

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 25th August, 2016

The House met at 2.30 p.m.

*[The Deputy Speaker
(Hon.(Dr.) Laboso) in the Chair]*

PRAYERS

COMMUNICATION FROM THE CHAIR

RESERVATION OF PARLIAMENT PARKING SPACE FOR TICAD

Hon. Deputy Speaker: Hon. Members, settle down so that I give a short Communication. I wish to notify you that as part of its support towards the Sixth Tokyo International Conference on African Development (TICAD) Summit, Parliament has reserved its parking space for use by First Ladies of African Heads of State and Governments on Saturday 27th and Sunday 28th August 2016 in the following areas within the main Parliament grounds: The Senate car park adjacent Parliament Road; The former Minister's car park; and the car park facing Uhuru Highway.

Consequently, the parking space within the main Parliament grounds shall be unavailable during these two days of Saturday 27th and Sunday 28th August, 2016.

MESSAGE

SENATE APPROVAL OF MEDIATED VERSIONS OF BILLS

Hon. Deputy Speaker: Hon. Members, I also have a Message to convey. Can you get settle quickly? We have many Members at the entrance. Order, Hon. Members, Hon. Anthony! I have a Message on the approval of the Standing Order 41(4) which requires the Speaker to report to the House any Message received from the Senate at the first convenient opportunity.

In this regard, I wish to report to the House that on Wednesday, 24th August, 2016, I received Messages from the Senate on the approval of the Mediated Versions of the following four Bills:

1. The Energy Bill (National Assembly Bill No. 50 of 2015).
2. The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015).
3. The Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015);
4. The Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015); and

5. The Report of the Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission (IEBC)

Hon. Members, you may recall that the National Assembly also approved the Mediated Versions of the Forest Conservation and Management Bill, 2015 and the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015 on Wednesday, 24th August, 2016.

Hon. Members, once the House approves the Mediated Versions of the Energy Bill, 2015 and the Petroleum (Exploration, Development and Production) Bill, 2015 today, I will then proceed to present the said Bills to His Excellency the President for assent in accordance with the provisions of Articles 110(5) and 113(3) of the Constitution.

Further, I wish to convey that I have also received a Message from the Senate on their approval, without amendments, of the Report of the Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission (IEBC) on Wednesday, 24th August, 2016. The House therefore, stands duly informed

PETITION

RELOCATION OF KIBWEZI EAST SUB-COUNTY HEADQUARTERS

Hon. Deputy Speaker: Hon. Members, I have a Petition by the Chairperson of the Departmental Committee on Administration and Natural Security or the Vice-Chair. Yes, Former District Commissioner (DC).

Hon. Lentoimaga: Thank you so much, Hon. Deputy Speaker. I have a brief Report from the Committee on consideration of a Petition by Hon. Jessica Mbalu, M.P. on behalf of the residents of Kibwezi East regarding the relocation of Kibwezi East Sub-county Headquarters.

I, the undersigned, on behalf of the residents of Kibwezi East regarding the relocation of Kibwezi East Sub-county Headquarters, draw the attention of the House on the following---

I pray that the National Assembly, through the Departmental Committee on Administration and National Security recommends relocation of Kibwezi East Sub-county Headquarters from the current location, Kibwezi West to Kambu Town and that the Committee makes any other order or direction that it may deem fit in the circumstances of the case.

The Committee held six meetings and heard submissions from Hon. Jessica Mbalu, M.P. Kibwezi East Constituency and Mr. Peter Mangala---

Hon. Deputy Speaker: Order, Hon. Lentoimaga! Can you just give me a minute to recognise some of the students? I can see some of the schools are already on their way out. I take this chance to recognise Kaptimbor Primary School, Baringo Central Constituency, Baringo County; Seguton Hill Primary School, Baringo Central Constituency, Baringo County; Kaptorokwo Primary School, Baringo Central Constituency, Baringo County; Mwangeni Primary School, Kibwezi West Constituency, Makueni County and Industrial Primary School, Kanduyi Constituency, Bungoma County. You are welcome in the National Assembly. They are all in the Public Gallery.

I would also like to recognise those in the Speaker's Gallery. They are:- The Immaculate Mother Parochial School, Eldama Ravine Constituency, Baringo County; Chorwo Primary Centre, Molo Constituency, Nakuru County; Highlands Education Centre, Turbo Constituency, Uasin Gishu County; Mwangaza Primary School, Isiolo North Constituency, Isiolo County. You are all welcome in the National Assembly.

Hon. Lentoimaga: Can I go on?

Hon. Deputy Speaker: Yes, you may now continue.

Hon. Lentoimaga: I was reading the second Petitioner, The Petitioners were Mr. Peter Mangala; Mr. Nicholas Maithia; Mr. Silvester Ndathi Mathi; Mrs. Dorothy Nthenya and Mr. Michael Kioko.

The Committee also heard submissions from the Cabinet Secretary for the Interior and Coordination of National Government; Kibwezi Sub-county, Security Intelligence Committee; residents of Machinery Town in Kibwezi East Constituency and residents of Kambu Town in Kibwezi East.

Our Committee made the following observations from the evidence adduced in the meetings:-

Section V of the National Government Co-ordination Act, 2013 requires that sub-counties be headed by Deputy County Commissioners who are to be based within the respective sub-counties for effective service delivery.

(Loud consultations)

Hon. Deputy Speaker: Order, Members, the consultations are too loud!

Hon. Lentoimaga: Hon. Deputy Speaker, Kambu and Machinery towns between Kibwezi East Constituency have sufficient Government buildings and adequate office space vacant and are available for use including National Government Constituencies Development Fund (NGCDF) offices under construction in Kambu which will be used to host Kibwezi East Sub-county Headquarters. The towns are located near the busy Mombasa-Nairobi Highway.

Kibwezi East Sub-county, as indicated in the Petition, does not exist. The current sub-county is known as "Kibwezi" that serves the entire Kibwezi East Constituency and part of Kibwezi West that includes Kibwezi Town where the Deputy County Commissioner's office is located. However, residents of Kibwezi East Constituency registered concern that the relocation of sub-county headquarters in Kibwezi Town hindered provision of national Government services particularly for residents in parts of Kibwezi East Constituency.

Our final recommendation so that I finish because there is a lot of interruption is that in response to the prayers to the Petitioners, the Committee recommends as follows:-

The Ministry of Interior and Coordination of National Government should create a new sub-county by subdividing the current Kibwezi Sub-county into Kibwezi East and Kibwezi West sub-counties. Further, the boundaries of the proposed Kibwezi East Sub-county should correspond to those of Kibwezi East Constituency.

The Ministry of Interior and Coordination of National Government should fast-track the rationalisation of administrative units in the country to align them with the constituencies and ward boundaries.

Once the Ministry of Interior and Coordination of National Government's alignment of the electoral boundaries is finalised and gazetted, the local leaders and residents could agree on the location of the headquarters of Kibwezi East Constituency.

Thank you.

Hon. Deputy Speaker: The same Committee is supposed to have two others: The inspection of Busia and Malaba. Do you have them?

Hon. Lentoimaga: They are Papers.

PAPERS LAID

Hon. Deputy Speaker: Okay. Next Order!

