

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 21st July, 2016

The House met at 2.30 p.m.

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

PRAYERS

PETITIONS

NON-PAYMENT OF HARDSHIP ALLOWANCE TO PUBLIC SERVANTS IN THARAKA NITHI

Hon. Mwiru: Hon. Speaker, on behalf of the members of the Union of Kenya Civil Servants in Tharaka Nithi, I would like to present a petition on non-payment of hardship allowance.

I, the undersigned, on behalf of the Members of the Union of Kenya Civil Servants of Tharaka Nithi County, draw the attention of the House to the following:-

THAT, the Public Service Policy stipulates that public servants working in hardship areas are entitled to hardship allowance;

THAT, in 1997, the then Minister for Education gazzeted Tharaka District as a hardship area for Collective Bargaining Agreement (CBA) signed between the Teachers Service Remuneration Committee and the Kenya National Union of Teachers (KNUT);

THAT, in 2000, the Government reviewed all hardship areas and cleared Tharaka District as one of the hardship areas and consequently all the public servants in Tharaka South and Tharaka North districts were paid hardship allowances for two months after which the hardship allowance was scrapped;

THAT, employees of the Judicial Service Commission (JSC) and the Teachers Service Commission (TSC) stationed in Tharaka North and Tharaka South districts and Igambangómbe still get paid hardship allowance despite the scrapping of the hardship allowance, and these are the advantages of civil servants working in those areas;

THAT, there is a growing discontent among the civil servants working in those areas and efforts to resolve the matter with the Salaries and Remuneration Commission (SRC) has been futile; and,

THAT, the issues in respect of which this petition is made are not pending before any court of law or constitutional or statutory body.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Labour and Social Welfare, investigates the circumstances under which there are disparities in payment of hardship allowance for public servants in Tharaka South District, Tharaka North District, and Igamba Ngómbe Division and recommends that the Salaries and Remuneration Commission (SRC)---

(Loud consultations)

Hon. Speaker: Order, hon. Members! The tall Member for Samburu, Hon. Lentoimaga, you offend the Standing Orders when you stand. You are interfering with my view of the Member who is on the Floor.

Hon. Mwiru: Thank you, Hon. Speaker for protecting me.

Hon. Speaker: That is not to say that the fairly short Member for Meru is excused. You must also not appear between the Speaker and the Member contributing, notwithstanding your height.

Proceed.

Hon. Mwiru: Hon. Speaker, the petitioners pray that the Departmental Committee recommends that the Salaries and Remuneration Commission (SRC) harmonizes payment of hardship allowance for public servants; that, the PSC pays hardship allowance arrears to public servants stationed in Tharaka South District, Tharaka North District and Igambang'ombe Division, and makes any other order or direction that it deems fit in the circumstances of the case.

Your petitioners will forever pray.

Thank you, Hon. Speaker.

Hon. Speaker: Since you talked about Chuka/Igambang'ombe, I can see the Member for Chuka/Igambang'ombe wants to make some comments.

Hon. Njuki: Thank you, Hon. Speaker, for the intervention.

I want to thank the Member for Tharaka, who happens to be taller than the Member for Samburu. It is only that you are obstructed because of your sitting position.

Hon. Speaker, Tharaka Nithi County is a very unique geographical area in terms of climate. Tharaka District, both South and North and Igambang'ombe Division, are in a totally different environment compared to Maara and parts of Chuka/Igambang'ombe Constituency. That difference in payment of hardship allowances has brought about skewed distribution of workforce because most people do not want to work in certain areas within the same district and county, where civil servants do not earn hardship allowance. Schools and institutions have suffered. There is need to harmonize this by ensuring that other members of the society and public servants who are in those areas also benefit from hardship allowance payment. I want to agree with the Member for Tharaka that there is no difference between teachers and other public servants working in that area, especially given that both categories of public servants are paid using taxpayers' money.

Why would a teacher in Tharaka receive hardship allowance and a civil servant in the same area not receive hardship allowance? There is need to harmonize this issue so that we can have uniformity in payment of emoluments to civil servants. I previously brought this issue to Parliament through a petition on hardship allowance for only Igambang'ombe Division of Chuka/Igambang'ombe Constituency. Therefore, there is need to ensure that as civil servants in Tharaka North and Tharaka South are being considered, those in Igambang'ombe Division, in Chuka/Igambang'ombe Constituency, which shares exactly the same climatic conditions, can also be remunerated to ensure that we have uniformity in distribution of resources and salaries.

With those remarks, I support the petition.

Hon. Speaker: Member for Endebess.

Hon. (Dr.) Pukose: Thank you, Hon. Speaker. I would like to support the petition by Hon. Mwiru.

Hon. Speaker, there is need to look at the issues pertaining to payment of hardship allowance to teachers. The allowance has not been reviewed since the time it was introduced. When this allowance was introduced, we did not have the new districts that were subsequently created in areas with very difficult climatic conditions. My immediate neighbouring constituency of Moroto is classified as a hardship area while Endebess constituency is not. Even for one to get to work there is very difficult. When teachers are employed within Endebess and the larger Kwanza, they prefer to be posted to the Kwanza side because the roads are much better in that area. Children on the side of Endebess also deserve to be given equal opportunities in terms of education. It is very important that the Committee on Education, Science and Technology, led by Hon. Sabina Chege, and in which Hon. Melly sits, needs to up their game and review the issue of hardship allowance. When they looked at the amendments on the relevant law last time, we proposed that areas with difficult terrain and harsh climatic conditions, where many of the teachers do not want to work, be classified as hardship areas.

Therefore, when Hon. Mwiru appears before the Committee to prosecute this matter, we should also be given an opportunity to present our cases, so that all the deserving areas can be considered instead of bringing piecemeal petitions.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Kiminini.

Hon. Wakhungu: Thank you, Hon. Speaker. I would like to comment on the petition that has just been presented to the House. A similar petition was previously presented here by the incoming governor for Tharaka Nithi, Hon. Muthomi Njuki.

Hon. Speaker, we cannot be legislating, overseeing or representing in vain. This matter is supposed to have been handled a long time ago. As we move on, because of the climate change, we see regions which previously had favourable working conditions becoming difficult areas. It is important that the ministry in charge moves with speed and reviews this matter with a view to identify the key areas that are supposed to be categorized as hardship areas and ensure that public servants in those areas are compensated accordingly. The Ministry and the Committee in charge, led by Hon. Sabina Chege, need to move with speed to address this matter. We know that they have so many petitions. We are looking upon them to act.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Kuresoi North.

Hon. Cheboi: Thank you, Hon. Speaker. I also want to add my voice to the petition and say that I support it.

As you refer this petition to the relevant committee, there is a tendency that has been there for a long time, of assuming that hardship areas are those areas which receive no rainfall. As the petition is prosecuted, those concerned should also consider hardship areas like my constituency of Kuresoi North, which receives so much rainfall whereas the roads are bad. The climate is extremely cold and therefore unbearable for teachers. Therefore, as the petition is considered, it should be borne in mind that hardship areas are not just the dry areas. Quite a number of hon. Members have visited parts of my constituency, including Kiptororo. There is a place which receives rainfall throughout the year, from January to January. On average, the teachers I have in primary schools in my constituency are three or four. It is a real hardship area. When teachers are posted there, they quickly seek transfers. Therefore, while I support this

petition, I would like to say that the scope of hardship areas should be expanded beyond the dry areas.

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

Hon. Speaker: What is it, Hon. Chepkongá?

Hon. Chepkongá: Hon. Speaker, as you know, Hon. Cheboi is my very good friend. He is a Temporary Speaker, and I have a lot of respect for him.

Hon. Speaker: Hon. Chepkongá, I am not so sure about what you are saying. Look at your Standing Orders, there is no provision for Temporary Speakers. Hon. Cheboi is the First Chairperson in the Chairman's Panel.

Hon. Chepkongá: I am sorry, Hon. Speaker. May I amend? Hon. Cheboi is the First Chairperson in the Chairman's Panel.

Hon. Members: The First Chairman!

Hon. Chepkongá: Hon. Speaker, you know, where I come from, English is not so ordinary and common. We struggle with it. So you can imagine. Hon. Cheboi is the First Chairman.

Hon. Speaker, I listen to him keenly. I would like to agree with him but the definition of "hardship area" does not include very rainy areas or bad roads. Bad roads are manmade. He should be blaming his governor, and not the rain. That area cannot be a hardship area because his governor has absconded his duty. He should talk to his governor about payment of hardship allowance to public servants in his constituency and not the Departmental Committee on Education, Science and Technology. Rain for us is a blessing. I do not know why he wants to associate the abundant rainfall that his constituency receives with hardship business.

Hon. Speaker: Certainly, there is nothing out of order about what he said.

Hon. Cheboi: Yes, I was finalizing, Hon. Speaker, before the rude interruption from my very good friend Hon. Chepkongá, who also happens to come from an extremely cold area. Maybe he should also be advising me to ask my governor to make the area less cold because it is extremely cold and very inhabitable, especially for the teachers who are coming from far and wide.

I reiterate that we should start thinking outside the box. Nairobi at the moment is very cold. It is a hardship area. I can certainly say that Kuresoi North is a hardship area and the teachers should be paid because it is like being in a winter zone at this point in time.

Thank you.

Hon. Speaker: I will obviously give the Member for Tinderet some time but not now because he is the Vice-Chair of the Departmental Committee on Education, Research and Technology, although I am inclined to refer this Petition to the Departmental Committee on Administration and National Security.

Let me hear the Member for Vihiga, Hon. Dorcas Kedogo.

Hon. (Ms.) Kedogo: Thank you, Hon. Speaker. I just want to support the petition since we all know that we do not have enough teachers in our schools. Most of them tend to go to towns because they tend to feel that, that is a place for them to be. We have to motivate those going to hardship areas by giving them hardship allowances so that most of them are able to go to those schools and teach. To make sure that we have enough staff in the hardship areas, we need to motivate the teachers who go there.

Thank you.

Hon. Speaker: Finally, the Member for Tinderet.

Hon. Melly: Thank you, Hon. Speaker. I also want to concur and support hon. Members because as we speak right now, various parts of this country have not been defined clearly on how hardship has been bestowed upon them.

In several regions of this country, you will find that a main road is dividing two different regions. One side of the road is having hardship and another side of the road is not having hardship. I want to bring to the attention of Members that currently in the Departmental Committee on Education, Research and Technology; we are discussing this issue of hardship allowance on teachers. We have scheduled to discuss the issue, especially with the Cabinet Secretary and the Teachers Service Commission (TSC) on Tuesday. We had a petition which had earlier been filed by the Members for Tigania West and Chuka/Igambang'ombe and we are going to discuss it on Tuesday.

If it is an issue concerning teachers, those Members who have interest concerning hardship allowances in their respective regions can come there and be enjoined in that petition, but if it is other public servants, then they can go to the respective Ministries.

Thank you.

Hon. Speaker: Very well. For the reasons stated in the petition, since it is not limited to teachers, I will refer it to the Departmental Committee chaired by Hon. Kamama to deal with it. I hope Members were listening to the invitation by Hon. Melly to make themselves available on Tuesday next week wherever the Committee will be sitting. I am unlikely to know where each committee sits, but it is posted on the various notice boards. Make yourself available, especially if you are going to discuss the issue of teachers' hardship allowances.

Next Order.

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House today, 21st July, 2016:-

The Report of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June 2015 and the Certificates therein:-

Laikipia University

Constituencies Development Fund, Mathare Constituency

The Independent Electoral and Boundaries Commission

The State Department for Environment and Natural Resources

Notice on Price Stability Target and Economic Policies to be undertaken by the Government through the Cabinet Secretary, National Treasury, pursuant to Section 4 of the Central Bank (Amendment) Act, 2014.

With your permission, I want to explain what this Paper is all about.

(Loud consultations)

Hon. Speaker: Many of you, including the Hon. Member for Kanduyi, may not have looked at the Central Bank of Kenya (Amendment) Act of 2014 and more particularly, Section 4 to appreciate the Paper being laid by the Leader of the Majority Party. That is the reason I am allowing him to make a statement relating to that Paper, which will eventually be referred to the Budget and Appropriations Committee and the Departmental Committee on Finance, Planning and Trade.

Hon. A.B. Duale: Hon. Speaker, since you have allowed me to make some comments on this special Paper which I have just tabled, Sections 4 to 6 of the CBK Act requires the Cabinet Secretary for National Treasury to give notice of the price stability target in consultation with the CBK and highlight economic policies to be undertaken by the Government every 12 months.

The Act also requires the Cabinet Secretary to lay a copy of the notice before the House. In this Paper, the Cabinet Secretary has highlighted two key issues. The first one is the price stability target for the Financial Year 2016/2017, which shall be an inflation rate of 5 per cent with a 2.5 margin in the event of adverse shocks either domestically or externally.

Second, it is worth noting that if the inflation rate goes beyond 2.5 per cent margin, the CBK is expected to provide a written explanation of this to the National Assembly. Two, this notice is important for the purpose of improving the business environment, maintaining investor confidence and keeping the public apprised on inflation rates and the Government mitigating measures.

I, therefore, request the Budget and Appropriations Committee and Departmental Committee on Finance, Planning and Trade to keep the House updated on the status of this matter as and when they engage the Cabinet Secretary. It was merely a comment, but I will allow the Member for Gem to make some comments on that.

Hon. Midiwo: I thank you, Hon. Speaker, for being so kind. What has just been laid on the Table by the Leader of the Majority Party is, if nothing else, the most important issue that should concern us. Let me thank the Cabinet Secretary for National Treasury for apprising this House.

As you know, the markets are not responding to the laws, particularly consumer protection laws, and even to some Government agencies. Only last week, you saw with the enactment of the new energy laws that the fuel prices have gone up in disregard of the prevailing market circumstances. Kenyans are complaining. So, it is very important that the Budget and Appropriations Committee and Departmental Committee on Finance, Planning and Trade tell us what is happening. This House has a duty.

This thing where the prices go up and there is no instability in the market is disorganising and discouraging investors in our country. I just wanted to make a note and thank the CS for obeying the law to submit to this Parliament and throw it back to Parliament for action.

Thank you.

Hon. Speaker: May I invite the Member of the Departmental Committee on Environment and Natural Resources. Is Hon. Kathuri Murungi, Member for Imenti South present?

Hon. Murungi: Hon. Speaker, on behalf of the Chairperson of the Committee, I beg to lay the following Paper on the Table of the House today, 21st July 2016:-

The Report of the Departmental Committee on Environment and Natural Resources on the Petition by Hon. Florence Kajuju, MP, on behalf of residents of Meru County regarding human/wildlife conflict in Meru County. Hon. Kajuju is seated here in front of me. I also participated in the process.

Thank you.

Hon. Speaker: The Chairman of the Departmental Committee on Agriculture, Livestock and Co-operatives.

Hon. Nooru: Hon. Speaker, I beg to lay the following Papers on the Table of the House today, 21st July 2016:-

The Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the status of Galana-Kulalu Food Security Project.

The Consideration of the Warehouse Receipts System Bill, 2015.

Thank you.

NOTICE OF MOTION

STATUS OF GALANA-KULALU FOOD SECURITY PROJECT

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

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the status of Galana-Kulalu Food Security Project, laid on the Table of the House today, 21st July 2016.

Thank you.

