

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 29th June, 2016

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, I have two communications but, due to their importance, I will delay their delivery until we have a slightly bigger number of Members in the House.

PAPERS LAID

Hon. Speaker: Where is the Leader of the Majority Party? Is Hon. Washiali standing in for him?

Hon. Washiali: Hon. Speaker, on behalf of the Leader of the Majority Party, I beg to lay the following Papers on the Table of the House:-

Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2015 and the certificate therein:-

- (i) The Official Receiver; and,
- (ii) The National Cereals and Produce Board.

Thank you, Hon. Speaker.

Hon. Speaker: Let us have the Vice-Chairperson of the Departmental Committee on Labour and Social Welfare. Is that Hon. Tiyah Galgalo, whose Chairman is Hon. David Were? Next Order!

PROCEDURAL MOTION

EXTENSION OF TIME FOR PETITION ON REMOVAL OF IEBC COMMISSIONERS FROM OFFICE

Hon. Speaker: Hon. Chepkong'a, I understand that you are moving a Motion, pursuant to Standing Order No.230 (4).

Hon. Chepkong'a: Hon. Speaker, that is why I am looking for that Standing Order. I beg to move a Motion for the extension of time for consideration of the petition on removal of the chairperson and commissioners of the Independent Electoral and Boundaries Commission (IEBC) from office.

Hon. Speaker: Hon. Members on the other side cannot hear you, Hon. Chepkong'a.

Hon. Chepkong'a: Hon. Speaker, I was not addressing them because they are depleted in terms of numbers. I thought they were listening because they are fewer.

Hon. Speaker: Hon. Chepkong'a, your Motion should be "THAT, notwithstanding the provisions of Standing Order 230(4)---"

Hon. Chepkong'a: Yes, Your Excellency Hon. Speaker. You are number three in this country's leadership pecking order. Therefore, you also belong to the "Excellency" clout.

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

THAT, notwithstanding the provisions of Standing Order 230(4), I wish to seek for extension of time for consideration of the petition for the removal of the Independent Electoral and Boundaries Commission commissioners, namely; the Chairman and eight members, to be extended by a further period of 10 days from tomorrow, 30th June 2016.

Thank you, Hon. Speaker.

Hon. Speaker: Is there anybody seconding you?

Hon. Chepkong'a: Yes. It is the Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Speaker. The Chairman of the Departmental Committee on Justice and Legal Affairs has to withdraw. He used a term that is used in forestry. He said "the number is depleted".

Hon. Speaker, the Committee Chair has asked for an extension. It is within time. The matter is serious. It is a Petition he needs to consult a number of stakeholders.

I second.

Hon. Speaker: Hon. Chepkong'a, fortunately, I approved your Motion and so, I know the terms in which it is couched. It seeks leave of the House to extend the period within which to consider the petition filed by one citizen, Barasa Nyukuri for the removal of the nine commissioners of the Independent Electoral and Boundaries Commission (IEBC), by a further 10 days after 30th June 2016. That is the proposal by the Chair of the Departmental Committee on Justice and Legal Affairs.

(Question proposed)

Hon. Members: Put the Question.

(Question put and agreed to)

(Several Members walked into the Chamber)

Hon. Speaker: Those Members making their way in, can they do so fast? The Member for Uriri, take your seat.

COMMUNICATION FROM THE CHAIR

SPEAKER'S KAMUKUNJI

Hon. Members, I have a short Communication relating to some business to be transacted tomorrow for the benefit of all Members.

This is to inform you that there will be a Speaker's *Kamukunji* tomorrow Thursday, 30th June 2016 at 11 a.m. here in the National Assembly Chamber, Main Parliament Buildings. The purpose of the said *Kamukunji* is to allow the Cabinet Secretary (CS) for Information and Communication Technology to apprise Members on the planned establishment of constituency innovation hubs.

You are all invited, Hon. Members.

(Applause)

TIMELINES FOR FILLING VACANCIES IN SELECT COMMITTEES

This second Communication relates to the timelines for filling vacancies in Select Committees occasioned by resignations and/or removal. As you may recall, on 16th June 2016, I issued a Communication to this House regarding the discharge of the following Members of the Coalition for Reforms and Democracy (CORD) from the Departmental Committee on Justice and Legal Affairs:

1. Hon. David Ouma Ochieng, MP
2. Hon. Neto Agostinho, MP
3. Hon. Kaluma Peter, MP
4. Hon. Fatuma Ibrahim Ali, MP
5. Hon. Ben Momanyi Orori, MP
6. Hon. T. J. Kajwang', MP
7. Hon. Bishop Mutua Mutemi, MP
8. Hon. Olago Aluoch, MP
9. Hon. Christine Oduor Ombaka, MP
10. Hon. Benjamin Andayi, MP
11. Hon. Mwamkale William Kamoti, MP

Whereas the discharge of the said Members took effect immediately, pursuant to the provisions of Standing Order No. 176(2), I am reliably informed that the Committee on Selection is yet to receive names from CORD nominating any Members to fill the vacancies left by the discharged Members. Standing Order No. 173(3) prescribes the timeline for filling a vacancy in a Select Committee arising from resignation or removal of a Member. For clarity, the said Standing Order reads as follows:-

“A vacancy occasioned by resignation or removal of a member from a select committee shall be filled within fourteen days of the vacancy.”

In this regard, I wish to draw the attention of the CORD Coalition and, indeed, the House that today Wednesday, 29th June, 2016 is the thirteenth day from when the discharge of the said members took effect, implying that only one day is remaining for the said vacancies to be filled. The coalition is, therefore, advised to hasten submission of nominees to the Committee on Selection for appointment by the full House to fill the said vacancies.

Hon. Members, I wish to draw the attention of the House to the fact that it is our practice that Committees must all be fully constituted. Therefore, failure by any side of the House to fill vacancies will necessitate the Speaker taking other necessary and appropriate action.

(Applause)

Hon. Chepkong'a: On a point of order, Hon. Speaker.

Hon. Speaker: There can never be a point of order on my Communication.

(Loud consultations)

Hon. Members, there can never be a point of order on that Communication. Anybody desiring to discuss that matter will be out of order. You cannot inform the Chair.

(Laughter)

Hon. Members, let us follow our own Standing Orders, please.

Hon. Serut: *(Inaudible)*

Hon. Speaker: Progress on what? No, we have not got there. Do not ask anything; you cannot ask me when I am here. Let us leave it at that.

Hon. Members, I hope everybody is in possession of the Supplementary Order Paper.

Hon. Members: No.

Hon. Speaker: Unless the Members who are responding in the negative walked through some other routes other than the main door, you should have it. There is a Supplementary Order Paper. I hope every Member is in possession of the same. We will be proceeding on the basis of that Supplementary Order Paper.

Next Order!

Hon. Ichung'wah: On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Kimani Ichung'wah, what is your point of order?

POINT OF ORDER

DELAYED CONSIDERATION OF PETITION ON EMERGENCE OF MILITIA IN THE COUNTRY

Hon. Ichung'wah: Thank you, Hon. Speaker. My point of order is in regard to the issue of petitions brought to this House. You have just communicated a Petition by a Kenyan. About three months ago – the Chair of the Departmental Committee on Administration and National Security, Hon. Kamama, may be better apprised of the matter – on behalf of Petitioners from Kiambu County, I tabled a Petition before this House, and it was committed to the Committee. It was on issues to do with the establishment of militias in this country and the threat that such militias portend to members of the public. I am sad that all these months after that Petition was committed to the Committee, nothing tangible has happened. The only thing that happened is that the Committee invited the Petitioners and me to appear before it and we gave evidence. In other issues relating to that Petition, threats have been issued to me and to my life. About three weeks ago on 20th May 2016, three people trailed me from my Kikuyu Constituency Office to my residence in Kikuyu purporting to have an appointment that I had never arranged with them. They had hired a taxi from near Alliance High School. Subsequently, the Director of Criminal Investigation (DCI) in Kikuyu was able to track the car that they had used, which was a taxi cab.

We have since established that the people never had any good intentions on me or my family. Last week on Wednesday, the same group dropped an anonymous note at my gate at my residence in Kikuyu. It does touch on the establishment of illegal militia and gangs in this

country. If you allow me, Hon. Speaker, I will read the note and table it before the House, together with the official report that I have made to the DCI. The note was titled: “*Wanangaza*.” As far as I am able to gather, *Wanangaza* is a group that has emerged after the demise of *Mungiki*. It was addressed to domestic servant who stays in the residence, a Mr. Karanja. He was told:-

“Karanja, uliandikisha ripoti kwa polisi. Ulikutwa na watu ukatuma mipango yetu isambaratike lakini utajua sisi ni wanangaza. Tunaanza na wewe Karanja na kuanzia leo tunakuwinda. Bado tuko na mipango ya mheshimiwa. Utampa asome alafu mupeleke kwa polisi.”

I am reading it in the language it is written.

“Mwisho wenu ni polisi. Futi sita mtaenda.”

This means that they intend to make sure that I and the said Mr. Karanja, who these *Wanangaza* accuse to have scuttled their plans to harm me, will see our grave. For the record, I want to say that I did adduce that Petition in this House as a representative of the people of Kikuyu and the people of Kiambu who had petitioned this House to look into issues to do with the militia. What worries me is that the said Mr. Karanja had actually made a report to the Kikuyu Police through the Kikuyu Criminal Investigation Department (CID) Office. It, therefore, bewilders me how the same gang was able to know that Karanja had made a report if there was no collusion with people within the police force in Kikuyu or the CID Office in Kikuyu. Three months ago, we had to force the transfer of the DCI Kikuyu and the Officer Commanding Station (OCS) over issues that related to the disappearance and death of a *matatu* operator by the name Mr. Ng’ang’a, who was found killed in Gilgil after having been abducted in Kikuyu.

This matter is so grave that today, you will see the Judiciary, the Law Society of Kenya (LSK) and human rights organisations talking about the mysterious disappearance of a young lawyer, Mr. Willy Kimani. Unfortunately, that Willy Kimani also happens to hail from my village in Kikuyu. What worries me is that, that young man was abducted after leaving court in Mavoko. Today, we are told, and I read in some of the dailies yesterday, that the taxi car that the young man had used to Mavoko Law Courts was found abandoned in Tigoni.

Hon. Speaker, I beg to ask the question that in this day and age, when Jacob Juma was killed within a few days, we were able to see movements of his car. I am asking myself questions. If that car was in Mavoko, it did not fly like a chopper from Mavoko to Tigoni. It used the roads that are manned by the Safaricom cameras. I want to say that there is a lot of lethargy and a do not-care attitude within our police service. When the incident of a threat to my life on 20th May 2016 happened, I discussed the matter with the Cabinet Secretary (CS) for Interior and Coordination of National Government. I wrote officially and formally to him, copied the letter to the DCI, the Inspector-General of Police (IGP), the Director-General of the National Intelligence Service (NIS), but I am sorry to say that to date, even as I sit here, I sit as a man whose life is in danger. I do not know whether I will wait.

The late George Muchai expressed fears over his life and we only turned up at his funeral in Kabete to promise that we will leave no stone unturned. He is turning in his grave today and he is dead and gone. Are we going to wait for members of this House, including Hon. Duale who is shouting here, to disappear like that young Willy Kimani, an advocate, who has disappeared today? We do not know his whereabouts and that of the accused person who he had gone to represent in court and the innocent taxi driver. What that young advocate was doing in court was to represent another young man, a *boda boda* rider in Athi River, who had been shot and injured by an Administration Police officer. He was then charged in court on what are said to be

trumped-up charges of being in possession of *Marijuana*. That young man was in exercise of his duty as an advocate. I speak in this country and this House as an elected Member of Parliament representing the people of Kikuyu.

In my statement to the police, I have given leads on political issues within Kiambu County and Kikuyu Constituency. It is a matter that, as a House, we should take seriously, because in the run-up to an election, if we do not look into the growth and rise of militia gangs, they will be used by our opponents to eliminate those of us they think they cannot use the ballot to get rid of in 2017.

I, therefore, beg that you give directions and the Chair of the Departmental Committee on Administration and National Security does apprise the House. Why is it that when we submit Petitions to his Committee, these things are taken lightly? I also beg the I-GP and the CS for Interior and Coordination of National Government to deal with my case. Since I feel very threatened, you realise I am never in this House beyond 4.30 p.m. I have to be home. I have had to hire a lot of personal security. I wish to beg that you direct the CS and the I-GP to provide enough security.

I can see Hon. Jakoyo is laughing because he knows last night I was in a television show with him and he knew the lengths I had to take. I had to come there in two *matatus* full of my supporters who, if the Government fails to protect me, my people will protect me. However, I do not want to be among those who will gang up militia to protect themselves.

(Laughter)

Hon. Speaker: Hon. Members, I am surprised that what Hon. Kimani Ichung'wah is saying is causing you to laugh. I think he is so serious. In fact, I want to allow a few more members to make their comments in this regard. Do not localise. It is not a village matter. I can see some people are trying to indicate that their microphones should be put on because they are concerned. It is not local. This is a very serious matter. That is the reason I want to hear some more informed comments. I want to hear informed comments and not just any comments. I want to get a transcription of the HANSARD so that I can forward it to the I-GP and the CS in charge of Interior and Coordination of National Government so that they can see the concerns of this House. The matter is not just local. So, let us try to make our comments in a manner that will help whoever it is that is going to see the transcription to understand that the matters you are raising are serious as well as the response from Hon. Kamama.