You have several Papers you have to lay on the Table of the House, Chairman of the Departmental Committee on Administration and National Security.

Hon. Lentoimaga: Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House today Thursday 15th August 2016:-

The Report of the Departmental Committee on Administration and National Security on--

(Loud consultations)

Hon. Deputy Speaker: What is going on today? The consultations are far too high.

Hon. Lentoimaga: Hon. Deputy Speaker, I beg to lay the following Papers:-

The Report of the Departmental Committee on Administration and National Security on its consideration of a public Petition by residents of Kibwezi East Constituency regarding the relocation of Kibwezi East Sub-county headquarters.

An inspection visit to Busia and Malaba border posts on 22nd to 25th October 2015.

Hon. Deputy Speaker: You were supposed to have a third one on County Assembly Service Bill. If you do not have it, you can present it later.

Hon. Lentoimaga: I will present that one later.

Hon. Deputy Speaker: Next Oder.

STATEMENTS

BUSINESS FOR THE WEEK COMMENCING 30TH AUGUST TO 1ST SEPTEMBER, 2016

Hon. A.B. Duale: Hon. Deputy Speaker, pursuant to Standing Order No.44(2)(a), on behalf of the House Business Committee (HBC), I rise to give the following Statement regarding business appearing before the House the week beginning Tuesday 30th August 2016.

The HBC met on Tuesday this week at the rise of the House in order to give priority to business that will be considered and scheduled for debate next week. One is the Motion by the Committee on Selection on appointment of Members to various Committees. The House will also continue debate on the County Assembly Services Bill, Senate Bill No.27 of 2014. Thereafter, we shall consider a Motion on a number of Sessional Papers among them Sessional No.6 of 2014 on the National Children Policy and Sessional Paper No.1 of 2015 on National Policy on Elimination of Child Labour.

Also scheduled for Second Reading, next week, are the following Bills:-

(i) The Persons with Disabilities (Amendment) Bill, Senate Bill No.24, 2014

(ii) The National Youth Service Bill, Senate Bill No.26, 2014

(iii) The County Early Childhood Education Bill, Senate Bill No.23, 2014

(iv) The Witness Protection (Amendment) Bill 2016

In Committee of the whole House, we shall deal with the Betting and Gambling Bill, 2015.

In the same week, priority for consideration at Committee of the whole House is the Finance Bill, 2016. If the House adopts the Report of the Joint Select Committee on the Independent Electoral and Boundaries Commission (IEBC), today, we will give priority for the publication and consideration at all stages of the Election Offences Bill, 2016 and the Election Laws (Amendment) Bill, 2016.

On Questions for Cabinet Secretaries (CSs), the following CSs are scheduled to appear: The CS for Interior and Coordination of National Government has many Questions. We expect him to answer Questions before the Departmental Committee on Administration and National Security from Hon. Roba Duba, Hon. John Waluke, Hon. Christopher Nakuleu, Hon. Zuleikha Juma Hassan, Hon. Sunjeev Birdi, Hon. David Gikaria and Hon. Francis Waititu.

Hon. Deputy Speaker, I need your indulgence because after issuing this Statement, Chairs of Committees go and make informal arrangements with the CSs and give them permission not to come. The proper channels of the House must be followed. The CSs should write to the Clerk and inform him because these Members appear on Tuesdays but when the CS is committed, he just says that he has contacted the Chair of that Committee. The Chairs do not have those powers.

The CS for Education Science and Technology will answer Questions before the Departmental Committee on Education, Research and Technology from Hon. Abdullahi Diriye, Hon. Peter Kaluma, Hon. Kabando wa Kabando and Hon. Robert Mbui.

The last CS will be for Land, Housing and Urban Development who will appear before the Departmental Committee on Lands and take Questions from Hon. Robert Pukose, Hon. Ferdinand Waititu, Hon. Charles Nyamai, Hon. Irshadali Sumra and Hon. Shakila Abdalla.

Finally, the House Business Committee (HBC) will reconvene on Tuesday, 30th August, 2016 at the rise of the House, to consider business for next week.

I wish to lay the statement on the Table of the House.

Hon. Deputy Speaker: Let us hear from Hon. Kang'ata.

STATUS OF IMPLEMENTATION OF *BODA BODA* REGULATIONS

Hon. Kang'ata: Hon. Deputy Speaker, I seek a clarification under Standing Order No.83. The clarification is directed to the Chairman of the Committee on Delegated Legislation. There is a State agency called the "National Transport and Safety Authority (NTSA)" which is currently implementing the National Transport and Safety Authority (Operation of Motorcycles) Regulations of 2015, popularly known as the *Boda Boda* Regulations of 2015. I have checked the records of this House and I have not seen whether the Committee tabled the report of those Regulations before this House, as provided for by Section 17 of the Statutory Instruments Act No.23 of 2013.

Therefore, I seek clarification on whether those regulations are lawful.

Hon. Deputy Speaker: Are you seeking clarification from the Chair of the Departmental Committee on Transport, Public Works and Housing?

Hon. Kang'ata: No, the Chair of the Committee on Delegated Legislation.

Hon. Deputy Speaker: Is the Chair of the Committee on Delegated Legislation, Hon. Cheptumo, in the House? Can he respond to the issue raised on the *Boda Boda* Regulations? Is his Vice-Chair or a Member of that Committee in the House to inform the Chair so that we can

get that communication? Is there no Member of the Committee on Delegated Legislation in the House?

Let us have Hon. Kabando wa Kabando.

Hon. Kabando wa Kabando: Hon. Deputy Speaker, there was a lot of animated and unnecessary loud consultations between Hon. Naomi Shaban and the Vice-Chair of the Departmental Committee on Agriculture, Livestock and Cooperatives, Kareke Mbiuki. They are talking about the collapse of KANU. I could not follow what was going on.

Hon. Deputy Speaker: Are you not a Member of that Committee?

Hon. Kabando wa Kabando: I am a Member of the Committee, but I was not able to follow because of the noise.

Hon. Deputy Speaker: We need the Committee to tell us the status of the *Boda Boda* Regulations. What is the status and where are those Regulations?

Hon. Kabando wa Kabando: Hon. Deputy Speaker, I will check with the Chair because I have been away for two weeks in my constituency then I will report to the House.

Hon. Deputy Speaker: We will get that report next Tuesday.

Let us have Hon. Aduma.

DEMISE OF HON. DENNIS AKUMU

Hon. Owuor: Thank you, Hon. Deputy Speaker. Pursuant to Standing Order No.43(1), I wish to make a general statement regarding the untimely death of Hon. Dennis Akumu.

The late Hon. Dennis Akumu was a former Member of Parliament who represented my constituency between 1969 and 1973 and later on during the period between 1992 and 1997 on a FORD(K) ticket. He championed the rights of workers in his capacity as the Secretary-General of the Central Organisation of Trade Unions (COTU) and the Organisation of African Trade Union Unity (OATUU) in Accra, Ghana. The enormous contribution of the late Hon. Dennis Akumu in the struggle for multi-party democracy in Kenya will forever be remembered.

On behalf of my constituents, I send my most sincere condolences to Mama Grace Akumu, Mama Ruth Elianor and the entire family. We stand by the family during this difficult moment. Our prayer is that the good Lord will give them strength at this trying moment.