Hon. Speaker: Hon. Members, before we proceed to the next Order, let me recognize students and pupils from the following institutions, who are seated in the Speakers Gallery:-

Limuru Girls, Kiambu County; Kiereni Primary School, Tharaka Nithi County; Mayani Boys High School, Makueni County; Tulaga Secondary School, Nyandarua County; Anjengo Secondary School, Migori County; Queen of Angels Primary School, Bomet County and Kapkachur Primary School, Elgeyo Marakwet County. They are all invited to observe the proceedings of the National Assembly.

Next Order!

STATEMENTS

BUSINESS FOR THE WEEK COMMENCING 26TH TO 28TH JULY, 2016

Hon. A.B. Duale: Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(a), on behalf of the House Business Committee (HBC), I rise to give Statement regarding the business appearing before the House the week beginning Tuesday, July 26, 2016.

Hon. Speaker, HBC met on Tuesday this week at the rise of the House, to prioritize the business for consideration. On Tuesday, next week, we will consider, in Committee of the whole House, the Miscellaneous Fees and Levies Bill, 2015 and the Controller of Budget Bill, 2015. I, therefore, wish to urge all Members with proposed amendments to these Bills to present them to the Legal Department or the Office of the Clerk in good time to avoid a last minute rush.

Hon. Speaker, the House will also consider for Second Reading of the following Bills, if not concluded today:-

- 1) The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2015;
- 2) The Warehouse Receipt System Bill, 2015;
- 3) The Public Finance Management (Amendment) Bill, 2015;
- 4) The Kenya Regiment (Territorial Force) (Repeal) Bill, 2015.

Hon. Speaker, on 19th July, 2016, the Senate forwarded with amendments 11 Bills to the National Assembly. The Bills were subsequently committed to the relevant committees. Seven of those Bills are part of the Year-Five Constitutional Bills that ought to be passed by Parliament on or before 27th August, 2016. In this regard, I request the relevant Committees to expedite the

consideration of the said Bills, considering the limited time remaining and the possibility of mediation in case of any disagreements on the amendments.

Hon. Speaker, the HBC is concerned that the Departmental Committee on Finance, Planning and Trade has delayed in submitting its proposed amendments to the Banking (Amendment) Bill, 2015 and the Miscellaneous Fees and Levies Bill, 2015. I am aware that the Committee is busy, but I implore the chairperson to fast-track the consideration of those Bills and submit the amendments to enable the House conclude these Bills.

Hon. Speaker, on Questions the following Cabinet Secretaries are scheduled to appear before Committees on Tuesday, July 26, 2016.

The Cabinet Secretary for Interior and Coordination of National Government at 10.00 a.m. before the Departmental Committee on Administration and National Security to answer Questions from Hon. Elisha Busienei, MP; Hon. David Wafula, MP; Hon. (Ms.) Sunjeev K. Birdi, MP; Hon. Sharif A. Ali, MP; Hon. (Ms.) Shukran Hussein Gure, MP; Hon. Irungu Kang'ata, MP; Hon. Robert Pukose, MP and Hon. (Ms.) Mary Mbugua, MP;

The Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development at 10.00 a.m. before the Departmental Committee on Transport, Public Works And Housing to answer Questions from Hon. (Ms.) Esther Murugi Mathenge, MP; Hon. Peter Kaluma, MP; Hon. Isaac Mwaura, MP; Hon. Joseph M'eruaki, MP and Hon. William Kamoti, MP.

The Cabinet Secretary for the National Treasury at 11.30 a.m. before the Departmental Committee on Finance, Planning and Trade to answer Questions from Hon. Kabando wa Kabando, MP and Hon. Alois Lentoimaga, MP.

Finally, Hon. Speaker, the HBC will reconvene on Tuesday, July 26th, 2016 at the rise of the House, to consider business for the coming week.

Hon. Speaker, I now wish to lay the Statement on the Table of the House. Thank you.

(Hon. A.B. Duale laid the document on the Table)

Hon. Speaker: The Hon. Members who are making their way into or out of the Chamber, please, take your seats or freeze. You have a choice. The Member for Rarieda is advised that when the Speaker is addressing the House, there cannot be anything out of order.

COMMUNICATION FROM THE CHAIR

POSSESSION OF FIREARMS AND OTHER OFFENSIVE WEAPONS IN THE CHAMBER

Hon. Speaker: Hon. Members, I wish to report to the House that during its sitting held on Tuesday, July 19, 2016, the HBC was drawn to concerns raised by various Members regarding possession of firearms and other offensive weapons in the Chamber. In this regard, I wish to draw the attention of the House to the provisions of Standing Order No.100, which states and I quote:-

“No Member shall bring a firearm or any offensive weapon into the Chamber and any such weapon must be deposited with the Serjeant-at-Arms for safe custody before entering the Chamber, and collected at the time of leaving the Chamber.”

This provision is echoed in Rule Number 16 of the National Assembly Speaker's Rules, which also prohibit admission of strangers carrying firearms and offensive weapons into the precincts of Parliament.

Hon. Members, in view of the above, I wish to caution Members that possession of firearms and offensive weapons in the Chamber constitutes a gross disorderly conduct as provided for by Standing Order No.107(h). Accordingly, I direct the Serjeants-at-Arms, being the officers of the House responsible for enforcement of these rules, to strictly undertake stringent security checks as required by Standing Order No.99, to ensure that no Member accesses the Chamber before depositing his or her firearm with them. Similarly, the Safety and Security Department under the Joint Services is directed to ensure that strangers are subjected to thorough security checks before being admitted into the precincts of Parliament. The House and officers of the House are accordingly advised.

Hon. Members, while still on this, I wish to reiterate that it is not the desire of the administration of Parliament to impede entry into the precincts of Parliament of journalists who are credited to cover Parliament. I, therefore, direct again that the Serjeant-at-Arms and other security organs of the House make it possible for journalists accredited to Parliament to access the precincts without unnecessary hindrances.

Thank you, hon. Members.

Hon. Speaker: Member for Rarieda, do you still have something you want to say that is out of order?

Hon. (Eng.) Gumbo: No, Hon. Speaker. This is with regard to the Leader of the Majority Party's Statement. Just a few concerns! When this House passes laws, the only way to operationalise them is through regulations. About five years ago - and I have raised this matter many times---

Hon. Speaker: Hon. Gumbo, the rest of the House is not able to follow what you are saying.

Hon. (Eng.) Gumbo: Hon. Speaker, I am saying that the laws that we pass in this House are operationalised through regulations.

Five years ago, we passed the Engineers Act, a very important law for this country. I have raised this matter very many times. The regulations of that Act provide that key aspects of that law are to be effected through regulations. It is now five years from the year 2011. I have been raising this matter and I do not know why it is taking so long. Really, as engineers of this country, we are getting frustrated by the fact that those regulations have not come. That is the first point that I would like him to really explain to the House. That is because this matter has been outstanding for so long.

Two, about a month ago, I addressed a Question to the Minister for Public Service on Chapter Thirteen, Values and Principles of Public Service. Just before we went on recess, the Leader of the Majority Party had said that matter was to be addressed by the Minister for Labour, but it was not addressed. I raised his attention to the fact that the Question that I had raised touched on the values and principles of public service. He said that he will go and find out why a Question touching on values and principles of public service was apparently being directed to the Ministry of Labour.

Lastly, as Public Accounts Committee, we are getting a bit frustrated. We did the Report of the 2013/2014 Financial Year and I want the country to understand that this is a Report which is 466 pages and doing that Report meant working very late into the night. This Parliament is governed by the Commonwealth rules and practices, and in the Commonwealth jurisdictions, reports of PAC normally take priority.

Hon. Speaker, we have four Reports of PAC before this House. They are not being listed for debate. One of them is on the Independent Electoral and Boundaries Commission (IEBC). I

have said before that some of the recommendations of that Report and some of the issues that, that Report has highlighted would actually help to lighten the public debate that is going on with regard to that body. So, Hon. Speaker, I truly request your indulgence so that these Reports of PAC, particularly the one on IEBC and the Report on the 2013/2014 Financial Statements, can be brought here for debate.

Thank you.

Hon. Speaker: Let us hear the response from the Leader of the Majority Party. Although ideally, the Chairman of PAC should just approach the Office of the Clerk, Speaker, Leader of the Majority Party or Leader of the Minority Party, to have business which he requires to be prioritized, I think the point you are making is valid; that we need to get over some of those Reports. There is no point of Committees sitting to make reports and they are not debated. So, there is abeyance. Everything is left in abeyance. I think the point you are making is a valid one. The Leader of the Minority Party, do you want to respond to the issue of the engineers?

Hon. A.B. Duale: Yes. On the first issue, I think he is very genuine. However, I wish the Member for Rarieda could have put that in a question form and put it to the Cabinet Secretary (CS) for Transport and Infrastructure. However, still because the CS is appearing before PAC on Tuesday, I can still put it to the CS that he appears before the PAC, if he gives me that in writing this coming Tuesday.

On the PAC Reports, I will undertake that the HBC next week will give it priority. We do not have a backlog on the audited accounts. On IEBC, we have agreed as HBC on a procedural Motion that all matters concerning IEBC will be on hold for the next two weeks as we allow the Joint Select Committee to complete its work, including the Petition and all that.

Finally, on the issue between the Ministry of Labour and Public Service, I will pick it up with the Chair of PAC. I am sure from how he is nodding, as usual, he is always happy with my answers and I am sure today is not an exception.

(Laughter)

Hon. Speaker: Very well. Member for Ainamoi.

Hon. Langat: Thank you, Hon. Speaker. I heard the Statement from the Hon. Leader of the Majority Party on the business before the House.

I heard the concern which was raised about my Departmental Committee on Finance, Planning and Trade on the issue of the Miscellaneous Levies Bill and the Banking (Amendment) Bill.

I believe the clerks of the House Business Committee (HBC) should be able to verify facts before a Statement is made. I tabled the Report on the Banking (Amendment) Bill on 24th April 2016. I also tabled the Report on the Miscellaneous Levies Bill on 17th November 2015. If we do not have amendments, then we do not have amendments. You cannot say we have delayed because we have not forwarded the amendments. We did not have amendments on the Bills.

I also want to request that there should be close working relationships between the HBC and the Chairpersons of Committees. We have seen Bills being put on the Order Paper without informing the Chairpersons of Committees. It takes courtesy to inform the respective Chairs of Committees when there is an agenda touching on their Committee. We need to improve the relationship between the HBC and Committees. We have raised this matter several times before the Liaison Committee which comprises of Chairs. The HBC is another group of Members. We will have to synergise so that when you put the business touching on my Committee, there

should be courtesy to tell me there is business about your Committee, do “A”, “B”, “C” and “D” and then, we will prepare.

Thank you.

Hon. Speaker: Ideally, you are still required to make a report which should come to the HBC, even if you wait as Chairs of Committees. You cannot sit and argue you are Chairs and, therefore, think you are in a small club. You must bring a report which should contain those complaints the Chairs have raised in the meeting as the Committee on Liaison. Then, the HBC gets to know what it is that is troubling you as Chairs of Committees.

But, the point you are making is valid. There needs to be good coordination between both Committees so that the respective Chairs are informed to prepare in good time when there is business. If you have not proposed any amendments, that is not to say you must. You cannot be compelled to have amendments. You are at liberty to return a report that says you are happy with the Bill as proposed.

Hon. Olago, Member for Kisumu West Constituency.

Hon. Aluoch: Thank you, Hon. Speaker. I welcome your Communication in respect of firearms in the House. My intervention to that is that many Members in this House and the Senate are licensed firearm holders. From my experience, many Members do not know how to handle firearms and keep them safe. Lately, we have had experiences at the airport in Kisumu when some Members were surrendering their firearms for safe custody before they board. A Member’s firearm has gone off by mistake on two occasions as he was surrendering it for safe keeping before boarding. I have noticed a Member’s firearm left in a toilet. I have seen a Member with his firearm on the table. In view of all this, my impression is that many of us are not sufficiently trained in security and safety at handling firearms.

Therefore, I kindly ask that you instruct the Office of the Chief Serjeant-at-Arms to coordinate with Members so that those who are not keen and knowledgeable in safety and use of firearms have facility to be trained to do it. Firearms in the hands of untrained people are very dangerous.

I humbly submit.

Hon. Speaker: Well. It looks like the Hon. Olago Aluoch has noticed that a number of Members holding firearms have not undergone even the basics of handling firearms or other offensive weapons, including knives.

(Hon. Midiwo pointed at Hon. Simba)

Hon. Midiwo seems to be pointing at the Hon. Member of Dagoretti North. Please, take note of them. Be accordingly warned that it is dangerous to allow yourselves to carry firearms if you have no training on how to handle them.

Hon. Olago Aluoch, the point you are making is a pertinent one for Members to observe. Hon. Members, I can see there are a number of interventions. Before we proceed, allow me to recognise the following Members who are in the Speaker’s Gallery:-

The Hon. (Prof.) Magzub Ahmed, MP and Chairperson of the Public Accounts Committee (PAC) in the National Assembly of Sudan and Mr. Nassir Ahmed who is the Public Accounts Committee (PAC) Clerk of the National Assembly of Sudan. They are here to attend the Executive Committee Meeting of the African Association of the Public Accounts Committees (AFROPAC) from 18th to 22nd July, 2016.

Welcome to the National Assembly of Kenya.

(Applause)

Hon. Njoroge Baiya, Member of Githunguri.

Hon. Baiya: Thank you, Hon. Speaker for giving me this opportunity. I was going to highlight in relation to what Hon. (Eng.) Gumbo has said. It was on some of the concerns we have received on the implementation of the Constitution and the numerous legislations implementing the Constitution that have successfully been passed by the House. They require regulations to be developed to become operational.

It is important for the House to draw the attention of the respective Departmental Committees to their obligation to oversee the corresponding Ministries. They should ensure the Ministries not only formulate or receive the relevant legislations, but also operationalize and ensure they are successfully implemented.

In this regard, I ask the leadership of the House, including the Leader of the Majority Party, to chip in and ensure the Chairpersons of Committees are sensitised to follow up on those legislations to ensure they are operationalized.

Thank you.

Hon. Speaker: Hon. Members, every Member belongs to a Departmental Committee. There is nothing that prevents you from making them function. If you look at the general mandate of Committees, nothing stops yours from requiring those responsible for making of regulations under any legislation to appear before your respective Committees and answer questions as to why nothing is being done with regard to promulgation or enactment of regulations.

Even as you come to lament, remember the power is in your hand. Power is not with the Speaker. As you know, Article 122 of the Constitution says the Speaker has no vote. I see some of you make some funny statements out their requiring the Speaker to do this or the other. Please remember Article 122. The Speaker has no vote. Do not even ask the Speaker to stop a Committee from doing anything. That will amount to voting and yet, the Speaker has no vote.

I generally advise, gratis, even those that are out there who may have forgotten that the new Constitution does not confer on the Speaker any voting right. So, the Speaker has no vote. Do not go to funerals and start urging the Speaker or me to stop this, do the other and so forth. I will not even feel urged, I will not be urged. Even if you urge me there, there is nothing I can do. I do not vote. You go into your Committee and do what you must do within it.

The Member of Parliament for Seme Constituency, Hon. (Dr.) Nyikal.

Hon. (Dr.) Nyikal: Thank you, Hon. Speaker. I rise to make a comment on the issues of Bills getting into the House that have been discussed. We have raised that on Bills and Reports.

I am particularly concerned about the amendment to the Banking Act, 2015.