Before Hon. Kamama responds, I can see Hon. Midiwo is burning to say something.

Hon. Midiwo: Thank you Hon. Speaker, for giving me the opportunity to express my disgust and say that I am not dismayed anymore. What this House needs to address itself to is the mere fact that there is a near collapse in our security system.

Hon. Ichung'wah yesterday shared with me what he is saying and it is all over the news. I saw him quarrel with an Officer Commanding Police Station (OCS) about this issue. He went to him demanding information on behalf of his people. What comes to mind is that about four or five days ago, a policeman was killed when he boarded a *matatu* that had gangsters. The speed with which the killers were sought and some of them killed was within two to three days. That is the speed we require to sort out this kind of case.

Why do the police only protect themselves and what are they protecting? Are the police not supposed to live to the true calling of their duty? Hon. Kamama, this is your Committee's baby. The new Constitution envisaged a scenario where we would reform the police force. What

we have is not working for Kenyans. In my constituency, I have a scenario where an Officer Commanding Police Division (OCPD) was drinking in a bar and somebody was murdered 200 meters away and he did not respond. That man was taking his child to hospital when he was murdered by common criminals on the road. I complained. I spoke to the I-GP and Mr. Kavuludi. That was one year ago and to date, that OCPD is still there. If you want him, you will find him in a bar. They even transfer other policemen, but that particular one seems protected.

This is the situation my friend Hon. Ichung'wah has found himself in. Unfortunately for him, those people have killed one of his own; an educated Kenyan and a lawyer for that matter. How can somebody drive from a court in Mavoko to Nairobi and his car is not detected anywhere. When we were complaining about the death of Jacob Juma, we said it was clinical. We knew what happened. Even when Mr. Ndegwa Muhoro released the tapes, you could see he was selecting a few. The killers of that young lawyer are known. Because of what I saw and followed in the Jacob Juma case, I can point fingers because the police know who killed that young man.

He was following a case where a police shot and attempted to murder another Kenyan. I am on a point of order and about to finish. This is a scenario where this Parliament has to instruct. Hon. Speaker, you have said you are going to talk to the I-GP and you have the powers. The devil is in the House. The Departmental Committee on Administration and National Security must recommend to this country, going forward, on how we are going to run our security systems. Let us all work together. We have the numbers and time. We are paid to recommend a workable security formula for our country.

If you go to the counties, the Administration Police (APs) and regular police have refused to work together. Even if it requires a constitutional amendment, let us do it. In the counties, we have Deputy County Commissioners and Assistant County Commissioners. They cannot enforce security because they do not have police officers. The police do not respond to them. What is the work of an Assistant County Commissioner? I want to speak to the Leader of the Majority Party. Please, convince your side that there are some things in our Constitution that are not CORD issues. They are Kenyan issues. They need changing and looking into. When we talk about these issues, they are not just about Independent Electoral and Boundaries Commission (IEBC). Let this country dialogue and debate the wrong 20 per cent in this Constitution because this is one of them.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Francis Waititu.

Hon. Francis Waititu: Thank you, Hon. Speaker, for giving me a chance to contribute; more so, coming from Kiambu County. About three weeks ago, I called the I-GP to report to him the death of some people in Juja Constituency. I have a record of six people who were shot dead. I called him at night to inform him that security in Juja Constituency is wanting. I come from Kiambu County and I am supporting Hon. Ichung'wah. In Kiambu County, we have lost three former Members of Parliament. Up to date, the Kiambu people have not been told how they met their deaths.

One is Hon. George Thuo, the former Member of Parliament for Juja, who died mysteriously. There is also a former Member for Gatundu South, Hon. Joseph Ngugi. After the death of Hon. George Muchai, I was charged in court because I mentioned at one time that we wanted to know how George Muchai died. I spent more than Kshs.600,000 on lawyers because I mentioned a word which was called 'hate speech'. That court case is still ongoing.

Hon. Kimani Ichung'wah is somebody that Kiambu County is looking up to. Definitely, he is a young man who is vocal and fearless. The late George Muchai spoke in this House, although not on record, while we were having tea and lunch and said that his life was in danger. Now, we have heard Hon. Ichung'wah saying the same. Hon. Speaker, I would kindly ask you to speak to the IG about this.

In Kiambu County, there is insecurity because we are near the capital city and the population is very high. I do not have an OCPD in Juja Constituency and in that district. I even spoke to the I-GP and told him that we require an OCPD so that as to improve security. I live in Juja and every time I am out at night---

Hon. Speaker: You know the opportunity was not for people to express the insecurity in their constituencies. Otherwise, everybody here will talk about how insecure their villages are. We are addressing the specific issue.

Hon. Francis Waititu: As I conclude, Hon. Speaker, I would ask you kindly to add some security personnel to Hon. Kimani Ichung'wah.

Hon. Speaker: Very well. Member for Busia County. She has acquired a new name recently. You have assumed the role of a majority leader. Hon. Midiwo is giving you another baptismal name.

(Laughter)

Hon. (Ms.) F.M. Mutua: As I stand to contribute, Hon. Speaker---

Hon. Speaker: Please do, Hon. Florence Mutua. You can contribute from there. Just speak.

Hon. (Ms.) F.M. Mutua: As I stand to contribute on the Statement that has been made by Hon. Ichung'wah, it is important to know, as a country, that we have very many unresolved murders up to date. It is of great concern when one Member of Parliament (MP) speaks about his life. He has spoken about the militias that have come up, especially when we are approaching elections. We have militias in Busia and Mombasa. We will have militias everywhere especially when we are approaching the election period. So, it is an issue that should be taken seriously and that Petition should be looked into by the concerned Committee as fast as possible.

Hon. Ichung'wah has spoken about the lawyer who has disappeared and it is a big concern. A human being cannot just disappear for two or three days without his family knowing where he is. That has been a big concern. Now that he has talked about his life, it is more worrying. We immediately need to have Hon. Ichung'wah's security beefed up so that he can be secure. His constituents do not have the power to protect him. So, it is important that the Cabinet Secretary (CS), Maj.-Gen. (Rtd.) Nkaissey, looks into that matter and protects Hon. Ichung'wah. It is also important for us Kenyans to be told if the cameras that were installed in Nairobi and all the other areas work because we never get any feedback on whether those cameras capture anything. So, it is important for us Kenyans to know if those cameras are working or the taxpayers' money just got lost.

So, I request that Hon. Ichung'wah's life be protected. The CS Nkaissey needs to focus more on security issues because Kenyans need to be secure in all their areas of life. We have important matters on security. We have the conflict that is going on in Nandi and Kisumu. We all need to be protected. We need to be secure. There are other important issues than looking at the Coalition for Reforms and Democracy (CORD) issues.

Thank you.

Hon. Speaker: Hon. Kamama.

Hon Abongotum: Thank you, Hon. Speaker. On behalf of the Departmental Committee on Administration and National Security, I take this opportunity to assure and confirm to the House that we do not take such reports lightly. Any security report, even if it is a rumour, must be taken seriously until it is confirmed that it is a rumour.

So, the Petition on this matter was brought before my Committee through your instruction. We have met the residents from Kiambu together with the MP and we want to confirm to the House that, as we speak, we have received reports that there are traces of *Mungiki* in Kiambu County and even in Nakuru. The Member for Nakuru, Hon. Gikaria, also reported to this Committee that he was even harmed by the same group. So, we want to confirm to the House that I have spoken to Hon. Ichung'wah and he has shown me that report. We are going to prioritize this issue. We are going to expedite it and in a week's time we will demand the CS, Interior and Coordination of National Government and also the Inspector-General of Police, the Director of Criminal Investigation (DCI) and the National Intelligence Service (NIS) to give sufficient security to Hon. Ichung'wah. We do not want to praise this brilliant legislator when he is going to the box. You know what I mean. We do not want a repeat of what happened to Hon. Muchai, the parents of my friend, Hon. Aduma and the rest of those other suspicious murder cases. So, we will take this matter seriously and in a week's time, we shall be able to give a report to this House.

However, as a Committee, we will direct that Hon. Ichung'wah be given sufficient security but the CS, I-GP, DCI and NIS should get to the bottom of this issue. When *Mungiki* were operating in this town - and I want Hon. Members to give me a hearing - it took the efforts of the late Hon. Michuki to wipe them out from our midst. They had taken over all the bus stops, including Eldoret. So, we will take this matter seriously and report to the House. When Hon. Ngunjiri's gun was taken away from him, we demanded that his gun be returned and we also copied the letter to you. So, we will demand that action be taken so that we do not lose the life of our brother here. We will also ensure that CCTVs are working. We voted as a House and as a Committee for some money and we want to make sure that those CCTVs are working and assisting Kenyans on all matters of surveillance in this country.

Lastly, Hon. Midiwo mentioned the issue of reforms in the police and I want to confirm to the House that we have done a lot to amend the National Police Service Commission Act, to ensure that it is working and is delivering to Kenyans. The issue of parallel command, we have confronted it with the Inspector-General and the CS over 15 times and they have confirmed to me that in each and every county, there should be one person having overall command. That is because a parallel command will not assist Kenyans.

Hon. Speaker, they have promised that they are going to take action and so far, they are telling me that some counties are being commanded by the Administration Police (AP) and others by the National Police Service (NPS). So, it is something that we are taking very seriously.

With those few remarks, I want to confirm to the House that we will take action, expedite the Petition and demand that Hon. Ichung'wah be given maximum security.

I thank you.

Hon. Speaker: Hon. Members, there is nothing out of order. This was not business anyway. You need to appreciate that.

Anyhow, Hon. Members, I will get the HANSARD transcription of that plus our own directions communicated to the relevant authorities. More importantly, we should find it in our

place to set aside one full morning, we call into this Chamber a *Kamukunji*, the CS, Inspector General of Police and his team to come here and respond to the various concerns that Members are raising because it appears that whenever you approach those things piecemeal, nothing seems to be happening. We need them to come here and give assurances to the entire House in a *Kamukunji*. We cannot continue operating this way. It is not possible! So, even as much as Hon. Kamama is going to expedite the concerns of the Petition, as a House, we need to set aside one Thursday or Tuesday to have those officials come here and respond to the various concerns that Members have. It is part of your responsibility in terms of Article 95 to discuss matters of concern to the people and try to resolve them. More importantly, it will be good for them to come and respond to all the issues that many of you have raised, and which may not be captured in this particular incident.

Hon. Members, before we proceed I want to recognise the presence, in the Speaker's Gallery and the Public Gallery, Riverbank Primary School from Starehe Constituency, Nairobi County; Kimathi Primary School from Kamukunji Constituency, Nairobi County and AIPCA Weru Wanguru Church from Gichugu Constituency, Kirinyaga County.

They are all welcome to observe the proceedings of the House.

(Applause)

Next Order!

PROCEDURAL MOTION

APPROVAL OF SITTING AT 6.45 P.M.

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

THAT, pursuant to the provisions of Standing Order No. 30(3)(b), this House resolves to hold a Sitting today, Wednesday, June 29, 2016 at 6.45 p.m.

This is part of the decision which was reached in the House Business Committee (HBC) last evening. It is as a result of the coming to an end of the Financial Year 2015/2016, with only tomorrow remaining. I am sure that the Members raised a number of reservations this morning. We have agreed that this will be the last time the Cabinet Secretary will affect the independence and the calendar of the National Assembly. We approved the Second Supplementary Estimates of Financial Year 2015/2016 Budget in the morning. We are only remaining with the Appropriation Bill of those Supplementary Estimates.

The President will sign the warrants and the Bill into an Act of Parliament tomorrow morning. This will give the National Treasury and the various State departments time to spend the money allocated to them in the Second Supplementary Estimates. It is a small matter. I am sure that it will not take more than 20 minutes. The Sitting will be between 6.45 p.m. and 7.30 p.m. Extraordinary time requires extraordinary measures. The HBC, in its wisdom, under your chairmanship, decided to close the financial year by making sure that all the necessary legislations have been done for effective and efficient usage of the money we appropriate to the three arms of the Government, namely; the National Treasury, representing the Executive; Parliament, through the Parliamentary Service Commission and the Judiciary, through the Judicial Service Commission.

With those remarks, I beg to move and ask Hon. Katoo ole Metito to second.

Hon. Katoo: Hon. Speaker, the Procedural Motion has been moved quite ably by the Mover, who is the Leader of the Majority Party. The HBC resolved yesterday that as we come to the end of the financial year, which is tomorrow, Thursday, 30th June, it will be good to regularise everything that pertains to that financial year. The next financial year starts on Friday this week. This House passed the Budget for the Financial Year 2016/2017 yesterday. The Budget will come in an appropriate way because we shall have passed the necessary legislation with respect to the Financial Year 2015/2016. Therefore, the next Sitting will start at 6.45 p.m. According to our Standing Orders, this Sitting will end at 6.30 p.m. There will be the Speaker's procession for 15 minutes and then we will come back to start the third Sitting. That is procedural. I request my colleagues to come back and give quorum to that particular Motion. I promise that the Sitting will not last more than 30 minutes.

Hon. Speaker, I beg to second.

Hon. Speaker: Hon. Members, if you are walking out, do so or take your seat.

Hon. Members, I hope you understood what was explained by the Leader of the Majority Party and the Majority Party Whip about this particular Procedural Motion. It does not require a lot of explanation. Nevertheless, let me propose the Question.

