

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 9th January, 2003

### Ninth Parliament - First Session - First Day

*(Ninth Parliament established by proclamation  
Legal Notice No.387 of 31.12.02)*

*The National Assembly met at 2.30 p.m. at  
Parliament Buildings on Thursday, 9th January,  
2003, it being the first day of the first  
meeting of this National Assembly.*

### ARRIVAL OF HIS EXCELLENCY THE PRESIDENT

*(The Clerk announced the arrival of His Excellency the  
President, the Hon. Emilio Mwai Kibaki, M.P.)*

*(His Excellency the President, the  
Hon. Emilio Mwai Kibaki, M.P.  
took his seat on the Front Bench  
as the Member for Othaya)*

*(The proceedings were opened with a prayer  
read by the Deputy Clerk of the National  
Assembly (Mr. P.C. Omollo)*

### PAPER LAID

The following Paper was laid on the Table:-

List of hon. Members of the House.

### ELECTION OF THE SPEAKER

**The Clerk of the National Assembly** (Mr. Ndindiri): Your Excellency, Hon. Members, pursuant to the provisions of Standing Order No. 3, I have laid on the Table the list of the names of the Members of the National Assembly.

Pursuant to Section 37(2) of the Constitution of Kenya, an incumbent Speaker ceases to hold office when the National Assembly first meets after a dissolution of Parliament. No business shall be transacted other than election of Speaker when the office remains vacant. The Speaker shall be elected by the National Assembly, in accordance with the Standing Orders, from among persons who are Members of the National Assembly or are qualified to be elected as such Members.

Acting under the powers conferred on me by Standing Order No. 4(1) and (3), I, Samuel Ndindiri, on 2nd January, 2003, invited interested persons and subsequently issued nomination papers for election of Speaker on the first meeting of this National Assembly.

The completed Nomination Forms were to be returned to me by 2.30 p.m. on 7th January, 2003. At the time set as deadline for the return of the forms, three candidates had fulfilled the requirement and were accordingly validly nominated. These in alphabetical order are Kausai Francis Xavier ole Kaparo, Joab Henry Omino and Ngoe Peter Oduor.

Pursuant to provisions of Standing Order No.4(1), I have prepared ballot papers in which I have entered

the names of the three candidates for today's election. However, I wish to inform the House that at 12.45 p.m. this afternoon, I received a formal notification by hon. Joab Omino, MP, that he had withdrawn from the race.

*(Applause)*

This, therefore, leaves two candidates and only the votes for the two will be counted.

The procedure for the election of the Speaker is in accordance with the provisions of Section 37 of the Constitution and Standing Order Nos.3 and 4, and it is as follows:-

Each Member will receive one ballot paper at a time.

(i) Every Member who wishes to vote shall mark his/her ballot paper by placing a cross in the space opposite the name of a candidate he/she wishes to vote for.

(iii) At the commencement of each ballot, the ballot box shall be displayed to the House empty and unlocked. (This is for transparency purposes). After which it shall be locked and placed on the Table to be in full view of the House for the duration of the election.

(iv) When all the Members present have voted, the Deputy Clerk and his assistants will unlock the box, examine and count the ballot papers. Papers not marked in accordance with the Standing Orders will be rejected and thereafter I will announce the results of the ballot.

(v) If in the first ballot no candidate is supported by two-thirds of all Members of the House, a further ballot will be taken. If again during the second ballot no candidate is supported by two-thirds of all Members, the two candidates who will have the highest and second highest number of votes cast respectively will qualify for election at a third ballot. The candidate with the highest number of votes in the third ballot shall be declared elected as Speaker.

I will now direct that papers for the first ballot be issued by the Deputy Clerk and his assistants, one ballot per Member.

*(The ballot papers were issued to the Members)*

Hon. Members, now that the ballot papers have been distributed, could we have an indication if there is an hon. Member who does not have a ballot paper so that he/she maybe issued with one? It appears that all of them do have. The ballot box has already been displayed to hon. Members.

The sequence of voting will be as follows:- For convenience, we shall start with His Excellency the President, and we shall also give a chance to the two hon. Members at the Bar. After that, we shall call hon. Members from this line to cast their ballots at the box which will be placed on the Table. We shall proceed from that front row up to this point and we shall repeat the exercise until all hon. Members have voted. So, shall we start?

