

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 1st December, 2016

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Hon. Members, I note that the Member for Butula has made a request. Is it to contribute to something, or it is an early bird catching the worm? We can start now.

COMMUNICATIONS FROM THE CHAIR

STATUS OF REPORTS ON ACCOUNTS OF OFFICE OF AUDITOR-GENERAL

Hon. Speaker: Hon. Members, I have two short communications. The first one is on the status of the reports of an independent audit firm on the accounts of the Office of the Auditor-General.

Hon. Members, on Tuesday, 15th November, 2016, the Hon. Adan Keynan, MP, laid on the Table of the House the Parliamentary Service Commission Paper No.949 on the Procurement of a professionally qualified accountant to audit and report on the accounts of the Office of the Auditor-General.

He proceeded to give Notice of Motion seeking approval of the House for appointment of the Audit Firm of M/s Baker Tilly Merali's to audit the Accounts of the Office of the Auditor-General for the 2014/2015, 2015/2016 and 2016/2017 financial years. Subsequently, the Motion was listed for consideration by the House on Wednesday, 16th November, 2016.

Hon. Members, you will recall that when the Order for the Motion was read out, the Mover citing that there had emerged a number of material facts concerning the Report, which had not been brought to his attention, and which he wished to familiarise himself with before proceeding to move for consideration of the Motion by the House, sought the indulgence of the Hon. Speaker to withdraw the Motion pursuant to the provision of Standing Order No.51.

Several Members, among them the Hon. Leader of the Majority Party; the Hon. Jakoyo Midiwo, MP; the Hon. Kimani Ichung'wah, MP and the Hon. Samuel Chepkong'a, spoke to the withdrawal and raised a number of fundamental issues.

Key among them was the concern by Hon. Ichung'wah questioning whether it was worthy to appoint the firm of M/s Baker Tilly Merali's to audit the accounts of the Auditor-General and yet the firm had allegedly never submitted to the National Assembly its reports on the audits done on the accounts of the Office of the Auditor-General for the 2011/2012, 2012/2013 and 2013/2014 financial years.

Hon. Members, the claim by Hon. Ichung'wah was, indeed, weighty and deserves conscious consideration. Before I render my guidance on the matter, I wish to draw the attention of the House to the provisions of Article 226(4) of the Constitution, which states:

“The accounts of the office of the Auditor-General shall be audited and reported on by a professionally qualified accountant appointed by the National Assembly.”

Consequently, the firm of M/s Baker Tilly Merali's was appointed to undertake an audit of the accounts of the Office of the Auditor-General for the 2012/2013, 2013/2014, and 2014/2015 financial years with approval of the National Assembly on 9th January, 2013.

I have established from our records that, indeed, the firm did carry out the audit and submitted reports to the National Assembly. The reports on the audits carried out for 2012/2013 and 2013/2014 financial years were received and tabled in the House as listed hereunder:-

1. The Summary Report of the independent auditor on the Kenya National Audit Office (KENAO) for the Period from 1st July, 2012 to 30th June, 2013, which was laid on the Table of the House on 24th November, 2015; and,
2. The Audited Financial Statements and Management Service Report by the independent auditor on the Office of the Auditor-General for the year ended 30th June, 2014, which was laid on the Table of the House on 20th July, 2016.

Hon. Members, I have also been reliably informed that M/s Baker Tilly Merali has already submitted to the National Assembly the Audited Financial Statements and Management Service Report by the independent auditor on the Office of the Auditor-General for the year ended 30th June, 2012. I am now directing the Leader of the Majority Party to table the said Report today under the appropriate Order.

Hon. Members, the three reports by the independent auditor on its audit of the accounts of the Auditor-General for 2012/2013 and 2013/2014 financial years, including that for the 2011/2012 Financial Year that is due to be tabled by the Leader of the Majority Party, will stand committed to the PAC for consideration.

I also direct the PAC to immediately consider the reports and file their findings with the House in order to accord members the opportunity to assess the work of the Office of the Auditor-General as contained in the reports of the independent auditor.

(Several Hon. Members stood at the Bar)

I can allow Members to make their way through and then I can continue with my Communication.

(Several Hon. Members entered into the Chamber)

Hon. Members, this second Communication is in the spirit of our motto “for the welfare of society and the just government of the people” because it relates to participation of members of Parliament in public collections.

(Applause)

PARTICIPATION OF ASPIRANTS OF ELECTIVE POSTS IN HARAMBEE

Hon. Members, my office has of late received a number of inquiries from Hon. Members relating to their participation in public collections and Harambee, and the requirements of the law in relation to such participation. These inquiries are presumably precipitated by the impending next general elections that are almost upon us, and the recent passage by the House of the Election Laws (Amendment) Bill, 2016 and the Election Offences Act. Therefore, I would like to offer the following guidance in addressing the concerns.

Hon. Members, as you are all aware, Chapter Six of the Constitution outlines the principles of leadership and integrity that all state and public officers must observe in the service of the people. With regard to conduct, Article 75(1) of the Constitution provides as follows:-

- “A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids—
- (a) any conflict between personal interests and public or official duties;
 - (b) compromising any public or official interest in favour of a personal interest; or
 - (c) demeaning the office the officer holds.

Hon. Members, as you may recall, this House subsequently passed the Leadership and Integrity Act 2012 (No.19 of 2012), which implements Chapter Six of the Constitution. When I say “this House” I mean the 10th Parliament.

In addition to the above prescription, the Elections Act, 2011 (No.24 of 2011) limits the period within which, and the purpose for which persons intending to stand for election may participate in public collections. Section 26 of the said Act provides as follows:

“(1) A person who directly or indirectly participates in any manner in any public fundraising or Harambee within eight months preceding a general election or during an election period, in any other case, shall be disqualified from contesting in the election held during that election year or election period.

(2) Subsection (1) shall not apply to a fundraising for a person who is contesting an election under this Act or to a fundraising for a political party.”

To clarify this, it means that you can call a few of your friends to contribute for your campaigns or for your parties but you may not go to help others to do the same.

Section 2 of the Act defines Harambee to mean public collection of monies or other property in aid or support of a course or project.

Therefore, I wish to give guidance on the inquiries made by Members intending to vie for elective positions in the forthcoming general elections; that, as the law stands, their participation in public collections is restricted to eight months before a general election. The only exempted collection that they may participate in is one intended to raise funds for their re-election or for funding the activities of a political party.

(Applause)

Noting that pursuant to Article 101(1) of the Constitution, the date of the next general election is 8th August, 2017, a quick calculation reveals that the eight months period contemplated in the Elections Act, 2011 begins to run as from 7th of December, 2016. As your Speaker, I take liberty to remind us to take cognizance of the position of the law as it regards this matter.

I trust that you will be guided accordingly even as you discharge your noble public duties and attend to the needs of your constituents.

Thank you.

(Hon. Abongotum stood up in his place)

The Member for Tiaty, what is it? I do not need to make a clarification on this one.

Hon. Abongotum: Thank you, Hon. Speaker for giving us the requisite guidance. That is the position of the law. I wanted a clarification on two issues namely public collections concerning funerals and medical bills. What is the position of the law on those two issues?

Hon. Speaker: As long as it is conducted publicly, you are prohibited from participating. You may visit somebody's home and do what you may want to do there but as long as it is publicly done in a church hall, a social hall and an open field, it will still be public.

So, after 7th December, anybody can take you to the Commission and argue that you are not qualified if you continue participating.

Next Order!

MESSAGES

SENATE DECISION ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

Hon. Speaker: Hon. Members, I have two messages from the Senate. One Message is on the decision of the Senate on the National Assembly amendments to the Statute Law (Miscellaneous Amendments) Bill.

Hon. Members, pursuant to the provisions of Standing Order No.41(4), I wish to report to the House that I have received a Message from the Senate regarding the Senate's decision on National Assembly amendments to the Statute Law (Miscellaneous Amendments) Bill, Senate Bill No.6 of 2014.

Honourable Members, the Message reads as follows:

“The Senate considered and by resolution, negatived the Motion to consider the National Assembly amendments to the Statute Law (Miscellaneous Amendments) Bill, Senate Bill No.6 of 2014 on Thursday, 24th November, 2016.”

With that decision of the Senate, the Bill is, therefore, referred to a Mediation Committee in accordance with the provisions of Article 112 of the Constitution. The Senate has also nominated the following Senators to the aforementioned Mediation Committee:

- i. Sen. Stephen Sang', MP;
- ii. Sen. Fatuma Dullo, MP;
- iii. Sen. Mutula Kilonzo Junior, MP;
- iv. Sen. Judith Sijeny, MP; and,
- v. Sen. Muriuki Karue, MP

Correspondingly, I have also nominated the following Members to represent the National Assembly in the Mediation Committee to consider the Bill:

- i. The Hon. (Eng.) Stephen Ngare, MP;
- ii. The Hon. Emmanuel Wangwe, MP;

- iii. The Hon. Timothy Wanyonyi, MP;
- iv. The Hon. Charles Nyamai, MP; and,
- v. The Hon. Opiyo Wandayi, MP.

Hon. Members, in nominating the five Members to represent the National Assembly in the Mediation Committee, I am conscious that they actively participated in the consideration of the said Bill in the three committees from which they are drawn. For avoidance of doubt, the Members are drawn from the Departmental Committees on Transport, Public Works and Housing; Agriculture, Livestock and Cooperatives and Administration and National Security. I advise the Members so appointed to liaise with their Senate counterparts to speedily embark on the process of developing a mediated version of the Bill in accordance with the provisions of Article 113 of the Constitution.

Members should note that the Mediation Committee has only a maximum of 30 days within which to consider a Bill referred to them.

APPROVAL OF THE REPRODUCTIVE HEALTH CARE BILL

The second Message from the Senate, Message No.20 of 2016, is on the approval of the Reproductive Health Care Bill, Senate Bill No.17 of 2014.

Hon. Members, again Standing Order No.41(4) requires the Speaker to report to the House any Message received from the Senate at the first convenient opportunity. In this regard, I wish to report to the House that I have received a Message from the Senate regarding passage of the Reproductive Health Care Bill, Senate Bill No.17 of 2014.

Hon. Members, the Message reads as follows:

“The Senate considered and passed the said Bill with amendments on Tuesday, 1st November, 2016.”

As you may be aware, the House is scheduled to proceed on recess later today in accordance with the provisions of Standing Order No.28. Accordingly, I have directed that the Bill be read a First Time today as you may have noticed from the Supplementary Order Paper that has been circulated. Upon being read a First Time, the Bill will stand committed to the Departmental Committee on Health for consideration.

I thank you.

Let us move on to the next Order.

PETITION

ILLEGAL OCCUPATION OF OFFICE BY MR. W.K. BITONYE

Hon. Members, pursuant to Standing Order No.225, I hereby report a Petition from a Mr. Anunda Marendi and a Mr. Vincent Yegon on behalf of the entire legal profession within the Republic of Kenya regarding illegal occupation by a Mr. Wanjala Kulundu Bitonye as the Chief Executive Officer of the Council of Legal Education.

Hon. Members, the petitioners state *inter alia* that sometime in 2014, Mr. Wanjala Kulundu Bitonye was irregularly appointed as the Secretary to the Council of Legal Education, and further in 2006 he was promoted to the position of Chief Executive Officer.

The petitioners contend that as if this is not sufficient abuse of public office, the Council has also allowed the said officer to continue occupying the office of the Chief Executive Officer way beyond the mandatory retirement age obtaining in the public service.

The petitioners also claim that there have been reports of financial improprieties and general mismanagement at the Council for Legal Education including those contained in a recent report prepared by the Efficiency Monitoring Unit which lays heavy responsibility on the person of the current Chief Executive Officer and whose examination has been inordinately delayed.

In this regard, the petitioners pray that the National Assembly examines the prayers contained in this Petition with a view of causing the relevant office(s) to declare a vacancy in the Office of Secretary and Chief Executive Officer of the Council of Legal Education, and causing a forensic and specialised audit of the accounts and management aspects of the Council of Legal Education.

This Petition, therefore, stands committed to the Departmental Committee on Justice and Legal Affairs for consideration. The Committee is required to consider the Petition and report its findings to the petitioners and the House in accordance with Standing Order No.227(2).

Thank you.

The Leader of the Majority Party, you have the Floor.

Hon. A. B. Duale: Hon. Speaker, I want to draw your attention to Standing Order No.2 more so on Papers laid. I will read it with your permission. It says:

“Any printed or electronic material laid on the Table of the House or Committee of the House pursuant to any law or these Standing Orders as the Speaker may decide.”

Hon. Speaker, this week you issued a Communication to the effect that there is a leadership retreat that will take place this weekend starting tomorrow on peaceful elections, national cohesion and unity for socio-economic development. Subject to that, I came across a text message going round, because of the privileged position of my office. The text message, with a lot of respect, was contrary to your Communication. You communicated to the House that we should attend and I am sure Parliament is playing a very big role in the organisation of the conference.

The Whip of the Minority Party, yesterday at 3.00 O'clock, circulated a text message to his members which is in electronic form and that is why I read Standing Order No.2. If you allow me and give directions, I will table.

It says:

“Dear honourable Members of Parliament, Following consultation with our three principals, you have been directed that you should not go to the leadership retreat on peaceful election, national cohesion and unity for socio-economic development as this retreat - that is the most important statement I want the House to hear - does not add value to the coalition interests.”

Hon. Speaker, I am sure every Member of Parliament will not go. I want to go on record that because of prior commitments, I might not go. However, when you tell coalition Members that a retreat on peaceful elections--- I remember three months ago we attended a similar retreat together with you and the leadership from the opposition in Mombasa.

Hon. Jakoyo Midiwo will attest to this. You led us in signing documents presented to us by the Kenya Private Sector Alliance (KEPSA). This retreat is bringing together many stakeholders, including participants drawn from the Presidency; the Cabinet; Members of both

Houses, that is the National Assembly and the Senate; the Chief Justice; the Council of Governors; the Committee of County Executives; the Committee of County Assemblies; Development Partners led by Ambassador of the US Government, Mr. Godec; the media and experts.

Hon. Speaker, I want to make a parallel whether these are of interest--- If these are not of interest to the leadership of CORD, then anybody can read what their interest is. Part of what should be discussed is the rule of law, social cohesion and nationhood, administration of justice and rule of law, and the role of political parties and media as peace drivers in election. There will be key remarks by political leaders from CORD, Jubilee and any other party leader present.

There will be a paper to be presented by the IEBC on electoral systems and best practices. There is one that is very key, and it is about maintaining national interests in light of elections. It will be presented by a key speaker. If these topics and this meeting on peaceful election and national cohesion and unity for socio-economic are of no interest to CORD then from the little I learnt in school, they believe in post-election violence. I really do not want to speak for them. They believe in what happened in Homa Bay over the weekend.

I want to tell my colleagues from the opposition that a time will come when they must rise to the occasion. They must be able to tell their leaders that: "This is not the route you should take the people of Kenya." We took the route of chaos and violence in 2007. Some of us who were in the 10th Parliament and participated in drafting the law on the Government of National Unity, do not want to go back there.