(Question proposed)

Hon. Members: Put the Question! Put the Question!

Hon. Speaker: Is it the mood of the House that I put the Question?

Hon. Members: Yes!

(Question put and agreed to)

Next Order!

MOTION

RATIFICATION OF THE EAST AFRICAN COMMUNITY PROTOCOL ON SANITARY AND PHYTOSANITARY MEASURES

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on its consideration of the East African Community (EAC) Protocol on Sanitary and Phytosanitary (SPS) Measures, laid on the Table of the House on Wednesday, 22nd June, 2016 and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of the East African Community Protocol on Sanitary and Phytosanitary (SPS) Measures.

(Hon. Mbiuki on 28.6.2016)

(Resumption of Debate interrupted on 28.6.2016)

Hon. Members, the debate on this Motion was concluded yesterday. What remains is putting of the Question.

(Question put and agreed to)

APPROVAL OF NOMINEES TO MOUNT ELGON
CONSTITUENCY COMMITTEE

Hon. Speaker: Hon. Lessonet, are you the one moving that Motion?

Hon. Lessonet: Hon. Speaker, for the avoidance of doubt, I am the only one who can move the Motion. I beg to move the following Motion:-

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituencies Development Fund Act, 2015, this House approves the nominees listed hereunder to the Mount Elgon Constituency Committee of the National Government Constituency Development Fund:-

Stephen Chongin Chemoss, representing male youth; Geoffrey Matasero Chemos, representing male adult; Faith Cheptarus Burmen, representing female youth; Salome Chenugut Senden, representing female adult; Bernard Kipruto Matayo, representing persons with disability; Wilfred M.N. Musamali, male nominee of the Constituency Office and Lydia Cherugut Emase, female nominee of the Constituency Office.

Hon. Speaker, this is the 290th constituency. I beg this House to approve these nominees so that the 290 constituencies can have the nominees to their National Government Constituencies Development Fund (NGCDF) committees fully in place. This is the last constituency.

This constituency was delayed by those sometimes we refer to as “busy-bodies” who like rushing everything to court. When it was time to nominate these nominees in Mt. Elgon, we got a few Kenyans going to court to stop that process. The court has finally allowed the nominees to be appointed. That is why they are now before this House. As we do that, Members may wish to note that we also have litigants in the name of Katiba Institute and the Institute for Social Accountability, also referred to as TISA, who have also taken the National Government Constituencies Development Fund (NGCDF) to court. Just like this, we also believe that the courts will listen to us. They will listen to the submissions done by the national Government CDF Board and the Attorney-General to the extent that NGCDF is now valid. We have succeeded to streamline it in accordance to the Constitution.

In this new law, there is no way the NGCDF can be unconstitutional considering the time we put in and the brains that went through in writing that Act. You were also satisfied that this Act now complies with the Constitution. I would like to take note of those litigants. We need to investigate more and get to know the exact agenda of those litigants. This is the second time they are taking the NGCDF to court. The same litigants have equally taken the Affirmative Action Fund to court. This time, they are a bigger team in that they are with the governors. You can imagine that the governors of this country want to deny those kids in primary school a decent classroom, children in secondary school decent toilet facilities and deny students from poor families bursaries.

For avoidance of doubt, Kshs10 billion of NGCDF goes towards bursaries. It goes towards paying fees for students from poor families pursuing higher education - whether in tertiary colleges or universities. We need to know one another and know what those governors are up to.

With those remarks, I beg this House to approve these nominees. Allow me to call upon my colleague here, Hon. Shidiye, to second.

Thank you.

Hon. Speaker: Hon. Shidiye, are you the one seconding?

Hon. Shidiye: Thank you, Hon. Speaker, for giving me an opportunity to second this Motion. The NGCDF has been a milestone and a good programme in this country. The NGCDF has been a life changer in rural Kenya. It has assisted in building of schools, hospitals, provision of water and bursaries for students. You cannot underrate the NGCDF in this country.

It is very unfortunate that Kenyans have become busybodies by taking this matter to court. The late Sharif Nassir one time told me that we will have more court cases in this country than any other country in Africa. Today, we have one of the most progressive constitutions in this country. Anybody with any frivolous issue takes you to court for nothing. That is why it is important that our cause becomes very firm, our Parliament becomes very firm and we bring development to our people.

Life in rural Kenya is very difficult. I remember I was in the former Parliament where we never used to have NGCDF. We used to do many *Harambees* and many other things whose impact at the end of the day was very minimal. Time has come for the public and Kenyans to be told. I am sure the mood of the public is with us. We need to support the NGCDF in and out of Parliament. The county governments must also come together and support NGCDF.

I beg to second. Thank you.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: There is no debate on this?

(Question put and agreed to)

ADOPTION OF THE REPORT ON THE VETTING OF NOMINEES FOR
APPOINTMENT TO THE PRIVATIZATION COMMISSION

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

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on the Vetting of Nominees for Appointment to the Privatization Commission, laid on the Table of the House on Tuesday, June 28, 2016, and pursuant to the provisions of Section 5 (1)(d) of the Privatization Act, approves the appointment of the following persons as Members of the Privatization Commission:-

1. Amb. Boaz Kidiga Mbaya;
2. Mr. Wilfred Sang;
3. Mr. John Boru Halake;
4. Ms. Faith Chepkemboi Bett;
5. Mr. John Joseph Tito;
6. Mr. Mohamed Suraw Isaak; and,
7. Ms. Zipporah Mukoruru.

On Tuesday, 14th June 2016, you brought the names to the Floor of the House. Pursuant to that, we proceeded to the next stage, which was calling the nominees to appear before the Committee. Section 5(1) of the Privatisation Act, as I have already said, obligates the Cabinet Secretary of the National Treasury to nominate seven members who are not public officers and approved by the relevant committee of Parliament by virtue of their expertise in such matters as will ensure that the Commission achieves its objectives.

This will ensure that the Commission achieves its objectives. We held four meetings during approval process in which we met the nominees, interviewed them and examined their documents. The nominees appeared for vetting on 23rd June, 2016. The Clerk of the National Assembly wrote to the nominees informing them of their nomination by the Cabinet Secretary (CS) for the National Treasury and requested them to appear for vetting by the Parliamentary Committee on 23rd as I mentioned earlier.

On 15th June, the Clerk of the National Assembly as required by law, wrote to the Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission (EACC) and Criminal Investigation Department (CID) requesting for tax, loans, integrity and criminal records status respectively of the nominees. By the time the Committee was compiling the Report, KRA had responded to the Committee clearing all the nominees for being tax compliant. HELB, CID and the EACC did not respond to the Committee's request, Hon. Speaker. This again boils down to what I said yesterday, that it would be very good to consider an amendment to the Public Approval Act, so that we extend time which is available for vetting of the nominees.

As required by the Constitution and for the purposes of public hearings, the public was duly notified of the vetting programme through a paid up print media advert of 16th June, 2016, and they were asked to submit memorandum or otherwise of the suitability of the nominees to be appointed. By the time of tabling this Report, we did not receive any memorandum, for or against any of the nominees and, therefore, we proceeded to table our Report.

Hon. Speaker, I would want to briefly talk about the individual nominees so that the House can have an idea of who they are. Hon. Speaker, the first one is Amb. Boaz Kidiga Mbaya. He holds a Bachelor of Arts degree in Political Science and Literature from the University of Nairobi. In addition, he holds a Postgraduate Diploma in International Relations from the same university. He was a career civil servant who rose from junior levels to become the Permanent Secretary (PS), Ministry of Foreign Affairs in 2005/2006. He has been an Ambassador in so many countries. He also informed us that he is currently the Executive Director of Centre for Policy Analysis which is an independent think tank consultancy firm specializing in public policy analysis, research management and training. The Committee noted that the nominee had a wealth of experience in policy formulation analysis and implementation, having worked in the public service for the entire period of his career. His experience will come in handy while discharging responsibilities as a member of the Privatization Commission. Being a diplomat, I believe he will be very useful in the Privatization Commission, given that there will be a lot of diplomacy to be done between the stakeholders, the Government and the public.

Hon. Speaker, the next one is Mr. Wilfred Kipkorir Sang. I want to note that he holds a Masters degree in business and administration from Sheffield Hallam University and a Bachelor of Science in Agricultural Economics degree from Nairobi. In addition, he holds a diploma in banking and a diploma in financial studies. On academic side, he is qualified. In terms of career, he has been working in the Kenya Commercial Bank (KCB) where he rose from an accounts officer to the position of Director of Group Corporate Division and later on, Director of Group

Credit Division. In short, he is a banker by profession but also runs his business which is called Signature Cars Ltd. The Committee noted that the nominee exhibited impressive knowledge of financial issues touching on private sector financing which will come in handy in dealing with privatization proposals.

The next nominee is Mr. John Boru Halake. He holds a Bachelor of Arts degree from Dar-es-salaam University and has attended a course in financial management from the University of Leeds and a course in Budgeting in Public Sector from Harvard University. I also wish to note that Mr. Halake was a civil servant who rose from being a teacher all the way to the Kenya National Examinations Council (KNEC) Deputy Secretary, after becoming the Permanent Secretary in the Ministry of Finance. Looking at his CV and noting that he got an accident and he is currently disabled, his appointment shows that people with disabilities are represented in the board. I support him on that ground. The Committee noted that the nominee has a wealth of experience in public service, but was untimely cut short by the road accident. His experience in public service will help him while discharging his duties as a member of the Privatization Commission.

Hon. Speaker, I now turn to Ms. Faith Jepkemboi Bett. I wish to note that she holds a Bachelor of Law Degree from Moi University, a Diploma in Law from Kenya School of Law and a Diploma in Human Resource Management from the Kenya Institute of Management. She is currently serving in the Board of Kenya Pipeline whose term will end next year. She has previously served in Nyayo Tea Zones Development Corporation between 2006 and 2012. She chairs the Board of Karoti Girls High School, which I think is her former school. She also practises as a Managing Partner of Boinet & Bett Co. Advocates since 2009. From her CV, she appeared very active and does a lot of charity work. The Committee noted that the nominee exhibited impressive knowledge of the topical issues touching on privatization. She looked dynamic, enthusiastic and both her legal background and previous directorship will complement the Privatization Commission in achieving its objectives.

The next nominee is Mr. Joseph Tito. I want to note that he holds a Bachelor of Law Degree from the University of Nairobi, Postgraduate Diploma in Law and International Business and Transnational Law from the Kenya School of Law and Widener University respectively, a postgraduate Diploma in Aviation Law from IFGA in Geneva Switzerland and is a certified expert in Public Private Partnership and Regulations from the Joint African Institute of World Bank. He has a wealth of experience in advocacy and legal consultancies having worked for the following organizations:-

Kenya Airways Authority, Chief Legal Officer, Corporate Secretary 2003 and Manager, Legal Services between May, 1999 and May 2003. He is currently running a legal consultancy and an advisory firm namely, Tito & Associates.

Hon. Speaker, looking at his CV and experience I note, and I wish the House notes, that he understands issues of public private partnerships which will be very key in privatisation. The Committee noted the nominee had a wealth of experience in business and commercial law having been trained and practised law and having worked for Kenya Airways at a time when it was privatised. His experiences will complement the work of privatisation in future and privatisation engagements.

I now come to Mohamed Suraw Isaak. The Committee, having considered his CV and his submissions, made the following observation: That he holds a Master of Business Administration, Strategic Management from Jomo Kenyatta University of Science and Technology, Bachelor of Human Resource Management from Kampala University and Diploma

in County Governance from Jomo Kenyatta University of Science and Technology. His work experience is as follows: He was the Mayor of Nakuru Municipality between 2011 and 2013; he was elected the councillor of Rhonda Ward of Nakuru Municipality between January, 2007 and February, 2013; he has been a Managing Director of Trans Highway Service Station between 1999 and 2005 and the General Manager of Falcon Service Station between 2005 and 2007.

In short, he is also a businessman. We did not receive any negative memorandum for all of them. The Committee noted that the Privatisation Commission could tap into the nominee's experience gained while successfully privatising Nakuru Water Service Board in future privatisation proposals. He is also going to bring the political element which is required in dealing with stakeholders especially what is happening now in the privatisation of sugar factories. This is where there is a lot of politics and engagement with stakeholders. He will deal with the political angle so that these matters can be solved once and for all.

I now come to Ms. Zipporah Mukoruru. She holds a Masters Degree in Procurement and Logistics from Jomo Kenyatta University of Agriculture and Technology and a Bachelor of Education Degree from Kenyatta University. She also has a Postgraduate Diploma in Purchasing and Supplies from the University of Nairobi. She has also been working as a Senior Lecturer at Meru Technical Training College. She is a member of the Kenya Institute of Supplies and Management. We did not get any negative memorandum. She got clearance from the CID, the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB) and the Kenya Credit Bureau.

One of my Members in the Committee said that she brings in an air of freshness to the Commission and a new angle having been a Senior Lecturer. The nominee was honest, knowledgeable in procurement matters and was passionate about the teaching profession.

Further, the nominee understood the functions of the Privatisation Commission. The Committee also observed that as a public officer, she may need to relinquish her teaching position in the event that her appointment is approved by the National Assembly in line with Section 5(1)(d) of the Privatisation Act, 2005, which bars a public officer from serving as a member of the Privatisation Commission.