You will recall that this Member served alongside such great heroes of our independence struggle like the founding father of this Republic, Mzee Jomo Kenyatta; the doyen of Opposition politics, the late Jaramogi Oginga Odinga and the late Tom Mboya, who was a champion of the workers' rights.

(Hon. Okoth consulted along the gangways)

The Member for Kibra is interrupting me.

He was a hero of all sorts for those who knew him well. It is worth noting that in this House, probably only three Members had the opportunity to meet him and those are Dr. Oburu; Hon. Olago Aluoch, who I recall was his councillor at the advent of multi-partyism when they were being persecuted; and probably the Chairman of my Committee, Hon. Kamanda. The late Dennis was an attraction, not only to Kenya but to Africa. That is why even in marriage, he had a hand from the United States of America (USA) like Obama.

For the Members who had the opportunity to look at today's daily newspapers, you saw the advertisement put up by OATUU and COTU. We expect many people from across the

continent to come and mourn with us. With your indulgence, Hon. Deputy Speaker, in view of the contribution that Hon. Dennis Akumu made, I urge the Hon. Members of this House to stand and observe a minute's silence in honour of the great contribution by this great son of the land.

Hon. Deputy Speaker: Hon. Members, we can observe a minute's silence in remembrance of a former colleague.

(Hon. Members observed a moment of silence)

Thank you Hon. Aduma. Members, we have a lot of business to cover. Let me give a few minutes to Hon. Jakoyo to contribute.

Hon. Midiwo: Thank you, Hon. Deputy Speaker. Let me convey my condolences to the family of Hon. Dennis Akumu and the people of Nyakach. Many people here who are old enough will remember that Akumu was a renowned trade unionist. He has been sick for a long time. I take this opportunity to thank Hon. Mwai Kibaki and Hon. Raila, who when he was very sick, we approached them and they helped him to get his dues from the State. The family said then that they were so grateful. We also pray for the former President Mwai Kibaki to get well soon. In that light, it will be in order.

Hon. Deputy Speaker: Let us have Hon. Kipyegon.

Hon. Kipyegon: Thank you, Hon. Deputy Speaker. I also wish to condole with the people of Nyakach and the Member of Parliament who are with us for the loss of that great hero. Most of us never knew him but we read in the papers of his participation in the struggle for multi-partyism. This country lived during through an era we normally call the "Dark Age" when Members were not allowed to think and move freely.

Hon. Deputy Speaker, this gentleman fought for it. It is only unfortunate that even in this House, we are approaching the same Dark Age when people were not allowed to air their political views, reason and act independently.

I want to condole with his family. Wherever he is, I would like to tell him that whatever he fought for, some people want to muzzle it. However, for those who are still there, we will fight hard to ensure that the democratic space they fought for remains.

Hon. Deputy Speaker: Hon. Richard Onyonka.

Hon. Onyonka: Asante, Mhe. Naibu Spika. Ningependa kuomboleza na familia ya Mzee Dennis Akumu, kiongozi aliyeheshimika humu nchini. Alijihusisha na vyama vya wafanyikazi na kuvuma sana Afrika nzima. Ningependa kuwasihi Wabunge wenzangu tumpe heshima itakayofanya akumbukwe milele. Kama wanasiasa wachanga, ni muhimu tukumbuke kuwa Mzee Akumu alipigania haki za wafanyikazi nchini Kenya na atakumbukwa milele.

Kwa wale ambao hawajui, Mzee Akumu alifanya kazi na babangu aliyekuwa Mbunge na Waziri katika Serikali ya Rais Jomo Kenyatta. Namshukuru Mbunge wa Nyakach kwa kuleta mazungumzo haya na kumpa rambirambi zetu kama Bunge la Kitaifa. Mungu ailaze roho yake mahali pema peponi.

Asante, Mhe. Naibu Spika.

Hon. Deputy Speaker: Hon. Sakwa Bunyasi.

Hon. Bunyasi: Thank you, Hon. Deputy Speaker. I rise to pass my condolences to the family of the late Dennis Akumu. I had the pleasure of interacting with him on many occasions when he was the Secretary-General of COTU. We met in Abidjan many times when I used to live there. We shared drinks, meals and chats together. He was a true nationalist, patriot and even

then, he was larger than life. Old age has a way of humbling people but he was a lion in his heydays.

I wish his family strength during this trying time. May his soul rest in peace.

Hon. Deputy Speaker: Finally, Hon. Wandayi

Hon. Wandayi: Thank you, Hon. Deputy Speaker. On my own behalf, and on behalf of my constituents, I would like to pass our condolences to the family, friends and relatives of Hon. Dennis Akumu.

Mr. Dennis Akumu was a true fighter for democracy and freedom. When I was a Form Four student, on the eve of the historic *Saba Saba* Rally of 7th July 1990, Mr. Dennis Akumu was among the few gallant Kenyans who were arrested alongside Jaramogi Oginga Odinga and taken away so that they could not attend the rally. He fought for the rights of all Kenyans regardless of their race, tribe and all other sectarian interests. Having been a trade unionist, he set the stage and agenda for trade unionism in this country. When he was at the helm of COTU, it was real. Trade unions worked not like now when they are simply avenues for people to pursue their selfish interests.

I would like to pass my condolences to the family.

Hon. Deputy Speaker: On behalf of all these Members, and the rest must feel sufficiently represented, we send our condolences to the family. We wish them well as they prepare to lay that hero to rest.

Hon. Members, I will invoke Standing Order No. 40(2) to slightly reorder the Order Paper. You should now be using your Supplementary Order Paper, and I want to reorder it so that we deal with Order No. 13 before Order No. 12.

Hon. Lentoimaga, when we were presenting Papers, I mentioned to you that you are supposed to have a third Paper. I am now told that you have retrieved.

PAPER LAID

Hon. Lentoimaga: Hon. Deputy Speaker, it came after I had presented the other ones.

I beg to lay the Report on the Consideration of the County Assembly Services Bill (Senate Bill No. 27 of 2014) on the Table of the House.

MOTIONS

APPROVAL OF THE MEDIATED VERSION OF THE ENERGY BILL

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on its consideration of the Energy Bill, 2015, laid on the Table of the House on Wednesday, 24th August 2016, and approves the Mediated Version of the Energy Bill (National Assembly Bill No. 50 of 2015).

(Hon. Kamau on 25.8.2016)

(Debate concluded on 25.8.2016-Morning Sitting)

Hon. Deputy Speaker: Hon. Members, this Motion had been sufficiently debated and what remained was for the Question to be put. I, therefore, proceed to put it.

(Question put and agreed to)

APPROVAL OF THE MEDIATED VERSION OF THE
PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on its consideration of the Petroleum (Exploration, Development and Production) Bill, 2015, laid on the Table of the House on Wednesday, 24th August 2016, and approves the Mediated Versions of the Petroleum (Exploration, Development and Production) Bill, 2015 (National Assembly Bill No. 44 of 2015).

(Hon. Kamau on 25.8.2016)

(Debate concluded on 25.8.2016 - Morning Sitting)

Hon. Deputy Speaker: Hon. Members, the debate on this Motion was also completed. What remained is for the Question to be put. Having confirmed that we indeed have quorum, I proceed to put the Question.