Hon. Speaker, I have the message from my colleague. If you allow me, I will table it. A time will come when all of us, whether there is a retreat or not, will be obliged individually to work towards a free, fair and peaceful election. It is important that we maintain the unity of our nation and cohesion despite going through a general election. I want, this time round, to speak to the hearts and minds of my colleagues from the opposition. A time will come when they will say no to their leader.

A number of times I consult the Executive and tell them this law is not appropriate. I am on record as writing to you in person, Mr. Speaker, where I differ with the Government and say that I want to withdraw certain clauses in a Bill because I feel they are not in the interest of the country.

Today, I want to hear the voices of the nation from the opposition and we will say that this time round we want peaceful elections. We want to take part in the important discourse that will take place in Diani. I rest my case.

Hon. Speaker: Hon. Midiwo, do you want to comment or you want the whip to do it?

Hon. Midiwo: Thank you, Hon. Speaker. He said he wanted to hear our voices through the Chair. It is interesting that what has annoyed Hon. Duale is the business happening on our side and I wonder. Is it because Harambee will be no more, and so his boss in the United Republican Party (URP) will have nowhere to splash his money? He now knows that there will be no more Harambee for Jubilee. You saw yesterday one person announcing a contribution of Kshs34 million in a Harambee and yet these are people whose salary is Kshs2 million before taxes.

Hon. Abongotum: *(Inaudible)*

Hon. Midiwo: Hon. Speaker, you must protect me from my friend the warlord from Tiaty!

Hon. Abongotum: Peacelord!

(Laughter)

Hon. Midiwo: Hon. Speaker, today he is pissed off. That is what we want; we want peace. The invitation was in order. However, Hon. Duale has addressed some issues, which cannot go unchallenged. For Jubilee to say that we want post-election violence--- Only two weeks ago, Hon. Duale and Hon. Sakaja rejected the list of five people nominated to be Chairman of IEBC. It beats Kenyans why five Kenyans are not good enough; why you cannot find a suitable Kenyan for that position. It shows that they had somebody in mind. That is why this Diani thing is important, but it should be important to all of us.

Hon. Speaker, I want to thank you. You led us. We went and signed---

Hon. Chepkong'a: You are mentioning IEBC!

Hon. Midiwo: Mr. Speaker, I am on a point of order. He said IEBC is going to be one of the participants. I have been here longer than Chepkong'a. So, let him relax. He cannot provoke us like that. Somebody like Mutakha Kangu, as good as a Kenyan gets, his crime on that list is, maybe, his name or where he comes from. He is Luhya. Hon. Duale cannot stand here and tell this coalition that we love post-election violence. We went through a dark history up to March, last year. The Hague cases on post-election violence were on the two leaders on his side. We all want peaceful elections.

Hon. Chepkong'a: *(Inaudible)*

Hon. Midiwo: I have just told you that you are a baby when it comes to understanding these issues.

Hon. Speaker, our Whip must be given time to explain if he wishes because you cannot force him. I want to say I have not seen that text and I am going to Mombasa. I had already signed the other one too. What Duale is talking about is his creation. If that thing exists, the reasons for that conference are very important. We are at a point where we must sit down and talk about the IEBC. We must talk about the future of our country and peaceful elections.

We must talk about the future of our country and peaceful elections. In that regard, the Leader of the Majority Party is right. But we want them to be sincere that they want peace and they want the IEBC to conduct peaceful elections and stop protecting the ones who are now busy doing procurement, even against the law.

Those are my comments.

Hon. Speaker: Whip of the Minority Party, Hon. Thomas Mwadeghu, you have the Floor.

Hon. Mwadeghu: Mhe. Spika, ninashukuru kwa muda huu ambao umenitunukia nijibu mawili matatu ambayo yameletwa na Kiongozi wa Walio Wengi Bungeni. Ninamheshimu na nitaendelea kumheshimu. Lakini, haimaanishi kuwa ana majukumu ya kutuambia msimamo wetu utakuwa upi kulingana na muongozo wa nchi.

(Applause)

Wakati umefika Mhe. Duale aambiwe wazi wazi kwamba hatakuwa akipeleka ubabe wake kila pahali. Pia, wakati umefika Duale aambiwe wazi wazi kuwa ana uhuru wake wa kueleza na kutoa maoni kuhusu msimamo wake, lakini msimamo wake hauwezi kuwa sawa na wetu. Msimamo wake ni wake na wetu ni wetu.

Kitu ambacho tumesema ni kwamba hatuna haja ya uchaguzi wa ugomvi. La! Tunataka amani. Kama kuna watu wanahitaji amani ni sisi. Tunataka uchaguzi wa amani. Haimaanishi tunataka kuchangia uchafu ama machafu nchini tukiamua hatutashiriki katika zoezi lolote.

Katika kila kongamano na kila upande wa siasa, kuna majadiliano. Watu huzungumziana, wakaelezana na wakakubaliana. Mhe. Duale amesimama akisema: Mimi kama Kiranja wa Walio Wachache niwache kuchukua muelekeo kutoka kwa viogozo wangu wakubwa wa kisiasa. Ni wapi umeona mambo kama hayo? Hayajaonekana wala hayataonekana. Hata yeye mara nyingi, huchukua muelekeo kutoka kwa wakubwa wake. Hata wakati mwingine, tunapitisha sheria hapa na kusema hatuzitaki. Mhe. Duale anasimama kusema: “Nimeambiwa yawe haya na haya.” Tunakubaliana na muongozo wake. Kwa hivyo, hana mamlaka yoyote ya kutuelekeza.

La pili, ninaomba niweke bayana kwamba ni kweli wala sitaki kukana kuwa nimetuma huo ujumbe. Nimeuzungusha lakini sikukaa nikautunga. Bila shaka, tumekaa tukajadiliana, nikatoa muelekeo na nikaupeleka. Umesikia Mhe. Midiwo akisema yeye hajapata huo ujumbe. Kwa hivyo, maadamu ameamua anaenda Mombasa, anaenda. Hakuna yeyote ameambiwa asiende Mombasa.

An Hon. Member: Speak in English!

Hon. Mwadeghu: Sheria za Bunge zinasema niko na uhuru wa kuzungumza lugha ya Kiswahili ama ya Kizungu. Nimeamua nizungumze kwa lugha ya Kiswahili ambayo ni lugha yangu na ninaiielewa. Wala ninyi wa upande ule msifikiri kuwa Kizungu sikiwezi. Kizungu ninakiweza lakini nimeamua nitumie Kiswahili. Sasa, kitu kinachowawasha ni nini? Mnawashwa na nini? Pilipili usiyoilala yakuwashiani? Wachana nayo! Wachana nayo, *whether* umeelewa--- Kama uko hapa Bungeni, unatakiwa uwe unajua Kiswahili. Wewe ni Mkenya na huelewi Kiswahili. Ni Mkenya wa aina gani ambaye haelewi Kiswahili?

Jamani, ninaomba nijieleze na nijifahamishe.

Hon. Speaker: The whole of this is a point of order.

Hon. Mwadeghu: Tumesema, kwa maoni yetu, kongamano hili, si eti tumelipuuza. Ninaomba tuelewane; hatukulipuuza. Tunasema kwamba wakati huu ambapo kuna mambo mengi ambayo yanatokea, hatuoni kama hilo kongamano, vile limekuja, litakuwa na maslahi tulivyokuwa tunatarajia. Kama mheshimiwa mwenzangu alivyoeleza, kuna mambo kadha wa kadha ambayo yanatukera, na yanakumba nchi hivi sasa.

Mambo ya ufisadi yametukera. Yako ndani. Tunauliza kwa nini tusiwe tunazungumzia mambo hayo kwanza ndio twende kwa kongamano hilo? Nchi inataka kuzama. Sio CORD inataka kuzamisha nchi. Ni upande huu mwingine wa Jubilee unataka kuzamisha nchi. Na nini? Na wizi. Sasa mnataka mfanye wizi, na mnataka mtuhusishe ndani. Tumekataa na tutaendelea kukataa. Tumekataa na tutaendelea kukataa. Ninaomba mnielewe.

(Hon. Abongotum gestured)

Ninazungumza Kiswahili, lugha ambayo unatakiwa uelewe hata kama wewe ni mbabe wa kivita. Hata kama wewe ni mbabe wa kivita, ninaomba mnielewe na ninaomba mnisikize kwa sababu huu ni wakati wangu. Mara nyingi mmenichukulia kwa kero kuwa Mwadeghu ni mpole na mnaweza kumsukuma Mwadeghu mpaka hapa. Hamjui Mwadeghu yule mnazungumza naye. Leo utajua kuwa mimi ninaweza kuwa mbabe.

Ninaomba niseme haya. Wacha niwapashe na niwapashe sawasawa maana mna uzoefu mbaya. Mna uzoefu wa kuona kuwa mnaweza kutusukuma---

Hon. Speaker: Hon. Mwadeghu, it is your right to choose to speak either in Kiswahili or in English, but also be relevant to the matter. It is not an opportunity to do your campaigns for the governorship of some place. Just address the issue which is here please. It is a very simple matter.

Hon. Mwadegu: Mhe. Spika, ninakubali muongozo wako na ninaomba nimaliza kwa kuwaomba wenzetu tuelewane. Msichukue ujumbe wetu vibaya. Ninaomba muelewe ujumbe wetu vizuri kuwa kongamano hili ambalo ni la Bunge hatukulidharau wala hatujalidharau. Kongamano hili la Bunge ni la muhimu wala hatukusema halina umuhimu. Kitu tunasema ni kuwa wakati huu ambao kuna mambo mengi ambayo yanakumba nchi hii, kwa maoni yetu, tumeona si vizuri, upande wetu, kushiriki kikamilifu kwa wakati huu.

Lakini, haimanishi mtu akitaka kwenda atafungiwa. Ndio maana Mhe. Midiwo amesema yeye ataelekea. Lakini, ninaomba tuheshimiane. Kama upande wetu umeonelea ndio hivyo, basi, uwachwe ufikirie uone kwa nini umeonelea hivyo. Kwa sababu Bunge linahitaji nieleze na ndio maana ninaeleza, upande wetu umeonelea, wakati huu, mambo mengi ambayo yanaendelea na kuna malumbano huko nje, huenda tukaenda chini tukaongeza malumbano. Itakuwa, badala ya kurekebisha yale tunatakiwa kurekebisha, huenda tukaenda tukachangia matatizo mengi maana utaenda na watu wataanza kuzungumziana yale yako moyoni mwao; yale yako katika fikra yao katika hali hii ya kisiasa.

Kwa hivyo, maoni yetu yangekuwa, labda lingekuwa jambo la busara tuwe tumejadiliana mambo haya hapa kwanza ndio tukiwa tunaenda, tunaenda tukiwa tumewasiliana, tumeafikiana kuwa jamani, tunaenda kufanya hili na lile. Lakini, wasiwasi wetu ni kuwa tunaweza kwenda huko tukaenda tukaanza malumbano kwa sababu kila upande una mambo yake.

Hivi sasa unaona mambo ya kisiasa yalivyo; tunazozana kisiasa kwa mambo ya ufisadi. Mara yanatoka upande ule, yanarudi upande huu. Kwa hivyo, hakukuwa na mazungumzo. Hata hapa Bungeni, hatukuwa na mazungumzo, na tukajadiliana kuwa jamani, tunaenda kufanya abcd na haya ndiyo mambo tunaenda kusema

Kwa hivyo, Mhe. Spika, ninaomba unielewe.

The Speaker: Very well. Hon. Mwadeghu, I think that is enough.

Hon. Members, this is a simple matter. It is an invitation to all Members to attend a leadership retreat. Various people, indeed the lead people being the KEPSA, the religious community, the Judiciary, the Executive, development partners and civil society *et cetera* are invited. The topics of discussion are also clearly stated. But more importantly, the theme of competitiveness, nationhood and peaceful elections especially now that we have general elections about eight months away is a matter that should exercise any leader worth his salt in this country.

(Applause)

The issue of peace during the campaigns, elections and the entire electoral process is a matter that cannot be gainsaid. Nevertheless, we must also accept that everybody has a right to choose to participate or not to participate. So, the invitations remain open.

I have just checked and several Members have confirmed attendance. There are no topics that are meant to serve as competition between parties. That is why the presenters, resource persons and facilitators have been carefully selected. Those of you who would quickly remember, towards the end of 2012, a similar leadership retreat happened at Leisure Lodge in

Diani at which the leaderships from all those sectors that I have named participated. It is not possible to have every Kenyan there and that is why the invitation was extended to the leadership, but Hon. Members I respect the right of people to make choices.

So, we do not have to debate this; it is just an invitation and everybody is at liberty to make a choice one way or another. Those that would like to attend are welcome to participate or listen to the discussions.

Thank you. Hon. Midiwo, what is it?

Hon. Midiwo: Hon. Speaker, we were distracted by Hon. Duale, but I have some more information about this Petition. I wish to do something else with it before I read it. I pray that you stand it down just for this sitting.

Hon. Speaker: Very well. It is stood down.

Next Order!

Yes, Hon. Gaichuhie, the Vice-Chairman of the Departmental Committee on Finance, Planning and Trade.

Hon. Gaichuhie: Thank you, Hon. Speaker. Before I read the Petition, we have one that was brought here by a Mr. Njoroge Waweru on the waiver of VAT on text books, journals and periodicals. The Committee looked at it and noted that during the Finance Bill 2016, the same had been canvassed. It was dropped by the Committee and that is also reflected in the Finance Bill. So, after looking through the Petition from Mr. Njoroge Waweru, the Committee disagreed with his request.

So, in that regard, I beg to lay the following Papers on the Table of the House today, Thursday, 1st December, 2016.

The Report on the Departmental Committee of Finance Planning and Trade on a Petition regarding the waiver on VAT on text books, journals and periodicals and its consideration of the Kenya Uwezo Fund Bill 2015.

Thank you.

Hon. Speaker: Next Order.

PAPERS LAID

Hon. A. B Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House today, Tuesday, 1st December, 2016:

The Final Audit of the Office of the Auditor-General; the Kenya National Audit Office (KENAO) by the Government of Kenya through the Parliamentary Service Commission (PSC) for the period from 1st July, 2011 to 30th June, 2012.

The Ministry of Defense Annual Performance Reports for the Financial Year 2015/2016.

The Report of the Auditor-General on Integrated Financial Management and Information Systems (IFMIS) effectiveness audit for the period 2010-June 2014.

The Report of the Public Procurement Regulatory Authority on the performance of the special group, youth, women and persons with disability under the 30 per cent preference and reservations scheme from January to June, 2016 reporting period of the 2015/2016 Financial Year.

Hon. Speaker, I want you to indulge me by using the Standing Orders. The Cabinet Secretary (CS) National Treasury has told me that the Supplementary Estimates are about to be

delivered to the House in the next 20 minutes. If you allow, using your discretion, we could table them later in the afternoon since the House is going on recess.

Hon. Speaker: Very well. It may be tabled. Yes, the Chairperson, Departmental Committee on Finance, Planning and Trade. You have already finished. Let us have the Chairman of the Departmental Committee on Defense and Foreign Relations.

Hon. J.K. Ng'ang'a: Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of this House today, Thursday, 1st December, 2016:

Report on the Departmental Committee on Defence and Foreign Relations on Ratification of the Marrakesh Treaty to facilitate access to published work for persons who are blind, virtually impaired or otherwise disabled.