The Bill came in the Order Paper this week and again was not discussed because, apparently somebody was not ready. This Bill attempts to cap the bank interest rates. There was history in this House even before I came that every time there is a Bill that attempts to cap the interests rates in this country, those Bills do not seem to go anywhere. Hon. Midiwo had such a Bill that came into this House. Hon. Donde too had his. This is by Hon. Jude Njomo and from what we see, this Bill may never come to the table yet interest rates in this country are so high that people cannot do business. We have just heard a statement from the Leader of the Majority Party about market forces not responding to the laws in the country. I call upon the Committee of the House concerned with this Bill that this particular Bill that seeks to cap interests rates should

be brought to the House. Members discussed it with a lot of enthusiasm but I am beginning to worry that it will take the path that the other Bills that attempted to cap bank interest rates took.

I just wanted to express that concern. The country is watching, particularly the Kenyans who are really suffering under the weight of high interest rates.

Hon. Speaker: For the information of the House and all members who may have any input, that Bill, which is a Private Member's Bill on banking, is scheduled for consideration in Committee of the whole House on Wednesday next week in the morning. So, please do not say that there was traffic jam and you are not able to make it in good time. If you have anything you have to say regarding that Bill, please make sure that you are here at 9.30 a.m. so that you can make your input, if any, to the Bill. It is already scheduled by the House Business Committee (HBC).

Member for Ainamoi and Chair of the Departmental Committee on Finance, Planning and Trade.

Hon. Langat: Hon. Speaker, I think Hon. (Dr.) Nyikal seems to have said that the Bill was not considered because I was not in the House. The Bill is now the product of the House. It is up to the HBC, as you have directed, to place it in the business of the House. We have deliberated on the matter and tabled the Report. We have no amendment to the Bill. I inform Hon. Nyikal that the Bill is sponsored by Hon. Jude Njomo. It is already listed and the Speaker has said that it will be considered next week. So, I think you will do more justice next week, if you will be in the House at 9.30 a.m.

Hon. Speaker: Next Order!

BILL

Second Reading

THE COUNTY ASSEMBLIES POWERS AND PRIVILEGES BILL

Hon. Speaker: Hon. Members, debate on this Bill was concluded. What remains is for the Question to be put. I confirm that the House quorates.

(Question put and agreed to)

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

MOTION

ESTABLISHMENT OF FISHERIES TRAINING INSTITUTIONS AND FISH PROCESSING PLANTS

THAT, aware that Kenya's high seas and inland fresh water bodies are a key resource for diversification of the country's economy through fishing; noting that most fishermen and women use traditional methods of fish harvesting, preservation and processing; conscious that there are few training institutions that offer studies in fisheries, oceanography and maritime technology in Kenya;

further noting that huge losses are incurred due to lack of proper post-harvest management and inadequate fish processing plants in the country; concerned that this lacuna has contributed to relegation of the otherwise lucrative fishing industry to a *jua kali* sector; deeply worried that lack of training and inadequate fish processing facilities have resulted in meagre earnings for many Kenyans, including women who depend on fishing; this House urges the Government to establish both inland and coastal training institutions and processing plants with a view of building capacity for fishing communities to maximize their returns from the lucrative fishing sector.

Hon. Speaker: Hon. Members, once again, debate on this Motion, by Hon. Rose Nyamunga, was concluded. What remains is for the Question to be put.

(Question put and agreed to)

PROCEDURAL MOTION

EXTENSION OF PERIOD FOR CONSIDERATION OF PETITION

Hon. Speaker: Let us have the Majority Whip move this Motion.

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

THAT, notwithstanding the provisions of Standing Order 230(5), this House resolves to extend the period prescribed for the consideration of the Report of the Departmental Committee on Justice and Legal Affairs on the Petition for the removal of the Chairperson and Members of the Independent Electoral and Boundaries Commission (IEBC), laid on the Table of the House on July 19, 2016 by a period of thirty (30) days.

Hon. Speaker, I am moving this Motion on behalf of the HBC, as earlier alluded to by the Leader of the Majority Party, following lengthy discussions that were made in our meeting on Tuesday evening this week. On that day, it was noted that while the Justice and Legal Affairs Committee has duly concluded its work as required by Article 251 of the Constitution and the Standing Orders, there is no going back. However, a perception has been created that proceeding with this Motion now may jeopardise the work of the Joint Select Committee on matters relating to IEBC.

While this perception is really not true, the civility and modesty which are the values that those of us in the Jubilee Coalition always uphold require that we continue to show leadership. It is for this reason that we are urging the House to agree to defer the discussion on the petition by Mr. Barasa Nyukuri by a further 30 days.

It is envisaged that the Joint Select Committee on matters relating to IEBC will have completed their work within the next 30 days. Further, in accordance with the mandate of the Joint Select Committee, it is expected that the Committee will suggest a way forward on the question of vacation from office of the IEBC within the confines of the Constitution and our laws.

It is, therefore, my wish and the wish of the House Business Committee (HBC) that under the provision of Standing Order No. 230(5), the House is required to decide whether or not the petition discloses a ground for removal as stipulated under Article 251(a) of the Constitution

within 10 days of the tabling of the Report of the Committee. I, therefore, urge the House to extend that period by a further 30 days from today.

Hon. Speaker, I beg to move. I request the Chairperson of the Departmental Committee on Justice and Legal Affairs, Hon. Chepkong'a, to second.

Hon. Speaker: Hon. Chepkong'a.

Hon. Chepkong'a: Hon. Speaker, I rise to second. I can see Hon. Wamalwa is wondering why Hon. Chepkong'a is seconding. He knows that, of course, I would have opposed it, but I want to assure him that as a Committee we stand with the HBC. The reason why I agree with them - this is a discussion we had in the Committee - is that we did not want to appear to be an impediment to the Select Committee. In fact, we rue the idea that if we had come up with a recommendation that supports the petition we would have completely messed up the work of the Select Committee. The reason being we would have then required the President to appoint a tribunal, which would have taken us too long.

As you know, we are very reasonable people as Members of Parliament. In fact, when we concluded consideration of the petition we had a sitting in camera with the Independent Electoral and Boundaries Commission (IEBC) commissioners, details of which I will not disclose here, and they were very favourable in terms of our discussion. We have no doubt that the Select Committee will be able to resolve this issue. We just want to allow them time to come up with a recommendation that will be acceptable to this House.

I see too many issues that are being raised in newspapers and in the media in general that the Departmental Committee on Justice and Legal Affairs has, indeed, cleared the IEBC commissioners. That is far from the truth. The truth is that we were thrown into a frenzy when we were given a court order by Justice Lenaola, which expunged all negative and adverse references in the Special Auditor-General's Report that the Petitioner had relied upon. Now, faced with that order that clearly stated--- For avoidance of doubt, Members may want to know. This is what Justice Lenaola said:-

“An order is hereby issued directing the respondent [Auditor-General] to delete the information in the second row of page 28 in the Special Investigation Report, on the procurement of electronic voting devices for the 2013 general elections, of 6th June 2014 that adversely mentions the petitioner and any other information in the said report that adversely mentions the petitioner.”

What Justice Lenaola did was to decapitate the report by removing any adverse references that had been made in the report against the commissioners. So, the report as it were ceased to exist and so there was nothing for us to consider in that report.

When Mr. Nyukuri presented his Petition, we had almost written an obituary of the IEBC commissioners until we were given this court order. For those who were listening to our cross-examination of the commissioners, we were very clear. We thought that they were incompetent until we were thrown this order, which completely messed us up. It ruined and frustrated our hopes. It was not the intention of this Committee at all to clear anyone. We did not clear anyone at all. It is the court. If there is anybody to be blamed, it is the court. You cannot blame Chepkong'a because I never considered the merits of the accusations because the merits were removed by the court. So, we had nothing to consider. I would like to table this ruling by Justice Lenaola for the public to look at.

(Hon. Chepkong'a laid the document on the Table)

More importantly, I support the extension of the period by 30 days to allow the Select Committee to deal with this issue. Our mandate as the Departmental Committee on Justice and Legal Affairs was too narrow, only dealing with a petition yet the Joint Select Committee is dealing with a wider mandate of looking at various ills that the IEBC commissioners have been accused of. In fact, if our mandate included looking for other ills, we possibly would have found them, but that was not the mandate we were given by this House. This House gave us a specific petition. I never gave it to myself, neither did the Departmental Committee on Justice and Legal Affairs give it to us.

I second that consideration of the Report on the Petition by Mr. Nyukuri be extended by a further 30 days. I thank you, Hon. Speaker.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: Hon. Members, it looks like there may be some interest. I think this is one of the things I was talking about. Do not go out there and urge me to do certain things because I will not do them. I cannot be urged from the village.

Hon. Midiwo, I see you want to make a contribution.

Hon. Midiwo: Yes, Hon. Speaker. You know this was a HBC affair and the Whip of the Majority Party has moved the Motion and an outsider to the HBC, Hon. Chepkong'a, has seconded it. We must say one or two things because he has raised weighty matters.

I rise to support. After all, I tried to talk to Hon. Chepkong'a long ago. I even raised the issue on the Floor. I understand the orders of the court. The only thing I wish to say is that you can intimidate the Auditor-General, but you will never intimidate the Office of Serious Fraud in the United States. I am not talking to you directly; I am talking about whoever is doing that.

I want to thank Hon. Chepkong'a for now seeing the light that this matter rests with the Committee where all of us have equal say. The Chair of IEBC, Issack Hassan, even said last night on *Jeff Koinange Live* that, unless things are handled well, we risk a similar situation as obtained in 2007. If politicians are careless, if we do not--- There are several things which annoy us but which need not annoy us. We can talk them out and put them behind us. I want to thank Hon. Chepkong'a and his half Committee for seeing the light. The illegal Committee of Hon. Chepkong'a rushed but they have seen the sense.

Hon. Speaker: Hon. Midiwo, are you saying there is an illegal Committee of this House?

Hon. Midiwo: Now they are properly constituted since yesterday.

Hon. Speaker: A Committee of the House must remain legal until declared otherwise by the same House. If a Member or a few Members decide to walk out of a Committee, the Committee continues to be legal unless the House declares it illegal.

(Applause)

Hon. Midiwo: Hon. Speaker, that is one of the rulings we hope you will make. We hope you will make a good ruling. *Baba* while you were away I raised the issue of the legality of that Committee. We have had rulings before or activities in that direction. The point is that we need to give the bipartisan Select Committee a chance to guide this country. If we do not do it nobody will do it for us. It is very important for us to be clinical and careful. We should do it in a way

that when people accept the results of the report of Kiraitu and Orengo's Committee, we go to elections.

It will be very nice to have a scenario where people can go for elections in this country and nobody says somebody lied even when they are lying and nobody says I am robbed. It is about the laws. I was watching the Republican Convention last night and people who lost to the obnoxious Donald Trump, were endorsing him because the people had spoken, except Ted Cruz but he was booed. He saw mass action like ours with IEBC.

I want to plead with all of us to support but moving forward, this House needs to be engaged on greater proportions about the future of this country with regard to the next general elections. There are some things which are annoying Kenyans but I think we are on the clock. We are paid and we need not let this country down and steer it in the right direction. I think we can do that under your stewardship.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members this is just a procedural Motion. Even as we discuss let us just stick to it because I can see the danger of us going into merits of some other things that may be happening here. On the constitutionality, I am not ready to express myself about it because we are clear on Article 251 of the Constitution. The Leader of the Majority Party, you want to say something?

Hon. A.B. Duale: Hon. Speaker, we discussed this in the House Business Committee in your absence, while you were away since last week Wednesday because the Chair of the Departmental Committee on Justice and Legal Affairs (JLAC) was under fire from quarters within Parliament. We said the matter of IEBC was brought back from the street to the confines of both Houses of Parliament and a Select Committee was formed.

While you were away, Hon. Speaker, I was asking a million dollar question. The leadership was summoned to Safari Park in your absence. I was away in my constituency and Hon. Jakoyo was also in his constituency and so we never went. The question was to talk about Hon. Chepkong'a and we realised the matter was so small. Hon. Chepkong'a and his team were just dealing with what they were mandated by this House under your leadership.

While you were away, we said the two Co-Chairs, Hon. Kiraitu and Hon. Orengo and Hon. Chepkong'a are friends in the legal fraternity. They are very seasoned Members of Parliament and good leaders. They should have looked for each other within the precincts of Parliament and talked about this matter over a cup of tea or in the bar if some of them take that drink I usually call *maji haramu*. While you were away, we agreed that any matter concerning IEBC at the HBC on Tuesday this week as you guided us, we set it aside. We have convinced our brother the Chair and the membership of that Committee has 30 days and their deadline is 12th August 2016.

For Bills which are here like the Election law, if you can remember you gave us that direction under your chairmanship. We will deal with it in the Committee of the whole House when the Select Committee finishes and tables its report. If they want to bring any amendment to the Election Act, we do not need to publish another Bill. So we will wait for them and carry the amendments to this Bill. We agreed in the HBC and with the Departmental Committee on Justice and Legal Affairs. We will just debate the Second Reading and then put it aside so that whatever the Select Committee will come up with, we carry it on board in that Bill.

This is the kind of leadership we have offered and I am sure, Hon. Chepkong'a will go back to his constituency this weekend when he is not under fire. You should protect him. He has been under fire and there is no Committee called Chepkong'a Committee, there is Departmental

Committee on Justice and Legal Affairs. He happens to be the Chair but the media was saying Chepkong's Committee.

I am sure you will agree with me Hon. Chepkong's is one of the most performing, hardworking and good chairs. He is a man who believes in convincing an engagement and you do not talk to him through the media. For those of us who know him, he is not a Member of HBC, but this afternoon I told him if he seconds the Motion, it will give the country and this House a better image. That is why I picked him. I have heard Hon. Jakoyo talking about Trump, I hope he is not a supporter of the Republican. I am hoping the way those leaders who stood with Trump accepted defeat, when they lose again in the 2017 general elections, they will accept defeat.

Thank you, Hon. Speaker.

Hon. Speaker: This was merely a procedural matter. Hon. Olago Aluoch, you want to contribute to the Procedural Motion.

Hon. Aluoch: Hon. Speaker, I want to support this Procedural Motion and say that at least finally wisdom and maturity is demonstrated. I must say that what the country is dealing with is a conflict situation. In a conflict situation as this one, you need men and women who have skills in conflict resolution. Previously, we did not appear to have that. In fact, I was toiling with the idea that we should insert a rule that before you are elected for any post in this country you should demonstrate skills in conflict resolution first before you are elected.

Even if we do not have that in the rules, we should have a training facility in Parliament for Members to know how to resolve conflicts. You will realise just like the Leader of the Majority Party has just said, what appeared to have been a very serious conflict was so minor that if they sat down they could sort it out instead of going to the media. This Motion is now creating a conducive atmosphere for the Joint Select Committee. I think it brings the country together and lowers tension. To that extent, I am happy that this Motion is before the House and I support it.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, you have heard what Hon. Olago Aluoch has introduced. That is why I had to cross-check whether I had forgotten the provisions of Article 99 on the qualifications for election of a Member of Parliament. I was wondering whether he is not adding a new one, which I think then would require a Constitution amendment to Article 99 to include what he has just suggested.

Hon. Members, I think we can resolve this one. Let me just put the Question. I am sure there is unanimity. Member for Seme, there is unanimity on this. I will give the Member for Baringo, Grace Kiptui and then the Member for Seme.

Hon. (Ms.) Kiptui: Thank you, Hon. Speaker. I also want to add my voice to this. I call upon us as Kenyans to be one.