*(Hon. Members proceeded to vote)*

*(The Clerk unlocked the ballot box and proceeded to count the votes)*

The Clerk announced the results of the first ballot as follows:-

NAME	VOTES
Kausai Francis Xavier ole Kaparo	205
Peter Ngoge	2
Spoiled papers	2

*(The Clerk accordingly declared hon. Kausai Francis Xavier ole Kaparo elected Speaker of the National Assembly and directed the Sergeant-at-Arms to search for the said ole Kaparo and bring him to the Chamber)*

*(Applause)*

*(On arrival of hon. Kausai Francis Xavier ole Kaparo in the Chamber, he was escorted to the Chair by the Vice-President, Mr. Kijana Wamalwa, and Mr. Uhuru Kenyatta)*

*(On arrival at the Chair, the Clerk thereupon administered the Oath of Allegiance to the Speaker-elect, hon. Kausai Francis Xavier ole Kaparo)*

*(The Speaker, hon. Kausai Francis Xavier ole Kaparo, then took the Chair, and the Mace, which before lay under the Table, was placed upon the Table)*

*(Applause)*

#### COMMUNICATION FROM THE CHAIR

##### SUBMISSION OF MR. SPEAKER TO THE WILL OF THE HOUSE

**Mr. Speaker:** Your Excellency the President and Commander-in-Chief of the Armed Forces of the Republic of Kenya and hon. Members, I would like to take this opportunity to thank you for the great honour you have bestowed upon me by electing me your Speaker. I wholeheartedly accept with humility the challenge and responsibility to provide leadership to this Parliament so that it can play its rightful role in steering this country to realise its destiny.

Hon. Members, at the outset, I would like to acknowledge the presence of the hon. Pius Msekwa, the Speaker of the Parliament of the United Republic of Tanzania, and that of the hon. Sekandi, the Speaker of the Parliament of Uganda.

*(Applause)*

They are both seated at the Speaker's Row, and I thank them for having graced this occasion. I would also like to bring to your attention the apologies I received this morning from the Speaker of the East African Legislative Assembly, who would have liked to be here with us this afternoon but could not make it. Nevertheless, he has asked me to convey his best wishes to this House today and in the years to come.

Secondly, I would like to congratulate all of you for winning the long struggle to be Members of the Ninth Parliament. This is the third parliament since the re-introduction of multiparty politics. As a nation, we have demonstrated political maturity in that a party that has been in power since Independence peacefully handed over power to another after losing the last general election. Each one of you should, therefore, be highly commended for having won the mandate of the people to represent them in this august House for the next five years.

In serving this House, I wish to assure the hon. Members that I will fulfil what the oath of office requires me to do. I will approach my duties with seriousness and dedication. All hon. Members are aware, as I also do, that the task ahead of us to reform this economy and other institutions of Government is immense. It will require the entire House to debate and arrive at decisions through negotiations and consultations. This calls for hon. Members to sharpen their negotiation skills and agree to play by the rules of the House. It is fitting to note that you can only apply the rules if you know and understand them. I, therefore, invite all hon. Members to familiarise themselves with the Standing Orders, the Constitution and the tradition of this House in order to participate effectively in the business of the House and Committees. I, as your Speaker, together with the officers of this House, will only be too pleased to help in these matters. I am certain that your more experienced colleagues will do likewise.

Finally, hon. Members, this is not an occasion for me to deliver a lengthy speech, but I must remind the House that while we have joined Parliament as individuals, parties or coalitions, let our goal be to transform this country into a great and respected nation. To this, as a House, we must provide leadership devoid of mudslinging,

malice, illwill, rumour and personal attacks. Our debates, and the views we express during such debates, those within and without the House, should be based on principles, policies and programmes which we aspire to achieve in this beautiful God-given country of ours. Let us not allow the goodwill we have won, both nationally, and internationally to be lost through becoming entangled in unnecessary squabbles and disputes. I hope we shall not allow the desire to serve oneself to loom under the pretext of serving the common good. This is your House and I am your servant. I, therefore, do now submit myself to the will of the House. Thank you very much.

#### ELECTION OF THE DEPUTY SPEAKER

*The Clerk explained the procedure required for the election of the Deputy Speaker pursuant to the provisions of Standing Order No.4(3). He stated that he issued and received back nomination papers for the Office of the Deputy Speaker from hon. Ekwee David Ethuro, hon. Musila David, hon. Poghishio Losuron Samuel and hon. Wetangula Masika Moses, who are duly qualified to be elected as Deputy Speaker. He further stated that he had received a written notification in which one of the candidates, hon. Ekwee David Ethuro, had withdrawn from the race. He explained that the contest, therefore, was between hon. David Musila, Hon. Samuel Poghishio and hon. Moses Masika Wetangula.*

*(The Clerk opened the ballot box and displayed it to the hon. Members)*

*(The ballot papers were distributed to the hon. Members)*

**Mr. Speaker:** Order! Can I know anybody who has not got a ballot paper? If you do not have one please, raise your hand.