Protocol to the Constitutive Act of the African Union relating to the Pan African Parliament.

Hon. Speaker: Let us move on to the next Order

NOTICES OF MOTIONS

RATIFICATION OF NILE BASIN COOPERATIVE FRAMEWORK AGREEMENT

Hon. Kajuju: Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on Regional Integration on the Ratification of the Nile Basin Co-operative Framework Agreement laid on the Table of the House on Wednesday, 30th November, 2016, and pursuant to Section 8 of the Treaty Making and Ratification Act 2012, approves the ratification of the Nile Basin Co-operative Framework Agreement.

Hon. Speaker: Very well. Is there any other person? Proceed. You are the only one giving notices.

RATIFICATION OF EAC PROTOCOL ON PRIVILEGES AND IMMUNITIES

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

THAT, this House adopts the Report of the Select Committee on Regional Integration on the Ratification of the East African Community Protocol on Privileges and Immunities laid on the Table of the House on Wednesday, 30th November, 2016, and pursuant to Section 8 of the Treaty Making and Ratification Act 2012, approves the ratification of the protocol to operationalise the EAC Protocol Privileges and Immunities

RATIFICATION OF PROTOCOL OF EAST AFRICAN COURT OF JUSTICE

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

THAT, this House adopts the Report of the Select Committee on Regional Integration on the Ratification of the protocol to operationalise the extended jurisdiction of the East African Court of Justice laid on the Table of the House on Wednesday, 30th November, 2016, and pursuant to Section 8 of the Treaty making

and Ratification Act 2012, approves the ratification of the protocol to operationalise the extended jurisdiction of the East African Court of Justice.

Hon. Speaker: Very well.

Next order!

STATEMENT

Hon. A. B Duale: Hon. Speaker, I have no statements to issue. Without anticipating debate, the House will go on recess and so the House Business Committee has not slated any business for next week.

Hon. Speaker: Indeed, it is only fair that members also appreciate that the matter of recess is no longer the way it used to be in other Parliaments. Hon. Midiwo will recall that Parliament never knew when they would go on recess or when they would resume.

They were worse than kids in kindergartens or nursery schools. The question of whether or not the House will go on recess is no longer an issue. It is known in advance. I am saying this for purposes of informing some members whom I saw through electronic devices suggesting that they could block this particular process. The way to go about it would be to bring a Motion to alter the calendar. I am saying this because I saw some Members make such an indication.

The Member is not in the House at the moment. He belongs to social media group, and they were exciting themselves. It is never done that way. Even if you congregated by numbers, people would just walk out of the place because the date was approved by the House. For us to change the calendar, you would have to bring a Motion, which I have to approve. As I sit here, I can confirm that I have not approved any such Motion. Hon. Duale, you are not anticipating debate because the House is due to go for recess later today.

Hon. Gumbo, you have the Floor.

Hon. (Eng.) Gumbo: Hon. Speaker, I rise under Standing Order No.86 to seek your guidance and also to seek the views of the House on a matter which borders on fragrant violation of our own rules of procedure and Standing Orders.

Hon. Speaker, I seek your indulgence. One of the key roles of his House is to make laws. Therefore, it will amount to contradiction if, indeed, the Members of this House or those of our sister House in the Senate were to be in violation of our own rules and procedures.

Standing Order No.86 is very clear that no Member shall – the operative word here is “shall” – refer to the substance of proceedings of a Select Committee that has tabled its Report before the House.

As you may be aware, for some time now, the PAC has been conducting proceedings on the Special Audit Report by the Auditor-General on the National Youth Service (NYC). I emphasise that the intention of these proceeding is nothing other than to uncover the truth and nothing but the truth.

It can never be our intention, and it can never be the intention of these proceedings, to be used as raw materials for political wars. As a Committee, we cannot allow such wars to sway the outcome of these proceedings. Decisions under our procedures, including witness scheduling, are undertaken collectively within the Committee.

Over the period of these investigations, we have received numerous submissions that required us to either call witnesses to appear before the Committee or write to them to either submit particular information or give further clarifications on matters before us. It is for this

reason that the Committee, acting collectively, made the decision to first receive written submission from a firm known as “M/s Sigei Murkomen & Singoei Advocates” and an individual by the name of Farouk Kibet, whose names have been adversely mentioned before the Committee before a decision could be made on whether or not to invite them to appear before the Committee.

It was, therefore, rather baffling to me when a Member of the Committee, who not only has a better access to our sittings but also to our proceedings, wrote to me insinuating reluctance or even outright refusal by the Committee, and by extension myself as the Chair of the Committee, to invite the two persons to appear before the Committee.

This notwithstanding, the Committee has since received written submissions from Mr. Farouk Kibet, which we are considering. On the other hand, M/s Sigei Murkomen & Singoei Advocates had lapsed the deadline given to them by the Committee not submitted the required information.

This morning, the Committee met and collectively gave instructions that they should be invited to make an appearance before the Committee on Thursday at 10.00 a.m. As far as the Committee is concerned, and as far as I am concerned, we have stuck to our procedures in the conduct of our business.

We, therefore, view it as a fragrant violation of our procedures as a House. It is a fact that some Members of this House, including some PAC Members, have resorted to discussing the substance of the NYS investigations outside this House, particularly in the media, at political rallies and even at funerals. You had an occasion before to make a pronouncement on the need for Members to stick to the dictates of Standing Order No.86, which requires that we shall not refer to the substance or proceedings of a Select Committee before the Committee has made its Report before the House.

Looking at the way this matter has been handled, with humility, I wish to seek your direction and guidance Hon. Members. As I said before, it is not our intention as a Committee that the proceedings before us should be used as raw materials for political wars. The matter before us is grave. It involves misappropriation of billions of shillings meant to address a problem of particular importance to this country – the youth of this nation. It needs no repeating that as a nation we have some of the highest youth unemployment in the world.

In fact, Kenya’s youth unemployment stands only second to South Africa’s in Africa. Therefore, a matter as grave as this should be treated with the gravity it deserves. Particularly, it would be wrong if the Members of this House, particularly Members of the same Committee, before which this matter has been presented, appear to completely disregard our own procedures and delve into the substance of the matter, which they have the opportunity to discuss in the Committee’s proceedings. It is for that reason that I appeal to you, and to my colleagues, that we should make a decision on the matter in the manner that is clearly provided for in our Standing Orders.

I beg for your opinion, Hon. Speaker.

Hon. Speaker: The Leader of the Majority Party, do you want to comment on this matter?

Hon. A.B. Duale: Yes, Hon. Speaker. First, I want to thank the Chair of PAC for raising serious matters concerning Standing Order No.86. This is because matters before the Committee were being discussed publicly at rallies, funerals and, lately, at television talk shows.

On Wednesday, this week, a Member of PAC, Hon. John Mbadi, discussed the PAC for more than 35 minutes. He alleged that the Committee has been compromised, and that the Report of that Committee will be of no value. That is a very serious statement. The matter is also published in today's newspapers. He went further to mention the Presidency and the Jubilee leadership. The host of the talk show, Trevor Ombija, challenged Hon. Mbadi more than 10 times to name the so-called "people in the Jubilee leadership in Parliament and the Presidency" who were exerting pressure on the PAC and its Chair. He went further to say that he had information to spill. If you allow us, Hon. Speaker, we will bring a substantive Motion to discuss Hon. John Mbadi.

On that matter, I want to inform the House that Hon. Mbadi is not what he is telling the country. If you allow me, I have a document I want to table from the Ethics and Anti Corruption Commission (EACC) where Hon. Mbadi used resources from Homa Bay County funds. The funds were meant for the citizens of Homa Bay to drill a number of boreholes. He decided those boreholes be drilled in his compound and that of a Member of County Assembly (MCA). I have it. I am ready to table it. It is from the EACC and a serious law firm.

An Hon. Member: On a point of order.

The Speaker: It is never tabled until the Speaker gives permission. Some of you just came here the other day and you do not want to learn the rules. It is not tabled merely because somebody has flashed it. That seems to excite you. I have to look at the document and give direction as to whether it can be tabled or not. So, some of you now want to even address me on that. Please relax!

Hon. A. B. Duale: Thank you, Hon. Speaker. It is after you authenticate the document that you can admit it. I am only asking if, in your wisdom, you agree to admit it.

Because the Chairman has spoken emphatically on the matter of Senator Murkomen and Farouk Kibet, I am happy the Committee has given direction on that matter. We want the Chairman and the PAC to go further.

I am aware Hon. Ichung'wah has written to the Committee. This afternoon, when I go back, I will write to the Committee to investigate two companies that did business with the NYS. In one way or the other, they are associated with Hon. Mbadi. That is Takawiri Enterprises and Omoth Supplies Limited.

We, the Jubilee Coalition, are not passing the buck. We have said that all of us must face the law. What we expect from the Opposition led by Hon. Raila Odinga is to also clean their house and face the law.

The President has sacked Cabinet Secretaries (CSs), Principal Secretaries (PSs) and a Chief of Staff. We are not the investigating agency. We are telling PAC that when we write to it, we want it to bring on board the Directors of Takawiri Enterprises and Omoth Supplies Limited. It should also investigate whether this letter is admissible and tell our good friend, Hon. Mbadi, the Chairman of the Orange Democratic Movement (ODM) that he cannot throw stones when he lives in a glass house in the war against corruption.

I rest my case.

An Hon. Member: On a point of order.

The Speaker: What will the point of order be about? There is nothing that is animated. Hon. Members, let me also guide this way. If you wish to discuss any of your colleagues, please follow the rules; bring a substantive Motion. Nothing bars any Member from bringing a substantive Motion to discuss another Member.

So, the route to go, if you want to discuss is not even to write those letters. If you think you have something you want your colleagues to know about a colleague and you think it is the way to go, and especially eight months to a momentous event, you will follow the rules.

I have looked at this document and it purports to emanate from some--- I do not know whether this is... Yes, it is something that is in form of a pyramid but it shows Ahmednasir, Abdikadir & Company Advocates. But I am not sure that it is theirs. It purports to be a letter written to the EACC. It is by somebody by the name Martin D--- Is it Teribo? I cannot quite tell. Given that there is no certification, I think it is not admissible in our rules. Maybe it can be given to the PAC.

I do not know how they are admitting. I do not know which ones they are admitting, but for purposes of the Plenary, this is not admissible. The issue which is important, Hon. Members, is the point raised by Hon. Gumbo. I do not think we need to debate it. But suffice to say, the 11th Parliament has a few Members who have chosen to do their campaigns on television stations on a weekly basis. I do not know what they were elected to do. I think they were elected to do that. But you know representation is in many ways.

Even those who may go to sleep on the roads could be representing their people. So, even appearing on television stations is one way. But even as you appear in those places and television stations, remember it is against the rules of this House to go and divulge matters that have not been made public; deliberations which are before Committees, save what is known to the public.

Hon. Gumbo, that is the only exception we have these days. Indeed, our Standing Orders need to be amended slightly to accommodate that aspect – given the specific provisions of Article 118 which says that Parliament and its Committees shall conduct its business in a transparent and open manner. So, except for those decisions, the stage at which the Committee is considering to make a decision, those that have not now been brought forward--- If a Member of your Committee wants to go and say that they saw some witness who came wearing some funny attire, making some gigs or smiling in a funny way or carting money in wheelbarrows, of course all those kinds of things--- Since those things have been said before you, if a Member wants to go and amplify that, they are at liberty but they may not comment on the actual decisions that the Committee has not made known through a Report. Indeed, I want to encourage Members to appreciate the spokespersons of Committees are the Chairs; the respective Chairpersons are the spokespersons. The rest of you are not. If you do not hold the position of Chairperson or Vice-Chairperson, please, whatever you say regarding what is happening in your Committee must be very personal. You do not hold the position of spokesperson.

But that is not to say that you cannot express yourself. What you say must be known to be personal; not expressing the views of the Committee. The views of the Committee are expressed through the chairpersons who are the spokespersons.

We will give a more concise direction on the issue that you have raised, Hon. Gumbo.

Hon. Members: On a point of order, Hon. Speaker.

Hon. Speaker: Is it on this issue? Yes, Hon. Chepkong'a.

Hon. Chepkong'a: Thank you, Hon. Speaker. I rise pursuant to Standing Order No.83. I would like to thank Hon. Gumbo. I was watching television in my house and I listened to Hon. Mbadi talk about issues that were going on in their Committee. I was totally surprised. If you notice, we handle very contentious issues in our own Committee, but we have maintained very strict discipline amongst ourselves, including myself. We do not discuss matters that are pending in the Committee, including approval hearings. We conduct very serious matters, including that

of the Chief Justice and the Deputy Chief Justice. We have serious wrangles at times but we do not go out to the media to talk about them before we agree. This is because it is normal in a debate to disagree.

I just want to tell the Chairman of the PAC to exercise fairness in accordance with the Constitution. That all those people that have been mentioned, including children of very senior members of some ODM Members of Parliament in this house should also be summoned. This includes members on our side we are told earned over Kshs100 million. What we are saying is that there should not be any sacred cows.

I am standing here as the Chairman of the Departmental Committee on Justice and Legal Affairs. It pricks my conscience when you only summon two people in a very tribal manner as if those are the only ones who participated in the looting of the NYS, while we know that there are many others who have not been mentioned. What is so special about Farouk Kibet and Murkomen? What about the rest that we know of? We know of some very senior members here who had their children trade with the NYS. I do not want to name them because they are already-

--

Hon. Members: Mention them!

Hon. Chepkong'a: I do not want to name them. I will not mention their names.

(Loud consultations)

Hon. Speaker: Order, Members! Again, you have forgotten that to those of you who have been bestowed too much power, a much greater responsibility and restraint on this exercise is expected. Please, Hon. Members, let us refrain from throwing names of citizens who are not even able to defend themselves on the Floor of this House unless we have very concrete evidence about what we may want to discuss.

It will require Hon. Chepkong'a to begin naming names. It is not being fair to those Kenyans you may name. Do not name anybody here. If you say you know, why do you not write to the Committee so that when you speak you will be saying you have written and they have not called you?

Hon. Chepkong'a: Hon. Speaker, I can assure you that we are going to write. I get very surprised when people shout at me. It is just that I am a diligent person. People should listen to me carefully because I oversee the EACC and the Director of Public Prosecutions (DPP). These are some of the things which come to me in my official capacity. I am given and so I hand over to Hon. Gumbo. There is a way we communicate between the two committees. I just wanted an assurance that he should make the names he has or he knows public. If all of them must be made public, he should make them public because we know. What I am talking about is not rocket science. These are things that exist in reality; they do not exist in the cyber world. In fact, those ones who are telling me to name them know their colleagues who have been trading with NYS.

Hon. Members: No! No!

Hon. Chepkong'a: They have also been exercising due diligence. It is just that some of us at times are very gentle towards others.

Hon. Speaker: Because you are on a point of order, he also calls---

Hon. Chepkong'a: I wanted some assurance.

Hon. Speaker: It is not a debate!