Whenever we come across such tight corners, we should always aspire to look at the bigger picture and remember that we are carrying the aspirations of many people. I am glad that there is light at the end of the tunnel. I am sure that we will come up with a bigger roadmap come 2017 that will ensure that everybody is comfortable.

Hon. Speaker: Member for Seme.

Hon. (Dr.) Nyikal: Thank you, Hon. Speaker. I rise to support this Procedural Motion. As leaders, we should look at this as an important issue. Hon. Olago said that it was a small issue but it would have brought a big conflict. I am glad it has been resolved. I must appreciate the Departmental Committee on Justice and Legal Affairs Committee for eventually coming to this,

and the House Business Committee (HBC) for creating the atmosphere where the Joint Select Committee can work.

Even as we do this, the perception that the Chairman of the Independent Electoral and Boundaries Commission (IEBC) has been cleared is something that we wanted to rid this other Committee. Is it possible that when we have a Joint Select Committee dealing with an important matter such as this, it becomes a regulation that no other Committee of the House transacts business that will affect the outcome of the other Committee? I think for once the Leader of the Majority Party has shown civility that is quite unusual.

(Hon. Gikaria stood up in his place)

Hon. Speaker: The Member for Nakuru Town East, who is consulting with Hon. Melly, please take your seat. Since you brought in the issue that while I was away, I think we should apprise ourselves about very interesting provisions in Article 251(2) of the Constitution so that we do not cast aspersions. It reads:

“A person desiring the removal of a member of a commission or of a holder of an independent office on any grounds specified in Clause (1) may present a petition to the National Assembly setting out the alleged facts constituting that ground.”

You should think about that.

(Question put and agreed to)

Hon. Speaker: Next Order.

BILL

Second Reading

THE POTATO PRODUCE AND MARKETING BILL

Hon. Speaker: Hon. Members, I am sure you can shorten the debate on this Bill since you have just returned from lunch. I am sure the subject here may have been part of what you were dealing with.

(Laughter)

Chairman of the Departmental Committee on Agriculture, Livestock and Cooperatives.

Hon. Nooru: Hon. Speaker, I beg to move that the Potato Produce and Marketing (Senate Bill No. 22 of 2014) Bill be now read a Second Time.

Hon. Speaker, potato is one of the crops that have been identified by the Crops Act. We have moved from the state of having different bodies for different commodities under the agricultural sector reforms. We collapsed so many bodies that have been standing in for different crops. That has resulted in the Agriculture, Fisheries and Food Authority (AFFA) Act of 2013 which amalgamated about 10 bodies including the Coffee Board of Kenya, Tea Board of Kenya, Pyrethrum Board of Kenya and Sugar Board of Kenya. It does not make sense to create another body to cover a commodity that has already been covered under the Crops Act and the AFFA

Act. At the same time, we are also struggling with the Mwongozo Policy of combining existing parastatals to reduce the wage bill which is still so high. It does not make sense to create other bodies yet we are working to reduce them.

This Bill talks about regulation, production, packaging, and marketing of potato. All those functions have been devolved in one way or the other. The issue of regulating, producing and marketing of potato does not make any sense. The AFFA Act of 2013 and Section 13 of the Crops Act have covered all that has been mentioned in this Bill.

Part I of the Bill talks of formation of a council to manage potato. Section VI of the Bill talks about the same functions duplicated from the AFFA Act, which creates a body mandated to do those functions. On the other hand, we have been trying to avoid separating production and marketing of potato from regulation. Potato can be one of the directorates under AFFA like any other crop, for example, the Tea Directorate. There is no need to create a council to only deal with potato.

There is also the element of seeds covered in this Bill. We have Kenya Plant Health Inspectorate Service (KEPHIS), an internationally recognised body which looks at all the varieties of seeds and plants in this country. It does not make sense to have a body to do a function that is already being enacted in Parliament. It lacks logic to have another regulatory body to verify seeds of potato. The entire Bill is a duplication and repetition of the existing institutions.

(Hon. Kang'ata consulted loudly)

Hon. Speaker: Member for Kiharu, you are inside the Chamber of the National Assembly. You are not in Kiharu.

Hon. Nooru: The Act talks about ways of making potatoes 50 Kilogrammes plus five or 10. We already have developed standards for all the varieties of crops to be just 50 Kgs, whether they are potatoes, sugar or rice. That is the standard that has been developed in the Crops Act which was recently amended. Therefore, the issue of having two regulations whereby one talks about 50 plus five or 10 kilogrammes and the other talks about 50 kilogrammes in the same nation, is a duplication.

The final issue is about the funding of the Council. The Bill proposes the Council to be funded through levies. Recently, under the wise leadership of His Excellency the President Uhuru Kenyatta, he waived levies on sugar, coffee and tea, so that farmers can get relief. This levy was used to administer the regulatory bodies and at the same time to fund research institutions. The Government has already taken over the burden of funding research institutions while the Exchequer has taken over the issue of funding regulatory bodies. Introducing another levy to fund a Council on potatoes alone when we are trying to reduce levies on other commodities will not augur well.

The Committee recommends that we reject this Bill. It recommends that the Bill is inconsistent with existing legislations. The Bill creates duplication of roles of Authorities in attempt to duplicate the functions of existing Authorities, namely, the Agriculture, Fisheries and Food Authority (AFFA), the Kenya Plant Health Inspectorate Service (KEPHIS) and the Crops Act.

I beg to move and oppose.

Hon. Speaker: Who is seconding you about potatoes?

Hon. Nooru: Hon. Letimalo will second me.

Hon. Speaker: Let us have Hon. Letimalo.

Hon. Letimalo: Thank you, Hon. Speaker. I stand to second the Potato Produce and Marketing Bill. The Committee has comprehensively studied and scrutinised this Bill and reached a conclusion.

Hon. Speaker: Hon. Letimalo, there is a point of order.

Hon. Chepkong'a: On a point of order, Hon. Speaker I rise pursuant to the Standing Order No.83. As you know, the Standing Orders are very clear. If you are proposing a Bill, you cannot also oppose it. If you are opposing a Bill as the Chair of the Committee yet you were supposed to be moving it, the best thing to do is to withdraw it. Instead of calling for secondment, he should just withdraw the Bill, so that we do not debate it. As the sponsor of a Bill, I can abandon it. The Bill would not be considered by the House. Notwithstanding the fact that it is from the Senate, as the sponsoring Committee, you either support or reject it. I have been dealing with it and you cannot oppose and second at the same time. The Chair should withdraw his opposition and simply second the Bill. His Members can then oppose the Bill and we can defeat it.

Hon. Speaker: Do you want to argue the point raised, Hon. Midiwo?

Hon. Midiwo: Hon. Speaker, this is one of those new things which we are confronted with. It is pretty clear. Listening to the Chair, the Committee has tabled a Report that rejects the Senate Bill. The only anomaly is that the Chair opposes it. That is the only part that needs to be withdrawn. The net result is that the Report before the House is negated. By way of procedure, it has to be seconded because it is a Report. Unless we disagree with the Committee, it may be wise to put it to a vote. If we agree with the Committee, it is procedural for it to be seconded because it is a Report before the House. He has moved it, but should withdraw his opposition. Two negatives make a positive. If he opposes, then it means that he is opposing the report of the Committee. That is the import. The Committee Report is being seconded. The Chair cannot oppose his own Report.

Hon. Speaker: Hon. Midiwo, I agree with you fully. The Bill should not have been here. It should have been the Report of the Committee, which I am told, rejects this Bill. That is what we should be debating.

The Chairman of the Committee should be moving the adoption of his Committee's Report which rejects the Bill for various reasons he has stated. That Report can be seconded. He moved the Bill and then finally said that he was opposing it. That is a contradiction in terms. We should have had the report of the Committee which could have been validly seconded by Hon. Letimalo. Will Hon. Letimalo second the opposition of the Bill? Then, nobody is moving the Bill. Who is moving the Bill?

Order No.11 is on the Potato Produce and Marketing Bill and not the Report of the Committee rejecting the Bill. That is the issue. That is a valid point that has been raised by Hon. Chepkong'a.

Hon. Members, this Bill should not be here. If the Committee disagrees with the Bill and proposes that the House rejects the Bill, then that is the Report which should be before the House. I am informed that Hon. Nooru has already presented a Report on this Bill. Is that correct?

Hon. Noor: Yes, Hon. Speaker.

Hon. Speaker: Yes. If the Report is rejecting the Bill, it is not possible for you to move the Bill and reject it. It is a contradiction in terms of procedure. The proper position should have been for you to move for adoption of the Report rejecting the Bill.

Let us have Hon. Nooru.

Hon. Nooru: Thank you, Hon. Speaker. I am not the originator of the Bill. I am only trying to state the position of the Committee on the Report concerning the Bill. Therefore, the position of the Committee is what I have presented to the House. It is up to the House to make the decision to support or reject the Bill.

Hon. Speaker: On the Order Paper, the person moving the Bill is shown as the Chairperson of the Departmental Committee on Agriculture, Livestock and Cooperatives.

Hon. Nooru: Hon. Speaker, we have not reached the stage of moving the Bill. We are just pre-empting the decision to reject it.

Hon. Speaker: But you have just moved the Second Reading of that Bill. If the position of the Committee was to reject the Bill, then there should have been no need for anybody to second you. Now you are being seconded in rejecting it. Let us have Hon. Duale.

Hon. A.B. Duale: Hon. Speaker, you have given us very good direction. There are a number of issues.

When a Bill is from the Senate, the Leader of the Majority Party or the Leader of the Minority Party is the one who deals with it here. How does a Chair of a Committee take over a Private Member's Bill of the other House? The Chair needs to withdraw this Bill and then we substitute it next week with a Motion. If the Motion is rejected, we go to mediation. Once we go to mediation, there are certain aspects the Member wants which are not in the Agriculture, Fisheries and Food Authority (AFFA) Act. Those issues, including the packaging of potatoes, can be dealt with at the mediation and then the Bill is brought back with amendments from the Mediation Committee. In order for us to move forward and deal with other urgent matters, I ask the Chair to withdraw the Bill and then ask the House Business Committee (HBC) to give priority to the Report next week for us to debate either way. Your guidance was very clear, Hon. Speaker.

Hon. Speaker: That is the saving grace. Withdraw the Bill Hon. Nooru because you are the Mover. It is not fair for the record to show that you moved the Bill and rejected it.

Hon. Members: Point of order! Point of order!

Hon. Speaker: Order! None of you seems to know the Standing Orders. You are all out of order.

Hon. Nooru: Hon. Speaker, for avoidance of doubt, I have moved the Bill because the Order Paper indicates the Chairperson of the Departmental Committee on Agriculture, Livestock and Cooperatives is in charge. That is the only confusion. The Bill was referred to us to look at it, comment, amend, agree or disagree with it. So, our role was to report the consideration of the Committee.

I withdraw the Bill. I will bring the Report of the Committee next week.

Hon. Speaker: I request the HBC to prioritise the Committee's Report on this Bill because that is a better way of dealing with it. If your report is adopted by the House, then we will move to the next stage, which may require the application of Articles 112 and 113 of the Constitution. Therefore, the business has been withdrawn by the Mover. For the convenience of the House, let us move to the next Order.

Hon. Members, before we proceed to the next Order, allow me to recognise students and teachers from Sawag'ongo Boys High School from Gem Constituency, Siaya County, who are in the Speaker's Gallery. You are welcome to observe the proceedings of the National Assembly. Member for Gem, what is out of order?

Hon. Midiwo: Everything is in order, Hon. Speaker. Allow me to get some “*bonga* points” because that is my former school. I went to that school from Form One to Form Four. So, I am very proud of it. It is a top school. The mean score last year was 10.00 points, which is a B+ . They are no joke. They have not burnt their dormitories. It is a good school. We welcome the girls also, but I did not go to a girls’ school.

I welcome them.

(Laughter)

Hon. Speaker: They are welcome to observe the proceedings in the House. Hon. Chepkong’a!

Hon. Chepkong’a: Thank you, Hon. Speaker. I join Hon. Jakoyo Midiwo to welcome Sawagongo Boys High school to the National Assembly. We only entertain disciplined people. By their presence alone, they are disciplined boys. So, we must thank them and they should continue with the same spirit.

BILL

Second Reading

THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL

Hon. Chepkong’a: Hon. Speaker, I beg to move that the Independent Electoral and Boundaries Commission (IEBC) (Amendment) Bill (National Assembly Bill No. 18 of 2016) be read a Second Time.

We have been going through electoral reforms as a Committee and this is one of the Bills in that regard. We started with the Political Parties (Amendment) Bill, which we passed and has already been assented into law. We came to the second Bill, which was the Election (Amendment) Bill, to deal with the Elections Act, which we have dealt with in the Second Reading. The HBC has made a decision that all those elections amendment Bills be held in abeyance pending the conclusion of the work we have at the Joint Parliamentary Select Committee, which is co-chaired by my good friends and seniors, Sen. Orengo and Sen. Kiraitu Murungi.

For the benefit of Hon. Midiwo, he may want to be informed suitably that Sen. Orengo was my very good lawyer in of the cases. He ensured that the case went very smoothly. So, I have a lot of respect for him. We have no issues with him. It is only the media, other people and groups who are saying that I have issues with Sen. Orengo and Sen. Kiraitu. These are my seniors. We have a lot of respect in our profession. We disagree, but with a lot of decorum. We do not go to the Press. Our disagreement ends in court because we do not argue in the public opinion. We do not prosecute our matters in that manner. So, I have a lot of regard. Once they assist with a matter, I will always allow them to be the first ones. The late Justice Madan, who was the Chief Justice, advised warring lawyers; a young one and an old one, not told the young one not to despise the old lawyer because he had the benefit of experience. He asked the old lawyer not to despise the young lawyer because he had the benefit of recent learning. I have the

benefit of recent learning compared to Sen. Orengo and Sen. Kiraitu. So, you can be sure that they will not despise the knowledge that I have.

On a more concrete note, the IEBC (Amendment) Bill is the last one which we are considering as a Committee, among the electoral reforms that we have been discussing with the Judiciary, IEBC, the Registrar of Political Parties, the Centre for Multiparty Democracy (CMD) and the Political Liaison Committee, which has been set up under the Political Parties Act to deal with party issues. We had discussions and retreats in Mombasa with the Judicial Committee on elections. We had four judges representing the Court of Appeal, the High Court and the Magistrates Court to discuss a raft of amendments that had been proposed. The final one is the IEBC (Amendment) Bill, which we are seeking to look at the Selection Panel. The Selection Panel is a relic of the Coalition Government. It does not represent the current arrangement that we have in this House. That law was passed immediately after the promulgation of the Constitution of Kenya, 2010. There was no election that had been held before. After the elections of 2013, it was found that these laws would no longer be tenable in the current arrangement, where you have one party outside Government and another party in Government. So, we needed to take care of all the interests. So, the proposal we are making with regard to the Selection Panel is contained in Clause 4 of the Bill. We are proposing two persons to compose the Selection Panel for the appointment of commissioners to the IEBC. We were saying so because we were looking at the worst case scenario in the unlikely event. Assuming that one commissioner resigns, what will be the mode of replacement of that commissioner? So, we were looking at an acceptable position to all Kenyans and all parties that are involved in a democratic competition. So, we at this point in time, for the benefit of Members and Hon. Midiwo who claimed that the Departmental Committee on Justice and Legal Affairs was composed of a few Members, when the Committee is composed of 29 Members, we agreed by consensus. In fact, the proposal to adopt these amendments for purposes of publication was proposed by a Member from the Jubilee side and seconded by a Member from CORD.