(Question put and agreed to)

BILLS

Second Reading

THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND
(AMENDMENT) BILL

(Hon. Lessonet on 25.8.2016)

(Debate concluded on 25.8.2016 - Morning Sitting)

(Question put and agreed to)

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

Second Reading

THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL

(Hon. (Dr.) Shaban on 25.8.2016)

(Resumption of Debate interrupted on 25.8.2016 – Morning Sitting)

Hon. Deputy Speaker: Hon. Members, this had been sufficiently debated. It was left with the Mover to respond. I call upon the Mover to respond.

Hon. A.B. Duale: Hon. Deputy Speaker, I beg to reply on the Betting, Lotteries and Gaming (Amendment) Bill, 2015.

(Loud consultation)

Hon. Deputy Speaker: Members, I know the mention of “CDF” excites everybody. We have passed it. So, can we now bring the temperatures down so that we move to the next Order?

Hon. A.B. Duale: Hon. Deputy Speaker, the National Government Constituencies Development Fund will be shared on equal basis.

(Applause)

The proposed amendments in this Bill are basically aimed at introducing fairness and equity in the taxation regime. Billions are collected by betting, lotteries and gaming companies and they have not remitted their obligation to Kenyans. This law also tries to protect members of the public against fraud. The taxes they will pay will stimulate economic growth.

This small Bill is only dealing with taxation. It proposes a tax to be known as the “Betting Tax” which will be chargeable at a rate of 7.5 per cent of the gross betting revenue. To Members who contributed, this is an opportunity to raise the levels of taxation. In my opinion, 7.5 per cent is too low.

(Applause)

We must raise it at the Committee of the whole House. If possible, we must disagree with the Departmental Committee on Finance, Planning and Trade. I have seen their Report. In fact, they want to reduce it.

This taxation will help the Kenyan people from this culture of gambling. We either gamble and pay huge taxes so that the taxes can build roads or provide us with better healthcare or, quit betting. This is an opportunity. It is the first time the Cabinet Secretary (CS) for the National Treasury is introducing a system of taxation to this practice. If you look at the Bill, it proposes the “Lottery Tax” chargeable at the rate of 5 per cent of the lottery turnover. Five per cent is too low. We must take it to about 15 per cent. That is my feeling. We can take it to 20 per cent, the level of excise duty.

This Bill also proposes a tax to be known as the “Prize Competition Tax” chargeable on the cost of entry to a competition which is premium. It is at a rate of 15 per cent of the gross turnover. When we bring this Bill to the Committee of the whole House next week, we will get an opportunity to deal with the taxation matter of the Bill.

The House must also deal with the other issues on this gambling, betting and lottery. That is where the elephant is. We must find a law that regulates and protects young persons from the negative effects of gambling. We must produce a law that protects the society against

overstimulation of the demand for gambling in the society. We must introduce a law, in this House, to prevent gambling from being a source of crime, money laundering and from being used in tax evasion. We must introduce a law that will increase the penalties. That is what we are going to deal with in the Third Reading.

Above all, we must introduce a regulation that will specify the conditions for granting licences and permits by providing that a person shall not hold a licence or permit if that person violates even the age limit of the children of Kenya or if he is a public officer and many other things. I am sure we are dealing with the taxation level now.

I beg to reply.

(Hon. Dawood stood in his place)

Hon. Deputy Speaker: Hon. Dawood, just to inform you, this has been completed. The Mover has replied. I am just waiting to put the Question. No more debate on it.

(Several Members stood on the isle)

Hon. Members at the back, can you settle so that I put the Question?

(Question put and agreed to)

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

SPECIAL MOTION

ADOPTION OF THE REPORT OF THE JOINT PARLIAMENTARY SELECT COMMITTEE ON MATTERS RELATING TO THE IEBC

THAT, pursuant to the resolution of the House of July 6, 2016 regarding the establishment of a Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission (IEBC), and paragraphs 7 and 8 of the Houses of Parliament (Joint Sittings) Rules, this House:

(i) adopts the Report of the Committee laid on the Table of the House on Thursday, 18th August, 2016.

(ii) commits to the recommendations of the Committee regarding:

- a) allegations against Commissioners and the Secretariat of the Independent Electoral and Boundaries Commission, specifically on credibility, impartiality, integrity and independence.
- b) legal mechanisms for the vacation from office of the current Commissioners and the Secretariat of the Independent Electoral and Boundaries Commission in accordance with the Constitution.
- c) legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission so as to

ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner, and

- d) legal, policy and institutional reforms to improve the electoral system and processes so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner, and

(iii) resolves to establish a mechanism by which it shall oversight the implementation of the recommendations in the Report and the electoral processes until the 2017 General Elections.

(Hon. (Dr.) Shaban on 24.8.2016)

(Resumption of Debate interrupted on 24.8.2016 – Afternoon Sitting)

COMMUNICATION FROM THE CHAIR

CONSIDERED RULING ON AMENDMENT OF SPECIAL MOTION ON IEBC

Hon. Deputy Speaker: Hon. Members, can you settle? I have a Communication relating to that Order.

Members, it is a slightly long Communication relating to the matters that were raised yesterday before we proceed on that Order.

Hon. Members, as you may recall, yesterday, August 24th, 2016, in the afternoon sitting, during the debate on the consideration of the Report of the Joint Parliamentary Select Committee on Matters Relating to the Independent Electoral and Boundaries Commission (IEBC), the Leader of the Majority Party, the Hon. Aden Duale, rose on a point of order seeking direction from the Hon. Deputy Speaker on matters arising out of the debate.

Specifically, he sought determination on whether the Special Motion and the Report could be amended noting the special circumstances that had resulted to the establishment of the Joint Select Committee. This was after the Member for Kisumu West, the Hon. Olago Aluoch successfully moved the House to amend the Motion to delete sub-section (7) of Paragraph 659 of the Report relating to the recommendation to restrict candidates seeking political offices from changing parties – an act commonly referred to as “party-hopping”

Hon. Members, before I visit the questions that were raised yesterday, may I bring to the attention of House three important facts regarding this Motion.

The three facts will inform my decision.

Firstly, at the time of giving notice, the Speaker designated this particular Motion as a Special Motion. By doing so, the Speaker elevated the Motion to the kind of Motions provided for under Standing Order No. 61, which require certain special considerations which are typically not accorded to ordinary Motions in terms of procedure, timelines and manner of admitting amendments. As a way of example, a Special Motion includes a Motion to approve borrowing by National Government, a Motion for impeachment of the President, a Motion for alteration of boundaries of a county or a Motion for extension of state of emergency, amongst others.

Secondly, even though it not expressly indicated in the Order Paper, this particular Special Motion is also deemed to be a party-sponsored Motion having been jointly sponsored by the majority and the minority parties in this House. Indeed, the signatures of both the Leader of the Majority Party and the Leader of the Minority Party are appended to the Report. This should be a stark reminder to all of us of the agonizing, consensual and consultative journey that has culminated into the Report that is before us this afternoon. This also explains why this particular Motion is taking precedence over other Motions for adoption of Reports. In addition, a Motion is framed in a manner that, if agreed to, will express the judgment or will of the House.