Our recommendation is that she has to step down as a Senior Lecturer because according to Section 5(1)(d) of the Privatisation Act, those nominated should not be public officers.

I have spoken about all the nominees. I request the House to support this Motion. The plate of the Privatisation Commission is now full. Those of us from western region know that there is the process of privatising sugar factories. They are going to start the job immediately. I urge the House to support.

I request Hon. Kubai Iringo, the Member for Igembe Central who is also a Member of the Committee to second.

Hon. Speaker: Yes, Hon. Iringo.

Hon. Kubai Iringo: Thank you, Hon. Speaker. I rise to second the Motion as it has been moved by my able Chairman. I thank the Chairman and fellow Members of the Committee for the rigorous exercise we went through in vetting these Kenyans to these positions in the Privatisation Commission of Kenya. The Commission will be in place after this House passes these nominees. They will go down to business as soon as possible because we know that presently we have several institutions in this country which have been earmarked for privatisation. This should be done expediently for them to start moving on and working for the purpose of developing our country.

Despite the time limitation that the Chairman has already mentioned, we sat and burnt the midnight oil to make sure that we beat the deadline. I am happy that we managed to do the same despite the limitation. I also thank my colleagues because they all dedicated themselves to this purpose.

All the nominees, as it has been said, are qualified. Moreso, there is also gender balance because out of the seven members, we have two ladies. That is close to the requirement of the Constitution because it is 2.1 of a person. I believe that meets the threshold.

These nominees are persons from diverse fields in their qualification. I strongly believe that the Commission will be well represented because we have lawyers, teachers, bankers, business people and career civil servants. These brains put together will do a good job. They will come up with results which will be binding.

I do not want to belabour much because my Chairman has already done it but I request the nominating authorities of these commissions to look across the board to have a national outlook when they nominate. All the nominees were qualified but there was a small air of feeling that we did not look across the country despite the small number of nominees. All in all, they were all qualified and once this House passes the Motion, they will do a good job for this country.

With those few remarks, I beg to second.

(Question proposed)

Hon. Onyonka: Asante, Mheshimiwa Spika kwa kunipa fursa ya kuchangia Hoja hii. Nimeangalia orodha ambayo Mwenyekiti wa Kamati ya Fedha, Mipango na Biashara ameleta na sijaridhika sana. Sababu ni kuwa ukiangalia orodha yenyewe, idadi ya akina mama ambao wako hapo ingekuwa juu kidogo kulingana na vile ambavyo Katiba inasema.

Jambo la pili ni kuwa Katiba yetu inasema kuwa kama kuna Wakenya lazima wapewe kazi, kabla Bunge lipitishie majina hayo, lazima tuzingatie kama Wakenya hao wametoka katika maeneo yote ya Kenya. Ukizingatia masuala yaliyo nchini wakati huu, utapata kuwa ingekuwa vizuri tuwe na uwiano, upendano na uelewano ambapo kila Mkenya anahisi kuwa yeye ni Mkenya. Majina yaliyo hapa hayaonyeshi kuwa hawa jamaa waliopewa kazi hii wametoka kutoka pande zote za Kenya. Sisemi kuwa lazima watoke katika kila kabila la Kenya lakini hata afueni ingewezekana ndugu yangu, Mwenyekiti, ajaribu kidogo amtoe mtu mmoja Pwani, mwingine kutoka Nyanza, mwingine kutoka Kaskazini mwa Kenya, mwingine kutoka Mkoa wa Kati na mwingine kutoka Kaskazini Mashariki. Angefanya hivyo, ingeonyesha uso wa Kenya.

Mimi sitakubali majina haya yapitishwe. Ingekuwa vizuri kama Kamati za Bunge zingetilika maanani Katiba yetu ya Kenya ambayo inasema ni vizuri tuifuatilie ili Kenya iwe nchi ambayo tunapendana.

Hon. Speaker: Let us have Hon. Florence Kajuju. The Member for Kitutu Chache South has finished his contribution.

(Laughter)

Hon. (Ms.) Kajuju: Thank you, Hon. Speaker. I rise to support the Report by the Departmental Committee on Finance, Planning and Trade. I looked at the Privatisation Act against the CV of the seven persons who have been nominated and found that under the Privatisation Act, they qualify to be appointed to the Commission.

The Privatisation Commission is supposed to look at the public assets that are held by the Government of Kenya and see how they can be privatised. It also looks at the shares that the State holds in State corporations and guides the country on the way forward. We know that the President ordered that the various parastatals be looked at for purposes of mergers and working out the best way to manage the affairs of the State in as far as privatisation is concerned. This is a very important Commission, especially within the Jubilee administration. To ensure that this work is done, this Commission will be required to offer the formulation and implementation of a privatisation programme to deliver the mandate under the Privatisation Act. I believe that these are the people who are going to do so.

Looking at the various persons who have been nominated, there is a good blend of diplomats, persons with a background in finance and two lawyers. I feel good that our profession of the learned persons is properly represented. One of the lawyers, Mr. John Joseph Tito, is an arbitrator and a member of the Arbitration Board. This means that in the event of disputes, this arbitrator will find the best way to get out of situations. A nominee like Mohammed Isaak was the Mayor of Nakuru. He was involved in the privatisation of water services within Nakuru Municipality. These are persons who have experience. The Chair has said that Zipporah Mukoruru adds a breath of freshness. That is a good blend that will support the Commission in delivery of its mandate.

The Hon. Member has raised the issue of regional balance in as far as commissions are concerned. That is an issue that came to us in the Departmental Committee on Justice and Legal Affairs. We have vetted various members of commissions including the Kenya National Commission on Human Rights (KNCHR) and the National Cohesion and Integration Commission (NCIC). When that issue was raised in our Committee in the course of the vetting, we agreed as a Committee - and the Report was tabled here - that this is an issue that cuts across all commissions. You cannot just pick one commission and expect all the tribes in Kenya to be represented in it. If you look comprehensively at all the commissions including the Office of the Ombudsman, the Independent Electoral and Boundaries Commission (IEBC), KNCHR and the Privatisation Commission, you will find that they represent the face of Kenya. We cannot pick on one commission and say that it must represent all the tribes in Kenya. We are supposed to look at all the commissions outlined in our Constitution and agree that there is regional and gender balance.

I strongly urge that we support this Motion.

Hon. Speaker: Let us have the Member for Rarieda.

Hon. (Eng.) Gumbo: Thank you, Hon. Speaker. I rise to oppose this Motion. This Motion is unconstitutional because the Constitution is very clear under Article 232(1)(h) that the values and principles of public service shall include, among others, representation of Kenya's diverse communities. That is the letter of the Constitution. Article 232(1)(i) states:-

“The values and principles of public service include-

(i) affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of-

- (i) men and women;
- (ii) the members of all ethnic groups; and
- (iii) persons with disabilities.

I have never understood why in this country, when you have seven opportunities to appoint Kenyans, it is not possible to spread them across the seven corners of this country. I cannot understand. We keep going back to the same areas. These Motions keep insinuating that

there are Kenyan communities which are more equal than others. We cannot sit here and rubberstamp approvals that are clearly unconstitutional. I am surprised that my good friend, Hon. (Ms.) Kajuju, can call this a Chapter 6 Commission. This is not a Chapter 6 Commission. This is just a Commission within the public service. For us to sit here and be a House that rubberstamps--

Hon. Speaker: Just for clarity, which are Chapter 6 Commissions?

Hon. (Eng.) Gumbo: Sorry, I meant Chapter 15 Commissions. I am sorry.

Hon. Speaker: When you touch on the Constitution, you must know that I have one here.

Hon. (Eng.) Gumbo: My apologies, Hon. Speaker. I meant Chapter 15 Commissions. This is not a Chapter 15 Commission.

The other problem I have is that there are very many Kenyans who are unemployed. Why do we pluck people who are already employed and put them on boards? This is a problem that runs across this country. There are people today who chair more than one board and yet the problem of unemployment in this country is real. The level of youth unemployment is a problem that should concern us. Some of these people who chair more than one board are people who have held very senior public positions. Many of them are septuagenarians - people who are in their 70s. Do they even have the energy to chair more than one board? They are there. You know them.

Hon. Speaker, I cannot support a Motion like this one. Even as we do this, let us ask ourselves what we want to do with these boards. As we speak, there are key boards in this country which do not have a Board of Directors. One of them is the Central Bank of Kenya (CBK). In this period of volatility, when we are having problems related to Brexit, one wonders how we are going to deal with problems of financial volatility and policy issues. I expected my friend Benjamin Langat to tell us something about CBK as he moved this Motion. That is because the CBK falls under him. It has been without a Board of Directors for three years now.

Hon. Speaker: In the rule of relevance, and because the CBK is not here, spare that for tomorrow or another time, so that we can clear this one quickly.

Hon. (Eng.) Gumbo: Hon. Speaker, I oppose. I encourage my colleagues to oppose. I do that because there is no gender and regional balance.

Thank you, Hon. Speaker.

Hon. Speaker: The Hon. Member for Emurua Dikirr, you have the Floor.

(Hon. Kipyegon ran into the Chamber)

The Member for Emurua Dikirr, this is not a place you run like that. Your constituency must be wondering where you were. You placed a request and disappeared.

Hon. Kipyegon: Hon. Speaker, I was here. I was having some consultation with my colleague.

The list offered by the Departmental Committee on Finance, Planning and Trade is not bad. I just want to state that I will support it reluctantly.

Just like most Members have said, this country does not belong to two or three tribes; it belongs to many Kenyans. What we are doing is not good. The problem we have is that we sometimes ride on the tribal card when running for office. Once a government is put in place, people must realise that it is there to serve every citizen regardless of whether one voted for it or not. In our constituencies, we lead people who never voted for us. Some of them ran against us very vigorously but when it comes to representation, we consider them equally.

Why is it that some names never miss in most appointments in this country? Even if it is these small appointments like nomination to the membership of boards which sit once or twice in a year, those names are there. Why do we not give such chances to other communities so that they can also feel that they are Kenyans? One wonders how these people feel when they miss in everything.

I have the list. I do not want to name people. It should always be prudent. I asked somebody why they cannot support somebody else, even for a position like this one. They always want to be there. They want to be there when small and big positions come up.

(Laughter)

My friends, let us be patriotic to this country. Let us love our people. These Kenyans are our people. They have nowhere to go. They want to benefit from this Republic. Let us not create tension next time we make appointments. The moment we always consider some communities and leave others, other communities will feel that they have to fight to be in government to appoint their people. Such a situation creates a nation that will eventually fall. We want a nation that will rise and remain united. We also want people to believe they belong to this country. We want every Kenyan to own this country.

I support this Motion reluctantly. My advice is that we do not make this country approach a precipice where people fight tooth and nail to own it or make it theirs. We need a system where everybody feels it is a win-win situation. It is the situation where everyone benefits from the Government even if they do not win the presidency. This is just an advice to everybody, whether it is a sitting government or an incoming one. That means the national Government, the county governments and all other organisations. Every Kenyan must feel represented everywhere.

We are paying taxes. This is something which the people who do public appointments must understand. Everybody in this country pays taxes. If those taxes are going to salaries, why would you want particular people to be earning salaries while you make all of us pay taxes? We pay taxes to make all things happen in the country. You cannot tell us you want a section of this country to run it because they are in the Government and yet they are not the only ones paying taxes.

Let us be careful.

I belong to a community which is always represented in these appointments. I do not mince. Our names never miss. You are making us look bad in the eyes of the nation.

(Applause)

I would also like to see my brother or cousin here. But, you have to be human sometimes. There are other Kenyans who also want to serve in those positions. Once I am in a position, why will I want my sister, brother or my wife (if she was there) or whoever to take more?

(Laughter)

Of course, she will be around very soon. What I am saying is that I am enough to represent them. Why can I not allow another person not represented in the position I am in to access? We have the Government. There are people who do not have the Government. Why can we not allow them to access the resources, positions and employment of this country?

I have made my point and I want to drive it home.

Hon. Speaker: Tedious repetition is grossly out of order.

Hon. Kipyegon: I know. I am guided. With these people, you sometimes have to drive it in, in and in until they feel it and not just hear it.

With those few remarks, I support.

Hon. Speaker: Hon. Ngeno, you must avoid crashing when you drive.

Hon. Maanzo, you have the Floor.

Hon. Maanzo: Thank you, Hon. Speaker.

I rise to oppose this Motion. It is for the very serious reasons that the face of Kenya is not reflected. If you calculate from the total number, you will realise that there should have been an increase of a certain gender.

Hon. Speaker: These are seven positions. When you talk about gender, what is your suggestion on how the nominations should be?

Hon. Maanzo: It will be 2.3.

Hon. Speaker: Okay. Did you want it to be 2.7? Anyhow, proceed. Continue, Hon. Maanzo.

Hon. (Ms.) Odhiambo-Mabona: (*Off-record*)

Hon. Speaker: You have no opportunity. Just relax where you are.

Hon. Maanzo: Thank you, Hon. Speaker.

Privatisation is expensive to the country. At times, the Commission is likely to be misadvised so that some of the organisations or corporations to be privatised do not really deserve to be privatised. This is a very serious Commission where we need serious people. I have heard lawyers being mentioned there, which is good because there are many legal issues to be dealt with. You have talked about bankers. You need people in the financial sector. At the same time, the face of Kenya is also very important now that we are talking about cohesion. We need our country to be together so that it does not matter who is in power. Every Kenyan who loses an election should feel taken care of. No undue advantage should be taken against any Kenyan.