Hon. Speaker, with regard to the Selection Panel, we are proposing that two persons shall be nominated, being one man and one woman, by the Majority Party or coalition of parties in the National Assembly. Secondly, two persons, being one man and one woman, be nominated by the Minority Party or parties composing that coalition. Finally, three persons shall be nominated by the President from a panel of persons that have been advertised by the Public Service Commission and recommended to the President and those three persons be brought to the National Assembly for approval. Eventually, the three persons would still end up being approved by the National Assembly. It would be open. The reason we said so is because we recognised that it is not only the duty and responsibility of political parties to nominate people to the Selection Panel. We wanted to open it up. So, one of the considerations we are proposing for consideration in nominating the three persons is that they must represent either workers' umbrella organisation and employers' umbrella organisation composed of a person from the Civil Society body. We wanted all Kenyans to be involved in the Selection of the IEBC commissioners.

When you allow only two competing parties to nominate persons to the Selection Panel, of course, they have a lot partisan interests. So, we may have a deadlock within the Selection Panel. Allowing other third parties would bring a sense of reason whenever there is a disagreement. As you know, it is normal and ordinary for parties to generally be partisan because they look at their interests. As someone said, the only thing that is permanent is interests. It is not even friends like between Hon. Midiwo and I. We are still friends, but we have permanent

interests. We keep shifting those interests from one corner to the other, but one thing that we know is that when we have other parties that are not necessarily within the outfit of the two parties, they would bring some sense of understanding within the Selection Panel. That is the gist of this amendment that we are seeking to propose.

The other amendment that we are seeking to propose is that the IEBC commissioners should not be appointed on a full time basis. They should be on a part time basis the reason being that when you nominate people who are supposed to be policy makers to work on a full time basis from 8.00 o'clock to 5.00 o'clock yet you have a Secretariat which is also charged with the same responsibility of working between 8.00 o'clock and 5.00 o'clock, certainly, you would have friction and duplication. We wanted a situation that many of us have expressed including Hon. Midiwo. I am using him as reference point not because he is my enemy, but because we are good friends and we are in our prayer fellowship. So, he is more understanding than possibly somebody else if I used that point. While I argued this point sometime, Hon. Midiwo also argued the same. In fact, the IEBC commissioners and all the other commissioners under Chapter 15 of the Constitution should be part time. We started this process with the Ethics and Anti-Corruption Commission (EACC) commissioners and it is successful. The only mistake we made in regard to the EACC is that we made them part time, but did not change their job description. So, they claim that their job description has not been changed yet they were made part time. So, they continue going to the office on a daily basis because their job description requires them to be there on a full time basis. We have a conflict there.

As a Committee, we are looking to see how we can separate that process, so that they come in whenever they are required and meet as a board of directors which will be the most ideal. As you know, we are grappling with a huge wage Bill. This is one way of trying to resolve that issue. With regard to the IEBC, surely they conduct an election once in every five years, so how would they be there for the next five years on a full time basis? It is not necessary. We are saying that they should be on a part time basis.

Those are the remarks I wanted to make with respect to this IEBC (Amendment) Bill. I would like to request Hon. Njoroge Baiya, the Chair of Commission on Implementation of the Constitution, to second.

Hon. Speaker: Hon. Njoroge Baiya.

Hon. Baiya: Thank you, Hon. Speaker. I wish to thank the Chair of Departmental Committee on Justice and Legal Affairs for moving this IEBC (Amendment) Bill. I second.

The need for this IEBC (Amendment) Bill arises from the very nature of the 2011 Independent Electoral and Boundaries Commission. That Bill, as the Chairman has said, was made in reference to the political situation at that time, which gave the President and the Prime Minister powers to appoint. That is the arrangement which was in the 11th Parliament. That no longer holds. As we are running close to the elections, it is very important that we fill these gaps that are clearly in the law. If today a vacancy were to arise in the IEBC and the mode of appointment in existence, as a country, we will not move forward.

The mode of appointment in the IEBC Act is for a Selection Panel which then proceeds to oversee the appointment of commissioners. The Bill proposes to carry forward that process. Instead of what we used to have in the Selection Panel, some of the institutions such as the Judicial Service Commission, the EACC, East African professional bodies which were appointing the Selection Panel, we believe they are not relevant. We have done away with them. In their place, we will bring in, as has been stated, the coalition of the Majority Political Parties

to appoint two persons and the coalition of the Minority Parties on one hand to appoint two persons and finally the Public Service Commission.

Looking at the spirit of the new Constitution, it is quite clear that the legitimate institution for making appointment to a public body is the Public Service commission on behalf of the Government and the entire Executive.

Hon. Speaker, it is on this ground that three members of the Selection Panel will be appointed by the PSC and in their process of recruitment of the three relevant persons, they are enshrined to observe the constitutional provisions and legislation with regard to Public Service. That is to uphold the principles of competitiveness, professionalism, equity and the face of Kenya. All those principles, including professional competence and compliance with Chapter Six of the Constitution are principles that have been outlined clearly in the Constitution. We have also enacted the values and principles of Public Service that are to apply to all those who are going to serve in the Public Service including a criterion for qualification for appointment to the Selection Panel.

I believe that if we carry this amendment, the country will be in a position if need be, even before we resolve the issues of the IEBC which are still outstanding, to commence the process of appointment of a fresh team of commissioners by virtue of the new framework which we are going to set up with this amendment. Otherwise, the country is in a compromised situation where we even say we do not agree with the current IEBC team as some of the political divide says on the other hand, we do not have the mechanism set out by law as to how we can proceed to appoint the next team. This means that the country could even fail to meet the timelines of the next elections either by disagreeing on the appointment of the new commissioners or disagreeing on the current commissioners. So, we will urge the House to separate the issues we are dealing with of the IEBC as currently constituted and look at this issue as an issue to settle the law as far as the appointment of new commissioners is concerned. We need to get this clear. We are in the Second Reading. We will still have an opportunity to improve the legislation if need be, but it is important that we help the country to feel these gaps which are in law because what was before 2013 is no longer applicable.

I beg to second.

(Question proposed)

Hon. Midiwo: Hon. Speaker, I rise to oppose this Bill in its current form. This Bill is good and I want to agree with Hon. Chepkong'a and Hon. Baiya that we need it, but there are some things in this Bill that require us to discuss and agree. This is not a Bill that requires us to disagree, but in its current form, I agree that IEBC commissioners and many commissions that we have need to be part-time. We have done that experiment, but it has failed and we are in so many chaos because of commissioners sitting in office full time. I am even told of a particular commissioner who has made an office for himself the size of this Parliament. That is where the commissioner sits using public funds in an office which is not Government owned. The other day, I went to the Commission of Revenue Allocation (CRA) offices. Why would they be sitting in offices on Riverside Drive? We need to deal with this issue wholesome. I think the State is losing too much money in the so called commissions. We need to make them smaller, put them in Government offices. We will not interfere with their independence, but I think something was not conceived properly.

This is only to say that on this particular issue of the Selection Panel, if you say that the Minority Party nominates two persons, the Majority Party nominates two persons and the PSC nominates three persons, only a fool can agree to that if you are sitting on this side of the aisle. Who controls the PSC? Only this afternoon, Hon. Gumbo raised an issue on the Floor which you asked him to consult with the Leader of the Majority Party. What he was raising was for the Government to table the list of appointments to show where they come from and their counties. That particular request came to the Floor of this House on 22nd February. They, in the Executive, have refused to bring it. Only yesterday, while you were away, the Leader of the Majority Party said that all Members of Parliament are the other arm of Government and that nobody here sits in the Government. He said that on this Floor and it is on record.

Why would he not want to table a list of the people they have appointed in all arms and sectors of Government like parastatals? It means it is skewed. Only two weeks ago, we appointed people to the Competition Authority.

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

Hon. Speaker: It should be a point of order, Members. I do not want Members to argue merely because you do not agree with a point raised by another Member.

Hon. Baiya: Hon. Speaker, I do not really interrupt, but I have heard what Hon. Midiwo has said. He is wondering who controls an institution like the PSC implying it is being controlled possibly by another institution, most probably the Executive. Is it in order? Is he not misleading the House given that the Constitution even grants this National Assembly a stake in controlling appointments to the PSC through the approval process? That institution, by the establishment of the Constitution, is set up as an independent institution. Is he in order to imply that it is subject to control by the Executive when the Constitution is straight and quite clear?

Hon. Midiwo: Hon. Speaker, that is not really a point of order, but Hon. Baiya is my friend. He may wish to help me ask the Leader of the Majority Party to table that list requested by Hon. (Eng.) Gumbo then you will see that I am in order. Only two weeks ago, Hon. Baiya was sitting here when we appointed members of the Competition Authority. In those appointments, you would see that there is a lady married in Taita bearing a Taita name. There is nothing wrong with it, but when you put the name Wairimu as W, you are not helping the tenets of this Constitution of fairness. What are you telling us? When you tell Hon. Mwachugu that she is yours just because she is married in his area, you end up with people from the same tribes. If you look at the compositions of the lists, it is two tribes. That so called PSC in its thinking, composition and mandate, something is amiss. So what we are saying is that this one belongs to the Floor. This one belongs to us and because of the dangers posed by the results of elections, I think it is in order that when we are making this Selection Panel, we are very clear that nobody has a window where they can disadvantage the other.

We do not trust each other; accept that and then we deal with it. We do not have to love each other but we have to set the modus operandi. Where we have to live together as Kenyans, this is what Kenyans will have to do going forward as opposed to cheating each other.

Hon. Chepkong'a and Hon. Duale this afternoon told me that we do this thing clinically, so that when we lose, and they used the word "when", then we accept. That is what we are asking for. We are looking for an opportunity where one side does not cry foul if it unfairly loses and the loophole used is known. Let us seal all the loopholes. It remains to be seen that the number of registered voters in Kenya is over 14 million. The numbers of Jubilee are less than 5 million. Since when did 5 million people defeat over 9 million people if it not for theft?

That is why the IEBC issue is a very big thing. We know your numbers cannot add up. That is why you are paying the Ababu Namwambas and Mung'aros to come to your side. You know it. We want to help.

Hon. Speaker: Hon. Midiwo, it is not fair to refer to other Members without bringing a substantive Motion in the negative.

Hon. Midiwo: I withdraw and apologise.

(Laughter)

I will withdraw and apologise, but the Deputy President (DP) of the Republic of Kenya, Hon. William Samoei Ruto, His Excellency, that is a title. You can be called "honourable" because it is a title, but you may not be honourable. There are many people called "Hon. Members", yet they are not honourable. So, His Excellency the Deputy President admits he is corrupting the opposite. Corruption is by law and our parlance illegal. The DP says "I am using money. I am finished with Western Kenya, I am going to Western Province to dish out money". Those are stolen public funds.

I oppose this Bill until people sit down and agree.

Hon. Speaker: Before the Leader of the Majority Party speaks, allow me to recognise pupils from Saramba Primary School of Laikipia County, Laikipia North Constituency, to observe the proceedings of the House.

Hon. Duale.

Hon. A.B. Duale: Hon. Speaker, I support this Bill because it is my legislative function as a Member for Garissa Township Constituency. I have been given the powers to amend, reject and agree with the Departmental Committee on Justice and Legal Affairs. The genesis of this Bill is because there is a lacuna in law. In the unlikely event, unfortunately, one commissioner of IEBC passes on or resigns, the law is silent. Parliament will be under obligation.

Hon. Speaker: Point of order, Member for Rarieda Constituency.

Hon. (Eng.) Gumbo: Thank you, Hon. Speaker. I stand under Standing Order No.96 to request that we postpone discussion on this Bill. This is a very emotive matter. I request my friend, the Leader of the Majority Party, to listen to me. We are discussing a matter that touches on the election management in this country. I am a person who has stood on the Floor of this House, in many occasions, to express my love for my country.

Even as I do that, we have had experiences. I am aware that there is nothing that threatens the nationhood of this country than an improperly constituted election management agency. This matter requires a bipartisan approach. Only a while ago, I stood up to request that there is a Special Audit Report from my Public Accounts Committee (PAC) on the IEBC which should be given priority and be brought here for discussion. None other than the Leader of the Majority Party told me, on the Floor of this House and he is on record, that we want all matters touching on the IEBC to be put on abeyance.

Hon. A. B. Duale: *Off-record.*

Hon. (Eng.) Gumbo: I am on a point of order, Hon. Speaker. We want all matters touching on the IEBC to be put on abeyance until we get the Report of the bipartisan Committee being chaired by Sen. Kiraitu Murungi and Sen. James Orengo.

Hon. Speaker, I wish to request your indulgence that we postpone debate on this matter under Standing Order No.96, so that we can have comprehensive consultation on this Bill. I also intend to speak to this Bill. We have already had the Special Audit Report from PAC on IEBC.

We have made recommendations that touch on some of the proposals of this Bill. That has been tabled here. There would be nothing to stop me from referring to those recommendations because they are now out there in public domain. I request your indulgence.

Hon. Speaker: Hon. Members, we appear to be misreading what is happening in the country. It does not mean this House will now come to a standstill because something is happening somewhere else.

Indeed, nothing prevents this House from debating this Bill. You appear not to have followed what was said earlier on that debate on other issues touching on that will await whatever proposals that may come. That will only be by way of proposing changes. Debate is very healthy. Whether in opposition or support, it is very healthy at this stage. The House can debate, but postpone further proceedings on the Bill, especially by way of Committee of the Whole House. That is the understanding that has been there.

You cannot say that we cannot debate anything yet you say you want a Special Audit Report from PAC, which touches on the same body to be brought here as a matter of priority. On what authority will you be debating it if you are going to stay all actions until you hear from some other organisation or body?

Therefore, there is nothing wrong with the House debating this matter, but not proceed to Committee of the Whole House. You have to wait. This is because whatever is likely to come is known, unless you people have forgotten what that Motion read. That Committee will make legislative proposals to the electoral laws in the country.

At the point those proposals may come, that is when you can say “Hon. Midiwo and Hon. Mwadeghu pointed out this in debate. Therefore, the proposals coming from that other Committee are in tandem with what was said by Hon. Chepkong’ a and the other Hon. Member.” That way, the House will be enriched. Therefore, there is nothing wrong with debating this Bill now.

Let us proceed and do not feel restrained. If you gag yourselves from any work that touches on the institution of IEBC, then it means that even that Report which Hon. (Eng.) Gumbo passionately feels should be debated, cannot be debated until we hear from that Committee. You cannot have your cake and eat it. I think there is no harm in debating this Bill. Let us debate it, but withhold action. That is what we agreed in the HBC. We said you can debate it.

Indeed, there is other business which has been put on hold. The Election Laws (Amendment) Bill has been put on hold for the same reasons. There is nothing wrong with debating the Bill.

Proceed.

Hon. A.B. Duale: Hon. Speaker, to make it more specific to Hon. (Eng.) Gumbo, we agreed in the HBC in which Hon. Mwadeghu and Hon. Jakoyo sit. Leaders must be very honest. We agreed that all matters and Reports concerning IEBC be stepped aside. We were to debate all Bills, including this one, until the Second Reading for Members to ventilate.

