were reported within two months as stipulated by the Constitution and how much of the allocations have already been spent. The Committee also notes that there was no provision by the National Treasury on details of how the increments in external financing for the Supplementary Budget will impact on the public debt. The Committee observed that it has been the trend in Kenya to have optimistic economic growth projections, which often result to higher projections of revenue. When the projected revenues are not achieved, the Government is forced to reallocate, cut its budget or source for additional funds through borrowing. Had the growth rate projections been realistic in the beginning of the financial year, the revenue projections would have been firmed up and, perhaps, there would be no need to amend the expenditure estimates by large margins leading to poor budget implementation.

We now move to recommendations made by the Committee. First, we have the policy recommendations. This country needs to fully embrace performance-based budgeting. In this regard, the Supplementary Estimates should have a scorecard on the performance of the budget so as to enable this House to make an informed decision. The Committee, therefore, recommends that when Supplementary Estimates are submitted to Parliament, they should be accompanied by the performance status of the programmes. In order to ensure that there is adequate information on budget performance in real time, the National Treasury should issue Exchequer releases by vote and programme. The same should be published on a monthly basis in the *Kenya Gazette*. This will not only enable Parliament to take appropriate action, but the general public will also be adequately informed hence enhancing budget transparency. Further, Ministries, Departments and Agencies (MDAs)
should be required to publish in their websites, the monthly Exchequer issues received by programmes.

The Committee notes that year in, year out, Parliament approves supplementary and annual budgets for capital expenditure without any knowledge of details with regard to the start time, progress and geographical location of projects. The Committee recommends that no development budget during the supplementary or annual budget should be approved without a list of projects that are reconcilable with the Development Expenditure.

The Committee noted that there is a problem in reporting the total amounts of foreign or external financing. The National Treasury should firm up the commitments on projects that are foreign-financed, including their records on uptake at the start of each financial year. There should be no changes on foreign financing mid-year as this is lack of respect for the budget process by external donors. The Accra Accord on Aid Effectiveness requires that donors channel aid through country public finance management systems to a maximum extent as possible.

The Committee further recommends that all payments under the Consolidated Fund Services should be comprehensively funded by the annual estimates. Only those caused by macro-economic imbalances should be provided for during the Supplementary Estimates. Going forward, the National Treasury must strive to come up with a realistic budget and avoid the over-estimation of revenue and expenditure. Having a realistic macro-economic framework is vital for ensuring that there is predictability in the Budget.

The Committee noted that there is a segmented construction of buildings across the MDAs and this has often led to delayed completion of buildings under construction. The Committee recommends that the national Government develops a concrete plan by ensuring that there is centralised construction of buildings for all MDAs spearheaded by the State Department for Public Works.

During meetings between Departmental Committees and their line ministries, it was noted that most officials in the line ministries were not aware of the changes in the Printed Estimates as reflected in the Supplementary Estimates. The Committee, therefore, recommends that the National Treasury builds adequate capacity and carries out adequate consultation before making their presentations to Parliament.

Before I move to areas of reduction, increases and reallocations, I would like to make a clarification regarding the Supplementary Estimates and the Report of the Liaison Committee. The Supplementary Estimates that were laid in this House had increases and reductions in various votes, where the Liaison Committee did not have any issue. Regarding the increment or deduction, the Committee did not make any recommendations. It is in this
regard that the Supplementary Estimates laid before this House had already included Kshs332 million in the vote for the Parliamentary Service Commission (PSC) for financing activities of monitoring and evaluation for the Senators. That clarification is important. Anything you may have heard in the public domain is not true. The Kshs332 million was already in the Estimates. We did not make any changes to those Estimates. I urge that everyone, and in particular the media, takes time to fully understand the budget documents, especially the Supplementary Estimates. The Parliamentary Budget Office, which has wide experience on complex budget matters, is available to explain matters on budget when it is called upon to do so. I am convinced that the mis-reporting in today’s dailies could not have happened if explanations had been sought. Since there were no changes in it, it is not included in our recommendations; which are as follows:-

With respect to financial proposals, having considered the above matters, the Committee recommends the following changes in the Supplementary Estimates. On proposed reallocations the Committee recommends the following reallocations:-

(a) Reallocate Kshs200 million set aside for purchase of milk coolers under the Livestock Resource and Market Development Support Service Programme to Kenya Meat Commission for modernization of the slaughter houses in Athi River and staff rationalisation at the Commission in the State Department of Livestock.

(b) Reallocate Kshs1.71 billion from the Power Transmission and Distribution Programme in the Ministry of Energy and Petroleum. This will comprise reallocating Kshs1.71 billion from allocations for capital transfer and grants to Kenya Power Company (KPC). This means that Kshs1.2 billion will go to capital grants to KPC, Kshs500 million to the capital transfer for non-financial public entities, Kshs1.5 billion to the Rural Electrification Authority and Kshs210 million to the Kenya Nuclear Electricity Board. The amounts will be broken down as follows:- A sum of Kshs50 million for the completion of the ongoing grid study, Kshs50 million for the environmental assessment of the Kenya Nuclear Programme, Kshs50 million for the establishment of the legal and regulatory framework and Kshs60 million for publicity and advocacy. That is how that reallocation has been done.

In the Ethics and Anti-Corruption Commission (EACC), there is reallocation of Kshs50 million for the provision of international legal support and outsourcing of legal services to a programme for vetting EACC staff.

There is reallocate of Kshs150 million under the primary education programme in the State Department of Education. This includes reallocation of Kshs100 million from construction of building to fund a shortfall in the contract for supply of computers in secondary schools,
which has already been signed. A sum of Kshs50 million for capital grant under the ICT programme for training of teachers under the Digital Literacy Programme.

Next is reallocation of Kshs325 million under the Ministry of Water and Irrigation from the on-going unfunded projects of 2015/2016 Approved Estimates in the Water Resource Management Programme to the ongoing projects in the water boards within the same programme.