I also wonder whether John Joseph Tito is the name that appears on the national identity card (ID) of one of the nominees because the name sounds a little different from the usual naming trend in Kenya. By and large, I think the Privatisation Act has to be taken seriously and these names must reflect the face of Kenya so that we have people drawn from all parts of the country who can easily participate in building the nation together, so that it does not look biased to the rest of Kenyans when certain names keep appearing.

Hon. Speaker, I oppose. Thank you.

Hon. Speaker: The Member for Kipipiri, you have the Floor.

Hon. Gichigi: Thank you, Hon. Speaker, for giving me this opportunity. I rise to support this Motion. Having heard the Chair of the Departmental Committee on Finance, Planning and Trade, I understand that all these people are competent to carry out this specialised job that is required of the Privatisation Commission. I hope this Commission will carry out its mandate very fast so that it can be wound up. We cannot have a permanent Commission of this nature yet we have only a few parastatals and government businesses that ought to be handed over to the private sector.

We have seen in this country whenever the Government delves into commercial business, it loses miserably. I think it is high time that all the businesses the Government has been carrying out were handed over and we got into some sort of partnership with the private sector on very strategic ones so that they can be professionally run. Look at the example of Safaricom where the

Government has some shares but they let professionals run that business. The Government is getting very good dividends. Whenever we have any organisation that is completely managed by Government appointees, we run into trouble.

I have listened to the qualifications of these individuals and I hope they will not take their sweet time to merely continue earning allowances. We need to make up our minds. Whenever Motions are brought here to hand over public entities to the private sector, we need to deal with the issue in the interest of the Kenyan economy rather than in terms of regional and parochial interests. This is where we would like the entities to be handed over to us or to our local communities who will then mismanage them leading to their collapse. I hope that as it carries out its duties, this Commission will look at the history of some of these organisations which have been run down, looted and make sure that the people who have stolen public funds appear before courts of law, charged, convicted and jailed.

Finally, I hope that for this cake that is owned by every Kenyan, there will be fairness and openness such that even Kenyans who have little cash can also invest the way we did in Safaricom and other such organisations. This is to avoid a situation where the entities are bought by the moneyed class in this country and the small taxpayer is not given a chance to own a stake in some of these organisations.

I support.

Hon. Speaker: Let us now have the Member for Mbita.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Speaker. I rise to oppose this Motion and I will explain why. At an appropriate time, I will bring a Motion to this Floor that the House allows me to get a wife for Hon. Ng'eno.

(Laughter)

That wife will be my sister. With such excellent ideas---

Hon. Speaker: What is the relevance of that to this Motion?

Hon. (Ms.) Odhiambo-Mabona: Hon. Speaker, I am going to show right now how relevant it is. First, if he marries---

Hon. Speaker: You must explain how relevant that is to this Motion.

Hon. (Ms.) Odhiambo-Mabona: Yes, Hon. Speaker. I oppose this Motion because it does not address the issue of national cohesion.

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

Hon. Speaker: What is your point of order, Hon. Cheboi?

Hon. Cheboi: Hon. Speaker, we must be very truthful in this House. The same sister of Hon. Millie Odhiambo had also been promised to my son. So, I am a bit---

(Laughter)

I do not like the mischief.

Hon. (Ms.) Odhiambo-Mabona: Hon. Speaker, noting that the demand for my sisters is high, I presume they are looking at me as a sample. That is why there is high demand for my sisters. Having said that, the sister I promised Hon. Cheboi is intact and younger. The one I am promising Hon. Ng'eno---

Hon. Cheboi: Is she the one with a child?

Hon. (Ms.) Odhiambo-Mabona: No, she does not have a child. In fact, they are twins. So, do not worry. The reason I am supporting Hon. Ng'eno is that this country needs unifying leaders. Even though he was speaking about serious issues in jest that is what this country needs.

When the new Government came in, and despite the fact that I did not support them, our silent whispers in the Coalition for Reforms and Democracy (CORD) were that we were going to have a problem with these two. The reason we thought we were going to have a problem with them was because they looked like they had started on a good note, but they have missed the mark. Where they have missed the mark is because they are not doing what the Constitution and the National Cohesion and Integration Act have provided. This is part of what we need for national cohesion and integration; seeing the face of Kenya in appointments.

I know my dear sister, Hon. Kajuju has said that we need to look at the commissions in totality. That applies to Chapter 15 Commissions. Even if we were to look at the ones which are not Chapter 15 Commissions, I can assure you, from *prima facie*, that we are not compliant with both the Constitution and the National Cohesion and Integration Act. I will further bring a question so that we get the composition of these commissions and boards and you will see that what we are saying is true. I want to challenge the President and the Deputy President that came on a platform of change and youthfulness. Youthfulness and change must include the face of Kenya. Looked on its own and in totality, this composition is unconstitutional.

Hon. (Eng) Gumbo: On a point of information, Hon. Speaker.

Hon. Speaker: Do you want to be informed?

Hon. (Ms.) Odhiambo-Mabona: Yes, I do not mind being informed.

Hon. (Eng) Gumbo: Hon. Speaker, I would like to inform my good friend and neighbour, we border each other on the great Lake Victoria, that on the Motion she intends to bring seeking the composition of all the appointments in public service, I have already sought a question to that effect and I hope it will come soon.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Speaker. That is actually very good information. So, I do not need to bring it. In the last Parliament, we did it. We need to see in this Parliament. Our leaders must be corrected on where they are going wrong.

In the last Parliament, we discovered that both the President and the then Prime Minister had surpassed the legal provision by one person each. We forced them to comply with the law. So, in the same manner, we must compel the President and the Deputy President to abide by the law. These are the issues that wars are made of; when people feel that they are not included in a country. That is why we have the crisis with the United Kingdom (UK) and the European Union (EU). People want to move away when they feel their issues are not addressed. If we do not deal with these issues, we will very quickly hear people say that they want to go the federal process so that we can also be in our own corner and manage our own issues if they cannot be included. However, if you want a country that includes everybody, let us include everybody. I oppose this Motion because it does not comply with Article 27 of the Constitution on the issue of gender, and especially the one-third rule.

Hon. Speaker, I know that you have challenged us that if it is to point something, how do you ensure we address it. Out of seven, what is the most logical thing to do? Would it be to give the lower or the higher? If it is 2.5 and the people who are selecting are not too sure how to deal with the point five, then choose a short woman. A short woman can fill the point five part. You do not have to appoint a tall woman. If the tall woman is a whole woman, get somebody of the size of Hon. Millie Odhiambo. That can be a point five woman.

This issue of always giving women less numbers when a constitutional provision says that it must be one-third is not right. It is unconstitutional. I would have been happier for once if it was the opposite. It would have been nice for once if we saw that there are five women and two men so that the men can also argue. Let us also have another point five man for once. It cannot be that even small things like these, we cannot get women who have degrees or masters in this country. This is totally unacceptable. I hope that the whole Supreme Court will go. They are the ones who have created confusion with a very poor advisory opinion on the issue of gender. I hope that if they do not go, at least, the teasers under the Katiba Institute that are focusing on the wrong thing, which is the National Government Constituencies Development Fund (NGCDF), will turn their attention on this issue of gender, which is a more serious issue because we violate it every day. I am sure in the next world we will violate it again. At least, the only saving grace is that we have included a person with disability but from the CV that were being read, I am almost sure there is none of these people who is less than 35 years. So, we have excluded the youth and the women. We are excluding all the people that we should be including by virtue of the Constitution. Therefore, I wish to vehemently oppose. Let us remember that this country belongs to the women, to the men, to the youth, to the aged, to the young, to the children and to everyone.

I oppose.

Hon. Speaker: Yes, the Member for Bomet Central.

Hon. Tonui: Thank you, Hon. Speaker, for this opportunity to also add my voice on this. At the outset, I want to state clearly that I support this Motion. Going through these nominees---

(Hon. (Ms.) Odhiambo-Mabona consulted loudly)

Hon. Speaker, protect me from Hon. Milly.

Hon. Speaker: The Member for Mbita, please lower your decibels.

Hon. Tonui: Thank you, Hon. Speaker. I know there is this big issue of the face of Kenya but we cannot look at the Privatisation Commission alone without considering the other Commissions. In order to balance all of them, we need to look at the whole structure of public service. Otherwise, if we simply see certain names here and associate them with a certain side of this country, we may not get it correct. I remember some people may not associate Mr. John Joseph Tito with the Maasai Community but he comes from Kajiado and I believe that area is duly taken care of.

These people are also quite specialised in their areas. I listened keenly when Mr. Boaz Mbaya was being vetted and I could see he has a wealth of experience in the public service. He is going to be one of the best people to have in the Privatisation Commission. This country is losing many resources by having the Government run businesses which it could hand over to the private sector to run in a more efficient way. So, we need to privatise some of the institutions and we need these people to ensure that this is done.

We have a person like Sang here who is a banker. He is a quite experienced banker who has dealt with such issues in the financial sector. These are the kind of people we need to bring in. There is a former Principal Secretary (PS) here who is got disabled through a road accident. It was very sad when I heard him say that currently he is earning a pension of Kshs9,000. He was PS and he is being paid Kshs9,000 as pension. I believe this also needs to be looked into so that our people can also live reasonably during their retirement.

We have the lady here by the name Faith Bett. She is a lawyer. She is quite competent. I could see the qualities and the passion in her in the Privatisation Commission. Certainly, I will

not deny her the chance to be here. She explained the big role which she plays in charity work. If you have a person who is able to commit about Kshs500,000 to charity work and pay school fees for kids in her village, that is the right person who needs to be considered in the public sector because her qualities are very rare to get in the public sector.

We have a person by the name Mohamed, who is persistent in whatever he does. He comes from a very humble background academically. He scored a C plus but he studied privately until he acquired a Masters Degree. I believe these are very aggressive people who we need to promote in society. As the mayor for Nakuru, he privatised the water services, which has been very effective.

(Laughter)

Thank you very much for notifying me about my qualities. He did it very well. So, these are the kind of people we need.

I was also very happy to have Zipporah Mukoruru from Meru. She is a career teacher who has also been able to further her studies to acquire a Masters Degree in Procurement and Logistics. This is the right mind in the privatisation sector. In fact, the person who I considered as the best qualification in the issues of privatisation was none other than this lady, Zipporah. So, I believe we have the right calibre of people in this list. What we need to have is value for money during the process of privatisation. So, it is important to privatise the institution. That is why we need to bring in these people to start off with issues in the private sector and to privatise those loss-making institutions. They need to be privatised 100 per cent the way we privatised Mumias Sugar Company and Kenya Airways. The national Government should remain with some shares in some of these institutions which are being privatised. The sugar sub-sector also needs to be privatised because it is currently making losses. I believe the idea of privatisation will enable it to turn around and make profits. Those are some of the issues I wanted to comment on. I want to repeat once again, that I support this list.

Thank you, Hon. Speaker.

Hon. Chea: Thank you, Hon. Speaker, for this opportunity. I wish to oppose this Motion because this is a very crucial Commission. I believe it will carry out activities that cut across the country. I have looked at the seven names which have been proposed. As has been eluded by my colleagues, the names do not reflect the face of Kenya. I think the problem here is that we have been operating on the principal of the winner takes it all. As has been said, whenever we go for elections we promise our people very many things. Once elections are done and appointments have to be made we realise that they favour one or two sides.

My advice as Hon. Gumbo has said, is that it is important to get the names of members of other commissions. At the end of the day other regions which have not yet served can have an equal opportunity to serve. This is the national Government and we need to set a good example to the county governments. If things are happening like this at the national level, then we expect chaos at the county level.

My proposal is that in future when there are appointments like this, for instance, we have seven positions, we should go back to what we used to call provinces. Look at them simply and give, at least, a position to each province and that will settle all these problems. Apart from the fact that the face of Kenya has not been reflected, I want to agree with the Report to the extent that the qualifications and experience this people will bring is quite okay. Future appointments must consider the question of regional balance.

With these few remarks, I wish to oppose.

Hon. Macharia: Thank you, Hon. Speaker. I think privatisation is a very emotive issue. It is important that we have representation from all areas of this country. I know that Hon. Benjamin Langat will say there were only seven slots. When we look at this list we see that some communities have more than one member.

The proposed nominees to this Commission should have included more women. Out of the people who applied we should have more than this. I know Mr. Suraw Mohamed Isaak. I can say he is one gentleman who pulled a feat in Nakuru County. Apart from having come from a minority community in Nakuru County he managed to become the Mayor of Nakuru Town. He is also industrious and is one person whose qualifications and capability are not questionable. Notwithstanding my comments and concerns about representation, I also note that some of the most industrious communities in this country are not represented here but because of the need to move forward, I support.

Thank you, Hon. Speaker.

Hon. Mohamed Abdi: Thank you, Hon. Speaker, for the opportunity. I rise to support this Motion. I want to thank the Committee because they have done a thorough job. It also shows that Kenyans have got a good rating for these ladies and gentlemen because despite comments from the public nobody has come forward to say that these people have any integrity issues and that is very good.

In the past, the Government has been indulging in businesses that can be run privately. Probably, at that time it was prudent to do that but as in this time and era, I think that should not be the business of the Government. The Government's business is to provide an enabling environment for private sectors to thrive and that is what should be encouraged. The faster the Government stops doing business and privatises all these institutions the better for this country.