As a Member for Garissa Township Constituency, I will not forfeit my right to debate in this House to certain scenarios of being told it is the Joint Select Committee. In fact, in the last three and a half years, Parliament should have enacted this law through the Justice and Legal Affairs Committee. There was a failure on the part of the 11th Parliament not to have instituted and created a law that will be used for the process of recruiting commissioners. God forbid, but if one commissioner passed on today or if that had happened in the last three years or if one resigned, there would be a lacuna in the law. The Constitution of Kenya, 2010, is very clear both

in letter and spirit and the political class cannot play around with it whether you put yourself as a Select Committee or as the National Assembly or as the leadership of political parties. The Constitution must be followed both in letter and spirit. That is why in 2010, the framers of the Constitution decided to insulate certain commissions from interference. This insulation was as a result of the kind of work these commissions do. They would not be very popular with the kind of decisions they are going to give.

Commissions and independent offices include the Office of the Director of Public Prosecutions (DPP). Decisions that the DPP makes will not make everybody very happy more so the political class. The Office of the Auditor-General is not a very popular office because of the decision it makes. The same applies to the IEBC and the EACC. That is why the Constitution decided to give those of us who served in the 10th Parliament security of tenure to make sure they are free from political interference.

Let me come back to the IEBC. Election management in our country has a very long history. There were times when retired President Moi used to appoint the electoral team at his whims without any consultation. There were times when District Commissioners (DCs) used to be the election managers in our country. They were the returning officers. In 1997, we had the Inter-Parliamentary Parties Group (IPPG) where the Opposition had a gentleman's agreement with retired President Moi, which was anchored in law. In 2006, when the term of seven members of the then Electoral Commission of Kenya (ECK) was over, the then Minister for Justice and Constitutional Affairs, Hon. Martha Karua, a very powerful Minister then, decided to handle it singlehandedly. She was powerful then, but she is no longer very powerful. I am happy there is a more decent Member for Gichugu here who won the election. The Constitution protects minorities like me. I will always defend the Constitution.

If you go to Europe and the United States of America (USA), nobody likes the blacks and Kenyans who live there. What protects those Kenyans and minorities in those countries is the Constitution. Those of us who suffered serious historical marginalisation and atrocities will be the last people not to defend the Constitution.

After the post-election violence, the people of Kenya decided to insulate the political class from IEBC. That is why I will totally reject the proposal by the Committee to have representation from the political class in the Selection Panel. I will read Article 249 of the Constitution on the objects, authority and funding of commissions and independent offices for all to hear. Article 249(2)(a) of the Constitution partly says that commissions and holders of independent offices are subject only to the Constitution and the law. Commissions are not subject to the leadership of political parties whether in the Opposition or in Government. They are not subject to the political class. Article 249(2)(b) of the Constitution says that they are independent and not subject to direction or control by any person or authority.

What the Justice and Legal Affairs Committee is doing contravenes Article 249(2)(b) of the Constitution. The political class cannot sit in the Selection Panel. When you sit in the Selection Panel, what are you doing? You are not sitting there to have a cup of tea. If they sit on behalf of the Opposition, they will make sure that their members are recruited as commissioners. If you sit on behalf of the Government, you are going to influence decisions. That provision proposed by the Justice and Legal Affairs Committee must be amended. There are many other organisations that can sit in the Selection Panel like religious groups. It can have representatives from the Muslim Community, SUPKEM, the National Council of the Churches of Kenya (NCCCK), Catholics and from other bodies.

I want to give the House the benefit. In this year's Tanzanian elections, the Zanzibar elections were cancelled for the single reason that the five commissioners, two from the Opposition, two from the Government and one independent Chair, differed on the results. The two commissioners from the Government said that the Government won while the two from the Opposition also claimed that the Opposition had won. What happened? The elections were cancelled. You win elections through the votes of the people. Election managers are just like people who are given the mandate to do logistics. They are people in this country who unless they win elections, those elections are not free and fair. There are people who believe that they must be leaders in this country. Leadership is through the universal voting rights of the people of Kenya. You cannot force yourself on people if you were not anointed by God and if you do not have the votes.

I was shocked when Hon. Jakoyo said that they had nine million votes against five million. You remember what Mutahi Ngunyi, who coined the words "tyranny of numbers", said in the last general elections. Let me be on the HANSARD. If you add the votes in the Rift Valley, Central and Mount Kenya regions, you will get more than six million votes. If you want to become the President, you must kneel down before me and ask for my votes. You cannot get my votes through violence or intimidation. You are not a special human being. History is repeating itself. In the last Parliament, which I served, the co-principals, former Prime Minister Raila Odinga and retired President Mwai Kibaki, had the powers to select commissioners after names were submitted to them. That time, people did not see there was something wrong. Now Uhuru Muigai Kenyatta is the President and he has no powers. Give us a break. We live in this country. It belongs to all of us.

I was a founder member of some political parties many years ago. Two years down the line, the objectives and aspirations that took me to those parties were not tenable. They became dictatorial and violent. They do not believe in development. They believe in poverty, hero worship and a cult system. I believe in the living God. I am a very religious man. I believe in enjoying my democratic space. I left that party with many of my colleagues. I am happy Hon. Ababu Namwamba is here. Do not be intimidated. You have a future. There is a culture of buying leaders. What is the price of a Member of Parliament? Some of the people saying that Members of Parliament have been bought do not even know what the price is because they have not even done some business and accounting courses. You do not insult leaders that they have been bought. In democratic societies, every political party, whether in Government or in Opposition, woo voters and sell their ideologies and development records to voters. The culture of either you are with me or you are my enemy is very outdated, backward and uncivilized. I want to say it for free that if you enslave your community, you have no powers to extend that to other communities. You cannot. Just enslave your community, region and party, but you cannot enslave Hon. Duale.

We must make the law whether people like it or not. I represent people. I must participate in law-making. You cannot gag us. Ultimately, if members of the IEBC have to leave, there must be a law. Just because Sen. Kiraitu Murungi, Sen. James Orogeno and 12 other Members are sitting somewhere for 30 days, so I go sit in my House and do not come to Parliament? Give us a break. We are leaders. Those who are caught with their pants down are those who are always involved in violence. Those of us who are sober, our pants are intact always. When you fight, when you throw stones, when you throw shoes, I can tell Hon. Jakoyo, always your pants will be on the floor. I am telling you.

This Bill is timely. As the HBC, we have agreed that after the Second Reading, we are going to put it aside. All of us here campaigned. Because you are the greatest beneficiary of ethnic politics, you are the beneficiary of ethnic balkanization and you do not see anything outside ethnicity. You do not believe in nationhood. You do not believe in a cohesive nation and you want to include all of us. I want to tell the people of Kenya that the contest for the next general election will be between those who believe in unity of Kenya, in a cohesive nation, in building roads, railways and healthcare facilities and those who believe in ethnic, selfish gain, dictatorship and those who go to Budalang'i to fight a Member of Parliament. If you have support in Western Kenya, why do you have to rush there? If you are very popular in Budalang'i, you wait for 2017 and remove Hon. Ababu Namwamba. If you are popular in Western Kenya, why do you have to spend a week there?

(Applause)

This Bill is important. We will debate it. We will form the Selection Panel, but I oppose the section that gives a role to political parties. It is unconstitutional. Political parties are the players, so they cannot play a role in identifying the referee.

Hon. Speaker: Hon. Chachu Ganya.

Hon. Ganya: Thank you, Hon. Speaker, for the opportunity to contribute to this Bill. From the outset, I oppose this Bill because it has many fundamental issues that are not right. Those with vested interests in politics and leadership of this country cannot be players in the same game. If IEBC is to be independent as stipulated in our Constitution, then it should be left as an independent commission and the commissioners should be nominated in a very independent way.

Secondly, the timing of this Bill is not appropriate. As a country, we have resolved to negotiate the political future and destiny of this country. For that reason, the timing of this Bill is not appropriate. We are not in a crisis. We can wait for a week or two for us to negotiate our way out of this. Kenyans have died in this process. Because of this, I believe that we should hold on until the Joint Select Committee makes a decision about the future of this country.

The truth of the matter is that while Parliament had the constitutional mandate, people made decisions outside this House and we were forced to debate and approve names here. That is the reality. Some of us were very uncomfortable with that arrangement, but this nation is bigger than all of us. In that light, we have negotiated a process as a country in which this Parliament approved those names and agreed to the process. In that regard, I am of the opinion that even debating this Bill is premature even though as a Parliament we have the mandate to debate and resolve any issue of concern to this nation as per the Constitution.

There are some provisions in this Bill that I like. For instance, I am of the opinion that commissioners, not only of the IEBC, but of all other commissioners, must work on a part-time basis. Old democracies like India have very few commissioners. In South Africa, I think they are three in number and they work on part-time basis. We can have commissioners who serve on part-time basis to lead this process. At the end of the day, electoral management is done by the Secretariat, people who are well trained, work on full-time basis and have the capacity to manage elections. The work of commissioners is to give policy directions, guidelines and frameworks.

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

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

If we have a competent IEBC Secretariat, we should be able to manage our elections without much problem.

Thirdly, we have had issues with our periodic elections. We thank God that in the 2013 elections, we did not have chaos. With the Constitution, the people believed that the Supreme Court would adjudicate fairly on electoral matters. Whether they did it or not is for others to judge. That is not my duty at the moment. This country was not chaotic as it happened in 2007 simply because there was hope in the new Constitution and the institutions that were in place that even those who lost elections might have their cases heard and hopefully determined in their interests. Now that we have doubts even with the Judiciary, including the Supreme Court, unless we are sensitive in how we manage our elections, I am afraid the 2007 scenario might be with us again. That is why it is really important for us to have a well negotiated arrangement when it comes to management of elections in this country.

What is happening today might be a very bad precedent for this nation. If leaders of this nation, whether in the Opposition or in the ruling Coalition, do not have faith in Parliament simply because you may feel that you do not have a majority in Parliament, we try and make decisions that are binding and for the larger good of this nation outside Parliament, I am afraid this precedent may not serve us very well. This is a fact that we have to live with and is history in the making.

This is a precedent which is we should try hard not to pursue in future. I hope we will have the reforms we need with the IEBC and some aspects of this Bill which are very good will be incorporated in the final Bill if there will be one. I hope the Joint Select Committee will agree on certain issues and come up with a Bill which we will all endorse as we work towards electoral reforms in our nation.

With those few remarks, I oppose this Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Johana Kipyegon.

Hon. Kipyegon: Thank you, Hon. Temporary Deputy Speaker. I also wish to add my voice as a Member of the Committee which actually sat and looked into this particular matter. We all understand even though, we are facing problems right now in the country, one thing which must never escape our minds is that as per the Constitution, we are the representatives of the people. We represent the sovereignty of the people in this House and the Constitution mandates us to legislate for them.

As we speak, there is a conflict between which particular Committee should legislate on the matter of IEBC. Even on the matter which the Departmental Committee on Justice and Legal Affairs shelved today to deal with the removal of the IEBC commissioners. The mandated Committee to deal with that constitutional provision is known to everybody. It is only because we are Kenyans and God loving people that we sometimes agree to overlook or forego some issues.

The Committee mandated to make laws on the IEBC is the one that has brought this amendment to this House. It is obliged to do so. Even if we call any other Committee names like Select Committee or Joint Committee, the bottom line is that the provision to amend this law must be brought to this Committee to look at and bring it back to this same Floor. Even if we were to deal with the question of removal of commissioners, unless that Select Committee amends Article 251(2), it will do all that, but eventually bring it as a petition or amendment to

the Constitution to allow it to remove the commissioners. Not unless we persuade them to go home without going through all these other regulations.

It is a matter which we have agreed as Kenyans and while reading the mood in the country right now, there are some issues which we will have to persuade each other. In law, they say that ‘the law is an ass’. We are the legislators who made this law and sometimes we want to run away from obeying it. Just like I said, we are persuaded by the mood in the country not to break the law, but to make the right amendments to allow the country to move forward.

I support this Bill by the Departmental Committee on Justice and Legal Affairs although we might need to make some few amendments here and there. I still support it because it is the only procedure that we can use to bring in the new commissioners to serve in the next elections. No one has a monopoly of worries. We are all worried about the next elections, from MCAs to the President. A few people should not take this issue as a matter of their own. Everybody wants to go through a free and fair election, if he or she is worth the name of a leader, unless some people want to cook their way and take short cuts. The issue of either agreeing to sit and wait or move forward should rest on us. The bottom line is that we cannot run away from our legislative power and obligation. It is us who are making people get worried. Like I said previously, it could be the Commissioners are that bad. It could be it is us politicians who are bad. We cannot remove them and start emasculating the ones who will be appointed or start making statements outside there to jeopardize a very clean procedure.

In as much as we would want to have clean IEBC commissioners, like they say in law, “if you want justice or equity, you must come to equity with clean hands”. It is also high time for us politicians, if we want to have clean elections, to also approach it with clean hands. From the sentiments that are being said in the political arenas by both high and low ranking politicians, it is a very clear statement that in 2017, only God will prevail to help this country to be stable after the elections.

In as much as we want to change these laws, we must also agree to change our hearts and minds. The positions we vie for are not a matter of life and death. It is only for five years and then you have another chance and you are not going to die tomorrow. We must make laws that will enable this country to see tomorrow, the day after and forever. Sometimes, I disagree with politics of manipulation and intimidation. It is not only one side that will do that. When a leader in a particular coalition makes statements that the other coalition should not intimidate and arm-twist others yet they are the worst dictators, it is sad. You wonder where people are heading with these statements.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Johana Kipyegon, I can see some interventions from Members. I can see Hon. Midiwo who is not here. Hon. Isaac Mwaura, are you on intervention? Please, Hon. Members, so that we do not confuse ourselves or procedures, get out of intervention. Otherwise, you will be assumed to be raising a point of information or order.

Hon. Kipyegon: Hon. Temporary Deputy Speaker, you will allow me to proceed because people intervened and left.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Proceed.

Hon. Kipyegon: I was just making a statement that we want to have a clean political situation in this country. Let us not be dictators or intimidate others. For those of us who are on either side of the coalition, we do not believe that the other side that we want to go is clean. I am in this coalition and some of us are just here persevering because of the dictatorship that is here.

For those who are on the other side, I was also there one day and I know how dictatorial it is on that side.

Let us be independent and make decisions that will build our country. We should not allow this House to be misused by dictators who are outside but want to run the affairs of this House. If this country burns because of a poor legislation that we make here, citizens will not blame Uhuru Kenyatta or Raila Odinga but Members of this House. Let us legislate for posterity and not for those people because one day you might stand a chance of holding those positions. You will not want to lead a country that has been dictated to until you do not even know the head or the tail. Let us not run this House from outside but from inside. However, we must listen to the views of the people who sent us here. We must also show leadership that we can listen but still legislate for the good of the country.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is up, but I will add you a minute.

Hon. Kipyegon: Thank you, Hon. Temporary Deputy Speaker. Although we might move some amendments, I want to say that I support this Bill. I want to tell Kenyans that we are not competing with the Joint Select Committee, but we are doing what the Constitution requires of us. They are also doing what the public asked them to do. We will merge our ideas with theirs to produce the best procedure to use to make this country go into an election that is free and fair. Any Kenyan who comes through this selection, must understand that we are not serving individuals because they will come and go. We are serving the nation.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Member for Migori County, Hon. (Ms.) Dennitah Ghati, you have the Floor.

Hon. (Ms.) Ghati: Thank you, Hon. Temporary Deputy Speaker for this opportunity. At the outset, I want to oppose the Independent Electoral and Boundaries Commission (Amendment) Bill. As the Migori Women County Representative, I feel that the introduction of this Bill at this point is not in good taste. We already have the Joint Select Committee that is looking at this issue, and it will be good if we leave it to bring us their recommendations, we discuss them and move the country forward. It is not the right time to bring it because we have gone through many electoral reforms in this country that have been positive. However, we have positive provisions in this Bill. For instance, the idea of having our commissioners on part time basis is a good move. After five years when elections have been conducted, what do the IEBC commissioners do? That is a positive way of reducing the wage bill.