There is reallocation of Kshs200 million for rental of assets for the New York Mission under Recurrent Expenditure to purchase a building under Development Expenditure in the foreign relations and diplomacy programme in the Ministry of Foreign Affairs and International Trade.

An amount of Kshs30 million under the General Administration, Planning and Support Services Programme of the Ministry of Energy and Petroleum will be reallocated to cater for the purchase of motor vehicles for the Cabinet Secretary and the Principal Secretaries. The next lot was for the proposed increments.

The Committee recommends the following increments:-

(a) Increase the Recurrent allocation for the Judiciary by Kshs77 million. This includes Kshs2 million for outstanding cash bail refunds at the Marimanti Law Courts and Kshs75 million for the Political Parties Dispute Tribunal above the Judiciary allocation.

(b) Increase the capital allocations for the Judiciary by Kshs144 million to cater for completed projects for which certificates have been received.

(c) Increase the recurrent allocation for the Office of the Registrar of Political Parties by Kshs14 million.

(d) Increase the Recurrent allocation for the Kenya National Commission on Human Rights by Ksh28.4 million.

(e) Increase the Recurrent allocation for the Witness Protection Agency by Kshs16 million.

(f) Increase the Recurrent allocation for the Commission on Administrative Justice by Kshs16 million.

(g) Increase the Recurrent allocation for the General Administration, Planning and Support Services Programme under the Office of the Attorney-General and the Department of Justice by Kshs119 million.

(h) Increase the Capital allocation for the Tourism Development and Promotion Programme under the State Department of Tourism and Commerce by Kshs187 million to offset the construction cost of Ronald Ngala Utalii College.
(i) Increase the Capital allocation for the Trade Development and Promotion programme under the State Department of Tourism and Commerce by Kshs40 million for the Export Promotion Council.

(j) Increase the Recurrent allocation for the General Administration, Planning Support Services Programme for the Parliamentary Service Commission by Kshs100 million.

(k) Increase the Recurrent allocation for the National Legislation, Representation and Oversight Programme for the National Assembly by Kshs400 million.

(l) Increase the Capital allocation for the General Administration, Planning and Support Services Programme under the Ministry of Information, Communication and Technology by Kshs711 million. The allocation will be for Konza Technopolis Development Authority by Kshs405 million, the Kenya Broadcasting Corporation by Kshs116 million and the National Fibre Optic Cable Infrastructure and e-Government Expansion Programme by Kshs190 million.

(m) Increase the Capital allocation for the industrialisation development and investment programme under the Ministry of Industrialisation and Enterprise Development by Kshs150 million; for KCC, Kshs100 million; Kenya Industrial Training Institute for completion of stalled projects, Kshs50 million.

(n) Increase the Capital allocation for marine transport programme under the State Department for Transport by Kshs1 billion for Lamu Port-South Sudan- Ethiopia Transport (LAPSSET) Corridor Project.

(o) Increase the Recurrent allocation for the General Administration, Planning and Support Services Programme under the State Department for Agriculture by Kshs42 million. This allocation is meant for annual subscription to international organisations, International Fund for Agriculture (IFAD), Food and Agriculture Organisation (FAO) and Desert Locust Control Organisation.

(p) Increase the Capital allocation for the Technical Vocational Education Training Programme under the State Department of Science and Technology by Kshs583 million for construction of technical training institutes - the TTIs.

(q) Increase the Recurrent allocation for university education programme under the State Department of Science and Technology by Kshs1.26 billion for grants to universities to cater for salaries.

(r) Increase the Recurrent allocation for State House Affairs Programme under the Presidency by Kshs220 million to cater for the shortfall in O&M.

(s) Increase the Capital allocation for policing services programme under the State Department for Interior by Kshs299 million for high performance facial recognition system.
(t) Increase the Recurrent allocation for General Administration, Planning and Support Services Programme under the Ministry of Foreign Affairs and International Trade by Kshs88 million for ministerial retreats for the African Union Executive Union Council of Ministers.

(u) Increase the Capital allocation for National Social Safety Net Programme under the Ministry of Labour, Social Security and Services by Kshs240 million for the cash transfers to Orphans and Vulnerable Children (OVCs).

(v) Increase the Capital allocation for crop development and management programme under the State Department of Agriculture by Kshs380 million for the Kenya Cereals Enhancement Programme.

(w) Increase the Capital allocation for irrigation and drainage infrastructure programme under the Ministry of Water and Irrigation by Kshs400 million for National Irrigation Board which was omitted during the transfer of programme from the State Department of Agriculture.

(x) Increase the Capital for the National Security Intelligence Programme under the National Intelligence Programme by Kshs200 million for security operations.

Finally, I now look at the proposed reductions.

Hon. Speaker, the Committee recommends the following reductions:-

(i) Reduce the Recurrent allocations for the Ethics and Anti-Corruption Commission by Kshs130 million.

(ii) Reduce the Recurrent allocation for the Office of the Director of Public Prosecutions by Kshs284 million.

(iii) Reduce the Recurrent allocation for the general administration and support services programme under the National Treasury by Kshs41 million. The reduction will be from hospitality supplies and services, Kshs30 million and Kshs11 million for the Financial Reporting Centre.

(iv) Reduce the Capital allocation for the general administration and planning and support services under the National Treasury by Kshs46 million. The reduction will be from routine maintenance of assets at Kshs20 million and construction of buildings at Kshs26 million.

(v) Reduce the Recurrent allocation for Salaries and Remuneration Commission (SRC) by Kshs150 million. The reduction will be from the funds allocated for other operating expenses.

(vi) Reduce the capital allocation for the Tourism Development and Promotion Programme under the State Department of Tourism and Commerce by Kshs150 million. The reduction will be from the funds allocated to the Bomas of Kenya.
(vii) Reduce the capital allocation for the Power Transmission and Distribution Programme under the Ministry of Energy and Petroleum by Kshs5 billion. The reduction will be from the allocations for the Kenya Development of Solar Power Plants in Garissa.