Thirdly, Hon. Members, you will agree with me that almost every resolution of the House requires implementation. Invariably, the implementing agencies for most House resolutions are offices outside Parliament. However, the implementing agency for most of the recommendations contained in the Report before us today is Parliament. That is not only a rare occurrence but also an opportunity for all of us to display selfless leadership. May I remind us that the implementation of this Report will be majorly actualised, not by necessarily passing the Special Motion, but by considering the two pieces of legislation annexed to the Report. In other words, while this Report accords the House an opportunity to discuss generally matters relating to IEBC and the conduct of the next general elections, the opportunity to make binding decisions and actualize those decisions is reserved in the passage of the two draft Bills. I put emphasis in the words “binding decisions”. Indeed, except as expressly provided for in the Constitution or an Act of Parliament, decisions of the House can only have legal effect in the form of an Act of Parliament. It is only by legislating that the House could give its sufficient authority to its wishes.

Hon. Members, allow me now to re-visit the questions raised yesterday. You will recall that during the debate, several Members, including the Member for Budalangi, Hon. Ababu Namwamba, Nominated Member Hon. Sara Korere and the Member for Kisumu West, Hon. Olago Aluoch, spoke on recommendations contained in the Report. The Member for Budalangi spoke at length on the admissibility of Notices of Motion as provided for by Standing Order No. 47. Notably, it was observed that the Speaker has the leeway of directing the re-drafting of Notices of Motion if in the opinion of the Speaker, the Notice is inadmissible. For avoidance of doubt, Standing Order No. 47(3) states, and I quote:-

“(3) If the Speaker is of the opinion that any proposed Motion:-

- a) is one which infringes, or the debate on which is likely to infringe, any of these Standing Orders;
- b) is contrary to the Constitution or an Act of Parliament, without expressly proposing appropriate amendment to the Constitution or the Act of Parliament;

the Speaker may direct either that, the Motion is inadmissible, or that notice of it cannot be given without such alteration as the Speaker may approve or that the Motion be referred to the relevant committee of the Assembly, pursuant to article 114(2) of the Constitution.”

Further, the Member for Budalangi and, indeed, several other Members postulated that some recommendations in the Report may be offensive to the general rule of law and, ultimately, the Constitution. Specifically, the recommendation barring candidates seeking political offices from changing parties was observed to be against the Bill of Rights as enshrined in the Constitution. The agreement with the report would, therefore, be an attempt to right an obvious wrong. For clarity, Article 36(1) and (2) of the Constitution state:-

“Freedom of association

36. (1) Every person has the right to freedom of association, which includes the right to form, join or participate in the activities of an association of any kind.

(2) A person shall not be compelled to join an association of any kind.”

Hon. Members, an amendment is moved upon the original Motion to modify the question in such a way as to increase its acceptability, build consensus or to present to the House a different proposition as an alternative to the original question. It is on this basis that I admitted the amendment by the Member for Kisumu West following consultations with the Mover and the seconder of the Motion, who were Members of the Select Committee. That therefore settles the first question.

Hon. Members, the main question at hand, therefore, was whether the Motion for adoption had been procedurally amended as proposed by the Member for Kisumu West, the Hon. Aluoch. In addressing the question, the Leader of the Majority Party, the Hon. Aden Duale, made reference to the Speaker’s earlier direction that no amendments were to be moved by any Member to the Motion except the party leadership, that is, the Majority and Minority Leaders. The relevant Standing Orders therefore apply, and in this case, Standing Order No. 54 and 55.

Standing Order 54 relates to amendments to Motions. Paragraph (1) of the Standing Order states:

“(1) Unless otherwise provided in these Standing Orders, any amendment to a Motion which a Member wishes to propose in accordance with these Standing Orders may be moved and, if necessary seconded at any time after the question upon the Motion has been proposed and before it has been put.”

Further, Standing Order 55, relating to amendments to be in writing states:-

“(1) The proposer of an amendment to a Motion shall, before moving it, hand the proposed amendments in writing, signed by the proposer, to the Clerk at least two hours before the order is read.

(2) Despite paragraph (1), the Speaker may, in exceptional circumstances, allow a Member to move an amendment to a Motion before the Assembly at any time during consideration of that Motion.”

From the foregoing, having addressed the question as to whether the right procedure was applied to admit the amendment by the Member for Kisumu West, allow me to address the next concerns. Should we admit more amendments? On this question, I will be guided by the decision of the Speaker of 5th July, 2016 when the Motion to form the Select Committee was under consideration. On that day, the Speaker directed as follows and I wish to quote him:-

“I will overrule all of you and make this direction: That for the reasons given by the Member for South Mugirango, any amendments including those proposed by Hon. Ben Washiali will have to be agreed on by the two coalitions. That is the best way to carry this forward”

Hon. Members, I will, therefore, uphold that particular decision on any further amendment to this Motion and require any Member seeking to move amendments to obtain prior written approval of either the Leader of the Majority Party or the Leader of the Minority Party, in person, meaning that the responsibility to do that is not to be delegated.

Hon. Members, the next question is what does adopting---

(Loud consultations)

Order, Hon. Members! Hon. Members, the next question is: What does adopting the Report mean? Perhaps, the principal concern for all of us should be the relationship between the recommendations of the Report and the Bills that the Committee proposes. May I reiterate that Report in itself makes recommendations, but whose actualisation lies in the passage of the two Bills.

(Applause)

It is therefore, in place of the House, to look into itself and decide whether to engage in the current processes or await the Bills which will undoubtedly go through all the stages, including Second Reading, and consideration of any amendments at Committee stage, in accordance with the Standing Orders.

Hon. Members, let us not overlook the fact that the Report and the two draft Bills are part of a very long process. As a matter of fact, we are just beginning step one of nine steps that will culminate in the actualisation of the other crucial processes important to the next General Elections.

May I take the liberty to enumerate these steps as follows:-

1. The adoption of the Report of the Joint Select Committee, which we will be doing this afternoon.
2. The passage of the two Bills, (Election Offences Bill, 2016 and the Election Laws (Amendment) Bill, 2016) by the two Houses.
3. The assent of the two Bills by the President.
4. The appointment of the Selection Panel by the President in accordance with the provisions of the new law.
5. The nomination of new Independent Electoral and Boundaries Commission (IEBC) Commissioners by the Selection Committee.
6. The approval by the National Assembly of the new IEBC Commissioners.
7. The appointment of the new IEBC Commissioners by the President in accordance to the new law and the Constitution.
8. The assumption of office by the new Commissioners including taking of oath of office, and
9. The handing over by the current IEBC Commissioners to the new Commissioners and vacation of office.

Hon. Members, it is important for Members to note that, all these steps ought to be achieved on or before 30th September, 2016. Of importance also is to note that this Report and its recommendations are a product of a process that captivated the mood of the nation. Given that the implementation of the recommendations of the Select Committee will greatly impact on the manner of holding of the next general elections, I call upon the leadership and the entire House to be gallant to rise to the occasion and offer leadership while treating this matter with the sensitivity it deserves.

I thank you.

(Applause)

Hon. Members, we will continue with our contributions. Hon. Abdikadir Omar is the first on my list.