Hon. Chepkong'a: I am not debating. Just Hon. Duale mentioned two companies that are allegedly said--- I am using “allegedly” because it has not been proved that they are owned by people who are very close to Hon. Mbadi. We are not saying that because he went to appear on television we want to throw mud on him. We are saying that Hon. Gumbo should come out with such kind of things.

In this case that Hon. Duale, the Leader of the Majority Party has mentioned, those are issues that the Chairman of PAC should be able, from time to time, to brief this House and say that, incidentally, this is the information which has come to us. That is so, so that we do not exercise propaganda, rumour mongering and guesswork.

Hon. (Ms.) Odhiambo-Mabona: On a point of order, Hon. Speaker.

Hon. Speaker: On what now? Is it on the same issue?

Hon. (Ms.) Odhiambo-Mabona: Yes, Hon. Speaker.

Hon. Speaker: No, I am not allowing anymore points of order. Next Order!

Hon. (Ms.) Odhiambo-Mabona: But my constituents---

Hon. Speaker: You cannot argue with me. You could be the Member for Mbita, but it does not matter. This is the National Assembly Plenary. The issue raised by Hon. Gumbo is weighty and the best way is to leave it to me to address it. When a matter touches on another Member we should not--- Let us not use the guise of points of order to begin discussing that Member.

Next Order!

MOTION

RATIFICATION OF THE PARIS CLIMATE CHANGE AGREEMENT

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the Ratification of the Paris Climate Change Agreement laid on the Table of the House on Wednesday, 30th November 2016, and, pursuant to the provisions of Section 8 of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Paris Climate Change Agreement.

(Hon. Ottichilo on 1.12.2016- Morning Sitting)

(Debate concluded on 1.12.2016- Morning Sitting)

Hon. Speaker: Order, Hon. Members! Debate on this Motion was concluded this morning. What remains is for the Question to be put which I hereby do.

(Question put and agreed to)

BILLS

Third Reading

LAND VALUE INDEX LAWS (AMENDMENT) BILL

Hon. Speaker: Again, the debate on this was concluded. What remains is the Question to be put which I hereby do.

(Question put and agreed to)

Where is the Mover?

Hon. A.B. Duale: Hon. Speaker, I beg to move that the Land Value Index Laws (Amendment) Bill (National Assembly Bill No.40 of 2016) be now read the Third Time. I request Hon. Baiya, the Member for Githunguri to second.

Hon. Speaker: Hon. Baiya.

Hon. Baiya: Hon. Speaker, I beg to second this law. It is a very important law bearing in mind the situation the country finds itself in with certain individuals or owners of private property seeking to hold or interrupt implementation of projects where the public has big interest.

I beg to second.

(Question proposed)

(Question put and agreed to)

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

The Speaker: Next Order!

Second Reading

THE COUNTY GOVERNMENTS (AMENDMENT) BILL

The Speaker: The Mover is supposed to reply. Yes, the Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I beg to reply to the County Governments (Amendment) Bill. I ask Hon. Baiya to second.

The Speaker: It is just to reply! Well, we still have the Quorum to put the Question.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

First Readings

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL

THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL

THE MOVABLE PROPERTY SECURITY RIGHTS BILL

(Orders for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committees)

PROCEDURAL MOTIONS

EXTENSION OF TIME ON SPECIFIC BUSINESS AND EXEMPTION OF CERTAIN BUSINESS FROM THE PROVISIONS OF STANDING ORDERS

Hon. A.B. Duale: Thank you, Hon. Speaker. I beg to move:

THAT, notwithstanding the provisions of Standing Order 232, this House resolves to extend the period for consideration of the Budget Policy Statement by a further period of not more than fourteen (14) days from 8th December 2016;

THAT, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, 2011, this House resolves to extend the period for consideration of approval for appointment of nominees to the National Climate Change Council, notified to the House on 1st December, 2016, by a further period of not more than fourteen (14) days from 14th December, 2016; and,

THAT, notwithstanding the provisions of Standing Order 42 relating to reading and laying of Messages from the President, and in furtherance to the provisions of the First Schedule to the Elections Act (No.9 of 2011) (as amended), this House resolves that, during the period before commencement of the Fifth Session, upon receipt of names of persons nominated for appointment to the offices of the Chairperson or Commissioner to the Independent Electoral and Boundaries Commission (IEBC) from the President, the Speaker shall forthwith refer the Message containing the names to the relevant Committee for consideration; and,

THAT, notwithstanding the provisions of Standing Order 42(3) relating to reading and laying of Messages in the House, and in furtherance to the provisions of Article 215(1)(a),(b) and (c) of the Constitution, this House resolves that, during the period before commencement of the Fifth Session, upon receipt of names of persons nominated for appointment to the offices of the Chairperson and Member of the Commission for Revenue Allocation, from the President and Leadership of Political Parties in Parliament, respectively, the Speaker shall forthwith refer the Message and the list containing the names to the relevant Committee for consideration.

Those are the Procedural Motions, each as I read. The Motion consolidates four Procedural Motions and it is based on the fact that the House is scheduled to go on Recess today, at the rise of the House.

The approval of the Motion will ensure that the consideration of the four important businesses listed in the Motion continue even during the Recess period; having consulted my colleague, the Leader of the Minority Party and, indeed, the House Business Committee.

The Motion is also premised on the fact that it is envisaged that the House might be recalled for a Special Sitting on or around 20th December, 2016 to consider all, if not part of, the items which include:

- (i) the Budget Policy Statement (BPS) for the 2017/2018 Financial Year;
- (ii) the appointment of nominees to the National Climate Change Council;
- (iii) the appointment of the Chairperson or Commissioner to the Independent Electoral and Boundaries Commission; and,
- (iv) the appointment of the Chairperson and Members of the Commission for Revenue Allocation (CRA) whose terms come to an end in December.

Hon. Speaker, what are we trying to do? What we are trying to say is that within the legal framework, there are certain times given on the BPS; it says within 14 days. So, we are trying to insulate that the House can discuss the Budget and Appropriations Committee and the other committees can discuss the BPS and we get more time so that by the time we come back on 20th December, 2016, the Chairman of the Budget and Appropriations Committee can place a report.

More fundamentally, for the National Climate Change Council, the IEBC and CRA, we saw it not prudent for the House to be recalled for one day for the Speaker to read a Message that will be referred to committees and then we go away.

So, this Motion gives the Speaker powers so that the moment he receives these Messages, he can refer them to the Committees directly.

On the IEBC, he will refer it to the Departmental Committee on Justice and Legal Affairs once he gets the names from the President. The same will apply to the CRA. I am sure the Departmental Committee on Environment and Natural Resources is dealing with the names for the National Climate Change Council.

That is why we are also citing the Public Appointments (Parliamentary Approval) Act, 2011. It is so that they are not time barred. So, that is the consolidation of all those Procedural Motions so that as we go on Recess, before the 20th December, when we anticipate coming back to deal with all those matters, the Speaker can comfortably, through the approval of the House, send those Messages directly to the committees without reading from the Plenary.

I beg to move and ask Hon. Jakoyo, who is busy with the Kisumu County Women Representative to second.

I am sure they are consulting whether to go to the retreat in Mombasa or not. He is a Member of the leadership of this House and also a Member of the House Business Committee.

Hon. Midiwo: Hon. Speaker, I rise to second. Hon. Duale needs the recess just to rest his mouth. If a mouth needed insurance then it is that of the person seated across from here.

This is a good thing so that it is known that we care about things that we must do as a House. It is a good Procedural Motion. Hopefully, the committees will respond when you forward the business to them so that we can come, in a guillotine form, and do our business.

I was here during the last elections. I see my good friend, Hon. Njoroge Baiya, who was also there. We had very many Bills that had to do with the implementation of the current Constitution. We worked for a long time and until late each day.

I remember telling my good friends Hon. Ambassador Githae and Hon. Kimunya that the way we were working here many of us would not come back; and so I do not see Hon. Martin Ogindo who was so dedicated here.

Hon. Kimunya and Hon. Githae were sent home. The ones who survived are Hon. Millie, Hon. Mbadi, Hon. Dr. Oburu and I. We must learn from that lesson. The House must understand

that by January, there will be pressure. Yesterday, you made a comment from the Chair that some members are now coming here technically because there is a lot of heat on the ground. It is, therefore, good that we finish the business here before we face the heat of the elections.

I beg to second.

Hon. Speaker: Hon. Members I am assuming that in keeping with our rules, the Hon. Speaker is required to read this. I am sure the explanations and reasons for have been explained both by the Mover and the Secunder. It is a consolidated Procedural Motion.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Next Order!

MOTIONS

APPOINTMENT OF A JOINT COMMITTEE

Hon. A.B. Duale: Hon. Speaker, I want Hon. Baiya and Hon. Dalmas to bear with us for five minutes so that we finish. Hon. Gumbo, we helped you this afternoon to streamline business. We need the quorum.

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

THAT, pursuant to the provisions of Standing Orders 211(3)(b), 213 and paragraph 9 of the Houses of Parliament (*Joint Sittings*) Rules, this House resolves to establish a Joint Committee for the purposes of referral and reconsideration of the Parliamentary Service (Senate Monitoring and Evaluation) (Procedure for Management of Funds) Regulations, 2016, comprising the following Members of the National Assembly:

- (i) The Hon. William Cheptumo, MP; - Joint Chairman
- (ii) The Hon. Joseph Gitari, MP;
- (iii) The Hon. Kabando wa Kabando, MP;
- (iv) The Hon. Tom J. Kajwang', MP;
- (v) The Hon. Michael Kisoi Manthi, MP;
- (vi) The Hon. Simba Arati, MP;
- (vii) The Hon. Rachel Ameso, MP;
- (viii) The Hon. Mohamed Aden Huka, MP;
- (ix) The Hon. John Waiganjo, MP;
- (x) The Hon. Jakoyo Midiwo, MP;
- (xi) The Hon. Samuel Chepkong'a, MP;
- (xii) The Hon. Mutava Musyimi, MP;
- (xiii) The Hon. Peter Kaluma, MP;
- (xiv) The Hon. Kimani Ichung'wah, MP;
- (xv) The Hon. Mary Emaase, MP.

Hon. Speaker, this is a very straightforward Motion. Following the National Assembly rejection of this Parliamentary Service (Senate Monitoring and Evaluation) (Procedure for

Management of Funds) Regulations, 2016 Report from the Committee on Delegated Legislation, the House is under obligation within the reading of the Standing Orders that we form a joint House Committee.

The Speaker of the other House has dealt with this matter this afternoon. It is now for us to approve this matter. Apart from the Members of the Committee on Delegated Legislation, we have added Hon. Jakoyo, who represents the House Business Committee; Hon. Chepkong'a, who is the Chairman of the Departmental Committee on Justice and Legal Affairs; Hon. Mutava Musyimi, who is the Chairman of the Budget and Appropriations Committee because the Public Finance management Act is a key law; Hon. Kimani Ichung'wah to represent the Public Investments Committee; and Hon. Mary Emaase to represent the Budget and Appropriations Committee. So it is a straightforward matter.

Hon. Speaker, I forget. There is also Hon. Kaluma who is supposed to assist Hon. Chepkong'a of the Departmental Committee on Justice and Legal Affairs just in case--- You know what happened in Migori under the instigation of my good friend, the Chairperson of ODM in Homa Bay. I am sure it is straight forward. We are very diplomatic. We are not denying the Senate anything because we do not hold resources. We are Members of Parliament. However, we protect the law. These are good enough Members to protect the law so that if there is a law to be amended then we will agree as joint Houses.

I will ask Hon. Chepkong'a, because he is a Member of this Committee, to second.

Hon. Speaker: Hon. Chepkong'a.

Hon. Chepkong'a: Thank you, Hon. Speaker. As already well elaborated by the Leader of the Majority Party, I rise to second and just mention that we have no war with the other House of Parliament. What we are doing is just being faithful and honest to the Constitution. If anybody thinks that we are fighting them, it is far from the truth. What we are trying to do is to help them so that they are not accused by Kenyans of misusing public funds. I do not think we are trying to do anything that is wrong. We are just being faithful to the law.

With those remarks, I second.

(Question proposed)

Hon. Speaker: Hon. Members, you are at liberty to support or oppose.

(Question put and agreed to)

Hon. Members, before the Leader of the Majority Party moves the next Motion, allow me to recognise a cross-section of listeners of Radio Jambo, who are seated in the Public Gallery, courtesy of the Joint Select Committee on National Cohesion, led by Sen. Mutula Kilonzo Jnr. and Hon. Johnson Sakaja. They are here to see how you transact business, especially on matters to do with national cohesion and other related matters. They are welcome.

Hon. Sakaja, do you want to say something about that?

Hon. Sakaja: Yes, Hon. Speaker.

Hon. Speaker: Okay, you have one minute.

Hon. Sakaja: Thank you, Hon. Speaker for your indulgence. I want to thank your office for allowing them to be here. I want to just explain to Members what the cohesion entails. This team, led by my good friend, Sen. Mutula Kilonzo Jnr. of CORD, is a team of people who listen

to our weekly shows. We are there twice a week. They have always been wondering when they would see us trading words on very heated debates. They have been wondering whether indeed it is possible for Members of Parliament to actually sit down together and have a cup of tea; whether we are indeed friends, and whether Hon. Simba Arati and Hon. Ngunjiri can actually talk together. They were looking for Mhe. Kajwang’.

We told them that politics is not enmity, and that they should not, as members of the public, think that we hate each other. We told them that we do not hate each other, and they have seen for themselves. They have had lunch with us and interacted with Members. They have been to the Senate, where they were told that it is the Upper House of Parliament. We now say that as the Lower House with the upper hand, we also believe in cohesion. It is very important that as politicians, we demonstrate to Kenyans that in as much as we may disagree on certain issues, we do not hate each other. Hon. Kaluma should also tell Kenyans that things do not get to that extent.

Hon. Speaker, I especially want to thank Sen. Mutula Kilonzo Jnr. We have just received a message from the Senate that indeed there is need for us to start cohesion between the two Houses of Parliament. We are therefore honoured to have a great Senator like Mutula Jnr. in the Public Gallery – not in the Speaker’s Gallery – sitting together with this great team of Kenyans.

Karibuni sana.

Hon. Speaker: Very well. We may not provide a particular occasion for the Members you mentioned to sit together but we want to confirm that they still sit in this House.

(Laughter)

Hon. A.B. Duale: Hon. Speaker, they have listened and today they have come to see. I assure them that Hon. Jakoyo and Hon. Duale are closer than Hon. Simba Arati and the Member for Bahati. They cannot see eye to eye because of what happened when we were debating the Bill on the security laws. They are yet to heal. One of them was admitted in hospital. However, there is no problem amongst Hon. A.B. Duale, Hon. Jakoyo Midiwo and Hon. T.J. Kajwang’. The national cohesion team must resolve the matter between Hon. Simba Arati and Hon. Ngunjiri.

(Laughter)

Hon. Speaker: Next Order!