(viii) Reduce the capital allocation for Information, Communication and Technology (ICT) Infrastructure Development Programme in the Ministry of Information, Communications and Technology by Kshs711 million. The reduction will be for the digital learning programme for schools.

(ix) Reduce the capital allocation for the University Education Programme under the State Department of Science and Technology by Kshs583 million.

The Committee recommends that this House therefore resolves:-

(a) To approve the National Treasury (NT) request to spend over and above the 10 per cent threshold on programmes listed in Annex 2.

(b) To approve the Report of the Liaison Committee on the First Supplementary Estimates for the Year 2015/2016.

(c) Finally, to approve a total supplementary expenditure of Kshs25.97 billion to meet the expenditure during the Financial Year 2015/2016 in respect of the votes as provided in Annex 1 of the Report.

I would like to ask the Hon. (Eng.) Gumbo to second.

Date: 20th April 2016

Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: Approval of the first supplementary estimates for 2015/2016

'Thank you, Hon. Speaker. I urge you to consider the request by Hon. Jakoyo because I think the Members of the National Assembly have been bewitched. We need a session to exorcise the spirits that have bewitched Members of the National Assembly. I can only tell Members the reason why I think they are bewitched in a Kamukuji. I should apologise because if I explain to Members why they are bewitched, they will know. Part of that bewitchment has to do with what Hon. Njoroge Baiya said. We are all elected Members. The Constitution is very clear about our roles. One of our roles is oversight. We sit here, as Members of Parliament, to approve and give other Members lose money to play oversight roles while we sit here and cheer them. When you do that, it can only be through bewitchment amongst other things.

You cannot give other Members money and yet we are in politics. I will not be politically-correct. We are giving people lose money. They are going to the constituencies to call lose
meetings when we know that we have just passed the National Government Constituencies Development Fund (NGCDF) after people have gone to court to disallow Members of Parliament from active engagement with CDF and then we are cheering them. We can only do that if we agree, as Members of the National Assembly, that we are no longer interested in politics, so that we sit and escort others as they go ahead. We need to sit as a House and look at the issue of our roles again. I do not have any problem with Senators being given any money. However, as a human rights lawyer very keen on issues of discrimination, if they are getting that money, the National Assembly must get that money because their role is similar to ours. We also do oversight role. Another reason why I would not support this is the framers of the Constitution, which I am one, talked against gender discrimination. Even as the Mover was talking about a club of men, we have women Senators. You cannot have men allocating for them like the women in the Senate are flower girls. If the men are being given money, women Senators must also be given.

Finally, I want to say that, probably, I am the only Member of Parliament who wanted to go to Meru. I disagree with our members who are saying we should not go. I respect you, Hon. Speaker, when you said we do not need to go but, personally, I would have wanted to go for one reason; that if I disagree with them, at the very least, let me whistle blow when I am in Meru. If I disagree with them, let me go there and whistle blow.

However, as the National Assembly, we also need to interrogate the Senators on their roles. They are taking back their roles and giving us as National Assembly to oversee what governors are doing. Most of them are busy trying to get governors off their seats. We made a mistake. We should have made a law that says that once you serve as a Senator, you should stay out for five years before you become a governor so that when they do their oversight role, it is serious oversight role. I was listening to the Senators as they were discussing this issue. Each of them was just engaged on how they can give a very serious political attack on the people they want to unseat from those seats. Therefore, they are giving devolution a bad name when Kenyans are very happy with it. Hon. Speaker, give us a chance so that we can interrogate the legal standing of this fund because, as the Chairman of the Departmental Committee on Justice and Legal Affairs has said, it has no standing in law. Affairs has said, it has no standing in law. I support Hon. Jakoyo.’

Date: 20th April 2016
Member of Parliament: Hon. Priscilla Nyokabi
Contribution she made on: Approval Of The Mediated Version Of The Political Parties (Amendment) Bill
Thank you, Hon. Speaker. I also thank the Chairman of the Departmental Committee on Justice and Legal Affairs and the Members of the Mediation Committee for the Political Parties (Amendment) Bill that we are passing today. Hon. Deputy Speaker, having looked at the new criterion for funding political parties, the criterion proposed was very low when this matter first came to the Departmental Committee on Justice and Legal Affairs. The feeling of the Committee at the time was that even a party with presence in only one county, even if it does not bother to look for votes in any other county, would qualify for funding under the Political Parties Act.

Looking at the criterion today, any party that is going to qualify for funding is going to be a national party in line with Article 89 of the Constitution. According to the new criteria, a party can only receive funding if it has 20 elected Members in the National Assembly. There is no single county that can produce 20 Members of the National Assembly. Our biggest county is Nairobi County, has 17 Members of Parliament. Even Nairobi County alone, which is cosmopolitan with a national outlook, will not raise 20 Members of Parliament even if a party is set up for it alone. Twenty Members of Parliament can only be from five, six, seven or nine counties. A party that has presence in nine counties is a party that needs to be supported by taxpayers’ funding so that it can grow and sell its ideology anywhere in the country.

The second criterion is when a party has three elected Members of the Senate or three elected Governors. If a party can get three Governors and three Senators, it will have received more than 500,000 votes in terms of quantum of votes. It will be a party that has made effort and is not based in a county.

Lastly, if a party has 40 MCAs, it will also qualify for funding, as per the mediated version of the Political Parties (Amendment) Bill. Looking at the criterion in the mediated version of the Bill, it appears that the country will benefit in the sense that more parties will receive funding. We need more parties to receive taxpayers’ funding, noting that this is a multiparty democracy. If we are going to strengthen our parties, they must receive funding from taxpayer.

A lot of the mediation process has gone into cleaning up the earlier Bill. In seconding, I would also urge Members of the National Assembly to accept the mediated version of the Political Parties (Amendments) Bill (Senate Bill No.3 of 2014). Political parties need funding to prepare for the general elections that will be taking place in 2017.