*(An hon. Member raised his hand)*

Yes, I can see an hon Member raising his hand. Anybody else? Any other Member without a ballot paper? Now that we have ballot papers and I am informed by the Clerk that you have become expert voters, we will proceed in the same way you did in electing me. That is, we will begin with His Excellency the President and then we will go to hon. Parpai, hon. Leshore, hon. P. Kihara and then we will come back to the Vice-President and then go throughout this line. We will then begin again from the Leader of the Official Opposition and go all that way and hence we go to the second row until we finish. So, shall we now proceed! Can you show that the box is empty?

*(The ballot box was opened and displayed to the hon. Members)*

All right begin from here. Lock the box!

Your Excellency the Vice-President, can you lead the path on your side in the sequence in which you are seated?

*(The Vice-President led Government Members in voting)*

Could the Leader of the Official Opposition now lead hon. Members of your party in voting in the same way you are seated?

*(The Leader of the Official Opposition led his Members in voting)*

*(Loud consultations)*

Order! Order! Order, hon. Members! I think we have completed voting. Is there any hon. Member

who has not cast his or her vote?

**Hon. Members:** Hon. Fred Gumo!

*(Mr. Gumo stood up at the Dispatch Box)*

**Mr. Speaker:** Well, he has cast his vote! Is there anybody who has not cast his or her vote? Well, I take silence to mean no. So, Mr. Deputy Clerk, will you now bring the ballot box to the Dispatch Box, open it and start counting the votes?

*(The Deputy Clerk emptied the ballot box and counting of votes commenced)*

Order! Order hon. Members!

*(The Clerk opened the ballot box and proceeded to count the votes)*

The Clerk announced the results of the ballot as follows:

NAME	VOTES
Moses Masika Wetangula	30
David Musila	121
Samuel Losuron Poghisio	58

*(The Clerk accordingly declared the hon. David Musila elected Deputy Speaker of the National Assembly)*

**Mr. Speaker:** Order! I am informed by Mr. Muturi that Mr. Poghisio would like to withdraw at this stage. Is that so, Mr. Poghisio? Is that the position?

**Mr. Poghisio:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Well done! I also have further information that Mr. Wetangula would like to withdraw at this stage. Is that so, Mr. Wetangula? I would like to hear your confirmation!

**Mr. Wetangula:** I have not said so!

**Mr. Speaker:** You have not? Mr. Nyagah? I am sorry I have been misled! I am informed by Mr. Wetangula that I was misinformed. So, I beg your pardon. I, therefore, order--- Would you like to say something, Mr. Wetangula?

**Mr. Wetangula:** Mr. Speaker, Sir, I withdraw!

*(Applause)*

**Mr. Speaker:** Order, hon. Members! Having heard from Mr. Wetangula himself that he wishes to withdraw, I do here confirm that he has withdrawn! Therefore, that leaves only one person for that post, and that is Mr. David Musila. I, therefore, declare that Mr. David Musila has been elected to the post of Deputy Speaker. Congratulations, Mr. Musila!

We will now proceed to swear hon. Members to their office. I propose to do the following. First, I will swear in His Excellency the President. Then, I will swear in Mr. Parpai, Mr. Kihara, Mr. Leshore and Mr. Karume. After that---

**Hon. Members:** Why Mr. Karume?

**Mr. Speaker:** Order! For those hon. Members who have not visited Standing Order No.1, it says: "In all cases where matters are not expressly provided for by the Standing Orders or by other Orders of the House, procedural questions shall be decided by Mr. Speaker", and I so decide!

*(Laughter)*

Order, hon. Members! I will further bring to your attention that in due course of swearing in Members, it should take considerable time. At some stage in that course, His Excellency the President may wish to take his leave. So, except for Mr. Parpai, Mr. Kihara, Mr. Leshore and Mr. Karume, everybody else will be asked kindly to remain here and, at the end of this sitting, Mr. Speaker will have a very special message to all of you. So, shall we now begin the process of swearing in Members? I will ask hon. Members to stand for the swearing in of His Excellency the President and, thereafter, remain seated as we go on with the process. Please arise for the oath to be administered to His Excellency the President.