Hon. Aden: Thank you, Hon. Deputy Speaker for the opportunity to contribute to this Report as amended. I take the opportunity to thank you more sincerely for the ruling that you have just delivered. This is a very important Report with very good recommendations. However, there was apprehension and standoff as things were yesterday and the ruling that you have made has cleared the way on these issues and I thank you most sincerely.

I also want to thank the people of Kenya, who through their peaceful demands, caused this process to start by ensuring that they used their powers as given in the Constitution for which they demanded for their rights. I also thank the team of the two Houses that deliberated for a very long time and that brought these recommendations before us today.

Electoral reforms are an important process for all of us as Kenyans. We know what happens when electoral processes go wrong. It is with a lot of deep emotions and regrets that Kenyans remember the things that happened in 2007/2008 which was caused by a mismanaged electoral process. The journey that we have embarked on today is one that takes us through a route that ensures that there will be a smooth process in the conducting of elections in our country. There are good recommendations as earlier said. Most importantly, some of the proposals that are given here---

(Loud consultations)

Hon. Deputy Speaker, the consultations are too loud.

Hon. Deputy Speaker: Members, can you find some quiet place to consult? We have a lot of room, including the back of the Chamber. Let us consult quietly so that Members can be heard.

Hon. Aden: Thank you, Hon. Deputy Speaker. Some of the proposals that have been put here are time bound and they require to be done urgently, so that we can be prepared as a country so that by August next year we can ensure that Kenyans have ---.

(Loud consultations)

Hon. Deputy Speaker: Order Members. Hon. Members. The Member cannot be heard. Hon. Ng'eno and Hon. Iringo please stop standing on the aisles. Be seated or go and consult quietly.

Hon. Aden: Thank you. The point I was making is that many of the recommendations that have been put here are those that require us to urgently act on them because they are time bound and as you have rightly guided us, there are nine steps that must happen before we get to say that we are ready for the elections in 2017. For that reason, I urge this House and the IEBC to be prepared to move with speed in order to ensure that the recommendations in this Report are implemented.

I also thank the current IEBC commissioners, who out of choice and with great dedication to this nation, decided to make the process easy by deciding to accept to step aside as had been requested in this particular proposal so that Kenyans can get to prepare for the next year's elections. The issue of party hopping which has been removed from this Report, I am hoping that it will also be removed from the legislative proposal that is annexed to this particular Report. However, we will get there during the legislative process as you have rightfully guided

us that that piece of recommendation is going to go through all the processes of First, Second and Third Readings so that we can amend that bit because we might have corrected the issue of party hopping in this Report but what is very important is that we need to correct the same in the proposal of the piece of legislation attached herein.

This Report puts good recommendations---

(Loud consultations)

Hon. Deputy Speaker: Order Members. Hon. (Dr.) Pukose. This is third time I am calling you. I think you are leaving the Chamber next time I call your name.

Hon. Aden: Thank you, Hon. Deputy Speaker. Among the recommendations that have been put in this Report that will make life very easy for Kenyans is the fact that no polling station will have more than 500 registered voters queuing to vote. This is very important. Many of the Kenyans who wanted to vote in the last general elections were left out because they were queuing for many hours in an unorganised process. Therefore, they did not get the opportunity to exercise their right to vote. By ensuring that no particular polling station has more than 500 voters, this will reduce congestion. People who arrive early will vote and leave and those who come late will find space to vote.

I would also like to talk about the issue of timely indication of election observers. We had a lot of problems in the last general elections whereby genuine election observers were refused entry into the polling stations. While those wearing a badge written "Observer" would show up in an election, later on you would find the same fellows acting as agents of other parties. Those were some of the things which were happening.

I am glad this Report has proposed a lot of good things. I do not want to take much time because we will have similar discussions when we get to the legislative process of these recommendations. The amended version of this Report is good and I urge hon. Members to support it.

Hon. Deputy Speaker: I would like the Leaders of the Majority and Minority Party to also contribute on this.

Hon. A.B. Duale: Thank you, Hon. Deputy Speaker. I support this Special Motion and from the outset I wish to confirm that as Jubilee we have consulted widely and are fully committed to this process. May I commence by telling the House, and indeed, my colleagues that this is in the interest of the country and all of us. We need to actualise the recommendations of this Report for free, fair, transparent and peaceful elections and fulfill the timelines given in the nine steps by the Hon. Deputy Speaker.

It is important to note that all the steps given ought to be achieved on or before 30th September, 2016 which is in the next 37 days.

Conscious of the importance of these steps, I presented a work plan to the House Business Committee (HBC) for implementation of the recommendations by the Joint Select Committee, on matters relating to IEBC.

The proposal is as follows:-

- (i) Thursday, 25th August 2016, we consider and hopefully conclude the Report of the Joint Select Committee.
- (ii) Friday, 26th August 2016, with the other leadership, we publish the Election Offences Bill, 2016 and the Election Laws (Amendment) Bill, 2016.

- (iii) Tuesday, 30th August 2016, with the approval of the House, we reduce the publication period of the two Bills and consider the Second Reading of the Election Offences Bill, 2016.
- (iv) Wednesday, 31st August 2016, during the morning and probably afternoon sitting we consider the Second Reading of the Election Laws (Amendment) Bill, 2016.
- (v) Thursday, 1st September 2016, during the morning and maybe afternoon sitting we consider the Committee of the whole House of the two Bills.
- (vi) Friday, 2nd September 2016, the Speaker will convey a message to the Senate on the passage of the Bills by the National Assembly and we will comfortably go on recess and leave the matter to the Senate.

I am sure the Senate in its wisdom because they are coming back next week, will do the same and by 30th September 2016, we will have the whole process completed. That is the roadmap and I am sure this House will rise to the occasion.

Party hopping is a luxury, a choice and a menu. You can choose to be an independent candidate and party hop. My colleague Hon. Ababu is not here. Yesterday, I was a bit disturbed when I heard him talking about party hopping. As we speak now, he is still hopping and has not landed.

(Laughter)

He has hopped from ODM and has not found a place to land. So, it is immoral for a political leader to believe in an ideology of hip-hop which can only be done in the Olympics.

Hon. Ng'ongo: On a point of order.

Hon. Deputy Speaker: Hon. Members, please take advantage of the good mood in the House.

Hon. A.B. Duale: Hon. Deputy Speaker, Hon. Mbadi should wait for his time. I only said in my personal opinion I was very much disturbed to listen for 15 minutes to the Member for Budalangi who is in the air hopping.

(Laughter)

Hon. Ng'ongo: On a point of order.

Hon. Deputy Speaker: Order, Members! Please take it lightly so that we can move with speed.

Hon. A.B. Duale: Hon. Deputy Speaker, I move from that. This means that before we proceed on recess, we will finalise with the two Bills and forward them to the Senate. Let me go to the thematic areas.

Hon. Ng'ongo: On a point of order.

Hon. A.B. Duale: Hon. Deputy Speaker, I do not know what is out of order. I gave my personal opinion.

Hon. Deputy Speaker: Leave it to Hon. Members. What is your point of order, Hon. Mbadi? Hon. Members, some of these things should not be taken too seriously. Sometimes you have to understand the Leader of the Majority Party.