Hon. Deputy Speaker, if you look at the history of our country, you will find that there has been a very good reason why political parties need to receive funding from taxpayers. Our entire National Assembly and Senate are based on a party system. Once they are based on
a party system, it continues to be very important for us to have strong parties that are national, impersonal and not funded by individuals. We want to have parties that are funded by the taxpayer and the criteria will allow those objectives to be pursued under the new Act in the amended version.

I also wish to note that 30 per cent of the funding for political parties should be reserved for marginalised groups who are women, youth and persons with disability. That criterion in the law is not affected by the amendments that we are passing today. If we look at the criteria and the two-thirds gender law, we will find that there will be a further amendment requiring that when the political parties fund is being shared, 15 per cent is shared based on the women who are elected on a party ticket. We continue to encourage our parties to allow women candidates to get their party tickets. It is not just for the parties to give women party tickets where they are weak but for parties to give women party tickets where they are strong.

The ODM must give more women party tickets in Nyanza, the TNA must give more women party tickets in Central and the URP must give more women party tickets in the Rift Valley. In the political parties funding, there will be a 15 per cent reservation for women who get elected on a party ticket.

So, in supporting the mediated version, we have more objectives with the political parties funding and we hope that all these amendments will be passed by the National Assembly. I beg to second. Thank you’

Date: 20th April 2016
Member of Parliament: Hon. Mary Emase

Contribution she made on: Approval Of The Mediated Version Of The Political Parties (Amendment) Bill

‘Thank you, Hon. Deputy Speaker for the opportunity. I would like to add my voice to this debate. I support the Mediated Version of the Political Parties (Amendment) Bill.

For a long time, this country has had many parties most of which are just briefcase parties, which wait until the election period to cash in on the registration fees of members only to disappear immediately after that and wait for another election period. This Bill seeks to strengthen parties. We need serious players in the political field so that we have serious and strong national political parties. Having a few strong national parties that reflect the face of Kenya is better than having very many parties that are not serious, some of which are just in business.
I also appreciate the fact that this Bill provides for a 15 per cent additional funding to any party that brings more women into this House. This is an impetus. It will encourage more political parties to give women aspirants nomination certificates so that they can contest for these political positions. That is a good thing. This is a very good Bill.’

**Date: 20th April 2016**

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

**Contribution she made on: Approval Of The Mediated Version Of The Political Parties (Amendment) Bill**

‘Thank you, Hon. Deputy Speaker. I wish to support the Mediated Version of the Political Parties (Amendment) Bill. In supporting, as a country, we need to move towards democratisation of our parties and towards ensuring better governance of our parties. This will only be possible if we strengthen these parties and move away from the smaller parties. I acknowledge that some of the reasons we have people moving into smaller parties is because of the fact that most times our parties have not been very democratic.

Therefore, I urge Hon. Members to look at the proposed amendments that are coming with the Election Laws (Amendment) Bill and other amendments that are being proposed in the political parties. This is to ensure a better playing field especially for women. As other Members have said, women tend to find it easier vying in smaller parties because usually there is no room for them in bigger parties. If we provide a level playing field for women in political parties, then I would support such an amendment because it would work towards reforming our political parties. I would, therefore, encourage Members, and at the same time wish it came at this time. However, the Chair of the Departmental Committee on Justice and Legal Affairs has assured me that it is in the amendments that are coming. We should have provided for a criterion that parties which do not elect women in single member constituencies, should lose a certain percentage as a consequence. That will mean that the parties will be more serious about fielding more women candidates. I know that there are several women who are able and capable of vying in their parties but because of many factors including violence and what we call “the finish” most women do not have— “The finish” is an issue of having money to bribe. I am not asking women to bribe. Men tend to have a lot more money that they use in “the finish” than the women. Because of all those issues and other cultural factors, many women find it very difficult but there are many women who are vying for seats including gubernatorial seats. I know Hon. Deputy Speaker is going for it.
For us to consider parties seriously, it is a shame for us, as a country that even as we speak there in no woman elected as governor even though there are women who vied. There is also no elected woman Senator even though there are women who vied. If you look at the entire House of over 300 Members, you will find that there are only 16 women who have been elected in single Member constituencies. So, I will support a further amendment that pegs the receipt on these funds on the number of women that we bring to the House. With those few remarks, I beg to support.’

Date: 20th April 2016  
Member of Parliament: Hon. Priscilla Nyokabi  
Contribution she made on: Approval Of The Mediated Version Of The Political Parties (Amendment) Bill  
‘Thank you, Hon. Deputy Speaker. In replying, allow me to donate one minute to Hon. Wanjiku Muhia who wanted to say something burning, I will reply in a minute and then we will close.’

Date: 20th April 2016  
Member of Parliament: Hon. Wanjiku Muhia  
Contribution she made on: Approval Of The Mediated Version Of The Political Parties (Amendment) Bill  
‘Thank you, Hon. Deputy Speaker and Hon. Nyokabi. I commend the good work of the Departmental Committee on Justice and Legal Affairs. I wanted to oppose this amendment. In my own opinion, I feel that the drafter was trying to bring in two political parties which possibly could have been FORD(K) and Wiper Democratic Movement (WDM). We must have political parties that are regional. If a party has three Senators, you look at three counties that neighbour each other. They can easily bring three Senators and governors. We will then have three neighbouring counties benefitting from this fund and we continue building the tribal cocoons that we always want to move away from. The main parties such the ODM, CORD or Jubilee Party have Members all the way from Rift Valley, Nyanza, Coast, Western and Eastern regions. I would like to oppose because I do not want us to have regional political parties on tribal basis. If WDM was guaranteed this they would get Kitui, Mwingi and Machakos. They would not need to move out of the Upper Eastern and they are funded. So, the drafters might have wanted to make the WDM party and the FORD(K) party to benefit from this and so I oppose.’