*(Hon. Members stood up in their places)*

#### ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Members:-  
His Excellency Hon. Mwai Kibaki

**Mr. Speaker:** I request hon. Members to stand for the four of them, and then you can sit down! You can sit down!

*(Hon. Members sat down)*

Geoffrey Mepukori Parpai  
Paul Samuel Kihara  
Sammy Prisa Leshore  
James Njenga Karume  
Bahari Abdul Ali  
Balala Najib Mohamed  
Bifwoli Sylvester Wakolo  
Billow Adan Kerow  
Wamalwa Michael Christopher

#### DEPARTURE OF HIS EXCELLENCY THE PRESIDENT

**Mr. Speaker:** Hon. Members, His Excellency would like to take his leave. Therefore, we will hold on for a while until His Excellency has taken leave and then proceed from there. Meanwhile, could Mr. Paul Kihara be brought to this other side of the House?

Hon. Members, it is now His Excellency's pleasure to take his leave.

*(Hon. Members rose in their places while His Excellency  
the President left the Chamber)*

Hon. Members, you may now resume your seats.

*(Hon. Members sat down)*

Could you call out the other group of hon. Members?

*(Loud consultations)*

Order, hon. Members! Can you listen so that you can hear your name when it is called out?

*(Mr. Biwott crossed the Floor  
without bowing to the Chair)*

Order! Mr. Biwott, you must go to the Bar and bow to the Chair!

*(Mr. Biwott went to the Bar  
and bowed to the Chair)*

*(The swearing-in resumed)*

Biwott Nicholas Kiprono Kipyator  
Boit William Kiplumbei  
Cheboi Moses Kipkemboi  
Chelaite Alicen Jematia Ronoh  
Chepkitony Lucas Kipkosgei  
Choge Jim  
Dahir Abdullahi Sheikh

**Mr. Speaker:** Order, hon. Members! We are seated in this occasion because it will take too long, but it is a solemn occasion. We are taking oath of office. Therefore, can we give the occasion the necessary reference that is due to it.

Dzoro Morris Mwachondo  
Ethuro David Ekwee  
Gachagua James Nderitu  
Galgallo Gurrach Boru  
Gitau William Kabogo  
Githae Robison Njeru  
Godana Bonaya Adhi  
Gumo Frederick Omulo  
Haji Yussuf Mohamed  
Ivuti Patrice Ezekiel Mwangi  
Kagwe Mutahi  
Kagwima Francis Nyamu  
Kaindi Peter Kyalo  
Kajembe Seif Ramadhan  
Kajwang' Gerald Otieno  
Kamama Asiman Abongotum  
Kamanda Maina  
Kamotho John Joseph  
Karaba Daniel Dickson  
Kariuki Godfrey Gitahi  
Kariuki Mirugi  
Karua Martha Wangari  
Karume James Njenga  
Katuku John Mutua  
Kembi Gitura  
Kenneth Peter  
Kenyatta Uhuru Muigai  
Keter Charles Cheruiyot  
Khalif Ahmad Mohammed  
Khalwale Bonny Basiye  
Khamasi Daniel Lyula  
Khamasi Joseph Matano  
Khaniri George Munyasa  
Kibunguchy Enoch Wamalwa  
Kibwana Kivutha  
Kihara Paul Samwel  
Kilimo Linah Jebii  
Kilonzo Julius Kiema  
Kimathi James Viscount  
Kimeto Antony Kipkosge  
Kimunya Amos Muhinga

Kingi Joseph Kahindi  
Kipchumba Joseph Lagat  
Kirwa Kipruto Rono  
Kituyi Mukhisa  
Kiunjuri Mwangi  
Koech John Kipsang arap  
Koech Sammy Cheruiyot  
Kofa Mugava Tola  
Kombe Harrisson Garama  
Kombo Musikari Nazi  
Konchella Gideon Sitelu  
Korir Joseph Kipkaptu  
Koros David Kiptanui  
Kosgey Henry Kiprono  
Dr. Kulundu Newton Wanjala  
Kuria Simon Kanyingi  
Kuti Mohamed Abdi  
Lesirma Simeon Saimanga  
Ligale Andrew Ndooli  
Maathai Wangari Muta  
Machage Wilfred Gisuka  
Madoka Marsden Herman  
Magara James Omingo  
Magugu Arthur Kinyanjui  
Maitha Emmanuel Karisa  
Maitha Moffat Muia  
Maitha Lucas Baya Mweni  
Manduku Hezron, Dr.  
Mango Christine Abungu, Dr.  
Manoti Stephen Kengere  
Maoka Richard Maore  
Marende Kenneth Otiato  
Masanya Godfrey Okeri  
Mbai Benson Itwiku  
Mbau Elias Peter  
Mganga Boniface  
Michuki John Njoroge  
Midiwo Washington Jakoyo  
M'Mukindia Kirugi Laiboni  
M'Nkiria Petkay Shem Miriti  
Mohamed Hussein Maalim  
Mohamed Abdi Mahamud  
Mohamed Abdi Haji  
Mohamed Abu Chiaba  
Moroto Samuel Chumel  
Moi Gideon  
Muchiri Geoffrey Parpai  
Mrs. Mugo Beth Wambui  
Muiruri Patrick Kariuki  
Muite Paul Kibugi  
Mukiri Macharia  
Mungatana Danson Buya  
Munya Peter Gatirau  
Munyao Joseph Konzollo  
Munyes John Kiyonga  
Muriithi Peter Gichohi