In my view, election management remains an emotive issue. I feel that the two sides need to sit down to discuss on the issue of bringing in new commissioners. I would personally propose that political parties are engaged and involved in forwarding names to the selection panel. That way, we can cater for everybody's interest. Members of this selection panel should belong to both sides of the divide. The Leader of the Majority Party mentioned that we will get members from the religious community and the civil societies. We all know that religious institutions are polarised and civil societies also take sides.

Let us not bury our heads in the sand. Let us talk about these issues openly. As much as these amendments have been brought now, I believe that the Co-Chairs, Sen. Murungi and Sen. Orengo are good hands to provide us and the Senate with a positive response. In the past, we have seen commissioners appointed to the IEBC representing particular areas. It is in the interest of this country that commissioners appointed to the IEBC represent the face of Kenya, and gender should also be considered.

I oppose this Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Next on my request list is the Member for Kiharu, Hon. Irungu Kang'ata.

Hon. Kang'ata: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill.

First, the number of people proposed to sit in the panel is fair for both sides of the House. There has been a proposal that two people should be from the Jubilee Coalition, two from the CORD, and three to be nominated by the Public Service Commission (PSC). I had a problem with this proposal when we were discussing this issue in the Committee. I was arguing that we are too many in our side compared to our colleagues on the opposite side. I was of the opinion that all committees and panels should be appointed proportionate to the strength they have in the House. We cannot be deemed as if we are equal. In the spirit of give and take, we agreed to equally share the positions. I am surprised to see my colleagues opposing this proposal, which is giving them undue influence and numbers in that Committee. If I was in CORD, I will support this idea because they have been given a lot of leverage. They are told to nominate equal numbers compared with what we are proposing to be given.

Secondly, the Leader of the Minority Party said that the PSC represents the interests of the ruling coalition. To the best of my recollection, that is not true because people who sit in that Commission were vetted by this Parliament and, therefore, that was a collective decision of the House. In any event, it is a constitutional office which has been given constitutional independence. It is not subject to directions from the Executive or Parliament. The argument that PSC represents the interests of the Jubilee Coalition is hogwash.

In my opinion, what makes me support this idea is that I understand that we have a parallel process that we must respect but on the other hand, we have work to do. We must be ready in the event that the Joint Select Committee gets into a stalemate. The world is not going to end on the basis of the deliberations of that Committee. This Bill is an extension of our work which is to prepare this country for an election. Sometimes when I look at the CORD, I wonder whether these people are really desirous of an election being held in August, next year. Why do I say so? If you look at the election calendar, you will find that it is humongous. It involves many things. We need to procure materials and train personnel. We need to do a lot of work.

Notwithstanding the little time that we have between now and the elections time, there is already agitation to kick out the IEBC commissioners.

Secondly, it is not only the commissioners who are being targeted by CORD, but even the staff. If you kick out the staff and the commissioners, and then you start frustrating the effort of this Parliament to make laws which impact on the elections--- I find a situation where CORD is setting us up for an election that is going to be unfair and not free.

I would like to tell my colleagues who belong to CORD that it is good for them to fight for their leader, Raila Amolo Odinga. It makes a lot of sense. However, remember that the election that is going to be held next year is not for one person. You will not only vote in the presidential elections. As a parliamentarian, you will require an IEBC that is duly constituted and has been given ample time to prepare itself before we go into election. The way things are going, we are will have a situation where we shall have a new IEBC that will not be fully prepared for elections.

Therefore, this is just what the Government is trying to do in this law. It is preparing us for elections. First, what is the procedure of reconstituting the IEBC? Secondly, in the event we will have a situation where we invite applications, what is the procedure?

I put notice to Members that I will move an amendment on how we will select members of that panel that has been referred to in this Bill, provided that we allow the process to be in the hands of religious leaders. It appears that when we propose to give CORD, Jubilee and the Public Service Commission (PSC), two members each, people do not trust that arrangement.

The best case scenario is to leave this process to religious leaders. I imagine everyone here is religious. In any event, I have seen the religious community being at the forefront in supporting reforms in the IEBC. Therefore, the best case scenario would be we give religious leaders power to be part of the panel interviewing the new commissioners once we start this process.

Otherwise, I urge Members to be very cautious because time is not on our side. We are about one year to the elections. Remember, we also have a proposal which has been debated and, to the best of my knowledge, passed. This is where nominations for various positions must be held, at least, three months to an election. Therefore, assuming that proposal goes through, it means you will be nominated on or about April, next year. If you will be nominated by April, next year, it means that for most of us who come from regions where parties are very strong, the elections will be held, not in August but in April, next year.

The Constitution grants power to the IEBC to supervise party nominations. Time is of the essence. We only have seven or eight months to the real elections. Elections in August will purely be a coronation for majority of us who come from regions where our parties are very strong. It makes sense for us not to be cantankerous and swayed by moods of other leaders. We should look at our interests as Members of Parliament so that we have a proper IEBC and a proper process, notwithstanding what our party leaders tell us. That entails passing this Bill so that the process of nomination is very clear.

Thank you. I rest my case in support of this Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us hear from the Hon. Member for Bomet Central.

Hon. Tonui: Thank you, Hon. Temporary Deputy Speaker for this opportunity to make my contribution. I have waited for it patiently from 2.30 p.m. up to now. I am grateful I have been given the chance to oppose this Bill.

Under the current spirit prevailing in this country, this Bill is quite premature. We have formed a Joint Select Committee composed of members from the National Assembly and the Senate on issues of electoral reforms. It could be worthwhile to combine all this under that Committee so that we could deal with it. I know the issues of the IEBC. I do not support the removal of the current Commissioners. First of all, they presided over my election in Bomet Central. They counted my votes very well and announced my victory. They did not steal it.

However, because a section of this country is engaged in endless demonstrations in the streets; killing the economy of this country and discouraging investors when we are having a big problem with our youth, we have no option but to deal with the issue of the IEBC to ensure that the commissioners go home to please one side. Possibly, we will get a stable country which will enable us to build the economy.

This Bill could have been very good because it is addressing critical issues. However, the issue of timing is what I find to be a big problem with this Bill. I would have supported it but I will now oppose it because of timing. I really love some of the issues which are being addressed here.

I welcome the issue of reduction of the number of the Commissioners from the current nine to four because that would reduce the cost of running the Commission. This will allow us to

transfer part of that money to where it is needed critically, especially in the education sector where we have shortage of teachers and we need to recruit more teachers to deal with problem of shortage. For that to happen, we need to reduce the commissioners we have. What is the need of having all those people idling, sitting and doing secretariat work when they could be dealing with policies and such issues?

There is this bit which is dealing with part time employment. This will also be captured when we finally deal with the proper law which addresses the issue of electoral reforms for these commissioners to serve on part time basis. I welcome that because we have the secretariat which works on full-time basis. We do not need to have friction all the time between the secretariat and the commissioners who are idling around and need to be seen to be bosses giving instructions which may conflict with the usual operations in these offices. Having these Commissioners serve on a part time basis is welcome. I support that.

In this Bill, there is also the issue of vetting of staff. I do not think the vetting of staff of the IEBC is well intentioned. I do not think it is necessary. This is a witch-hunt. It is only meant to mistreat the staff. Coming from the world of trade unionism, I do not support this because it is harassment sort of.

In any case, we have an example of vetting that has been done under the National Police Service Commission (NPSC). The corruption which prevails is much bigger. Traffic policemen who should be monitoring speeds along the road arrest us on the same roads and we part with a lot of money. Even though they have been vetted, they are still massively receiving bribes. I do not know if this issue of vetting makes sense.

Judges have been vetted, but is the Judiciary clean? They are more corrupt than ever. You can buy justice. This idea of vetting is nothing short of a witch-hunt and possibly to be seen to be making changes in the IEBC. This is not necessary. This Bill is quite untimely. It should not be before this House but because it has been tabled here, we need to deviate and reject it in totality.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You oppose the Bill. The next Member on my request list is the Member for Rarieda, Hon. Nicholas Gumbo.

Hon. (Eng.) Gumbo: Thank you, Hon. Temporary Deputy Speaker. I rise to oppose this Bill in its current form. I have reasons for opposing this Bill in its current form. In the first place, I believe this idea of being obsessed with trying to address the present problems instead of looking into long-term issues which affect our country, is what keeps bringing us to where we are. There is hardly any election we have had in this country where the previous electoral commission has conducted succeeding elections. All this is tied to this principle which I call "short-termism." We are trying to deal with symptoms as opposed to the causes of the problems that we face. I oppose the idea of asking the two coalitions to nominate the selection panel with two members from either side of the coalitions and the PSC to nominate the three members.

The Bill before this House is too small to comprehensively address the election management problems in Kenya. Kenya is not the only country which holds elections. In fact, nearly 10 countries in Africa hold elections every year. More than 10 countries hold elections every year in the world. We have a chance to look at the best practices, but we refuse to do so. Any attempt to amend the IEBC Act is an opportunity for us to look around and see how others are doing it.

How come India with an electoral register of more than 800 million voters manages that big voter register with only three commissioners? This is a question which should be before this House. The Departmental Committee on Justice and Legal Affairs should help us to address it. Among those three commissioners, only one is full time. How come the cost per voter in this

country is nearly Kshs3,000, while the cost per voter is hardly Kshs70 in a Commonwealth country like India? It costs nearly \$30 to cast a vote in Kenya. In India, it costs \$0.7. Why is there a disparity? These are the questions we should be asking. One might say that our methods of voting are different, but I do not agree with that. We have comparatives. Ghana conducts electronic voting. Why is it that our cost per voter is higher compared to that of Ghana? These are the questions we should be addressing.

The idea to make the commissioners part time looks progressive, but it is not good enough. I do not understand why we need five commissioners. We need much less. It is not only reducing the number of the commissioners which is important. We also need to describe what they are supposed to do. The commissioners should deal with policy issues and oversight from time to time. These are part time duties as opposed to clear cases where the commissioners get involved in day to day operations of election management in this country. All these things need to be looked at. Let us not be shy. This attempted amendment might look small but the implications are huge. The implications might be grave for this country. Why is it that as a country, we have never had elections where winners can extend magnanimity and humility in spite of victory, as losers embrace winners and accept that there would be another chance to fight again?

Over 10,000 people offered themselves to be elected for the various positions in this country in the last election. The truth of the matter is that thousands of people wanted to come to the National Assembly, but only 290 came. That is a reality. We must have a system where the 290 Members who come here will accept their victory with humility and magnanimity, and extend an olive branch to the losers. The losers will embrace them and accept to the extent that the way the elections were conducted, they lost fairly. That speaks to the credibility of the electoral process.

We have had election management in this country, where the managers unfortunately seem to be more concerned with the outcome as opposed to the process that leads to the outcome. This is the problem in this country. Let us deal with the process. There can only be one winner and one president. There can only be one Member of Parliament in Rarieda at a time, but the electoral process has to be in a way that those who will fall by the wayside have to accept it. If we keep on window-dressing and dealing with the symptoms, the way this Bill attempts to do, we will be trapped forever in this vicious circle of electoral violence. The election results will be declared and the country will totally be on the bleak. Is that what we want for this country? I beg to differ.

I want to believe that this system of looking for electoral managers of our country must be as inclusive as possible. Everyone cannot come to the table to nominate the managers of elections in Kenya. The selection panel will decide the five men and women or three men and women who will manage elections on behalf of the people of Kenya. I do not agree that we have five commissioners because they are too many. Unless we convey to the people of Kenya that there is sufficient credibility in that process, we will be trapped into the same vicious circle that we have gone through.

I agree with the idea to make the commissioners part time. This is as it should be. The Public Accounts Committee (PAC) had engagements with the current IEBC Commissioners. We asked them to tell us how their time sheet looks like from the time they report to work at 8.00 a.m., and the time they leave at 5.00 p.m. Some of them could not explain. Others simply said their terms of employment say that they are permanent, and they should not be asked those questions. Clearly, there is a gap. Others told us that they look at boundary delimitation. Is that a

daily exercise? Others told us that they coordinate the regions. Is that a daily exercise? I agree with reducing the number of commissioners.

As I conclude, our country faces many problems. I had said it before. Today, income inequality, corruption, youth unemployment and high cost of living are realities but nothing threatens the cohesion and the fabric of our nationhood more than a bungled election. It starts from the process of appointing election managers.

With those remarks, I oppose the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): I give the Floor to Hon. Aghostinho Neto, the Member for Ndhiwa. He is the next one on my request list.

Hon. Oyugi: Thank you, Hon. Temporary Deputy Speaker for this chance to speak on this Bill. I would like to acknowledge that I am a Member of the Departmental Committee on Justice and Legal Affairs. Ordinarily, I would not have been opposing this Bill but the time when this Bill was being discussed, I stood de-whipped for various reasons. Consequently I oppose the Bill because my views were not captured at that particular period.

Hon. Temporary Deputy Speaker, first, let us appreciate that this is a Bill that is timely. It is responding to a lacuna in the law that is required and needed. I do not agree with a couple of things that are in the Bill. I shall be speaking to them as I point them out and also in terms of timing.

First, let me say what I agree with in this Bill and my colleagues have already spoken to. It is important to have part time commissioners. As a Member of the Departmental Committee on Justice and Legal Affairs, I have engaged with a number of commissioners who supervised various secretariats. Permanent commissioners have a way of interfering with the secretariats of the various organisations that they run. A clear example is the Ethics and Anti-Corruption Commission (EACC). Most of its commissioners stumble around and consequently interfere with the work of the secretariat. Full time commissioners of the IEBC end up interfering with the work of the secretariat. It will make more sense if they serve on part time basis. That is a good provision in this Bill.

There are two reasons why I am opposing this Bill. First, is in terms of the structure and tenure of the select committee. Seven members in the select committee are too many. Secondly, the process of having the PSC nominate three other people to the select committee is in itself already tilting the scale as Hon. Midiwo has said. I think, maybe, we should end up with a selection panel of five persons. Whereas the Majority party nominates two and the Minority Party nominate two persons, one could come from organised civil society or the religious groups. That is one of the reasons why I oppose this Bill.

I have listened to my colleagues say that if the Majority or the Minority Party nominates people to the select panel it does not make them independent. That is far from the truth. If you look at Article 215 of the Constitution, you will find that it establishes the Commission on Revenue Allocation (CRA). I would like to point it that the CRA is also independent. However, Article 215 says how these commissioners are brought into office.

Article 215(2) of the Constitution says:-

“(b) two persons nominated by the political parties represented in the National Assembly according to their proportion of members in the Assembly;

(c) five persons nominated by the political parties represented in the Senate according to their proportion of members in the Senate.”

It is true, for example, that an independent commission can have its members appointed or represent political parties. However, that does not take away their independence. What is

independence? Independence, for example, does not mean that I do not belong to a political party. Independence is in the spirit of I, for example, conduct the business and the affairs of the Committee or commission I belong to. It is not fair to say that if, for example, the Majority Party and the Minority Party nominate two members each that will interfere with independence. That is not true.

The Constitution has already set precedence under Article 215 in the manner of appointing the Commissioners of CRA. It is still possible to have the Majority Party and the Minority Party nominate commissioners. The only thing I do not agree with is that the PSC should have more members making them three because that will tilt the scales against what we are trying to stabilise.