Date: 20th April 2016
Member of Parliament: Hon. Priscilla Nyokabi

Contribution she made on: Approval Of The Mediated Version Of The Political Parties (Amendment) Bill

‘Thank you. Just to add very quickly to the Member is that the question is one of the elected Senators, governors and elected Members of Parliaments. I am not sure whether FORD(K) and WDM have elected Members across the country.

In reply, we want to thank all the Members who have made contributions to the mediated version of the Political Parties (Amendment) Bill. We thank the Members for their contributions and for accepting the mediated version and for seeing the objectives that were brought in through that amendment to expand democracy. This is to ensure that more parties get taxpayers’ funding. The objective and hope is that we will strengthen our democracy and the parties will use the funds in an accountable way. The parties that get political parties funding will create programmes, ideologies and parties that continue to strengthen our democracy. The more the parties get the political parties funding in a multiparty democracy the better.

So, introducing a new criterion like we have done with the mediated version can only be good for this country and can only strengthen our democracy from strength to strength, especially after the 2010 Constitution that we continue to implement as a country. The Constitution is going to guide our democracy and our parties for more years. I beg to reply and beg to move that the Report be adopted.’

Date: 27th April 2016

Member of Parliament: Hon. Rose Nyamunga

Contribution she made on: Approval of the first supplementary Estimates for the financial year 2015/2016

‘Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to the amendment. I support it because it is important to use Government resources in a prudent manner. It will not be right to give money to the Senate for the sake of it. There must be structures. Even when the 47 County Women Representatives were looking for resources to do some work on the ground, they had to go through due diligence and put everything in place.

I support the amendment. However, I would like to make it very clear that I was not able to vote today, unfortunately. I tried my best. I was seeing my doctor and it took me a long time. I had to walk all the way from Museum Hill to be here on time, only to reach here and
find the Bar was already drawn. But good enough, we thank the House and the Speaker for giving us an opportunity to repeat the vote next Thursday.’

Date: 27th April 2016

Member of Parliament: Hon. Sabina Chege

Contribution she made on: Approval of the first supplementary Estimates for the financial year 2015/2016

‘Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Motion.

I support this Motion. I was given an opportunity to be part of the team that made it. This House should consider changing the Standing Orders to enable Departmental Committee Chairpersons to sit in the Budget and Appropriations Committee. We got an opportunity to defend our positions and interrogate what other Ministries are doing. I noted that a lot of money was reduced from the prior Budget. The question that arose is whether the big amounts of money that we budget for are necessary. It is important for the leadership in the Government, starting with Cabinet Secretaries, to look at the Budget and guide the Government properly. We do not need to have a very bloated Budget. We should also reduce the amounts of money that are not absorbed by the spending entities.

I am very proud of the Supplementary Budget. We managed to cater for Kshs1.5 billion for the retired teachers. This House adopted a Report from the Departmental Committee on Education, Research and Technology in concurrence that the retired teachers should be considered. I want to sincerely thank the Jubilee Government for remembering the retired teachers who have been suffering since 1997. We have Kshs1.5 billion in the Supplementary Budget for the retired teachers and we will allocate more money to them in the next financial year. A lot of them are old and others have passed on. This money might only benefit their families. The Jubilee Government has done a great job to remember them. I am a bit concerned with the amendments that are coming in especially their hour and timing. Although I support what Hon. Duale did, it is very suspicious. He came to the Budget and Appropriations Committee with his amendment. So, the Committee Chair did not have to sit here because we agreed earlier about his amendments. What was brought on the Floor was late. It was not fair for us to take that money from the Senate especially when Senators had requested for it for oversight. Yes, there might be no regulation. Most likely they did not even table the regulations before the House, but we could have reallocated the money to the Senate Committees because they have an oversight role to play.'
We require governors to be accountable and we should facilitate Senators to do their job. It is unfortunate that very few of us were here to pass it. We had very weak “Ayes” and weaker “Noes”. When such an amendment that touches on the Senate is being done, it is important that we first consult and agree, as a House, before we pass it. This is also part of the relationship that we have with the Senators.

As one Member said, the Supplementary Budget is not really necessary if we plan well. I hope Cabinet Secretaries, Principal Secretaries and other Government officials plan well, so that when they come to the Committees of the House, we can look at the Budget items properly and when we present the Budget to the nation, we do not need to amend it later or say that the taxman cannot afford it. We cannot afford to increase more burdens to Kenyans. Children who are being born in this country cannot afford to come into a country which has many debts. We have enough resources in this country and we can plan and have a proper Budget. We do not even require the Supplementary Budget or we can consider it only when it is necessary.

As I support, I encourage Members, especially the ones at the Committee level, to interrogate the Supplementary Budget, so that we can do justice to the budget process.

Date: 28th April 2016

Member of Parliament: Hon. Florence Kajuju

Contribution she made on: Appointment of members to various committees

‘Thank you, Hon. Speaker for giving me this opportunity. I rise to support this Motion as presented by the Leader of the Majority Party. Having been part of the Liaison Committee which was doing the Budget for a very short period, I realized the difficulties that we were undergoing. Being Chairpersons of various Committees we were engaged in different tasks in our Committees and also budgeting.

Therefore, I appreciate what the Budget and Appropriations Committee must do to ensure that money in this Government is allocated to various departments as provided by law. It is important that we have a Departmental Committee that actually deals with the Budget and is able to scrutinize the various money Bills that are pending. It is my humble request to Members to ensure that this Motion passes.

As the House Business Committee, we had to look through the various options that would ensure that we re-constitute the Budget and Appropriations Committee. Looking at the issues of budget that are critical to this country and the various pending money Bills - which are quite a number – we request that the Budget and Appropriations Committee be re-constituted and Members sit down and work on them.
Hon. Speaker, I support this Motion and beg Hon. Members to also support it because it is critical. Our major role in this House is to ensure that money in Government is utilized and allocated equitably to various Government organs.’