Hon. Ng'ongo: On a point of order, Hon. Deputy Speaker. You have heard the Leader of the Majority Party allege that the Member for Budalangi is hanging and hoping in the air. He is a member of my party, ODM. I know there have been very serious attempts from Hon. Duale and

colleagues to mislead my loyal member. He was a very strong Secretary General and after doing that they have abandoned him on the way.

Hon. Deputy Speaker: Your point has been made, Hon. Mbadi. Please do not keep on reminding everybody about the loyalty of your members.

Hon. A.B. Duale: Hon. Deputy Speaker. I was a Member of ODM and they stayed in denial until I formed a party called United Republican Party (URP) and came with 76 Members. Ababu Namwamba is in the air and you are in a state of denial.

Hon. Deputy Speaker: Leave that line of argument, Leader of the Majority Party.

Hon. A.B. Duale: Hon. Deputy Speaker, let me go to the preliminary timelines and then the thematic areas of this Bill.

On the allegations against Commissioners and the Secretariat of the IEBC, the Committee has confirmed beyond reasonable doubt that the IEBC Commissioners are beyond reproach as Caesar's wife. The Committee has confirmed that there were no allegations on the parameters of credibility, impartiality, integrity and independence grounds on the part of the IEBC Commissioners.

Hon. Kombe: On point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is it, Hon. Kombe?

Hon. A.B. Duale: Hon. Deputy Speaker, we are not in Tot, in Elgeyo Marakwet East where Hon. Bowen comes from. He is shouting as if we are there.

Hon. Deputy Speaker: Just a minute Leader of the Majority Party. What is your point of order, Hon. Kombe?

Hon. Kombe: On a point of order, Hon. Deputy Speaker. Is Hon. Duale in order to mislead the House that the Committee confirmed findings and yet in their recommendations, they made no findings on the allegations?

Hon. Deputy Speaker: No! Please listen, hon. Member.

Hon. A.B. Duale: Hon. Deputy Speaker, you know the Member for Magarini is sleeping. I have not said what he is claiming.

Hon. Deputy Speaker: Order, Member!

Hon. A. B. Duale: Hon. Deputy Speaker, let me confirm again. If you allow me I will say it in Kiswahili. *Kamati za Bunge zote mbili zimehakikisha na kusema---*

Hon. Deputy Speaker: Hon. Duale, you understand the rules of the House. You started in English; you continue and finish in English. When you start in Kiswahili continue in it to the end.

Hon. A.B. Duale: Hon. Deputy Speaker, I was trying to make life easier for the Member for Magarini.

(Loud consultations)

Hon. Kombe: *(Inaudible)*

Hon. Deputy Speaker: Order, Hon. Kombe!

Hon. A.B. Duale: I withdraw and apologise. Hon. Harrison Kombe is not sleeping.

Hon. Kombe: *(Inaudible)*

Hon. Deputy Speaker: Clearly, Hon. Kombe, he has apologised.

Hon. A.B. Duale: Hon. Deputy Speaker, he is one of the greatest Members of Parliament on the United Republican Party (URP) ticket from the Coast and I respect him. He is from my party. I apologise and withdraw. You know the atmosphere is hip hop, hip hop. People are not

listening to me; they are listening to the tune of hip hop, which ideology I do not believe in. I believe in strong political parties.

On the thematic areas, IEBC commissioners have now been confirmed that they are as clean as Caesar's wife. On thematic area number two regarding the legal mechanism for vacation from office of the current commissioners in accordance with the Constitution, the Committee has recommended that a negotiated, dignified vacation from office package be made. I am sure the Office of the Attorney-General (AG), the National Treasury and all other institutions will be up to the task to give that dignified exit to the commissioners. We want to thank them for rising to the occasion and realising that Kenya is bigger and more important than them.

Hon. (Dr.) Pukose: *(Inaudible)*

Hon. A.B. Duale: Hon. Deputy Speaker, protect me from Dr. Pukose. He is on a serious lobbying mission, but I do not know what he is lobbying for. I hope he is not lobbying to destroy this Report. He has to get my signature and that of Hon. Nyenze. He has no choice. Your Communication was very clear.

On the legal policy and institutional reforms to strengthen the IEBC and to ensure the August 2017 elections are free and fair, the Committee has recommended the number of commissioners. The Committee decided to tell us that the panel should be 80 per cent made up of men of God. I am not a son of a religious man but I am a very religious Member of Parliament. I hope those who will represent the Kenya Conference of Catholic Bishops, the National Council of Churches of Kenya (NCCCK), the Evangelical Alliance of Kenya, SUPKEM, the National Muslim Leaders Forum and the Hindu Council of Kenya will live up to the reasons why they were chosen. They must also rise to the occasion.

On legal, policy and institutional reforms, the Committee has recommended, among other things, that the list of party members be submitted to IEBC at least 90 days before the elections. Before your name is even submitted by your party, you must have been a member of that party for at least 45 days. So add 45 days to the 90 days and you get 135 days. The names of the party and independent candidates--- That is why I said party hopping is like the way you walk to Intercontinental Hotel. You have a choice to take Coke or a cup of tea or you have a meal. It is a luxury. This country has reached a stage where political parties are funded by the taxpayers. So, the outfits that we fund through the taxation of our people cannot be the shirt you wear and throw away any time you feel like.

I want to go on record: Nobody is compelling any politician to join a political party. We join parties on our own volition. We join parties because we feel we believe in their ideologies. We join parties for the unity and stability of our country. The biggest threat to our national security is ethnic-based politics. Everywhere in the world where political parties are based on ethnicity, that is a recipe for chaos. That is why in the Republican and Democratic parties of the USA, a dozen leaders competed to be the flagbearers. On the day one of them won through the delegates system, all of them said yes and attended the respective conventions. They said they would support their candidate. If we do not want to go that way, then the stability of our nation is at risk.

With the passage of this Report, every political party will make sure that it puts its house in order. A party that conducts its party primaries in the most transparent, free and fair manner attracts people. However, if a party gives certificates at midnight; that you get certificates from the wives of the party leaders and their cronies, then that party will not make you and I join it. It is the duty of the political class in this House to build strong political parties. We must be in the forefront to say no to party hopping. If you want to hop, you can do it as an independent

candidate and you can jump until the elections are held. I do not believe in party hopping. I am sure the mood has changed and there are more Members who will agree with me that this culture of party hopping is a dangerous phenomenon in the political culture.

I beg to support.

Hon. Deputy Speaker: The Leader of the Minority Party.

Hon. Kipyegon: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Order, Hon. Kipyegon! That is already passed, so he can express his opinion on it. It is already gone. That is his opinion. We have already passed it.

Hon. Nyenze: Thank you, Hon. Deputy Speaker. I want to congratulate the Joint Select Committee for doing a good job and producing a good Report. I urge Members of the National Assembly to adopt this Report because it is balanced. This Report was very extensive. The Committee took a lot of time, invited experts and there was public participation. That is why they came up with this good Report.

This was a negotiated process and there was a lot of consultation. We do not want to destroy something that our leaders and even the Senate have seen is fit. It is good that yesterday, Hon. Olago Aluoch came up with an amendment on party hopping which sort of brought down the temperatures. There would be wisdom if we addressed key issues because time is not on our side. I am very happy that the mood in the House has changed today. I am sure we will adopt the Report.