APPOINTMENT OF MEMBERS TO COMMITTEES

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

THAT, pursuant to the provisions of Standing Order No.175, and further to the resolutions of the House of 8th October, 2013 and 28th April, 2016 on appointment of Members to respective Committees, this House further approves the appointment of the following Members to the Committees specified hereunder:

- (i) Hon. Edick Omondi Anyanga, MP, to be appointed a Member of the Departmental Committee on Transport, Public Works and Housing;

- (ii) Hon. Opiyo Wandayi, MP, to be appointed a Member of the Departmental Committee on Administration and National Security;
- (iii) Hon. Peter Kaluma, MP, to be appointed a Member of the Departmental Committee on Administration and National Security;
- (iv) Hon. Zuleikha Hassan, MP, to be appointed a Member of the Departmental Committee on Environment and Natural Resources;
- (v) Hon. Charles Nyamai, MP, to be appointed a Member of the Departmental Committee on Lands;
- (vi) Hon. Suleiman Kasuti Murunga, MP, to be appointed a Member of the Budget and Appropriations Committee;
- (vii) Hon. Andrew Mwadime, MP, to be appointed a Member of the Departmental Committee on Education, Research and Technology;
- (viii) Hon. Mishi Juma, MP, to be appointed a Member of the Departmental Committee on Energy, Communication and Information;
- (ix) Hon. Hezron Awiti Bollo, MP, to be appointed a Member of the Departmental Committee on Finance, Planning and Trade;
- (x) Hon. William Kamoti Mwamkale, MP, to be appointed a Member of the Committee on Delegated Legislation;
- (xi) Hon. Chachu Ganya, MP, to move from the Departmental Committee on Transport, Public Works and Housing to the Joint Committee on National Cohesion and Equal Opportunity; and,
- (xii) Hon. Abdikadir Ore Ahmed, MP, to move from the Departmental Committee on Finance, Planning and Trade to the Departmental Committee on Energy, Communication and Information.

Hon. Speaker, this list is mainly from CORD. It is a bit of reorganization. When a team does not do very well, they do a midterm review. The CORD is doing a midterm review. They are removing the strikers and taking them back and bringing in new members so that they can deal with the Government in the various Committees. If I was in the opposition, this is the right thing to do. This is like a team that is performing very badly and the manager and the coach decided to re-organize it so that when we start the Fifth Session in January their team can play well. I am sure that, under Hon. Baiya and Hon. Chepkong'a, we will also re-organise our team before the start of the Fifth Session.

With those remarks, I beg to move and ask Hon. Mwadeghu to second as this is a straightforward matter.

Hon. Mwadeghu: Hon. Speaker, I second.

(Loud consultations)

Hon. Speaker: Member for Kwanza, remain standing. You have heard that there are some listeners and viewers. They need to know that this is the way we operate.

(Question proposed)

(Question put and agreed to)

Hon. Members, I had indicated at the request of the Leader of the Majority Party that there will be an important Paper to be laid. The Leader of the Majority Party, proceed.

PAPER LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Paper on the Table of the House.

The 2016/2017 Supplementary Estimates (I), the Programme Based Budget of the National Government of Kenya for the year ending 30th June, 2017.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

*[The Temporary Deputy Chairlady
(Hon.(Ms. Shebesh) took the Chair]*

THE COUNTY GOVERNMENTS (AMENDMENT) BILL

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, you can be seated. We are now in Committee of the whole House to consider the County Governments (Amendment) Bill, Senate Bill No.4 of 2016.

(Several Hon. Members withdrew from the Chamber)

Those leaving the House, do so quietly.

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, we are through with that Bill. So, the Mover to move reporting.

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move that the Committee do report to the House its consideration of the County Governments (Amendment) Bill, Senate Bill No.4 of 2016 and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

THE ELECTION LAWS (AMENDMENT) BILL

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, we will move to the next Bill, the Election laws (Amendment) Bill, National Assembly Bill No.63 of 2015. Chair of the Departmental Committee on Justice and Legal Affairs, proceed.

Clause 3

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 3 be amended by –

(a) deleting paragraph (b); and

(b) deleting paragraph (c).

We are seeking to delete what was already carried by the Committee on Selection. This was already carried and so we do not need to have it. We are deleting both paragraphs (b) and (c).

Thank you.

(Question of the amendment proposed)

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

(Clause 3 as amended agreed to)

Clause 4

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 4 (a) of the Bill be amended in the proposed new subsection (2) by deleting the word “Principal”.

This again is cleaning up. It was left out. We no longer have principal register. We only have a register of voters and we do not have a principal register. We want to remove the word “Principal”.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): That is straightforward.

(Question of the amendment proposed)

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

(Clause 4 as amended agreed to)

Clause 5

Hon. Chepkong'a: Hon. Temporary Deputy Chair, I beg to move:

THAT, Clause 5 of the Bill be amended—

(a) in paragraph (a) by deleting the word “forty-five” and substituting therefor the word “sixty”; and

(b) in paragraph (b) of the proposed new subsection (2A) by deleting the word “forty” and substituting therefor the word “thirty”.

We are seeking to enlarge the time within which the parties are expected to submit their election rules to the IEBC. We also seek to enlarge the time within which a political party will determine disputes arising from party primaries. That is contained in 2A. It says: “A political party shall hear and determine all intra party disputes arising from political party nominations within 40 days”. We are expanding that to 45 days so that we give time to parties to resolve conflicts arising from party primaries. As you know, these are very contentious and emotional issues and parties require time.

Thank you.

(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 5 as amended agreed to)

(Clauses 6, 7, 8, 9, 10, 11 and 12 agreed to)

Clause 13

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 13 of the Bill be amended in the proposed new section 38A by deleting the words “or such other number as the Commission may determine.”

We do not want to give discretion to the Commission, we want to retain it as it is in the law. If you leave too much discretion, the Commission can decide in a negative manner against the voters.

(Question of the amendment proposed)

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

(Clause 13 as amended agreed to)

Hon. Kajwang': On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Yes, Hon. T.J.

Hon. Kajwang': I may not be very familiar with this, but I am sure the Chairman of the Departmental Committee on Justice and Legal Affairs is more familiar. In the clause that we have just passed, was there not some amendment in the IEBC Act or something like that that brought down this number from 700 to 500? Would there be a conflict in law the way Clause 38A is worded? It is just for clarification. I am not very conversant with the position of the law right now.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Chepkong'a, could you clarify that, please?

Hon. Chepkong'a: Yes. Hon. T.J. Kajwang' is a Member of that Committee. When we sat as a Committee, we agreed that the number ought to be 700 although there was a proposal that it ought to be 500 for good reasons. When we sat down with IEBC, they did a simulation of 204 polling stations. Out of those 204 polling stations, it was found that if the number remains at 500, they would not be able to get public utilities to conduct elections. As you know, the law is very clear. Elections must be conducted in public places using public infrastructure. It would mean that the IEBC conducts--- We are talking about areas such as Kibera, Korogocho and others where you have more than the number in terms of classrooms that are available. We thought that as a compromise, 700 would be the most appropriate.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. T.J. Kajwang', are you satisfied?

Hon. Kajwang': Yes.

Clause 14

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by deleting clause 14 and substituting therefor the following new clause—

Amendment of section 43 of No. 24 of 2011. 14. Section 43 of the Elections Act, 2011 is amended by inserting the following new subsection immediately after subsection (5)—
“(5A) A public officer who intends to contest in a by-election under this Act shall resign from public office within seven days of the declaration of a vacancy.”

With regard to general election, it is very clear. If you want to contest in a general election, you must resign at least six months before the general election. With regard to by-election, it is not provided. What we are providing is what was missing out; the lacuna that was in the law. So, we are providing that a public officer who intends to contest in a by-election under this Act shall resign from public office within seven days of the declaration of a vacancy with regard to a by-election.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Member for Ndaragua, do you want to speak to this?

Hon. Nderitu: Yes. I would like to support that. In the absence of that clarification, it is an issue. As we go to election, we know that people who are in public offices should resign some months before the election. So, this is a good provision.

I support it.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Member for South Imenti.

Hon. Murungi: Thank you, Hon. Temporary Deputy Chairlady for this opportunity. I want to support this clause. My concern is whether seven days are enough to undergo the procedures like handing over office and writing letters to your bosses. Seven days might not be enough to be cleared by your office to go and run.

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

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

(Clause 14 as amended agreed to)

(Clauses 15, 16, 17, 18 and 19 agreed to)

Clause 20

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 20.

This was already carried by the Selection Committee and which law we passed. So, it is obsolete. It has already been passed.

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

(Clause 20 deleted)

Clause 21

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 21.

It is the same reason for the earlier deletion. I, therefore, move that Clause 21 be deleted since it was already carried by the Selection Committee and which Bill we have already passed.

(Question of the amendment proposed)

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

(Clause 21 deleted)

(Clause 22 agreed to)

Clause 23

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 23.

Again, this is a provision that was carried and which we have already passed into law.

(Question of the amendment proposed)

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

(Clause 23 deleted)

(Clauses 24,25,26,27,28,29,30 and 31 agreed to)

Clause 32

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 32 of the Bill be amended by deleting the expression "8(3)" and substituting therefor the expression "9(3)."

We are seeking to correct the typographical error by just substituting "8(3)" with "9(3)."

(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 32 as amended agreed to)

New Clause 10A

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 10—

Amendment of section 31 of No. 24 of 2011. 10 A. Section 31 of the Elections Act, 2011 is amended by inserting the following new subsections immediately after subsection (2D)—

“(2F) Where the Commission receives multiple

requests under subsection 2, the Commission shall conduct and supervise the nomination of candidates for presidential, parliamentary or county elections for all the requesting political parties—

- (a) on the same day;
- (b) in the same polling centres; and
- (c) in different polling streams for each participating political party.”

(2E) Parliament shall appropriate monies for the effective implementation of this section.”

What we are seeking to do here is as you know, the Bill that was prepared by the Selection Committee passed through this House and we have enacted it into law. It is stated clearly that the Independent Electoral and Boundaries Commission, upon request from a political party, shall be required to conduct party nominations. What we did not do is to streamline the process with how the IEBC will conduct that particular primary. So what we have done is to streamline it in law; to provide what is expected of the IEBC to do in the event that more than one political party requests them to conduct its party's primary.

This clarifies what the IEBC will be expected to do once they are requested pursuant to the law that they have already passed. So this is just purely to clarify what the IEBC is expected to do. They have been saying: “We do not know what we are expected to do. How is this going to be funded?” As you know, the Government at the moment is funding political parties. So this is part of that process of ensuring that there is fair level playing ground for all the parties, all participants, aspirants or candidates participating in the party primaries.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

Hon. (Ms.) Muhia: Thank you, Hon. Temporary Deputy Chairlady. I also thank the Committee for bringing clarity as you know matters of nomination are emotive, especially on the primaries on same day. This is necessary going forward because we have experienced in the past people from different parties voting for other candidates, possibly the weakest candidate to just bring confusion. I feel the whole new amendment will bring clarity.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Thank you Member for Nyandarua. I will now give the Floor to Member for Narok North.

Hon. ole Kenta: Hon. Temporary Deputy Chairlady, personally, I think this was a bad law because I think the IEBC should be a neutral arbiter. It should not be involved in party politics.

The other issue which I am raising on this particular provision is that it is compelling because it says “the Commission shall conduct elections once...” But the question is: Supposing 100 parties do not qualify to field candidates, would that not give the IEBC leeway to decide

whether it is worthwhile or not? That is something that should be left; there should be some independence.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Chepkong'a, do you want to clarify something?

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, the way the law is at the moment is crafted in mandatory terms. It states as follows: "A political party may request the IEBC to conduct its party primaries. Upon request, the Commission shall..." That is where the mandatory terms were used in the law as it is. So it is not us who say this. We passed this law, there was no amendment and so it is just for us to clarify. The IEBC is required now; it is mandatory once it is requested as the law stands.

Hon. Kihagi: Hon. Temporary Deputy Chairlady, I support this amendment by the Chair because as it has been said, it will give credibility by avoiding inter-party interferences in the nomination process. Again, it is going to be good for the budget of the IEBC in terms of logistical organization such that they do not do nominations one day and the next they are doing for another party. So even for the budgetary purposes and logistical organization it is very good.

I support.

*(Question, that the new clause be read a Second Time,
put and agreed to)*

(The new clause was read a Second Time)

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

Clause 2

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:

THAT, clause 2 of the Bill be amended by deleting paragraph (b).

That again has already been carried in the Bill that is now law. So it will be unnecessary to pass it again.

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its considerations of the Elections Law (Amendment) (No.3) Bill, National Assembly Bill No.63 of 2015 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Chairlady
(Hon. (Ms.) Shebesh in the Chair)]*

REPORTS

THE COUNTY GOVERNMENTS (AMENDMENT) BILL

Hon. Cheptumo: Hon. Temporary Deputy Speaker, I beg that a Committee of the whole House has considered the County Governments (Amendment) Bill, Senate Bill No.4 of 2016 and approved the same with amendments.

Hon. Chepkong'a: Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said report. I also request Hon. (Ms.) Muhia, Member for Nyandarua, to second the Motion.

Hon. (Ms.) Muhia: Hon. Temporary Deputy Speaker, I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): We will not be putting the Question now and so we go to the next one, reporting for election laws.

I call upon the Chairperson.

Hon. Cheptumo: Hon. Temporary Deputy Speaker, I beg to move that the Committee of the whole House has considered the Elections Laws (Amendment) Bill No. 63/2015 and approved the same with amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Mover.

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Birdi to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Sunjeev seconded.

(Question proposed)

The Temporary Deputy speaker (Hon. (Ms.) Shebesh): We will not be putting the Question at this time. So, having completed the Committee of the whole House on those two Bills, we go to the next Order.

MOTION

ADOPTION OF REPORT ON OWNERSHIP OF MOMBASA CEMENT LIMITED LAND

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): This Motion is being moved on behalf of the Departmental Committee on Lands by the Member for Naivasha. Please give him the microphone. Hon. Member you are presenting this on behalf of your Committee.

Hon. Kihagi: Yes, Hon. Temporary Deputy Chairlady, my Chair is away so he has requested that I move this on behalf of the Committee.

Hon. Temporary Deputy Chairlady, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Lands on investigation into the ownership of Mombasa Cement Limited Land in Kilifi County, laid on the Table of the House on Tuesday, 24th November, 2015.

Hon. Speaker, this is a report that the Committee labored on to prepare having been brought to its notice by the Hon. Member of Kilifi North, Hon. Mong'aro that there were serious issues regarding the ownership of land by Mombasa Cement in Kilifi County.

The Committee invited witnesses, principally the Cabinet secretary (CS) for Lands and also the National Land Commission (NLC) to shed light on the ownership documents as presented by the Hon. Mung'aro.

We also invited other witnesses especially the company in question to shed light as to how it came to own some of the parcels of land that were in question. The Committee further visited the ground and met with the people of the local community including county government officials who also shed light as to the issue of ownership of the land. Within these deliberations, the Committee observed quite a number of issues that we would wish the House to agree with us.

First, from the presentation of the CS, it was clear that LR. No. MN/3/289 and LR No. MN/3/290 have been public land for quite a long time but these have sequentially over time been encumbered by private individuals who have over the time amalgamated, subdivided and changed user illegally to an extent where we can say these fictitious transactions on this land have led to disenfranchisement of the individuals of public land.