Date: 28th April 2016

Member of Parliament: Hon. Jessica Mbalu

Contribution she made on: Appointment of members to various committees

‘Thank you, Hon. Speaker for giving me this opportunity. I support the appointment of Members to various Committees and to the Budget and Appropriations Committee.

As a Member of Parliament and the representative of the people of Kibwezi, I know the importance of Committees. We have undergone various problems in the past three months in the budget-making process. I support the appointment of Members to various Committees. However, I note that the re-constitution is not very inclusive. Most of the Members of the CORD Coalition who were part and parcel of the previous Budget and Appropriations Committee have not been included. As a House, we rejected the membership of the Budget and Appropriations Committee. That is not the membership of the Committee that we want to be re-constituted. I appreciate the ability of Members who have been selected to the Budget and Appropriations Committee. The Committee will work well in the budget-making process. We know the importance of the Committee in this House. For the sake of this country and that of the budget-making process, Members of the Budget and Appropriations Committee have been drawn from different committees. I note that some of them have been instrumental in the running of the Budget and Appropriations Committee. For example, Hon. Makali Mulu, the Member for Kitui, has done very well. He has given us a lot of advice, including those in the leadership positions. This Committee will miss a lot in the process now that Hon. (Dr.) Makali Mulu has been moved to the Departmental Committee on Administration and National Security. I appreciate that his area of specialization is finance, planning and trade. He and many others will be able to give their contribution to the Budget and Appropriations Committee.

Hon. Speaker, as we constitute the Budget and Appropriations Committee, it is important that we give our best for posterity. I appreciate the Members who have been given the chance to serve in the Budget and Appropriations Committee. They are capable of performing their mandate and help this House in the budget-making process. They will give their input and ensure that we get the best as per the Standing Orders, which gives them the parameters within which to operate. All said and done, we need the Committee. From my observation, with all due respect, I feel that we should have retained the original
NOTICE OF MOTIONS

Date: 19th April 2016
Member of Parliament: Hon. Dr. Joyce Laboso
Contribution she made on: Adoption Of Report On First Supplementary Estimates 2015/2016

‘Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Liaison Committee on the first Supplementary Estimates for the 2015/2016 Financial Year laid on the Table of the House on Tuesday, 19th April, 2016.’

PROCEDURAL MOTIONS

Date 1st March 2016
Member of Parliament: Hon. Florence Kajuju
Contribution she made on: Reduction of publication period of the Judiciary Fund Bill

‘Hon. Speaker, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order No.120, this House resolves to reduce the publication period of the Judiciary Fund Bill (National Assembly Bill No.3 of 2016) from 14 to 11 days. Hon. Speaker, we are seeking reduction of the publication period of the Judiciary Fund Bill because we had a meeting with the Judicial Service Commission (JSC), and they expressed to us some of the challenges they have encountered in expediting the process of access to justice and implementation of the Constitution. Taking into account the separation of powers between the three arms of Government, it is important that this important arm of the Government is empowered because the Judiciary Fund Bill will ensure that there is a proper kitty allocated to the JSC, and that it runs smoothly as expected.

I beg to move the Motion and request the Leader of the Majority Party, Hon. Aden Duale to second.’
PETITIONS

Date 13th April 2016
Member of Parliament: Hon. Florence Kajuju
Contribution she made on: Gazettement of Tigania West as hardship area

‘Thank you, Hon. Speaker. I thank the Member of Parliament for Tigania West for finding it fit to bring this Petition on behalf of the people of Tigania West. I dare say that this affects a large population of Meru County where a number of our schools are facing challenges yet they have not been considered in the special programmes. Whenever we go to the State Department of Special Programmes to have these schools considered in the hardship programme, they have always said that Meru County is not a county that qualifies for this kind of support. I say this today bearing in mind that we have very special guests from Tigania West who have been on a benchmarking tour in Kisumu and Mombasa to see how the programmes are effected in those other counties. This is important because we have been seeking support from Red Cross and various donors who have supported teachers, students and pupils. So, this is a proper Petition that has been brought to this House by Hon. Karithi. I believe that the concerned organs of this Government are going to ensure that this is taken up and Tigania West students, pupils and teachers are taken care of. Thank you.’

Date: 19th April 2016
Member of Parliament: Hon. Florence Kajuju
Contribution she made on: Measures to curb criminal activities in Kibra Slums

‘Thank you, Hon. Speaker. I just want to say that the Petition really reflects on all of us. These are issues that affect each and every slum area within the counties. To give the devil its due, we know it is because of the efforts of the former Cabinet Secretary that Kibra happened. Through the National Youth Service, we were able to see young men and women do a lot to ensure that Kibera is clean. That shows the power of a woman. What she did changed the face of Kibera. Before, we saw the kind of insecurity that was there and many bad things were happening. This Petition is very serious and I believe the Committee on Administration and National Security is going to ensure that we get a solution, so that our young men and women and the people of Kibera have a better place to live. I repeat: Give the devil its due. Thank you, Hon. Speaker.’

Date 27th April 2016
Member of Parliament: Hon. Zuleikha Juma

Contribution she made on: Petition from Kwale International Sugar Company Limited

‘Thank you, Hon. Speaker. I just wanted to inquire about the report on my Petition of Kwale International Sugar Company Limited that I brought to the National Assembly last year in August. I am yet to get any response on that from the Departmental Committee on Labour and Social Welfare.’


PAPERS LAID

Date 19th April 2016

Member of Parliament: Hon. Dr. Joyce Laboso

Contribution she made on: The Report of the Liaison Committee on its consideration of the First Supplementary Estimates for 2015/2016

‘Thank you, Hon. Speaker. As you are aware, we continue to hold the brief for the Budget and Appropriations Committee. Therefore, I beg to lay the following Paper on the Table of the House:

The Report of the Liaison Committee on its consideration of the First Supplementary Estimates for 2015/2016 Thank you.’