Eng. Muriuki Karue Muriuki  
Muriungi Raphael  
Murungaru Christopher Ndarathi  
Murungi Kiraitu  
Musila David  
Musyoka Stephen Kalonzo  
Mutiso James Philip  
Muturi Justin Bedan Njoka  
Mwakwere Chirau Ali  
Mwandawiro Mghanga  
Mwangi Onesmus Kihara  
Mwanzia Fredrick Daudi  
Mwendwa Winfred Nyiva  
Mwenje David Kamau  
Mwiraria Daudi  
Mwiria Valerian Kilemi  
Ndambuki Gideon Musyoka  
Nderitu Alfred Mwangi  
Ndile Richard Kalembe  
Ndolo Reuben Owino Nyanginja  
Ndwiga Peter Njeru  
Ngilu Charity Kaluki  
Ngoyoni Titus Lemusei  
Ngozi Abdalla Jumaa  
Nkaissery Kasaine Joseph  
Ntimama William Rongora ole  
Ntutu Stephen Kanyakine  
Nyachae Simeon  
Nyaga Norman Gathakari King'ang'i  
Nyaga Joseph William Nthiga  
Nyamunga Eric Opon  
Nyong'o Peter Anyang'  
Obwocha Henry Onyancha  
Odinga Raila Amolo  
Odoyo Peter Ochieng  
Oginga Oburu  
Ogur Tobia Orao Ochola  
Ojaamongson Sospeter Odeke  
Ojode Joshua Orwa  
Okemo Chrysanthus  
Okioma Samson Nyang'au  
Okundi Philip Okoth  
Olweny Patrick Ayiecho  
Omamba Herman Odhiambo  
Omino Joab Henry Onyango  
Omondi William Opondo  
Ondiek Stephen Alloys Oluoch  
Onyancha Joel Omagwa  
Oparanya Wycliffe Ambetsa  
Opore John Zebedeo  
Osundwa Wycliffe  
Owidi Peter Otieno  
Owino Charles Oyugi  
Poghisio Samuel Losuron  
Rai Samuel Gonzi  
Rotino Philip Ruto

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Ruto William Samoei  
Rutto Sammy Kipkemoi  
Prof. Saitoti George  
Salat Nicholas Kiptoo Korir  
Sambu John Kipkorir  
Sang Kipkorir Marisin  
Sasura Abdi Tari  
Serut John Bomet  
Shaaban Ali Isaack  
Shaban Naomi Namsi  
Shakombo Suleiman Rashid  
Sirma Musa Cherutich  
Soita Peter Shitanda  
Sudi David Kiprono Sutter  
Sogu Aden Ahmed  
Sungu Eric Gor  
Syongoh Zaddock Madiri  
Tarus Stephen Kipkiyen  
Too Ndongin Noah Arap  
Toro Joshua Ngugi  
Tuju Raphael  
Twaha Fahim Yasin  
Waithaka Mwangi  
Wamalwa Michael Christopher

Wambora Martin Nyaga  
Wako Amos Sitswila  
Wamunyinyi Athanas Misiko Wafula  
Wamwere Koigi  
Wanjala Raphael Bitu Sauti  
Wario Ali  
Wekesa Noah Mahalang'ang'a  
Were David Aoko  
Wetangula Moses Masika  
Weya Samuel Arthur

#### ADJOURNMENT

**Mr. Speaker:** Order, hon. Members! Before we adjourn to an unknown date, I wish to invite all hon. Members to your Restaurant, to enable you meet each other socially, after the rise of the House.

Hon. Members, it is now time for the interruption of business. The House, therefore, stands adjourned *sine die*.

The House rose at 6.40 p.m.