The nominees from what has been presented by the Committee are fit to privatise these institutions and they will do a very good job. Therefore, we also support that Commissions and employments should reflect the face of this country. We will have to look at this nationally. We should not pick on only one presentation to complain and say that it is not fit. Looking at all these commissions and employments, we will balance and see that every community is taken care of. For now, this people fit this job and I ask everybody to support this Motion.

Thank you, Hon. Speaker, for the opportunity.

Hon. Wangamati: Thank you, Hon. Speaker, for giving me this opportunity that I may also comment on this important Motion. I want to tell those Members who have talked before me that what they have expressed has been heard by this House. It has been noted and I hope that the Committee which has brought this Motion has heard. They will do the necessary next time when they are considering nominees. These are few appointments and I did not expect us to say what we have said. I want to urge the House to support this Motion.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Let us have the Member for Kajiado North.

Hon. Manje: Thank you, Hon. Speaker, for giving me a chance. I want to oppose this Motion. This is a very key Commission in this country. It will see---

Hon. Chepkong'a: On a point of order, Hon. Speaker.

Hon. Speaker: There is a point of order.

Hon. Chepkong'a: On a point of order, Hon. Speaker. I rise pursuant to Standing Order No.95 that the Mover be now called upon to reply.

We cannot discuss names for one hour. We have repeated ourselves too much while discussing these names. If we do not want to adopt this Motion as a House, we should put it to vote. There is nothing of value we are adding by mentioning issues of gender.

I am standing on a point of order which must be decided upon. The only thing that we should be clear as a House is that these nominees that have been forwarded to us--- We need to amend that law. As far as I am concerned, it is unconstitutional to give the Cabinet Secretary (CS) power to nominate people without going through the due process as required by Article 232 of the Constitution. However, since that is the law that we passed in this House, we need to amend it so that we can be in compliance with the Constitution, but since this House decided to be unconstitutional you cannot blame the people who are outside for complying with the law because of our own mistakes. We should be men and women enough to accept our own mistakes and move on and bring an amendment in this House so that we can regularise the law. As it is at the moment, it is not compliant. So, in accordance with Standing Order No.95, I am requesting that you ask the Mover to reply.

I thank you.

Hon. Speaker: Well, you are perfectly within your right to rise under Standing Order No.95. The point you have raised is obviously an important one that even as we debate, we must be relevant to the Motion. We must be saying what has been violated. Let me allow the Hon. Member for Kajiado North to complete his contribution and thereafter I proceed to put the Question. Hon. Members, when there is a point of order, the rules are that I must rule on it so that we can proceed and I rule that it is perfectly raised.

Proceed Hon. Manje.

Hon. Manje: Thank you, Hon. Speaker, I was saying this is a very key Commission in our country that will be moving public resources to private ownership. That is the meaning of the word privatisation. This means that if we do it without some communities then we will be missing the point. They have been contributing all along to the creation of these parastatals and when you deny them that chance of knowing when the organisations will be privatised, it is doing disservice to this country.

We have a duty as Members of Parliament to assist our leaders to run this country. Maybe the President or his Deputy does not know about this list but at the end of the day it will back fire on them. So, it is our responsibility, as Members, because this list will always come to us, that it is not representative of this country. That way we will help them so that they can be perceived as leaders who are leading this country in the right direction. The Government is not supposed to be in business. The Government is supposed to offer an environment for businessmen to do business. This means that the parastatals should be reduced and that will be the task of this Commission.

The other issue that will make me oppose this Motion is gender. A third of seven is 2.5 persons, but we have only one female which is number seven. So, if the others are male then we would have, at least, two. In future we should ensure that when names are brought to this Parliament we should also indicate the county they come from. You may be surprised to find that these people are from one county because that information is not here. So, we should get a Motion that can allow us to know from which county these applicants are from so that we can distribute resources in this country.

I oppose.

Hon. Speaker: Order, Members, I want you to make your decision.

(Technical hitch)

Hon. Speaker: Hon. Members, I hope the power does not go off again. The proposal by Hon. Chepkong'a was, under Standing Order No.95, that the Mover be called upon to reply.

*(Question, that the Mover be now called upon to reply,
put and agreed to)*

Hon. Members, it is obvious, if two or three people decide to shout loudest, it cannot certainly be the majority. Hon. Lang'at.

Hon. Langat: Thank you very much, Hon. Speaker. I just want to inform Members that I have heard the debate which has transpired. Coincidentally, the debate that was happening in the Committee was also almost the same. The question on regional balance is there. I want to inform the House that it will be impossible to determine the question of regional balance in these two only. We, at some point, said that the Sakaja Committee on National Cohesion and Equal Opportunity should table a report showing the composition of the Public Service as a whole.

If today we decide not to approve so and so, it will be injustice to that person because we will be punishing him for other people's mistakes. The comments which have come were also in the Committee, but we agreed that we need to look at this tissue in a broader manner. We need to get a report from the Committee on National Cohesion and Equal Opportunity so that we can address the issue of regional balance, but the points have been noted.

I beg to reply.

(Question put and agreed to)

ADOPTION OF REPORT ON VETTING OF NOMINEES FOR
APPOINTMENT TO COMPETITION AUTHORITY

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

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on Vetting of Nominees for Appointment to the Competition Authority, laid on the Table of the House on Tuesday, 28th June 2016, and pursuant to the provisions of Section 10(2) of the Competition Act, 2010, approves the appointment of the following persons as Members of the Competition Authority:-

1. Dr. Abdirizak Aralle Nunow;
2. Ms. Eunice Maranya;
3. Mr. Stephen Kiptinness;
4. Ms. Carolyn W. Musyoka; and
5. Ms. Leila A. Ali.

I am going to move very fast. These names came to the Floor of the House on 14th June 2016. Pursuant to that, the Clerk of the National Assembly put the Notice in the media notifying members of the public on the fact that vetting will take place and to invite memoranda for each of the nominees.

[The Speaker left the Chair]

*[The Temporary Deputy Speaker
(Hon. (Ms.) Mbalu) took the Chair]*

We held approval hearings last Friday. I will just move very quickly to mention each of the nominees.

Dr. Abdirizak Aralle Nunow holds a PhD in Human Ecology from Amsterdam University, Netherlands, Masters Degree in Environmental Planning and Management from Moi University and a Bachelor of Arts Degree in Economics from Kenyatta University. He has a wealth of experience in environmental matters having worked as a lead expert in the National Environment Management Authority (NEMA) and the Directorate of Social and Environmental Affairs of the Inter-Parliamentary Union of Inter-Governmental Authority on Development (IPU-IGAD) in Addis Ababa. We did not receive any memorandum for or against this nominee.

The Committee noted that the nominee was open minded, honest and exhibited impressive knowledge of topical issues touching on market, competition and consumer welfare that will be invaluable when discharging his mandate as a member of the Competition Authority of Kenya. He is currently serving as a lecturer at Moi University and a member of the Monetary Policy Committee of Kenya and Proceeds of Crime and Anti-money Laundering Act Advisory Committee. That is the brief about Dr. Aralle.

The second one is Ms. Eunice Maranya. She holds an MBA Degree from the United States International University (USIU), Santiago, and a Bachelor of Science Degree in Agriculture from the University of Nairobi. She is currently undertaking a Doctorate in Business Administration at the SMC University, Switzerland.

She has professional experience in banking sector having worked for 14 years at the Kenya Commercial Bank both as branch and operations manager during which she gained a lot of practical experience in many areas. She is a former CEO of Kenya Alliance of Resident Association from 2002 to 2004 during which she achieved a lot.

The Committee noted that she has a wealth of experience in independent consultancy since 2004 and served in several sectors ranging from development, financial services, corporates, public sectors and consultancy services for many of organisation. The organisations are listed in the Report. She does not have any criminal case pending against her. The Committee noted that the nominee has served in the inaugural Competition Authority, whose term ended in 2015. I wish to inform the House that this is going to be her second term in the same board. With nomination for reappointment, it will ensure that there was continuity and institutional memory, which will help avoid disruption of operations of the Authority in cases where all members of the Authority exit at the same time. We are simply saying that retaining her will serve as an institutional memory for the Authority.

The next nominee is Hon. Stephen Kipchumba Kiptinness. He is a Kenyan from Elgeyo Marakwet County. He is a holder of Masters Degree in Law, Telecommunications and Information Technology (IT) Law from the London School of Economics and Bachelor Degree in Company and Intellectual Property Law from LLS Law College University of Pune which he got in 1999. In addition, he holds a Diploma in Computer Science, a Postgraduate Diploma from the Kenya School of Law and a Certificate in Human Resource Management. He has a serious qualification.

Mr. Kiptinness is an Advocate of the High Court of Kenya and a member of the Law Society of Kenya in addition to being a registered certified public secretary with ICPSK. I also

wish to note that this is going to be his second term in the Board of the Competition Authority, having served in the first board. He has a world of experience in telecommunication and regulatory affairs, having worked in so many other organisations including Head of Regulatory Affairs in Telkom Kenya Centre, Management for Commonwealth Telecommunication Organisation in 2008 and Acting Company Secretary and Board member of the Kenya Network Information Centre between 2004 and 2005. We did not receive any memoranda either negative or positive on this nominee. He is also working in his firm called Kiptinness & Odhiambo Associates in addition to offering his services as a lecturer at the University of Nairobi. The Committee noted that the nominee exhibited impressive knowledge of the topical issues touching on competition and market practices. The Committee further noted that the nominee had served in the inaugural Competition Authority whose term ended in 2015. With his nomination for appointment, it will ensure that there is continuity, institutional memory and avoid disruption of operations of the Authority in case where members of the Authority were to exit.

I also want to note that this initial Competition Authority Board was doing a lot of structural issues on the Competition Authority. The next one will go a long way in dealing with the issues of competition in the market.

I want to talk about Caroline Wangui Musyoka. She is a Kenyan who holds a Masters Degree and Bachelors Degree in Law from Colonel Law School in the USA and the University of Nairobi respectively. She has a wealth of experience in financial services sector having worked under various capacities in the following entities:- Caroline Musyoka Consulting Company, a private company from 2000 to date. She worked at K-Rep Bank as Executive Director and Chief Operating Officer, Barclays Bank of Kenya. She worked as a director, Cooperative Bank, from September 2005 to November 2007. She also worked as Senior Relationship Manager, Barclays Bank of Kenya and Relationship Manager, Citi Bank, Nairobi. She worked as Manager, Modern Africa Fund, Washington, DC. She has also been a board member in the following organisations, namely, the East African Breweries Limited from September 2015 to date; British American Tobacco from April 2011 to date and Trans-Century Limited. She has served in many boards. I have only listed a few of them though those are private companies.

We asked her if she was going to sit in the board of Competition Authority should there be a question of conflict of interest in the EABL and BAT and she assured us of the fact that she would step down if those questions would arise. We did not receive any memoranda, negative or positive against or for her and she was cleared by the CID and other authorities. Since she is a member of EABL and BAT boards, we asked how she would deal with them now that we propose her to sit on another board. She said she is an expert in corporate governance and the best practice allows one to be a member of maximum of five boards.

The next one is Ms. Leila Abdi Ali. She is a Kenyan by registration and married to a Kenyan. She has a Bachelor of Arts Degree from London South University. She also has ACCA qualification. She has worked in the financial sector. Presently, she is working as a Portfolio Manager with Chase Bank. She is a board member of the Wangari Maathai Foundation from March 2015 to date. She has been a Managing Director of her own company called Hampton Construction Company Limited. She has served in other high companies in London before like Olympics Out Limited in London as a Management Accountant. We received a letter from Ethics and Anti- Corruption Commission (EACC) confirming that she satisfies the requirements of Chapter Six of the Constitution. She was also cleared by the CID and KRA. The Committee

noted that the nominee was qualified for appointment as a board member of the Competition Authority. She is also a youth.

I wish to recommend the names for approval by this House. I want to make a comment on the question of regional balance. I quite agree with the House, but let us address the issue in the relevant Committee of National Cohesion led by Hon. Sakaja. The Competition Authority is a serious Authority as Kenya is increasingly becoming a financial and business hub. The role of the Competition Authority will become increasingly more important as we will need to regulate the market. We need these people to take up their positions, so that the questions which have been raised before can be answered. The EABL, Keroche Breweries, BAT and Mastermind Tobacco Limited are real. We need a regulator who will ensure fair play in the market and ensure that no person put up road blocks on small business companies.

Hon. Temporary Deputy Speaker, I request the House to support this Motion, so that the Competition Authority can now move very fast. I am sure the table is full for this Authority as they start.

With those few remarks, I move and ask my friend to second me.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): What is your friend's name?

Hon. Langat: He knows himself.

Hon. Francis Waititu: Thank you, Hon. Temporary Deputy Speaker. I second this very noble Motion on the appointment of these Kenyans. We looked at these names and had a bit of argument, but came to a conclusion.

If you look at the names, these are Kenyans and for the first time in the National Assembly, we have seen Members from both sides agreeing on the nominees. This is very good. Madam Carolyn Wangui Musyoka shows the picture of this country. A Kikuyu married to a Kamba.

(Laughter)

That is why I support and say that Kenya is heading somewhere. When you look at the other Kenyans who were vetted, today there is no noise about regional balance and tribalism because the Committee looked at these people as Kenyans and not as their tribes. This is very important. We have seen that they are educated.