We also invited the Managing Director of Mombasa Cement for quite a number of times in fact, a total of seven times and the company only honoured three summons. The Managing Director refused to come in person sending officers including lawyers who were not in a position to shed clear light warranting the Committee in most cases to postpone its meeting. They admitted that it was not clear how they came into ownership of most of this land. In most cases they would also request for time and we would agree with them but even as they did that they never gave clear documents to prove to the Committee that they acquired this land legally.

The Ministry of Land, Housing and Urban Development and the National Land Commission, through the documents that they presented also proved to us that the land which is purported to belong to Mombasa Cement is a subdivision of a land that was never registered by the current land registry. So, the land which they claim they own came out of a parcel of land that was never registered in the current register. There are no documents to show clear chronology. Land ownership and transactions are done in a very chronological manner such that you can clearly follow which parcel of land led to which parcel of land. For instance plot No. 291/1 is shown to have been born out of plot No. 4391. The question begs, how can a higher number give birth to a lower number? The Committee found this to be quite an irregularity.

Also, there was something fictitious and very suspicious in the way the Chairman of the NLC presented evidence. It was clear that the Chairman of the NLC had written to the County Government of Kilifi telling them that the parcel of land was owned by Mombasa Cement, but when the Chairman was asked where he got this information from, he clearly told us that he could not get the documents because the CS for Lands had refused with them. This begs the question how the Chairman of NLC came to the conclusion that the land in question actually belonged to Mombasa Cement?

It is clear that the NLC Vice-Chair who had initially been tasked to investigate these documents and submit a report to the Committee was irregularly removed from that task and it was given to junior officer, Mr. Cyrus Kiogora Mburugu. Mr. Mburugu was tasked to be briefing the Chairman in person. We noted that by the time the letter was being written by the Chairman of NLC to the County Government of Kilifi, there was no Commission meeting which ratified the findings of Mr. Mburugu. The Committee concluded that, that was a personal conclusion by the Chairman and not a commission's decision.

Mombasa Cement Limited went ahead and sued the Committee and indeed Parliament that it has no legal jurisdiction to investigate the matter. This was not done in good faith because the Constitution gives this Committee and Parliament power to summon anybody to give evidence in a matter that is in public inquiry. So we found that, that was not in good faith and the company has in most cases engaged in mischief. The County Government of Kilifi went ahead and demolished the perimeter walls that had been constructed by this company around this land. In most cases, the company was surrounding this property with walls contrary to the provisions of the County Government Act and any other development control laws that permission be given before construction is done.

We also found that the company had gone ahead and illegally persuaded members of Mbambani Settlement Scheme, who had been allocated land, to sell to them land at a throw away price some of it fraudulently, and as we speak now a huge portion of Mbambani Settlement Scheme which was given to squatters has been annexed to the Mombasa Cement land escalating the problem of land ownership and squatter settlements within Kilifi County.

With these observations the Committee felt that it was bound to make some recommendations that if adopted by this House are going to ensure that the public especially the squatters around Kilifi area are not disenfranchised by this company.

Now that we have passed the Community Land Act, that public land will become community land and its ownership will revert back to the people of Kilifi County. We are proposing that the Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigation (DCI) conducts a forensic audit of all the documents that are in the possession of Mombasa Cement Limited and establish the individuals involved in the fraudulent preparation. This is because we were able to prove that there were a lot of inconsistencies in these documents to an extent that we believed they were fraudulently held. The investigation should produce all those found culpable in this fraud of ensuring that public land went to individuals. Dr. Mohamed Swazuri should be investigated together with Mr. Cyrus Kiogora Mburugu with a view to establishing whether they have abused office by conducting investigations in the manner they did and writing to the County Government of Kilifi, proving that Mombasa Cement actually owned the land whereas they claimed that they did not access proper documents. Mombasa Cement and its directors should be investigated because they must have colluded in preparing the documents.

There must have been instigators of the corrupt activities, especially on Land Parcel Nos.290, 289 and 3546 to the extent that we found them to be fraudulent.

Mr. Munga Njanji, a former councillor of the area, and the former chief of Mbambani, should also be investigated as the people who facilitated the squatters who had been settled in Mbambani Settlement Scheme. The investigation should attempt to reveal how the two accessed the allotment letters of the squatters and took them to the directors of Mombasa Cement Company, who bought them at a throw away price and annexed the land that was meant for the squatters. We have also gone ahead and said that if the agencies that are constitutionally tasked to investigate matters of land--- Mr. Mohamed Swazuri is not the National Land Commission. He is just the chair. If the Ministry and the Commission find that the documents have been acquired fraudulently, as we have said, the same land should be repossessed by the Government of the Republic of Kenya and be managed by the National Land Commission (NLC) with a view to transferring it to the rightful community for settlement of the affected squatters in Kilifi County.

We beseech the House that this is one of the most serious land grabs that have happened in this country. More than 1,000 acres of land have been annexed by a single company to the detriment of a whole community. Land problems at the coastal region will never cease. We are asking the House to adopt this Report so that the land can be returned to their rightful owners. With those remarks, I beg to move and request the Member for Ndaragwa, Hon. Waweru Nderitu, to second.

The Temporary Deputy Speaker (Hon. (Ms. Shebesh): Member for Ndaragwa.

Hon. Nderitu: Thank you, Hon. Temporary Deputy Speaker. As I second this Motion, as the Departmental Committee on Lands, we have handled a lot of petitions on issues of land irregularity. This Report was tabled on 24th November 2015. It has been the agony of this Committee to have this Report and others touching on corrupt matters involving land to be tabled, debated and adopted by this House so that we can feel that we are doing our work effectively as far as the issue at hand is concerned. I would like to report that in the process we found ourselves getting a lot of frustrations from unknown quarters. As the Mover has indicated, even some of the people we called to come and give evidence on this matter blatantly refused to come for reasons we could not understand.

When we commenced investigations into the graft involving the land in Mombasa, the matter was taken lightly but when we started searching for in-depth information, most of the people concerned, including the technical officers at the NLC and the Ministry of Land, Housing and Urban Development started giving divided opinions. I can quote the Chairperson of the NLC because he was the one mandated to investigate the matter first. He had given preliminary indications that the land was illegally acquired, and that he had given certain directions on how he wanted the matter handled. When we called them again later, we were told that the files at the Lands Office were not available. I remember calling the chairman of the NLC and asking him to shed more light on this matter. By then we had already been given enough information by the Vice-Chair. He came and took us round in circles without giving us documents at all. Every time he was called upon to shed light on the matter, he would say that the conflict between the NLC and the Ministry is making him not to get any records. However, when we got into matters that were not related to the specific issue, the chairman of the NLC readily availed documents.

As a Committee, we feel that this issue should be taken very seriously. These recommendations should be adopted so that this matter can be resolved. This is an eye opener. It

is very sad that as an oversight Committee, we have so many reports that still need to be acted upon. We have given recommendations, indicating the people to be prosecuted or investigated further. The relevant Government agencies should take charge so that as we move forward, in the process of implementing the Jubilee Government Manifesto, this can be cited as one of the drawbacks we have faced as we tried to achieve development under Vision 2030. Most of the Government's major development programmes, as well as private institutions' development programmes, are pegged on availability of land. When people lose faith on the sanctity of title deeds, we will have a very serious problem.

Hon. Temporary Deputy Speaker, we have made very clear recommendations on what should be done. We are begging this House to support this Report and all its recommendations. As we do this, and as we bring forth other major reports that we have prepared, as the Departmental Committee on Lands, we will be helping the Government and the people of Kenya to eradicate the issue of theft of public land. As we have seen in many cases in Mombasa, ancestral land on which local communities lived for so many years was alienated while the owners still occupied it. In the case of the land involving Mombasa Cement Company, for example, even as we talk the natives of that areas are living there. Therefore, we could not understand why another person would acquire a title deed for the same land, especially this happening at a time when we are enacting laws to protect community land. Therefore, we are of the opinion that the said land should be repossessed.

In seconding the Motion, I urge this House to adopt the Report so that the relevant organs of the Government can take appropriate action. Indeed, the Implementation Committee of this House can take the lead so that this Report can be implemented.

Thank you.

(Question proposed)

Hon. Kasuti: Thank you, Hon. Temporary Deputy Speaker, for giving me opportunity to be able to add my voice on the report regarding land. We realise that in our country land is a very emotive matter. Therefore, any report relating to land, the Departmental Committee on Lands in this House should take it very seriously. I am happy that the Committee undertook the exercise with the seriousness it deserves. We should try and encourage the National Land Commission (NLC) to ensure that they look into land matters and take them seriously.

Currently a lot of people in this country are suffering as a result of their land having been taken by unscrupulous people. When you go to the NLC the matter does not seem to be resolved at once. Instead, the complainants are normally taken round and nothing really comes out. There are a lot of complaints that the people in the NLC are taking bribes instead of resolving the disputes that have been reported.

In this case, the Chairman of the NLC has not taken his work seriously ever since he assumed office. Therefore, we as legislators in this House should place emphasis on the issue of NLC and whether they are working and performing their duties as expected by the appointing authorities or it is a commission that is just adding more problems to this country on issues of land, which do not seem to be resolved at all. I would urge the Committee to ensure that they talk to the people concerned at NLC with a view that they take their work seriously and ensure that cases that have been reported relating to land are being resolved.

There are very many cases pending. If you go around the country you will find a lot of people complaining. In my county, we have several cases which are still pending for years and they do not seem to be resolved. We should take matters relating to land in this country very seriously because land is a commodity that is taken very seriously. Everybody in this country desires to own a piece of land. In that case, we should ensure that cases relating to land are taken seriously, and our people invest in the land they have in their possession. Anybody with a piece of land can use that parcel of land to get a loan from banks. Therefore, if one does not have the necessary papers from NLC or the Government pertaining to his or her land, then you are denying that person using that piece of land and from accessing any credit from banks or any other facilities that he or she might be looking forward to.

Please, let us take matters relating to land very seriously and ensure that cases related to land are resolved once and for all. We should not continue taking people who have reported their cases round in circles without resolving their matters. With that, I want to support the Report. The House should look at that Report and ensure that the matter is resolved.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to the Member for Nyandarua.

Hon. (Ms.) Muhia: Thank you, Hon. Temporary Deputy Speaker. I stand to support this Report. Having heard what the Members have presented, it leaves every Member or Kenyans very sad.

Issues of land and corruption are more or less the same in this country. The Executive gives people jobs but the people given the jobs do not discharge their mandates to the expectation of the *mwananchi*. From what this Report contains, it is crystal clear that the people who are in charge of this docket could be the ones going in circles for ever, not minding about squatters or some people's ancestral land, or about the Government that has given them the jobs. It is a routine in this country through the political desk. People in different corners of our nation will wake up and say the Jubilee Government is not addressing historical justices yet they are the people given the jobs or their friends are the ones given the job but they are not discharging their mandate properly.

On Tuesday, the Departmental Committee on Administration and National Security received some investors from Laikipia who had issues similar to this or worse because of insecurity. They were left wondering if Kenya really observes the rule of law. The people in charge of this docket – the NLC and the Ministry in charge of lands – must lead from the front, showing Kenyans that Kenya observes the rule of law.

In my county of Nyandarua there is a group of IDPs in Ol Jororok. Everything has been tried; Chairman Swazuri has been spoken to; the land is there and the IDPs are there. The Ministry of Land, Housing and Urban Development has said it is only subdivision that remains for more than 10 years now for these IDPs to be resettled. Sometimes it beats logic and you wonder what the mechanical or scientific method of dividing land to settle the squatters is.

In essence, there are some cartels in the Ministry which just make the work difficult and impossible. The best term I can use for these people is that they are not patriotic. A patriotic person cannot make life very difficult for fellow Kenyans. Any land that is acquired illegally, and it is clearly shown that it is acquired illegally, needs to be returned or the necessary action taken.

I have seen one recommendation which says “Investigate Dr. Mohammed Swazuri, Mr. Cyrus and others”, but by my understanding of this statement, it could have been better if it was written: “Investigate Dr. Mohammed Swazuri and the company and prosecute.” Investigations have become more or less similar terms in Kenya. We investigate and the stories continue. We have to conclude the matters of land.

This is a very good Report for Kenyans because every day, Kenyans in different corners, in *barazas* and funerals say the Jubilee Government is not sorting out the issues of land injustice in Mombasa and yet some of the people given the mandate come from the same community, and for us to differentiate if it is really the Jubilee Government or some cartels manipulate what Kenyans expect is necessary.

With those few remarks, Hon. Temporary Deputy Speaker, I beg to support and ask other Members to support this Report.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to the Member for Rongai, Hon. Moi.

Hon. Moi: Thank you, Hon. Temporary Deputy Speaker, for this opportunity. As a member of the Departmental Committee on Lands, I should add my voice to this. This particular land issue has been an ongoing tragedy for decades to the people of Kilifi. The tragedy began when the colonial government forcibly evicted the local residents to pave way for colonial settlers back in the 1920s. Since then there have been fictitious amalgamations and subdivisions in an attempt to prove ownership of this land.

The fact of the matter is that the land purportedly owned by Mombasa Cement Company, L.R 289 and 290, is vacant Government land. In 1996 allocation letters were distributed to members of the community by then Minister for Lands, Hon. Jeremiah Nyaga. That proves that this land was vacant Government land.

As a Committee, we made several recommendations. The three recommendations that I find very important are that the Committee invited officers of CID and the EACC to investigate and prosecute those found culpable. Mr. Swazuri, the Chair of the National Land Commission (NLC) should be prosecuted.

Secondly, the Ministry of Lands should immediately take possession of this land as it is public land in use by Mombasa Cement Company. LR Nos. 289, 290 and 3545 to be specific and in conjunction with NLC according to Section 134 of the Land Act, 2012 immediately reserve the said land for the affected community members.

I would urge the Committee on Implementation to take this extremely seriously so that when we come back in February this matter would have been finalised, and that those who have been affected for so many decades receive their land.

Thank you very much, Hon. Temporary Deputy Speaker. I support this and urge all Members of this National Assembly to support it.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to the Member for Kibra.

Hon. Okoth: Thank you, Hon. Temporary Deputy Speaker. I am happy to rise and give support to the Report of the Committee and thank the members for their dedication. The Report raises a couple of very salient issues about land management in this country. We had a vision in the Constitution about how land management in this country would be done, the responsibilities of the Ministry, the responsibilities of NLC, and the responsibilities of the county governments.

This Report indicates to us that we still have not figured it out properly. The NLC is attempting to take too much responsibility and yet claiming that documents are being held by the Ministry and they do not have access to them. The Ministry is refusing to engage fully with the Commission, private developers. Private interests claiming Government land.

To me, the biggest set of issues is that it is an invitation, a challenge and a responsibility for us as the 11th Parliament to engage, through this Committee and the Departmental Committee on Justice and Legal Affairs, to make proper proposals that will really streamline the lands sector. We saw recently at the State House summit that heads of the different agencies which manage land issues were talking very positively that everything is taken care of, but the rosy pictures they were painting are far from reality in our own county here. I am sure it reflects even in Kilifi County. Poor people living on what is Government land are considered squatters in places like Kibra. And there is no proper engagement despite the fact we already have a Community Land Act and the Land Laws (Amendment) Act with very clear guidelines and standards on resettlement and evictions.