The second issue I would like to speak to is with regard to something my colleagues have spoken to; the existence of a select committee versus the spirit of what is in the Departmental Committee on Justice and Legal Affairs. Article 124 of the Constitution says that Parliament may establish Committees and shall make Standing Orders for the orderly conduct of its proceedings. The Departmental Committee on Justice and Legal Affairs is a creation of the standing orders which is also a creation of Article 124 of the Constitution. Article 124(2) of the Constitution also says that Parliament may establish joint committees consisting of Members of both Houses and may jointly regulate the procedures of those Committees.

The Kiraitu/Orengo led Committee, in my view, is in a way inferior to the Departmental Committee on Justice and Legal Affairs. This is because the Departmental Committee on Justice and Legal Affairs and the Orengo/Kiraitu led Committee are both creations of Article 124 of the Constitution.

How do you proceed? We ought to proceed in a manner that, for example, as a country, we agree that our country needs robust and overall electoral reforms. Can we achieve it in this Bill my Committee has brought? I think it is not. In an orderly manner, we should have only waited for the Joint Parliamentary select Committee of the Senate and the National Assembly to give us a proper roadmap in terms of how to proceed with the electoral reforms issues.

I appreciate the Leader of the Majority Party and the House Business Committee for having said that all legislation will be stood down. It is then a waste of parliamentary time for us to engage in legislation that we might not actually engage with if at all we get a different or a counter proposal.

The third thing I would like to speak to is the fact that Kenya needs long lasting electoral reforms. Our greatest problem is not whether the IEBC goes home or whether we do another properly selected selection panel. However, Kenya needs to relook at its electoral issues; the sort or type of election we need. The Member for Kiharu spoke to the fact that in terms of proportions, and in terms of the number of seats in this House, the Jubilee coalition has more seats in this House. If at all the vote will be tilted, it will be in favour of the Jubilee Coalition.

If you look at the vote that was cast in the last general election, you will realise that it is close to 51 per cent for Jubilee, whether they are legitimate or not, and 49 percent going to the CORD coalition. The voices of those five million voters cannot be emasculated in a manner that is done in the current electoral cycle. We really need to look at whether Kenya needs a faster post electoral system or it needs to rethink the manner in which, for example, I vote, simply because my presidential candidate was not pronounced president, and the five million votes do not count for something. That is the sort of conversation that I am looking forward to seeing from the Joint Parliamentary Select Committee of the Senate and the National Assembly as to what form and manner Kenya needs to look at.

The second thing I hope to look at and that is why I am opposing this Bill for now is that we ought to look at the construct. We have agreed and owned up that Kenya is a fairly tribal society. Is it possible and fair that, for example, for those of us who are from El Molo, Rendille, the Ilchamus communities in a presidential system can rise and become presidents and leaders of this country where we have two conglomerations of big tribes as leaders of this country? It is time we thought about minorities of this country, people with disability, people from small communities and people who ordinarily have talent and people who because of the electoral structure and electoral form might not rise to leadership. Part of the electoral reform we ought to be discussing is that which responds and is in accordance with the aspirations of the Kenyan people.

So, I agree that this particular Bill has very interesting provisions. One of them is on the part-time commissioners. This is a good thing.

The other is the clause that deals with members of the secretariat. It is true that some members of the secretariat have engaged in other issues. But, we have seen how some vetting in this country has proceeded. Sometimes it is very skewed. Civil servants and people who work in the secretariat of various organisations ought to be given fair treatment so that if, for example, someone has made mistakes or engaged in theft or corruption, there are laws in the country that should be used to charge them.

In conclusion, as a Parliament, let us give each other due consideration and listen to each other. If we do not walk softly and comprehensively on the electoral reform issues, we might be looking into a 2017 election that is not very pleasurable.

With those remarks, I oppose this Bill for now. I hope we will make long standing corrections to this so that, at least, we have a very good independent electoral management body.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us now have the nominated Member, Hon. Isaac Mwaura.

Hon. Mwaura: Thank you, Hon. Temporary Deputy Speaker. I rise to oppose these amendments. Why am I opposing? I am opposing because of the timing. Politics is about timing. The timing is very wrong and we must not be seen to be legitimating a process that has already been structured in a political manner to avert the crisis that this country witnessed only some few weeks ago.

If you look at the proposals, you will find that they are diametrically opposed to the provisions of Chapter XV of the Constitution in relation to constitutional commissions. In fact, if you look at what is being proposed by the Departmental Committee on Justice and Legal Affairs, you will find that it is simply to weaken a constitutional body. By pretending that this Bill will reduce the burden on the taxpayer in terms of paying commissioners less because they will be part time, you are basically saying that you would do the same to other constitutional commissions.

In this case, therefore, this Bill is establishing a very dangerous precedent because it is not informed by any scientific experimentation. This Bill is basically about politics of brinkmanship. It is actually pulling the rag under the carpet and it is setting to dictate the negotiations before the Kiraitu/Orengo led Committee.

In that regard, therefore, it is not a Bill that is meant to enhance our electoral process but it is a Bill that is aimed at settling political scores merely for the sake of it. This House must legislate for posterity. This Bill is not legislating for posterity. It is proposing to legislate for the moment. This country has failed to realise that institutions are made up of individuals.

Institutions are made of persons who are selected through a competent process. As you may agree with me, the product is as good as the process. We have been there before where political parties have nominated individuals to sit in the electoral commissions. If you remember the 2007 elections, that was the point. If you remember again the 2013 elections, that is what happened. So, these proposals are as a result of back pedaling. We are going back to the old order instead of moving forward with the new Constitution.

Part of the reason why we have this proposal on the Floor of the House and which has also been fast tracked is as a result of the fact that a lot of aspersions have been cast against the incumbent commissioners of the IEBC. At the same time it is also on record, much as that has happened, that there is very little that has been proven to that effect. It is only recently that the former CEO of the IEBC, Mr. Oswago and Mr. Trevy Oyombra have been lined up for prosecution by the EACC. This is questionable based on what we have seen with an NGO linked to the Chairman of the Commission.

The issue will be some of the allegations and the rumour that you hear from political circles would be very difficult to prove whether they actually happened. We know very well that the last elections were disputed. This is a commission that did not even have proper or conclusive voter register. I think they were three in terms of the total number. So nobody would ever tell you how many people actually voted in the last general elections.

Having said that, those are not reasons that would, therefore, mean that the only way to remedy the situation is to create a process where you just change individuals. I am very much opposed personally to the fact that we have developed a system of demolishing institutions. Now we want to say through this Bill that we also need to do away with the secretariat. Really? Who will be the custodian of the institutional memory of the electoral processes and practice in this country?

Hon. Temporary Deputy Speaker, it is assuming that because there is a very high attrition of Members of Parliament every five years that you also do away with the Clerk, the clerks of the committees and everybody who works for Parliament. I think that is not progress and institutions cannot be built on quicksand the same way we run our political parties, so that every new elections we have either new political parties or we have new coalitions that seek to hoodwink the masses that we are going to bring change that has never been seen before obviously tapping on messianic promises that are neither here nor there.

We, as a country, must learn to build institutions for posterity. We must not allow ourselves to extend *ad hominem* arguments into legislation where you are seen to be legislating because of the person or the occupants of the various constitutional offices. This country has a very important duty to ensure that based on the lessons that we have learnt, the IEBC becomes a truly independent arbiter of the electoral process. I do not want to imagine that by removing commissioners and by making such amendments that are proposed by this Bill, we are infusing confidence in our electoral process.

We must agree that appointees of political parties will always favour those who have appointed them. So, the element of impartiality is not guaranteed. We have had precedent with the IPPG process and I think we would like to imagine that based on the current proposal on the Floor of the House, much as we have had some of this practice before, we will have a situation where people will be selected to be commissioners purely on account of their political affiliations rather than their competence. I have seen for the last four years that I have been a Member in this august House how the actual sense of politics being possible where you would justify individuals based on political whims. We have seen people being opposed here on the Floor of the House

purely on account of their ethnicity and without necessarily looking at their qualifications. I have in mind Samuel Kabue who was opposed because of being a Kikuyu and yet he is a very qualified disabled person who had been nominated to be a commissioner in the Kenya National Commission on Human Rights (KNCHR).

So let us look at this thing objectively. I would like to imagine that the Kiraitu/Orengo led committee will have ample time to listen and get submissions as is currently obtaining. Just as we speak, the Attorney-General has actually proposed that we should have the elections date moved to sometime later to cover the two years that are recommended by the Kriegler Report. That is something that we need to consider. I would not like to imagine this rush to ensure that we are making changes as at now informed by such considerations thereof.

I would like to urge my fellow Members that we oppose this Bill. We take some time to think through the various proposals so that we can strengthen the Commission. You will agree with me that if we go the way the Bill is proposing, it is the third time we are attempting to disband the IEBC. I think, as somebody said, we must not make the IEBC to be a graveyard of careers. We must not make it that those who superintend over our elections are actually committing crime of their lifetime.

With those many remarks I oppose and I ask that the House takes leave of this matter so that we can wait for the report. This is not gagging debate. Debate must continue but we must separate issues.

I oppose.

The Temporary Deputy Speaker (Hon. Mbalu): We have seven Members in the queue. If you think it is repetition, do not use all your minutes.

Hon. Onyura: Thank you very much, Hon. Temporary Deputy Speaker.

I rise to oppose this Bill. The main reason for opposing it is on the timing and not really the content as it is. I have gone through it and some of the paragraphs are acceptable. They mean well.

If you look at the timing of it and the fact that we have a Joint Select Committee that has just started looking and examining this subject of the IEBC, it may not be the right time to do this piecemeal. We require reforms, serious changes and perhaps an overhaul of the whole electoral system. That is not in doubt. If you look at the mood in the country and listen to various sectors contributing towards the issue of the electoral system and the IEBC, you will realise that it is obvious we require changes. The change we need is something quite comprehensive. We want something that is properly carried out, discussed and from proper consultations. We would like to see the entire spectrum of the public and stakeholders participating in this debate so that we come out with a comprehensive document that is going to assist us. The issue of simply saying “delete this word” and “substitute this word” is to me too shallow. It is just scratching the surface.

I will support anything that will improve the electoral system and make it more effective and not through this Bill. What I would suggest is that the Departmental Committee on Justice and Legal Affairs appear before the Joint Select Committee and exchange suggestions, ideas and proposals they might have. They can present some of the contents of this paper. That way, they will be helping us and the country than this piecemeal approach the Bill proposes.

I am not necessarily opposed to the issue of the PSC and the bit about its participation. When I read through those relevant sections allowing the PSC to participate, I realised that the PSC will just be facilitating. Unless I miss the point, that is what I saw. The commission will be charged with ensuring that the vacancies are advertised, applicants are received and shortlisted,

and interviews carried out in the open. For me, it looks like any Kenyan will be free to apply for these positions. The PSC will perhaps be using their expertise of interviews and selection to do their work. I think we will just be using that experience and expertise. That need not be a negative thing.

I also noticed that the issue of gender is address. It ensures conformity with the Constitution. We also need to ensure that the face of Kenya is reflected in these appointments. It is not enough just to say that we have over 40 communities and we have fewer positions so every community cannot be accommodated. In that case, if we have 15, 20 or 30, why not give different communities each time? We can then say that we only had 15 positions which we have given to 15 different communities in this country. In the next appointments, we will look at the others who have missed out on this one. It is important that we also practise what we preach. If we say the Constitution expects us to show the face of Kenya, we should actually show it and produce statistics to show that we are doing that.

I find the issue of compliance to Chapter Six of the Constitution in nearly every advertisement. I have not understood how this is realised or verified. I have not come across anybody who has been excluded because of not meeting Chapter Six. I do not know how it is being ensured that Chapter Six is being complied with.

Finally, I want to talk about the issue of the election calendar. I do not wish that we defer the elections but I ask myself: Which is the lesser evil? Is it to rush and do these elections simply to beat a certain deadline and have poorly run elections that could easily throw us back to where we were in 2007/2008 or we take our time, run efficient elections and have a stable and peaceful country?

At this point in time, I oppose this Bill in the form it is.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us have the Member for Awendo.

Hon. Opiyo: Thank you, Hon. Temporary Deputy Speaker, for the opportunity to make my contributions to this Bill which I oppose. Just like my colleagues have indicated, my reason is also on the timing. If you remember, Hon. Temporary Deputy Speaker, just yesterday, the Justice and Legal Affairs Committee tabled a Report in this House. They hinted that the Report was as a result of an investigation they did that was clearing the IEBC commissioners of any wrong doing in matters of corruption. In quick succession, the same Committee is bringing amendments to have several aspects of our electoral system reformed.

This House does not exist in a vacuum and all of us understand the political environment in which we exist currently. Just before the Joint Select Committee was formed, this country was actually hanging at the brink. The whole country sighed with relief the day His Excellency the President and the leaders of CORD agreed that there was need to speak to one another and that there was need to come up with a Joint Select Committee that would have equal representation.

I do not understand why at this point in time Parliament is rushing to make these reforms and yet we have existed since the first day we were sworn in. We knew that these things would come up and that we would have an election in less than five years. The Departmental Committee on Justice and Legal Affairs has been in this House throughout but was unable to bring these amendments in good time.

Yesterday, the Leader of the Majority Party alluded to the fact that all the Bills before this House touching on the reforms to the electoral system will temporarily be suspended awaiting the outcome of the conversations that will be going at the Joint Committee. It is very difficult to understand why we are in such a hurry now to amend our electoral system.

During that conversation some people were saying that the IEBC is not trusted and must go while others were saying they see nothing wrong with the IEBC. A section of this House was of the opinion that if any reforms have to be done around the IEBC, they are supposed to be done in this House. Later on when the President was engaged and he engaged the entire country and they agreed that we form a Select Committee, many of these people agreed that that was actually the right route to take. For us to go back just within days of formation of that Committee and try to reform the electoral system through the House; a process that was opposed by a section of the country is to take us back to square one where we were. This is where a section of the country was patrolling the streets and singing “IEBC must go.” The recommendations that have been made in this Bill are not in bad faith, but I think the fact that we look like we are not supportive of the Joint Committee is what makes this Bill totally out of place. I urge all Members of this House to reject it.

The proposal to reduce the membership of the IEBC is a welcome move. You know the conversation that has been going on in this august House is to reduce the number of commissioners in all the independent commissions in this country. Sometimes I wonder why nine commissioners sit in offices and say that they are managing the electoral process. What do they do between one election and another if not sitting and taking tea and planning how to engage in corrupt procurement deals? It is only in this country where you have members of a commission, who are supposed to make policy for the commission, engaging in procurement activities of the commission and yet they have a secretariat.

Ghana which has been conducting very successful elections has a lesser number of electoral commissioners. I think we could reduce the number to two, three or even one member. What we want is a commission that will deliver truly fair and free elections.

What baffles me is that in Kenya, even if you choose people who look like angels, once they sit in those offices, they get compromised and turn into nothing. If this House may please, we may suggest that we hire foreigners to come and do this job and fix it once and for all. Once the systems have been fixed, they can let us run our own elections. We have tried our best.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order Hon. Opiyo, you will have three minutes in the next sitting to continue with your contribution on the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No.18 of 2016). I also want to appreciate the request from the Member of Pokot South, but this is a House of rules and procedures.

Hon. Members, the time being 6.30 p.m., this House stands adjourned until Tuesday 26th July, 2016, at 2.30 p.m. I thank you all. From the Speaker’s Chair, I wish you a good and pleasant weekend.

The House rose at 6.30 p.m.