I second and say that may they get the jobs and may God bless them.

(Question proposed)

The Temporary Deputy Speaker (Ms.) Mbalu): Let us have contributions on the Motion. The first on the list is the Member for Homa Bay. Is he in the House?

Hon. Kaluma: Thank you, Hon. Temporary Deputy Speaker. I stand to oppose this Motion. This country is being divided. Let me indicate today that the President addressed this Nation a short while back and the House has not forgotten the noise that was in this Parliament. I did not engage much on that day because of the title of that address, namely, Nationalist Covenant. Why have we refused, as Members of Parliament, to assist the President, the Head of State, to govern this country and live by those good principles he was talking about? Something is developing in this country. Today, for any appointment that requires Parliamentary approval, we merely need to ask who from Central Kenya or the Rift Valley is there. We cannot develop the nation that way. We cannot. A nation is a nation because everybody contributes to the

resources of that nation and everybody equally shares in them. We are fast becoming a nation of 42 taxpayers and two tax-eaters.

(Applause)

We cannot continue that way. If it is the case that some parts of this country should not enjoy resources in public service, then they should not be taxed. Some Kenyans are questioning whether they should secede from this country or not.

I am a bit emotional on this and I am sorry. You remember a short while back we removed the Cabinet Secretary, Anne Waiguru. Who replaced her? She was replaced by Mwangi Kiunjuri. Cabinet Secretary, Mr. Kosgey, was removed and replaced with Willie Bett and you see nothing wrong. Kimaiyo was removed and replaced with Boinnet, Chirchir was removed and replaced with a very good friend of mine, Charles Keter. I hoped that when the first Principal Secretary we have ever seen from a whole Homa Bay County, he would be replaced with some Otieno or another Mangiti. It went to Lilian Mbogo and there is a name Omolo next to it. This is what the Member seconding the Motion is telling us and this is being watched nationally, that now there is regional balance because we have Caroline. The Committee has abbreviated Wangui to W, so that you are told it is Caroline Musyoka.

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

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Member for Homa Bay! Let me get an intervention from the Chairman.

Hon. Langat: Hon. Temporary Deputy Speaker, is it in order for Hon. Kaluma to cast aspersions against my Committee saying that we did not write the names in full? He needs to read the Report because it has the Identity Card. We have attached everything. The only problem he has is that he has not read the Report. He is only making reference to the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. He is advised.

Hon. Kaluma: Hon. Temporary Deputy Speaker, there is a good reason why these names are brought to the House. In fact, I am beginning to question why the names have to be brought if we are not doing what the House ought to do.

It is not for any reason that we are one of the only two countries in the world with an Article speaking to national values and principles of governance such as inclusivity. If you look at all the Chapters relating to public appointments and resource distribution, ethnic and regional balance is a requirement for whatever body you are constituting whether it is in state security organs or whatever level of Public Service. We cannot continue with the situation the Chair of the Committee is purveying before us, that you do not give the names that will enable us to place people to confirm those national constitutional ideals.

What I am saying is simple. We may look at this thing very simply. Do not take it as Members of Parliament that when you oppose something like this, you are opposing the President. Actually, you are not assisting the President if you approve such things.

The campaign season is coming. If you leave these things like that, it will be better for us. We will tell the people that you have become a Government of two tribes only collecting taxes from the other Kenyans. How will the President look when he is seeking votes? This is a very serious thing. I request Members that we look seriously at the important function the Competition Authority engages in. This is one Authority in which we need men and women who can look at leaders in the eye and tell them that this will not happen. We have the misfortune as a country where virtually all political leaders are business people. They are either in the milk

industry, real estate or in the hotel business. The milk industry is now a monopoly despite the existence of this law. The prices of milk are nearly the same. How do new competitors enter the market? The prices of water across the country are nearly the same. The price of petroleum has been going down across the world. The Energy Regulatory Commission (ERC) is doing nothing about it. It is spiralling down there.

This Authority is a serious body. This has become normal for us. We believe that the pool from which we should draw Kenyans to serve this country is that narrow. How can it be that there is no commissioner, CS, PS or a mere board member from Homa Bay County? It is just normal. If other Kenyans ought not to be in Kenya, the National Cohesion and Integration Commission (NCIC) should give us leave. Do not take money from us if it cannot be used in our areas and our people cannot earn those salaries. If we will develop Kenya as a nation, I request and urge fellow Members to reject such a situation. We cannot have a situation in which once you have some people from the Rift Valley and some from Central Kenya, then you spice it with a Somali or a Muslim, the deal is done. It cannot be. You are dividing the country when we are fighting for national cohesion and integration. You are dividing the country when we are fighting for the unity of this nation. You are dividing the country and you are busy saying that it is hate speech.

As I conclude, it is not hatred to say that there is something wrong. If we do not allow all Kenyans to have their mouths in the feeding trough equally and equitably, we will lose this nation possibly before the next election. I wish that it does not happen, but I pray that this Government will change tact. Let us forget this issue of saying that we are not in Government. We are in Government. All Kenyans are in Government. Hon. Duale is in the ruling party. I am in another party, but we are all in Government. Treat us all as members of this Government or let us have our nation if you do not want it.

I oppose this Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Next on my request list is the Member for Igembe Central before I give an opportunity to the leadership.

Hon. Kubai Iringo: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Motion. I stand to support the Chair of the Committee that we approve these nominees to the Competition Authority. As the Chair has put it, these Kenyans are qualified in all ways. They went through the rigorous process of vetting from the Committee. As a Committee, we found no fault with any of them. Despite the sentiments in the House from some colleagues that it does not reflect the face of Kenya or the national outlook, balancing five names among 42 tribes might be a tall order.

Initially, there was hullabaloo and hue and cry over the gender issue. It is already catered for. We have three ladies and two men. Unless the men start complaining, I do not think there is anybody who is ready to do the same. The gender issue has been covered and the members qualify. As a Member of the Committee, I went through their resumes and found that they were all qualified as per the law. If there is anything which the Members feel should be further done, it should not be directed to the Committee or to the nominees, but to the law which gives the CS powers to nominate people and present them to the House for vetting.

The only problem is that we need more time. The timeframe is so short and things are done very fast which forced the Committee to work late hours to obey constitutional timelines. I wish we could change the Standing Orders, so that we can give Committees ample time to deliberate issues and time to go through the Report.

I support the approval of the names that have been tabled. Let us give them the jobs in the Competition Authority.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): In recognition of the leadership, let us have the Member for Gem, Hon. Midiwo.

Hon. Midiwo: Thank you, Hon. Temporary Deputy Speaker. First of all, I must register my complaint because while we were debating the previous Motion, I sat here all through. When I went up there, I saw my name on the request list, but for reasons best known to the Speaker, I was not given a chance to contribute even though I was the only leader here. I must register that complaint.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Just debate on the Motion at hand.

Hon. Midiwo: Hon. Temporary Deputy Speaker, I want to add my two cents to this Motion on the Report on the vetting of nominees. I am a very happy Kenyan because Jubilee does not see a sign when it is driving that says “do not enter” and pass it. They love entering. Where it says “do not enter”, they enter. Where it says “do not make a left turn”, they make a left turn. Where it says “do not make a right turn”, they make a right turn. This is because they are in the race to go home before 2017. We are sending them home. I hope the 40 other tribes are watching. What is the point of bringing these names to a constitutional institution when the list does not respect the Constitution itself in the first place? These people are shameless. You pick people and you know very well that you have just gone through an election that you lost and had to steal 2 million votes. Being in office, should you not be doing things that may add you more votes?

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Midiwo, there is direction from the Speaker. Let us be relevant.

Hon. Midiwo: I will not withdraw. What is wrong with what I have just said?

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Midiwo, please, be relevant to the Motion. I know we all love the Motion. Let us get to the Motion. Let him finish. I have given him direction. Stick to the Motion.

Hon. Midiwo: I do not need your correction. Hon. Temporary Deputy Speaker, I will clarify so that I do not annoy my friends so much. We are talking about inclusivity which is a principle of the Constitution. This is where that debate belongs. In the last election, of the six positions vied for, the average votes cast for five of them was ten million. The presidential race had an average of 12 million votes cast. I am not saying a lie. It is factual. These are the Independent Electoral and Boundaries Commission (IEBC) figures. Let me come back to the argument of the Committee.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Midiwo, I am trying to avoid interventions, but please, stick to the Motion which is Adoption of the Report on the Vetting of Nominees to the Competition Authority.

Hon. Midiwo: Hon. Temporary Deputy Speaker, you know I am a long time Member of this House. I am rarely irrelevant. What I am saying is annoying them. I am here to annoy them. Without Nyenze here, I am the leader of the Opposition. I am his deputy here. I am here to annoy Hon. Duale. I cannot sleep if I cannot annoy Hon. Duale and these stealers of elections.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Midiwo, this is a House of debate. The next was the Leader of the Majority Party. However, he is on a point of intervention.

Hon. A. B. Duale: Hon. Temporary Deputy Speaker, I am restraining myself because it is the holy month of Ramadan. The matter before us is about the Competition Authority. I have also lived here for long and I have been in the Orange Democratic Movement (ODM) Party. I know the kind of rigging Hon. Jakoyo did in Gem Constituency. What I am saying is that if we want to discuss the last election and the rigging, a classical example who is also a beneficiary is Hon. Jakoyo Midiwo.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Leader of the Majority Party, you are also not relevant. Order, Hon. Members! I order that you be relevant. Otherwise, I will put your microphone off. You will not debate in this House that way. Let us leave other issues aside. I know this is the month of Ramadan and others are fasting.

Order, Members! As you know, the Hon. Temporary Deputy Speaker is non partisan. I have to put the House in order. Hon. Midiwo and the Leader of the Majority Party, give this House direction. The direction we have is that we are debating the adoption of the Report of the Committee. Otherwise, you will be irrelevant and I will be forced to give the chance to someone else.

Let us have the Deputy Leader of the Minority Party.

Hon. Midiwo: Hon. Temporary Deputy Speaker, you know the Leader of the Majority Party can talk with a light touch. This is a House of debate. Stop forcing us not to laugh. We have been sitting here since 2 o'clock. The Leader of the Majority Party knows that I have won too many times and I will still win. I am going for the same sit. You will see me here because I know it from the people of Gem.

(Hon. (Eng.) Gumbo bent in his place)

Hon. A.B. Duale: Hon. Gumbo has collapsed.

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): We have Clerks and Sergeant-At-Arm officers who will give me feedback.

Hon. (Eng.) Gumbo: I was drinking water.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let it be confirmed and reported to me.

(Laughter)

I am aware he was consulting. I do not know which gods are down there. Thank you, Leader of the Majority Party for being caring to the Member.

Hon. Midiwo: Thank you, Hon. Temporary Deputy Speaker.

Let me begin from where I left. I hear your concerns. You know the Leader of the Majority Party has to spice our debates. In so doing, he has inadvertently admitted they rigged and that rigging is okay.

The Chairman of the Committee has spoken. The person whose name is abbreviated "W" has an elaborate Curriculum Vitae (CV). I am the sponsor of the Consumer Protection Law

which occasioned Article 36 of the Constitution. He has said that this person works for BAT and EABL. The biggest controversy this person has been involved in is between BAT and Mastermind or EABL and Keroche. I support this nominee. Jubilee does not see common sense in making things work for Kenyans. The Competition Authority is an important thing. The EABL is the largest taxpayer in this country as a standalone industry. What does it need? It needs to be regulated. It does not need to be given authority by one member of the board who can go there and make laws to frustrate its competitors. I am only helping the Government. We have been helping you. We want to be Kenyans, but it does not work.

Have you ever taken a chance to look at your electricity bill? You look at your bill and there is something called fuel cost and tax, which are illegal charges, and we have a Competition Authority. All I am saying is that I hope these people will work with the Committee to make this country liveable. As we live, the Government is not doing enough to help our people. Have you asked yourself why a bottle of water has the same price whether you are in Kwale or Migori? What are the ingredients of making a bottle of water? Why is water more expensive in Kenya than petrol? The cost of fuel is at its lowest in the history of this world. The so-called ERC is rogue. They do not let Kenyans breathe. The next leadership of this country, because this one cannot do it, should do it.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over, Hon. Jakoyo.

(Loud consultations)

Let me add him two minutes because of the disturbance caused by the interventions.

Hon. Midiwo: Thank you, Hon. Temporary Deputy Speaker. You now we used much of that time to respond to the collapsed governor of Siaya.

(Laughter)

This country needs help. The next Government has so much on its plate. CORD will have so much on its plate because it will have to give Kenyans affordable energy, stop strikes in school, stop corruption and return Eurobond.

(Applause)

Hon. Temporary Deputy Speaker, the biggest corruption now is the one that is going on in your constituency, namely, land being taken away from your people for the so-called Standard Gauge Railway (SGR), the baby that they sing about all the time. The next Government has a huge task to redo these boards and vet them properly.

(Applause)

Let me tell the Leader of the Majority Party that I do not oppose this list, I support it. I support it because it helps to send you home. It shows how lawless you are. It shows that you are absent from the job. It shows that it is a marriage that will never last. Your marriage is a bad one. Your marriage is one which will not last until 2017 because it is based on wrong principles of theft and corruption.

(Applause)

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Temporary Deputy Speaker. I support not because somebody is going home, but because the Jubilee administration will be in power, *inshallah*, for the next 20 years. We are going to approve these persons.