STATEMENTS

Date 13th April 2016

Member of Parliament: Hon. Millie

Contribution she made on: Status of business pending before the departmental Committee on Labour and Social Welfare

‘Thank you, Hon. Speaker. I am not too sure whether what I want to raise is for the Labour and Social Welfare Committee or the Departmental Committee on Justice and Legal Affairs. The Child Justice Bill has vanished somewhere. I do not know whether it is between the Labour and Social Welfare Committee or the Departmental Committee on Justice and Legal Affairs. I know the child aspect falls under and Labour and Social Welfare Committee and the justice bit falls under the Departmental Committee on Justice and Legal Affairs. So,
maybe, that is why the Bill has vanished somewhere, but it was completed at the beginning of this Parliament in 2013. I do not know where it is.’

**Date 21st April 2016**  
**Member of Parliament: Hon. Mary Wambui**  
**Contribution she made on:** Hon. Member cast in a negative light  
‘Thank you, Hon. Speaker, for giving this opportunity. Pursuant to Standing Order No.84, I wish to make a Personal Statement regarding an adverse mention of myself in the course of the debate this morning by another Hon. Member. The Member for Kiminini, while debating a particular Bill, mentioned that female politicians are wealthy and therefore, do not need financial support from political parties. He referred to me by name in a negative light. His statement seems to imply that women should survive on their own politically if they are wealthy and yet, even my wealthy male colleagues still receive support from the political parties. I have worked hard to get to where I am today. I struggled to get my seat and I deserve support in my political career just like my male counterparts who are never mentioned in this House. I also wish to state that I am an active, saved and respected Presbyterian Church of East Africa (PCEA) member. I wish to quote a verse from Proverbs 31:17 which says: “She dresses herself with strength and makes her arms strong.” I also end by quoting from James 3:14: “But if you have bitter jealous and there is selfish ambition in your heart, do not boast and be false to the truth.” I just want to add something; I think everybody in this House knows how I struggled to get my seat. I was not helped by anybody except my God whom I trust. I want everybody who is here to trust God because he is going to give you what you want. Thank you.’

**Date 26th April 2016**  
**Member of Parliament: Hon. Christine Ombaka**  
**Contribution she made on:** Demise of former first lady Mrs. Lucy m. Kibaki  
‘Thank you, Hon. Speaker, for giving me this opportunity. On behalf of the people of Siaya, I take this opportunity to send our condolences to the family of the former President Mwai Kibaki, the people of Othaya and the Kenyan people. Mama Lucy was a role model to all of us. She was very stern and outspoken. She stood for family values. I remember very well when the media was on her case and the name of the family was going to be damaged. She stood very strongly to defend her family. I think that is one admirable part of her life that will go down in the annals of history of this country. Mama Lucy was highly respected. I believe she has left a lot of us remembering her and
seeing her as a role model for life. The people of Siaya stand together with the family. Thank you.’

Date 26th April 2016
Member of Parliament: Hon. Cecily Mbarire
Contribution she made on: Demise of former first lady Mrs. Lucy m. Kibaki
‘Thank you, Hon. Speaker. On behalf of myself, my family and the people of Runyenjes Constituency, I want to add my voice in condoling with the family of the former President, Hon. Mwai Kibaki, and the people of Othaya for losing the former First Lady, Mama Lucy Kibaki.

As women leaders and as Kenya Women Parliamentary Association (KEWOPA), we have lost a great woman leader who taught us how to be brave and speak our mind without fear. We will all remember her for having made the people of Kenya realise that there was an Office of the First Lady. Having stayed for so many years without that office, she certainly made a mark in that office. She also taught us how not to fear men. Mama Lucy Kibaki had no time to waste if she thought that a certain man had not done things rightly. It did not matter about your position. She told you to your face that you have done a wrong thing. She did not fear to tell you something. The many men who crossed her path know that. As women leaders, we learnt that it is actually possible to stand up as a woman and speak your mind without fear. For that reason, I will remember her very fondly.

When she arrived, she found very many male candidates next to me and she told them this to their faces: “I did not come here for you. I came here to support a fellow woman.” When she stood to speak she said: “I have come here to support Cecily Mbarire, my daughter.” That really shocked me. Even when the then President Hon. Mwai Kibaki came three days later, he did not even have the courage to seek support for me and yet, I was a member of the Party of National Unity (PNU). But his wife, the First Lady, sought support for me. From that day, I felt a lot of love and support for her. Definitely, I will miss her at a personal level. I hope that women leaders who have watched her will move a notch higher in asserting our position as women leaders.

May she rest in peace.’

Date 26th April 2016
Member of Parliament: Hon. Naomi Shaban
Contribution she made on: Demise of former first lady Mrs. Lucy m. Kibaki
‘Thank you, Hon. Speaker. I send my condolences to the family of His Excellency Mwai Kibaki for losing our former First Lady, Mama Lucy Kibaki. She had done a lot for this
country. She really helped us, as the Kenya Women Parliamentary Association (KEWOPA), in making sure that the Government’s employment policy of ensuring that, at least, one-third of public service employees are women became a reality. It became the policy of President Kibaki’s Government.

She also fought for the rights of the very poor and sick people, especially those who were suffering from HIV/AIDS or affected by it. We have lost a great lady and a mother. Mama Lucy cared for poor Kenyans.

May God rest her soul in eternal peace.’

Date 26th April 2016

Member of Parliament: Hon. Tiyah Galgalo

Contribution she made on: Demise of former first lady Mrs. Lucy m. Kibaki

‘Thank you, Hon. Speaker. On my behalf, and on behalf of my family and the great people of Isiolo County, I take this opportunity to send a word of condolence to the family of former President Mwai Kibaki.

The late Lucy Kibaki remains a great role model to Kenyans. Lucy was a former teacher, an activist, a professional and a very strong lady. Mama Lucy is a protector of family values. She was never shaken when she stood to protect her family. This is one of the things that many Kenyans, especially women, do not have. I stand to appreciate her on that. She had a very strong personality. She was consistent in everything she did. Kenya has lost a very strong role model.