There are people threatened to be evicted in Kibra, minimum 5,000 families, 20,000 people affected because the Kenya Urban Roads Authority wants to build a road from Yaya Centre in Kilimani, Dagoretti North Constituency, to Langata Constituency, to pass through Kibra where the poorest people live. Where the people live is where they have the right to worship. Their mosques and churches will be affected. They have a right to education. The schools there will be affected. They have a right to healthcare. The small clinics that serve their interests there will be affected. We talk about the youth, radicalisation, the rights of women and the rights of everybody in this country, including minorities. This is where people make their livelihoods through small business, whether they are selling roasted maize or *sukuma wiki* or whatever small businesses they are doing. They are being threatened and no one stands up to protect the rights of these people and that land on which the Ministry wants to build a road across Kibra and take away the livelihoods, homes, places of worship, businesses and schools of these people. In fact, even for political rights in this same place, they have got four polling centres. There are some non-formal schools there that are used as polling centres. The Ministry is threatening to build a road and they have a contractor on site.

I mention these as we talk about land issues to tell you that things are bad. They are far from rosy. The leadership of NLC and the Ministry need to sit and engage properly. Whenever they engage on sensitive land issues, it is only fair that they engage representatives of the people, from MCAs to the governors at the county levels who have got prerogative and a say on land issues, to the elected Members of Parliament. We can give them feedback. We have heard a lot of corruption going on in this country recently. When you think about corruption, it extends to processes like land ownership and the rights of the poorest. Through corrupt means, the rights of poor people will be trampled upon while Government land is stolen to the benefit of private interests who have more money, whether it is the cement company in Kilifi that is trying to take advantage through their own connections as the Report indicates, or whether it is in a place like Kibra where the contractor wants to build the road and get paid.

The Ministry is aware that there is a law in Kenya, the IDP Act of 2012 that provides clearly for the rights of citizens, planning procedure, public participation and the expectations of IDPs due to development projects. It is not an emergency. It is not a surprise. It is not a fire catastrophe or a flooding. These are bulldozers coming to move people out of their homes deliberately and yet the decency to engage Kenyan citizens who are sovereign, you just get

arrogant. We have petitioned the KNCHR to engage with them. Some of the people in the community have collected their little monies from their small businesses to hire lawyers to take this case to court, but the intimidation proceeds. We have bulldozers there every day phasing through the community because the contractor is in a hurry. The Ministry people are telling us interesting things which are just unacceptable, like these people are not real owners, they are squatters. There is a Nubian woman there aged 65 years. This is the only home she has known. She is Kenyan. You tell her she is a squatter and you want to move a bulldozer without telling her what compensation and resettlement plans you have.

On land and human rights issues, we have to be very careful. There are cases that came through a petition this week from Nandi, where they are talking about land that is owned by tea factories and tea companies. We need to be serious and ask the duty bearers who are working for the citizens in the Ministry and NLC, if they cannot do their job; they are putting our people's lives at risk. These are serious issues. They are creating ground for conflict. We should even look at getting rid of them and bring people who have better inclination, competence, capacity, and desire to do good work.

There are many Kenyans who can do good work for us. I will give the example of today. The Cabinet Secretary for Education, Science and Technology, Dr. Matiang'i, and the new Chairman of the Kenya National Examinations Council (KNEC), Prof. Magoha, former Vice-Chancellor of the University of Nairobi, have managed to do something we have never seen in this country before. They have done their job and they have done it very well. People are celebrating and congratulating them which, ironically, is sad because they have just done their job well. They released results of the KCPE exams. This is something we were used would come after Christmas. Children would scramble to go to school in February. Now children will go to school in January. We have serious Kenyans who can do a good job.

I want to put it on record that I am very proud of CS Matiang'i and Prof. Magoha and the team at the KNEC and the Ministry. They have done a fantastic job with these exams. They are clean and credible exams that will help our children in future. We need people like them to come into Government. And we must support them regardless of whether we are in CORD or Jubilee, to do a good job for Kenyans. Then we reduce the tensions. In the education, when the children's rights were being betrayed and exams were being leaked, it was only the rich who had access. It was unfair. We were cheating our children because these exams lose credibility. If you try to go to Makerere University or the University of Dar es Salaam with a transcript from a Kenyan exam, you are told you have to take entrance exam. Now we have put our children back to where they are supposed to be.

This kind of incompetence and lack of seriousness about work, like we see in the lands sector from the CS and his team and NLC as this Report clearly speaks to, has a chance to cause conflict. When we deny people homes, livelihoods, a sense of identity in their community, we threaten to evict them unprocedurally and forcibly, those are all violations of international standards. The President comes here every year and gives us a report on our international obligations and reiterates how we are holding on to those obligations yet we have NLC failing him. I cannot blame the President. The President is not a commissioner at NLC and he is not the CS for Lands. But at some point, he looks bad because he is the President. If we are going to be helpful to him as the House in charge of oversight, hold him accountable through this Committee, these people who run these agencies should be asked to do their job so that they serve Kenyans well. Not just for politically making the President to look good, which they

should, but also because it is important because the Kenyans they serve deserve to be served well. I thank the Committee for their diligence.

I know this is one of the last opportunities we get a chance to speak this year together as a Chamber. Other business might pull us back again briefly. I want to wish all my colleagues a blessed holiday season and a blessed new year wherever they travel with their families and constituents, on behalf of the people of Kibra. I pray for all our students who got their KCPE exam results today. It is a special message to those children, their parents and teachers that your child's value is not pegged to a result of one exam. Whether you got 200 marks or 400 marks, you are a valid child and you can succeed in many ways. You can be a soccer star. You can be a superstar musician. You can be talented in many ways. As we go into Christmas, let us keep embracing our children. And let us not define them purely by their KCPE results. There are outstanding children---

I now give the Floor to the Member for Othaya, Hon. Mary Wambui.

Hon. (Ms.) Munene: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Motion. As I support this Motion, we have to think outside the box because even the people who are on the land we are talking about have had the titles for a long time. You could go to the Ministry of Land, Housing and Urban Development with a green card, but you would be surprised to learn that the title had been given to somebody else. I think the Ministry of Land, Housing and Urban Development is the most corrupt in this country. We need to think of how the Ministry is going to put in place structures that will ensure that when somebody buys land and they get a title deed, nobody else should have that title; not when the real owner of the title is still alive and has not sold the land. So, a lot of things are happening at the lands office. Even at the land board, people connive with others to sell land that does not belong to them. We want even the village administrators to know exactly what is happening and let the public know. When somebody wants to sell land, the family members must be there because that is what the law we passed in the previous Parliament says. You cannot sell property without your family members knowing. I know there are so many cases in Laikipia and other parts of this country concerning that matter. You go to the land offices to do something and you are told, "I am very sorry this is not your land." You get shocked because you are sure you bought the land and you were even given a real title. It is quite unfair. So we want them to do better. People at the lands office are not supposed to issue any title to other persons when title of land has not reverted.

When you want your title deed and you happen to learn that somebody else has the same title you could easily say that the Government is not doing its work. However, it is not Jubilee Government. It is the people who are in those offices. We do not want to be blamed that Jubilee Government is the one grabbing the land. We are not land grabbers. We want to know the truth and we want the people who are given the job by the Government to do their job properly without thinking that they know so-and-so. Even if the land you are buying is clean--- My colleagues from Eldama Ravine said that there is land that was given to squatters but nobody bothered about it. People went there and did other things without the knowledge of the community. It is not the Government doing these things, it is the Government workers.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I give the Floor now to Member for Rangwe.

Hon. Ogalo: Thank you, Hon. Temporary Deputy Speaker. I want to state that I sit in the Committee and I took part in the inquiry and the drafting of this report. I stand with the

recommendations of this Report. I want to confirm to this House that every possible opportunity was accorded to everybody who had an issue to bring to the Committee. Anybody who wanted to be heard had an opportunity to be heard. Those who refused to come cannot blame the Committee for arriving at these recommendations because they are properly backed by the observations that you find in this Report and in the appendices. We have several documents attached to the main Report at the Table Room.

I would like to draw the attention of the House to certain points. One, before the Departmental Committee on Lands decided to get involved in this matter, the National Land Commission (NLC) had addressed itself to it. Within the Commission, various commissioners are assigned various counties. Kilifi County is assigned to the Vice-Chair of the Commission. We know this because we oversee them and they make presentations of this nature to us. The Vice-Chair, in her capacity as the one in charge of that county, had started carrying out investigations. After a short period of time during that investigation, the Chairman of the Commission decided, without a meeting of the Commission, to step her down and take over the investigations by himself with one land officer called Mburugu. They did this to the exclusion of the entire Commission. They did not carry out any analysis or review of any grant, or any investigations. They decided to issue a letter to the County Government of Kilifi. We do not know and it was not proven to us why he decided to write to the county government. Nonetheless, he wrote and declared that the land in question legally and lawfully belongs to Mombasa Cement. He said in that letter that he relied on the documents in their possession.

This was against the preliminary findings of the Vice-Chairperson in her investigations. So, as a Committee, we thought it was wise as the oversight body for that Commission to look into this matter a little deeper. In carrying out our investigation, the Ministry of Lands officials appeared before us, and you can see that on Page 17, paragraph 2.4.1(3). The grant to Mombasa Cement was derived from an L.R. number which did not have an official grant of Government meaning that the---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Oner, please repeat the page you were quoting.

Hon. Ogalo: Page 17, bullet 2.4.1(3).

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Therefore, the subdivision of L.R. No MN/III/3545 is illegal and the resultant L.R. Nos, CR and grant numbers are fictitious. This is evident from the Ministry of Lands, which has been a custodian of all the records of lands. Having asked the Chairman of NLC to also share with the Committee whatever information and whatever documents he relied upon in the letter he issued to Kilifi County, the Chairman came to the Committee several times, not less than three times, and in those times, he failed completely to provide the documents he relied upon to arrive at the letter he wrote to the County Government of Kilifi.

From the foregoing, the Committee was left with no choice but to determine that he violated provisions of the First Schedule of the National Land Commission Act which requires him to act on the seal of the Commission. In that sense, he engaged in what in our opinion amounts to abuse of office. Therefore, the Committee was left with no choice but to recommend that he be investigated for that offence and if found culpable, be prosecuted. In all his dealings, he worked with only one lands officer who tried to falsify documents before bringing them to our Committee. Therefore, we included the name of Cyrus Kiogora Mburugu in the list of names of persons to be investigated together with the Chairman.

We traced and we now know that the two main parcels of land, which today host Mombasa Cement were public land. There is no process that was presented before us to show that the Government legally alienated that land to any institution. We are left with no choice but to recommend that that land be reserved, made public land and the squatters who are on that land be allocated and settled there. To prove further that this was public land, in 1996, the Government allocated parts of this land to certain Kenyans. Mombasa Cement Factory, colluding with a former councillor whose name is Charles Munga, decided to connive and buy these allotment letters from the settlers further defeating the Government's objective of settling people. They then alienated all that land to Mombasa Cement.

As a Member of this Committee, I stand with the Committee's recommendations and I would like this House to support and adopt this Report. I ask the Committee on Implementation to move swiftly and ensure that the recommendations of this Report are effected.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you hon. Member for Rangwe. I now give the Floor to the Member for Kapenguria, Hon. Moroto.

Hon. Chumel: Thank you very much, Hon. Temporary Deputy Speaker, for also giving me this opportunity to add my voice on this issue of land.

I congratulate and thank the Departmental Committee on Lands, especially those who went there. This is the first time I am seeing them give us a sensible Report. I may think otherwise because this Committee - I do not know whether it is the same members or not - came to my place, a place called Chepchoina. I am the one who brought the question here and they came. But, instead of listening to the people, they were bought by the corrupt officials of the Ministry of Lands. Up to date, they still have a big problem there. The reason I brought the question is because there was a double allocation. This land was given out between 1994 and 1997. In 2012, another group came and they were given allotment letters and nobody knew about it.

Today, I want to say that as Kenyans, we need to be truthful especially in this House. When you are given an opportunity to serve or to go and listen to a problem, engage all your ears and strength there so that you can save the situation.

If we go the way we are going now by this Report, which I am supporting, Kenyans will now realise--- We have seen a few such people working. I can quote the time of the late Michuki and what he did with transport and also when he was made the Minister for Environment. Everybody appreciated. At first, there was resistance but later everybody joined hands with him. Today, you have seen the fruits of the Cabinet Secretary (CS) Matiang'i. Everybody is now congratulating him including the Kenya National Union of Teachers (KNUT) team. In fact, Sossion was wondering how it is possible that he only learned about the exams results through the media. Nobody had informed him. This is part of the duties we are supposed to be carrying out especially in this House. Whatever comes here and to any Committee, we should become bold because it is Kenyans who have invited you to go and listen to their problems. Instead of going there and doing that, you become biased, it means there is nothing that we can solve that way. It will be the same.

In fact, I was surprised that such a Report can come up. I was also surprised to see my friends, especially those I saw there, strongly saying that we should not remove even a full stop or a comma from this Report. Although when they were going to the other side--- I know they did not go only to Chepchoina but to several other areas where people are still suffering. I have heard of Laikipia and even now, there is war going on there. That is what I was suggesting.

Maybe, where they went this time they found nothing but where some of us had complained about, they were given something and innocent Kenyans are suffering.

That is what I want to say. I am standing my ground and nobody is going to threaten me.

Hon. Ogalo: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member for Kapenguria, please take your seat for a while.

Hon. Ogalo: Hon. Temporary Deputy Speaker, is it in order for the Member for Kapenguria to impute improper motive on a Committee claiming that there are areas where we are paid when we go to solve problems? He knows we have presented the Report of the Committee on his Petition in this House and it is awaiting the Committee on Implementation.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member for Kapenguria, you cannot cast aspersions on a Committee in totality unless you want to bring a substantive Motion if you have evidence. So, please withdraw those comments about the Committee and then you can go ahead and contribute.

Hon. Chumel: Thank you, Hon. Temporary Deputy Speaker. I withdraw on that part but I am prepared to bring a substantive Motion here about this especially on the one talking here. He was there and he knows what he did.

I just wanted to show or tell this House and Kenyans that the poor Kenyan is suffering all over and we have seen it from this Report and others. I am asking, especially the Jubilee Government where I am now serving, to do what their Members have mentioned about CSs of Ministry of Education, Science and Technology (MOEST) and others. I have also seen what His Excellency the President has been doing. He is always bold and asks questions, especially in meetings in State House where the public airs their views freely. I have served two Governments here; the one of Nyayo and that of Kibaki. But, this is the time I can tell you that Kenyans feel that they can express themselves freely without somebody holding their mouths like it used to happen.

Otherwise, I support this Report and ask that these Committee Members do the same wherever they go. They should not be biased against other places.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, I now give the Floor to Member for Seme, Hon. Nyikal.

Hon. (Dr.) Nyikal: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Motion.

Whereas I support this Report, it is also a sad Report. It is a sad Report because it is a litany of impunity. The Report starts - I have not read the whole thing - but the observations of the Committee and the documents available show that the land is public property. The Managing Director defies the summons of the Committee several times. He sends lawyers and the lawyers cannot give adequate information. The lawyers indicate that they do not understand how their own client acquired this piece of land. The Ministry gives information that the acquisition of this land is illegal. There is no document showing that this land was bought or acquired legally. The Chairman writes a letter without any documents, according to the Report, showing how this land was acquired. He cannot produce those documents.