Hon. Temporary Deputy Speaker, with your permission, I want to make some reference. The Opposition is talking about inclusivity. I want Hon. Jakoyo to listen. He is the leader. I am fasting. Last night, we received seven names from CORD on the Select Committee. Moses Wetangula nominated two Luhya Members, Kalonzo Musyoka nominated two Kamba Members and Raila Odinga nominated two Luo Members.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Allow the Leader of the Majority Party to debate.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I must be heard.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Allow the Leader of the Majority Party. It is a House of debate. When you get your chance like Hon. Jakoyo Midiwo, you will debate.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I must be heard. They are heckling because they had lunch. They are making noise because they ate lunch and I have not had lunch. They are making noise because they had tea. I have not had tea. I am fasting and I am hungry. I want to paraphrase.

Hon. Temporary Deputy Speaker, protect me from Hon. Gumbo, who collapsed a few minutes ago.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You are protected, Leader of the Majority Party. I can confirm that Hon. Gumbo had not collapsed in the House. So, please, stick to something that you can substantiate.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, my time is being wasted. I must be heard. As leaders in this House, we must speak and say what we believe in. We have five names of Kenyans who qualified. I want to go on record. I want my brothers on the other side, especially Hon. Gumbo, to tell me the provisions of the Constitution under which Hon. Oburu Oginga was nominated. Was he a youth? Was he a disabled person? Who does Hon. Oburu Oginga represent?

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Leader of the Majority Party!

Hon. A.B. Duale: I will now debate the Report.

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

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): I can only allow an intervention by Hon. Midiwo.

Hon. Midiwo: I am on a point of order.

Hon. A.B. Duale: I now want to go back to the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Leader of the Majority Party, I am on my feet. I must appreciate the anxiety in the House. This is a House of debate and rules. I must caution the Leader of the Majority Party and the Deputy Leader of the Minority Party and other members. As you debate, please, stick to the Motion even as much as you want to raise your temperatures.

There is a point of order. Let me allow the Deputy Leader of the Minority Party. What is out of order?

Hon. Midiwo: Yes, something is out of order. First of all, we have not seen the list that Hon. Duale received. Secondly, I do not see Hon. Kalonzo here. I see neither Hon. Wetangula nor Hon. Raila here. Who nominated Beth Mugo, who is much older and of no relevance? If that is what you want to hear, we can answer you. If you were looking for a woman, is that your best? I want to caution about the list Hon. Duale is referring to. Be truthful. A hungry Hon. Duale is probably worse than a fed Hon. Duale. We caution him to stay truthful because Hon. Orengo does not stand for three Luos. Hon. Mishi is not a Luo. In other words, it means Luos are 40 tribes and the rest of you are only two. I just want to caution him, to please, guide us properly. He is a leader.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, inclusivity, even Jakoyo Midiwo is a Deputy Leader of the Minority Party.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Leader of the Majority Party, when the Speaker is on the Chair, you must listen. I will add you some more minutes to debate. Hon. Members, your own Standing Orders talk about relevance. Please, let us not tell the public that we do not adhere to them. Otherwise, I will rule you out of order.

Hon. A.B. Duale: Thank you, Hon. Temporary Deputy Speaker. As I contribute to this, a man I respect from the last Parliament, and may his soul rest in peace, Hon. Michuki, said that “if you rattle a snake, you will be beaten”. They have rattled a snake and I have to bite them.

The Competition Authority is very important. Hon. Jakoyo raised fundamental issues on its role. I want to tell Members that we have the Competition Authority (Amendment) Bill before this House. Kenyans who said this were right. As the Jubilee Coalition, we have one agenda for the people of Kenya. We want to kill the agenda that this is from a certain region, tribe or religion.

In making the country unified, we are even forsaking our own parties and building one strong unified party. When the URP speaks, they have 76 Members; TNA has 86 Members and ODM has 97 Members in this House, and that is all about parties. Days are gone when we hanged on to this. We have an agenda on what the role of Competition Authority is. If it is true there is a nominee among the five who is in the Board of EABL, then we will bring an amendment that they must step down from that board the moment this House approves their names. The Competition Act is a very key ingredient in most development economies. As we put laws for the growth of our economy, the Competition Authority must declare certain entities monopoly.

I want to tell the House that today, Nakumatt is a monopoly. We are looking at banks which are going under with Kenyan deposits. If the directors of Nakumatt or any other chain supermarket today decided to go down with their supplies money, Nakumatt owes suppliers

Kshs80 billion. If today it goes under, Kshs80 billion will go down. This House is under obligation to bring a law that protects Kenyan suppliers and savers. The Kenya Deposit Insurance Corporation must be like in the USA where every hard earned coin by a Kenyan must be secured and protected.

We should not divide the nation. I am sure if there was somebody from Nyanza, Hon. Kaluma would support this. We should look at the competence of every Kenyan.

Hon. Kaluma must support somebody from North Eastern, Central, Kisii or Coast regions. You do not need to get agitated.

Hon. Temporary Deputy Speaker, I have withdrawn the comment I made about Hon. Kaluma, so that he can sit down and listen to me.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us listen to the Hon. Leader of the Majority Party. He has already withdrawn.

Hon. Kaluma: On a point of Order.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): There is nothing out of order. Hon. Kaluma, the Leader of the Majority Party is on record that he has withdrawn and apologised.

Hon. A.B. Duale: I have withdrawn and apologised. I know Hon. Kaluma loves only a section of the Kikuyu community. He does not love all the Kikuyus, but loves only one gender.

Let us not turn the House into a House of propagating ethnic politics. This should be a House of uniting the nation. Hon. Mwinyi, you were elected to come and use the microphone and not to heckle. You have just been heckling yet you have a card. You should use your card to make your points. You are fasting and you are heckling. Do not wait for Hon. Jakoyo to speak for you. You are a Member of Parliament.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Leader of the Majority Party, do not address the Hon. Member directly.

Hon. A.B. Duale: Finally, I want to go on record. If you want to preach inclusivity, look around you. Hon. Jakoyo is a cousin to Hon. Raila Odinga and he is the Deputy Minority Leader. President Uhuru Kenyatta has no relationship with me. We do not belong to the same religion. We do not even come from the same region. Hon. Naomi Shaban has no relationship with the President or his Deputy. Hon. Katoo ole Metito has no relationship with our two leaders. Why should Hon. Kalonzo Musyoka appoint Hon. Nyenze and Hon. Raila Odinga appoint Hon. Jakoyo Midiwo? Shame on both of them. Shame.

I support.

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Leader of the Majority Party, for the sake of others who are coming, this is not a market place. We can make some statements out there, but we do not need to mention persons who are not in this House. So, even as you debate, do not tell your constituents that you do not know what you are doing in the House. Let us follow our own Standing Orders. You are forgetting what you are doing. You should be debating. I must remind all of you on relevance. The Motion is:-

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on Vetting of Nominees for Appointment to the Competition Authority, laid on the Table of the House on Tuesday, June 28, 2016, and pursuant to the provisions of Section 10 (2) of the Competition Act, 2010,

approves the appointment of the following persons as Members of the Competition Authority:-

- (i) Dr. Abdirizak Aralle Nunow;
- (ii) Ms. Eunice Maranya;
- (iii) Mr. Stephen Kiptinness;
- (iv) Ms. Carolyn W. Musyoka; and
- (v) Ms. Leila A. Ali.

So, Members, that should be the point of discussion. Hon. Katoo, you were here and you are supposed to be speaking. You do not want to speak? Next on my request list is the Member for Muhoroni.

Hon. Oyoo: Thank you very much Hon. Temporary Deputy Speaker. I have listened here with a lot of interest and so many arguments have been advanced. This is a House of records and debate. I have been entertained by a lot of debate, but I want to reason on points. I oppose this list not because of this parochial and cheap propaganda people are advocating here. This House makes laws and the laws they make are ultimately contained in the Constitution.

Constitutions must be safeguarded in all civilised democracies. One single thing which runs a country is the Constitution. The Constitution of this country enjoins regional balancing. If for any reason any appointment does not represent regional balancing, it is a wrong step that must be taken care of. Otherwise, we do not want laws to be passed tomorrow when I am not in this House and then Kenyans come and read bad laws and appointments that were passed like is the case today. This is a House of records. People are sleeping in this House.

Dangerous Bills come to the House which are normally moved by my good friend, the Leader of the Majority Party. He targets when many Members have gone to Committees and slips them in and then with the chorus of Noes and Ayes, he gets a faint sound of Ayes and they are passed. We later realise the NG-CDF and the Government bursary have been removed. This makes us suffer. I want Members to vote with their mind. Look at the debate and do not bring cheap names. We are in Africa and we know leadership in Africa is about a leader taking it on. It is time for the Jubilee people. Their ruling mantra is Jubilee and they said it during the campaign.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Member for Muhoroni.

Hon. Oyoo: The Jubilee Government agreed that once they get power, they will divide it among themselves. They are doing it. They are walking the talk. So, there is nothing wrong with them.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, I have a feeling that I should call the Mover to reply. There is a proposal that I should call the Mover to reply. Hon. Members, if you are not ready to debate, let us not play politics here. We can do it outside. I will rule any Member who is not relevant out of order. Member for Turkana Central!

Hon. Nakara: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. We need to know that no number can satisfy the whole nation. We have more than 40 tribes in this country. Even if we try to bring every tribe inside, there is no way we can satisfy everybody. So, we should ask ourselves whether these people are Kenyans, qualified and balanced. We need to give these people an opportunity to serve this nation. The country is looking at us. When we argue here, put tribalism ahead of us, what do we think about minorities like Turkana, Pokot and Boni? As a Kenyan, I want to see qualification and regional

balance. One thing that we need to make clear is that pastoralists, especially minorities, must be given a chance. They must be included in any appointment because many appointments belong to bigger tribes. We should also consider small tribes in such appointments.

I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Very well spoken and relevant to the debate. I appreciate the contribution. There is an intervention. Hon. Gumbo, you cannot instruct the Speaker what she is supposed to do. The Member is not contributing.

Hon. (Eng.) Gumbo: I also have an intervention.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): There is an intervention, Hon. Gumbo. You cannot instruct the Speaker what to do. Hers is an intervention, not a contribution.

Hon. (Ms.) Kajuju: Thank you, Hon. Temporary Deputy Speaker. From the proceedings so far, we find it fit to invoke the provisions of the Standing Order No.95 and request that the Mover be called upon to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, the Member rose procedurally on closure of debate on your own Standing Order No.95. The Speaker can only follow the rules of the House. I, therefore, proceed to put the Question.

Hon. (Eng.) Gumbo: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Gumbo, you know the procedure.

*(Question, that the Mover be now called upon to reply,
put and agreed to)*

Before the Chairman replies, I must address Hon. Gumbo. Hon. Gumbo, you cannot speak when the Speaker is already putting the Question. You can put an intervention earlier. You are not even on intervention. The Member replying, you can donate some minutes. You can even donate to Hon. Gumbo if you are philanthropic enough.

Hon. Lang'at: Thank you, Hon. Temporary Deputy Speaker. I wish to donate two minutes to Hon. Ababu Namwamba, the Secretary-General of the ODM.

Hon. Ababu: Thank you, Hon. Temporary Deputy Speaker. Even as we debate this Motion with so much passion, may the very critical responsibility of this new Authority not be lost on us.

One of the critical issues that may have escaped our attention is how our local enterprises are struggling against unfair competition by foreign enterprises especially cheap imports that are flooding this market especially from Far East countries like China and Japan. I want to hope that this Authority under the new leadership will pay attention to this critical matter.

Finally, whenever we look at the names here, it is never really about the name or the capacity, it is all about ensuring that every time we have an opportunity to constitute any public office, it should be an opportunity to pull us together as a country so that we can move forward. I want to wish this new team well and challenge it to rise to the occasion to protect our domestic entrepreneurs against unfair competition by cheap foreign imports.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Lang'at, you can use your eight minutes. The Speaker is always under the provision of the Standing Order No.1 to make a decision.

Hon. Langat: Hon. Temporary Deputy Speaker, I wish to thank Members for their contributions. There are those who have spoken passionately against the list and those who have spoken passionately in support of it. The only unfortunate thing that the members on this list may be subjected to by those who are opposing it is the fact that they are required to be vetted. The Leader of the Majority Party can confirm here that there are several other appointments which were made, but because they are not required to be vetted, we only discuss on the basis of what has been presented for vetting.

We have a long list of nominees to various boards. If you want to check this question of regional balancing as I has said earlier on, it will be unfair to punish one person just because of mistakes of others. There is somebody who said a small injustice somewhere is a threat to justice everywhere. Let us not subject the individuals to a test which they cannot pass. I want to support Member and thank those who have supported and those who have opposed, but let us give this new team an opportunity to start working. Their plates are full, they need to go and work.

With those few remarks, I beg to move.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Hon. Members! That was a reply. I have confirmed that we have the numbers.

(Question put and agreed to)

Hon. Members, there was a Communication from the substantive Speaker to the effect that we will have a third Sitting today starting from 6.45 p.m. Therefore, Hon. Members, you will need to register as you come in. You know the effect of registration. It is a Sitting by itself. I also wish to apologise, on behalf of the Speaker's office, for the power failure issue.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, the time being 6.30 p.m., this House stands adjourned until this evening at 6.45 p.m.

The House rose at 6.30 p.m.