I also take this opportunity to pray to God to give her family and Kenyans strength during this difficult time. We all appreciate the lady who has been very strong.

I thank you.’

Date 26th April 2016

Member of Parliament: Hon. Maison Leshoomo

Contribution she made on: Demise of former first lady Mrs. Lucy m. Kibaki


Thank you, Hon. Speaker. I want to take this opportunity to welcome Members of this House to a dinner that is hosted by the Kenya Women Parliamentary Association (KEWOPA) this evening at the Hotel Inter-continental. We particularly urge our male colleagues to kindly join us for dinner and to come on empty stomach. We have a lot to eat and talk about. Please, also, wear your dancing shoes. Thank you, Hon. Speaker.’

Date 26th April 2016
Member of Parliament: Hon. Rachel Shebesh

Contribution she made on: Alleged intimidation and coercion of MPs by FIDA-Kenya

‘Hon. Deputy Speaker, I apologise to Hon. Gumbo. Yesterday, when we were shown this message by our male colleagues, we were very disappointed with FIDA. We apologise to those whom we spoke to. On behalf of the women in this House, I apologise. That is not the language that should have been used. I want our male colleagues to know the kind of pressure we are under, as female Members of Parliament, especially from the civil society, who feel we are not doing enough.

We normally work together harmoniously in this House on different issues. Today, as we vote, we will depend on the rapport and consultations that we have had while debating this Bill. At no time did we want our male colleagues to feel intimidated. We want them to make a decision according to their conscience, party positions or whichever method we normally use on the Floor of this House.

On behalf of the Kenya Women Parliamentary Association (KEWOPA), I apologise. We made it clear to the Executive Director that we were not pleased. The Chairlady of FIDA also apologised to us. She said that the message came from the secretariat, which had not consulted properly. We apologise as KEWOPA.’

Date 26th April 2016
Member of Parliament: Hon. Naomi Shaban

Contribution she made on: Alleged intimidation and coercion of MPs by FIDA-Kenya


Date 26th April 2016

Member of Parliament: Hon. Florence Kajuju

Contribution she made on: Business pending before the Committee on Regional Integration

'Hon. Speaker, this is the status report of the Committee on Regional integration. The documents that have been presented to the Committee are from the East African Legislative Assembly.

We have the following Bills:-

i. The East African Community Creative and Cultural Industries Bill, 2015;

ii. The East African Community Gender and Development Bill, 2015; and,


The Bills have been considered and concluded by the Committee. The reports are being processed in our office and they will be tabled as soon as possible.

On the reports, we have:-


ii. The Report of the Committee on Agriculture, Tourism and Natural Resources on Regional Parliamentary Policy Workshop on Climate and Gender.


iv. The Resolution of the Assembly to congratulate the Republic of Uganda upon acquiring the Third Generation Identity Cards and encourage Partner States which are still in the process to finalise on time.
v. The Resolution to support East African Athletes from the Republic of Kenya and congratulate them for exemplary performance in the ongoing world Athletics championship in Beijing, China.

vi. The Resolution of the Assembly to call for urgent action to prevent trafficking in persons, protect victims of the crime of trafficking in persons and prosecution of perpetrators of trafficking of persons in the East African Community.

vii. The Report of the Committee on Regional Affairs and Conflict Resolution on the goodwill mission to Burundi refugees in Kigoma, Tanzania and Eastern Province in Rwanda.

viii. The Report of the Committee on Legal Rules and Privileges on tracking the implementation of resolutions and questions of the Assembly and Council commitments.


xi. The Report of the Committee on General Purpose on the petition to advocate for key issues concerning the youth in the East African Community.

We are also looking at the summary of the Report of the Committee on General Purpose on the petition to the East African Legislative Assembly regarding the work and residents’ permits in the East African Community for the citizens of the Partner States. We are also looking at the Report of the Committee on Accounts on the Audited Accounts of the Financial Statements of the East African Community for the financial year ended 30th June, 2014.

We are also looking at the following resolutions:-

(1) The Resolution of the Assembly urging East African Community Partner States to ratify the protocol of the constitutive Act of the African Union (AU) relating to the Pan-African Parliament;

(2) The Resolution of the Assembly urging the East African Community Partner States to ratify and deposit instruments of ratification to the Protocol to the constitutive Act of the AU relating to the Pan-African Parliament;

(3) The Resolution of the Assembly congratulating the Fifth President of the United Republic of Tanzania, His Excellency John Pombe Magufuli, on his election victory and commending the people of the United Republic of Tanzania on the commitment to peace and democracy during the general elections in 2015;

(4) The Resolution of the Assembly urging the East African Partner States and the Community to implement the theme: “From Peace in the Home to Peace in the World. Make
Education Safe For All in Commemoration of the International Day for the Elimination of Violence Against Women - The 16 Days of Activism”; and, 

(5) The Resolution of the Assembly seeking leave to give evidence in the East African Court of Justice in respect of the content of the proceedings and the documents of the Assembly. This gives the Assembly’s position on the uses of its proceedings in the East African Community in respect of the case of Margaret Zziwa versus the Secretary-General.

All the Bills, Reports and Resolutions have been looked at by the Committee and a decision has been made and it has been adopted by the Committee. All the Reports, Bills and Resolutions are being prepared for tabling before the House.

Hon. Members, I kindly invite you on 5th May, 2016, from 7.30 a.m. to 12.30 p.m. We will have a Speaker’s Roundtable which will be hosted by the Ministry of East African Affairs and Commerce. The Speaker will be in attendance and all Chairpersons of Committees are invited. I will use my discretion as the Chair of the Committee on Regional Integration to request all Members who are interested in the East African Community and the integration process, which believes in the deepening and widening of integration process, to appear and be with us as we celebrate the Speaker’s Roundtable at the Hotel Intercontinental. Kindly attend so that we can be together to celebrate the integration process.’