While this matter is going on, the Chairman decides to illegally remove his vice-chairperson who was handling this matter. The information that the Chairman gives is similar to the information that the MD gives indicating clear collusion between the Chairman and the MD of the cement company.

The MD has the audacity to sue the Departmental Committee knowing that the powers of those Committees are similar to that of the High Court. The Chairman has that audacity to sue the Committee yet every information indicates that the land does not belong to the company. What else do we need?

Then we go to the recommendations. The recommendations are indicating that we take this thing for further investigation. I support those recommendations but I think they fall far short of the action that the Committee needed to take. First of all, I think the Committee can legally sanction the Chairman and use legal means for his removal. Because this is again just going to put us through another process with the Ethics and Anti-Corruption and Commission (EACC), we have no control on what is going to happen once that matter goes there. The matter has been brought to us and everything is clear.

A Member said that we cannot blame the Jubilee Government for this. However, on this one, even we as Parliament, if we do not really go further--- I will need guidance to make an amendment to this Report so that we sanction the Chairman of the National Land Commission (NLC). The Government cannot sit and do nothing having seen this Report from us. They simply cannot avoid taking action. There are provisions within law. These are the issues that make people think that Jubilee Government is not serious. We must provoke all the laws that are available to deal with this matter. That is the only thing that will make people know that we are serious.

Hon. Deputy Chairlady I will seek your guidance that I propose an amendment here to get the Chairman sanctioned and if possible removed aside the investigations on his involvement in criminal activities.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Member. It is now 5.55 p.m. and you know we have the Motion for Adjournment that we must start debating now. So, for those who still have interest in this Motion on this Report of the Committee on Lands, we will continue with the debate when the issue next comes on the Order Paper.

So, let us have the Hon. Leader of the Majority Party.

MOTION FOR ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

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

THAT, pursuant to the provisions of Standing Order No. 28 on the Calendar of the Assembly (Regular Sessions), this House adjourns until Tuesday, 7th February, 2017.

Hon. Temporary Deputy Speaker, as the curtain falls for the Fourth Session, I would like to thank all Members for their dedication and good work while carrying out their three core mandates of representation, legislation and oversight.

The two-month long recess will permit Members time to rejuvenate and adequately attend to their constituency obligations and family matters. I also want to thank the office of the Hon. Speaker, the Clerk and the entire staff of the Parliamentary Service Commission (PSC) who

in one way or the other have immensely contributed to the success of the Fourth Session that we are concluding today.

During the Fourth Session, we passed over 66 Bills, out of which 41 bills have been assented to by the President. This is unprecedented. It has never happened in all other Parliaments that a Session deals with 41 Bills and which have been assented to by the President. Key among those Bills passed during that part of the Session is the County Governments (Amendment) Bill, Senate Bill No.4, which we passed a few minutes ago. We also passed the County Assembly Services Bill and the Witness Protection (Amendment) Bill, which we also passed yesterday. There is also in the list, the Bribery Bill, the Insurance (Amendment) Bill, the Competition (Amendment) Bill, the Contempt of Court (Amendment) Bill and the Universities (Amendment) Bill among others.

Similarly, we have debated and adopted several reports, key among them the Report of the Committee on Environment and Natural Resources regarding the Ratification of the Paris Climate Change Agreement, which we passed this morning. Kenya, therefore, joins very few countries which have passed Paris Cop 21 Ratification of Climate Change Agreement.

We have also considered the Report of the Committee on Transport, Public Works and Housing on the Inquiry into the Status of the Implementation of Phase One and Phase Two of the Standard Gauge Railway (SGR); the Report of Standing Committee on Delegated Legislation on its consideration of the Parliamentary Service (Senate Monitoring and Evaluation) (Procedure for Management of Funds) Regulations 2016; the Report of the Departmental Committee on Administration and National Security on the Vetting of Lieutenant, Rtd. Col. Julius Ayub Githiri for the appointment of the Chairperson of the Board of the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA).

Hon. Temporary Deputy Speaker, as Members may be aware, the next year's general elections, which will be held on 8th August 2017, have necessitated several changes in the Budget cycle. I want to make it very clear that nobody in this country can change the date of the next general elections. Not even the political class of our society, or the Executive or the Judiciary or the Legislative arms of the Government, can change the date of the next general elections. I heard my good friend and former Deputy Prime Minister, Hon. Musalia Mudavadi, with his famous NASA – I do not know what NASA means – say that there are people who want to change the general elections date. For you to do so, you must make the people of Kenya go to a referendum.

Secondly, because of the Budget cycle, this House, and indeed the National Treasury, have already set the ball rolling for approval of next year's Budget, including the approval of all relevant Budget related items. The Budget Policy Statement is one of the items that are ordinarily submitted to the National Assembly in February. The Budget Policy Statement has already been submitted to the House for consideration. It will be scrutinised by the various committees of this House and critiqued. The committees will finally present their reports to the Budget and Appropriations Committee as we proceed on recess.

Hon. Temporary Deputy Speaker, the Committee of the whole House will be functioning until 15th December for them to resume in early January. The Departmental Committee on Finance, Planning and Trade, and the Departmental Committee on Legal Affairs, are supposed to prepare themselves for the approval hearings of the Independent Electoral and Boundaries Commission (IEBC) chairperson, and commissioners of the Commission for Revenue Allocation (CRA).

Upon resumption from recess, our priority business will be the Budget related items, consideration by Committees of the whole House of the Public Finance Bill, the Proceeds of Crime Bill and the Anti-Money Laundering Bill, among other Bills. I want to make it very clear that all the Bills that have not been introduced to the House, and more so those with constitutional timelines, as well as Questions that have not been put for Second Reading, cease to exist. I hope the relevant Committees will re-publish those Bills. When we resume we will deal with the reports on the investigations into the matters of wildlife poaching, Garissa University College terror attack, and procurement of apron buses by KAA, among others.

Hon. Temporary Deputy Speaker, the Jubilee Coalition is committed to the war against corruption. Our resolve to strengthen our coalition is now stronger than ever before even as our counterparts on the other side of the political divide continue with their attempt to undermine our efforts even though their own house continues to sink under the weight of present and past corruption cases. Corruption does not have colour, face, religion, ethnicity or political party. Corruption is a threat to our national security. We expect both sides of the political divide to fight corruption with one voice.

I hope that hon. Members will continue to preach peace and cohesiveness during recess. I would also like to congratulate the Kenya Defence Forces (KDF) for the excellent work they are doing in all the missions they are serving. I also want to echo our internal security agencies for maintaining peace and reducing the threat of terror within our borders.

This afternoon, I would like to sincerely thank the Cabinet Secretary (CS) for Education, Science and Technology. He is a CS who should be recognised by this House. He means what he says. He told us that he will make sure examinations are free from any irregularities. Many of us thought he was joking. For the first time in the history of our country, our children did their exams and within three weeks, today he has released the results.

(Applause)

The little information I got--- Of course the Cabinet Secretary (CS) and his team at the Ministry of Education, Science and Technology led by the Principal Secretary (PS), the county education directors, the Kenya National Examinations Council (KNEC), the many principals and teachers who participated in the administration of exams, the security agencies – all of them – we must appreciate and recognise them. The little bit I heard about the results today confirms that corruption pervaded examinations in our country compared to last year, only 5,000 pupils got 400 marks and above. That is a 30 per cent drop. 500 pupils got between 200 and 300 marks.

We want Matiang'i to move with the same speed in the universities. People who have never gone to primary school are getting degrees. I am happy this afternoon, Members did not realise that Hon. Chepkong'a's amendment on the degree requirement went through the Third Reading. Today, if Barclays Bank of Kenya or any financial institution wants to give you a job, they do not look at the degree you hold. They look at the scores you got in Form Four. You will find dancers at the Bomas of Kenya have degrees. Universities must be taken to task. There are people who have degrees and they do not qualify.

That is why I respect Kenya School of Law and the Council for Legal Education. Before they admit you at KSL, they look at your Form Four results. There are many people who call themselves professors in the streets but they have no papers.

I am sure those who do not have degrees, there will be a transition period. There must be a transition period. In the next Parliament, if you have no degree you should go to school. But for the 13th Parliament, everybody must have gone to school. That is why this afternoon, Members did not realise that Hon. Chepkong'a's amendment went through.

I want to thank all Members. Those who had issues, I want them to forgive the leadership. If we de-whipped you, if we reported you to the party leaders, if you did not like what we said, we want to ask for forgiveness as we go back to our families. We are like a school. And in a school, you spend four years with a colleague. We have a five-year class, so we forgive each other as we go. We represent the people of Kenya and we preach peace. We pray that our country grows bigger and bigger.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Jakoyo.

Hon. Midiwo: I thank you, Hon. Temporary Deputy Speaker. I rise to support and contribute to this Motion moved by the Leader of the Majority Party. I will be brief so that other Members can talk.

The Leader of the Majority Party took words from my mouth when he congratulated Matiang'i because that is the biggest story today. I have said it publicly that I think he is the only CS worth his salt in the Jubilee Government. He has proved he is the only torch shining in this corrupt Government. I am so happy. He deserves our accolades.

I cannot talk about exams of 2016 without talking about one Prof. Magoha. It is not Matiang'i doing it alone; it is the man from Gem. That is who we are. When you see Magoha doing it in such a short time, then you must know who we are. We do not just talk. When we promise to do, we act. Congratulations to all the candidates. It has shown that when there is a will, there is a way.

I want to raise only one issue, which lies squarely with the promises that the Jubilee Government made to Kenyans, that is, the creation of jobs. Is there something we can help them when it comes to creating jobs? I saw some statistics this week, which are chilling. They state that in 2016 alone, the country has lost 165, 000 jobs in the formal sector. That is not good for our economy. Both sides of this House have a duty. Whatever little time that we have left, we have a duty to do something. We have passed so many laws in this country in the last few years, which are anti-trade and anti-economy.

On the issues of taxation, there must come a time in this country, particularly in the election period, when we begin to ask ourselves why Kenyans are paying 30 per cent of their income as tax across the board. Why are poor people paying tax and yet they do not have water? When they go to their villages or houses, they still have to pay for, say, security. They together with MPs pay 30 per cent of their income to the Government. Before, there was noise that MPs were not paying taxes. Now, from this salary, Kenyans must know MPs pay Kshs351,000 from a salary of Kshs800,000. MPs do not have money that people imagine they have. They give it to the State. So the State has a duty to provide services. This House has a duty to help the State provide services and we can do it.

I know we are going to come back in a couple of weeks to deal with special issues. When we come back next year, we need to do our things differently.
I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to Member for Subukia.

Hon. Gaichuhie: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support this Procedural Motion. It is in the Calendar of Parliament. Secondly, we have been working so hard. We have passed so many Bills. Though we are going on recess, I know we still have the Budget Policy Statement (BPS), which I know we will be coming back next week to continue with. At least it is good that when we have a break, we do not need to seek for permission to meet in our Committee rooms.

All in all, I want to thank all hon. Members for having persevered in these hard times. I know we have a lot of things about corruption, NYS and all that. That thing has bogged us down from doing our duties. I want to thank everybody for participating in the Bills that we have been passing. I hope that when we come back for the final Session of the 11th Parliament, we will have quorum because we have lot of things to do. Though we are headed for an election, I urge my colleagues that we be present when we are passing the many Bills that we still have. We do not want it to be like the last Parliament when we could pass laws just four or five of us. It is good that we change the Constitution to make sure that we have 50 Members in the House. So, my colleagues, if we want to end this Parliament well, we should make sure that we are present in the House. This is so that we get the quorum of 50 Members and we pass credible laws.

With those few remarks, I want to wish everybody a merry Christmas and a prosperous happy new year 2017. You succeed in your elections. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I now give the Floor of the House to Member for Ugunja, Hon. Wandayi.

Hon. Wandayi: Thank you very much, Hon. Temporary Deputy Speaker. I wish to, of course, contribute to this Motion and support it because we need to go home and take a break.

This Fourth Session of the 11th Parliament of Kenya has been an eventful one. Indeed, one thing that sticks out throughout the course of this Session is the increased number of corruption cases that have come up. If there is any one thing that the world will remember Kenya for in this Session of Parliament that we are closing today, is the number of corruption cases that have come up. It is my prayer and hope that the relevant committees of Parliament, especially the Public Accounts Committee (PAC) will take this break to conclude these investigations and do proper investigations; not these shenanigans we are being treated to.

Corruption has brought down many countries and so we should take this matter seriously. It is also important for us to understand the fact that as we go for this recess, there is some pending business; some very serious business which is pending. That is the business of constituting the Independent Electoral and Boundaries Commission (IEBC). Until and unless the IEBC is fully constituted to the satisfaction of all Kenyans, we cannot sit and rest easy. We know the IEBC is the only body charged with the serious responsibility of managing elections. Therefore, it is my prayer also that during this recess, that matter of the constitution of the IEBC will be concluded. We pray and hope that that process will be undertaken in a most transparent manner.

It must also be understood that as we go on recess, there is serious campaign going on by the Jubilee Administration; a campaign to have one of our own, Madam Amina Mohamed to become the first Kenyan chairperson of the African Union Commission. It is good and I wish her well. But we must also ask ourselves how that campaign is being run because this is an era that calls for transparency and openness. There is a lot of money being spent in this process. This Parliament needs to be told when we come back which vote head is being used and how much has been spent on that exercise so far.

It is important but it must also be understood that as we seek to have one of our own head the African Union Commission, what really is driving us in that direction. It must be clear in our minds that Kenya, as a country, cannot afford to go the direction other countries have gone in this continent; the direction of withdrawing from the International Criminal Court or the withdrawing from the Rome Statute. That must be very clear.

Two or three days ago, you saw a massacre before our own eyes in Kasese in Uganda. Could that be the reason why these African countries are running away from the ICC so that they can continue to kill their citizens with impunity? If that is the sole reason why these countries are running away from the Rome Statute, then Kenya must not go that direction. If we go that direction as Kenya and more so as we approach this very pivotal elections, this country will go down the drains. That is a point that needs to be underscored.

As I conclude, it is also important to point out the fact that we are ending this Fourth Session with many Government projects not completed. Many of the promises that were given by this administration, when they came to power have not been fulfilled. It is time for this administration to do some soul searching to understand where the rain started beating them so that when we come back, we can help this administration to do, at least, a quarter of what they promised Kenyans.

I support; thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, hon. Members. Let me take this opportunity, on behalf of the Speaker, being the speaker who is on the Chair now as we adjourn this House to come back in February, to say that we are happy with the work that we have done in this Parliament. I think Kenyans have seen that we have done a lot of work and that we are committed to doing the job for which Kenyans elected us to do.

Hon. Members, also remember that you are here as Members of Parliament, mothers, fathers, husbands, wives and some of us are grandmothers. So it is important to go back and reconnect with your families so that you can do a better job for Kenyans.

ADJOURNMENT

The time being 6.30 p.m. this House stands adjourned until Tuesday, 7th February, 2017 at 2.30 p.m.

The House rose at 6.30 p.m.