There are issues I would like addressed as we adopt this Report.

The issue of legislation with regard to the recommendations in this Report should be addressed speedily so that the laws are in place as soon as possible. The other thing is that we have several draft Bills which have been subjected to public participation before formulation. Which processes will they undergo after they have been tabled? I wanted that to be clarified. Will the Members propose amendments despite the Bills being a product of consensus?

The other key issue that I would like address is this: If the Senate and the National Assembly versions of the two Bills differ, how long will the Mediation Committee take? Will the Bills be in place before the elections cycle begins? Mediation takes time and as I have said, we do not have enough time if we follow the recommendations of the select committee.

Hon. Deputy Speaker, will the time that has been recommended to hire commissioners, prepare election materials, and to clean up the register be enough? Will all these things be in place in good time?

The last one will be the issue of integration of all information related to voters and the handling of such information by the Independent Electoral and Boundaries Commission. We know that IEBC uses Biometric Voter Registration (BVR) kits but we also know that the National Registration Bureau uses fingerprints. How will this information be converted to an electronic format? These are the kind of issues we need to look at.

Above all else, the issue of party hopping has generated a lot of heat. When I started I was a KANU live Member. That is surprising to the young legislators like Ken Obura. I went to Wiper and I am still in Wiper. I will remain in Wiper until I retire from politics at the age of 78 years.

His Excellency the President and the CORD leaders have shown a lot of maturity when handling this issue. The President's statement is that we should adopt this Report so that we have free, fair and credible elections. The CORD leaders have said the same. For us not to be seen to be selfish because whatever bothered us has been addressed, let us adopt this Report, without further delay so that we meet the timelines before elections. There should not be fear

about the two-thirds gender rule. I have heard rumours from both sides of the political divide. It is neither here nor there. The main thing is party hopping. Personally, I do not support that, but the majority of Members feel that it should be allowed because there is no internal democracy in parties and someone popular can be locked out because they have differences with the owner of the party. Indeed, parties have owners.

I agree with the amendment by Hon. Olago Aluoch in Paragraph 7; it was timely. However, we should move with speed. Hon. Deputy Speaker, you have used Solomonic wisdom. I did not know you are that intelligent, you have done us proud. You brought the country together.

(Loud consultations)

I am reminded that the Deputy Speaker is a PhD holder.

(Several Members rose on points of order)

Hon. Deputy Speaker, do not give this opportunity to rebels.

(Laughter)

Hon. Deputy Speaker, this Report is good, let us move with speed, put it to Question and move on.

With those few remarks, I support.

Hon. Mirenga: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Ken Obura, what is your point of order?

Hon. Mirenga: Thank you, Hon. Deputy Speaker, I am a bit disturbed because where I come from, a PhD is a very important academic qualification. When you attain it and somebody rises on the Floor of this House to allege that they did not know that you are that intelligent--- Hon. Deputy Speaker you are a PhD holder while he only has one degree which he attained in the 1970s. We also know that in the 1970s you would be given a degree for just being disciplined and dedicated in school. It was a time to encourage people to go to school.

Hon. Deputy Speaker: Your point has been made. The Hon. Leader of the Minority Party is my good friend and I am sure he was saying it with a light touch.

Hon. Dalmas Otieno.

Hon. Anyango: Thank you, Hon. Deputy Speaker. I would like to support this Motion. In doing so, if Hon. Obura will listen, let me give a little history of the suicidal votes that have been taken in this House. The first one was the enactment of the Preservation of Public Security Act. Those who emotionally supported that Act turned out to be victims of that very Act and it was a major agenda during the liberation reforms.

The next suicidal vote was the enactment of Section 1 (A) of the Constitution. Those who enthusiastically supported it found themselves locked under the single party rule to their detriment and some ended in detention.

So, before you cast any suicidal votes in this House, be careful. Those past ones that I have cited were passed before the Bill of Rights was adopted as part of our Constitution. Now we have the protection of that Bill of Rights that allows many other things that were not there before. I wish to say that the clause that gags Parliament out of recommendations of a committee

came into our system through the Annan negotiations. We all agreed that the Annan negotiations were in the interest of the whole Republic after the crisis. Any other attempt to gag Parliament that states you shall enact anything to disadvantage of Manson Nyamweya, should be forgotten because it is the beginning of bad governance. In a way, if we are not careful, we are making our party leaders dictate to us by default because you are giving them an opportunity to decide who of you will continue to lead in your chosen areas.

Hon. Deputy Speaker, I can tell you there is no political leader who cannot become a dictator because power requires followership. If you allow me to force you to follow me, you make me enjoy my power. Right now I would sympathize with Hon. Duale who regards himself as an insider. I can tell you personally I have been an insider, outsider, insider and again an outsider. I can tell you over 30 years what it means.

Hon. Members: Tell them.

Hon. Anyango: Hon. Deputy Speaker, the political parties in this country are ethnic-based because somebody has sold a philosophy and there is no ideology involved; a philosophy that we must cite for our turn to eat. If you can manipulate ethnic emotions to believe that you will convey leadership that would take your people to the consumption table at national level, you lock every other leader that does not belong to that political party. There is nothing special in those leaders of those parties. It is the people's hope that the vehicle called party "A" is a vehicle to the consumption table at the national level and will give us an opportunity to loot, exploit and eat from the sweat of the other Kenyans.

(Applause)

That expectation is what makes the ethnic blocs and now party leaders want to manipulate ethnic emotions under this hustling philosophy of driving you to the consumption table to a point that Hon. Walukhe would say: "Join me, the Attorney-General must be ours. The leader of government business must be ours". This exploitative consumption politics in this country must be guarded and we must not give more weapons to leaders to continue to exploit this bad governance practices.

For anybody who feels that party hopping is wrong, it is wrong because of the bad management of the parties as of now. We have seen parties where a good lieutenant collects Kshs3 million on the promise that we will get the nomination certificate. Then a relative comes and collects Kshs5 million from another person to promise a nomination certificate. Then a deputy party leader comes to collect Kshs10 million that you will get the same nomination certificate. Finally the party leader says: "Bring Kshs20 million and you will get it" and you get the ticket so the other three people have lost. Even when the Independent Electoral and Boundaries Commission shall conduct party primaries, you can still be sure that if the party leadership wants to manipulate the nomination, the IEBC will not help you.

Hon. Deputy Speaker, we went through a very long process to establish good governance. We have not started practising good governance as of now. It is time we must not go back to the bad practices of forcing certain leaders to become dictators because if you allow them to be so, they will be. They love it. It is nice and it guarantees you followership. I would oppose anybody who wants us to go back on the Olago amendment but it is also important to point out that even the timelines that you must be a member 90 days before, you must be something 60 days before or something else two weeks before were all geared towards blocking the hopping.

The solution to hopping is better management of political parties and that is what we should be addressing; not discrediting any Member who has party hopped before. If he hopped for nothing, he would still be defeated. If he hopped for good reason, like there are so many who I know who hopped for good reason, they won the elections.

Hon. Members: Name a few.

Hon. Anyango: My brother K'Opiyo is one of them. Hon. Onyonka is one of them. Hon. James of Muhoroni is one of them. Hon. Aluoch is one of them. My brother right here is one of them.

Hon. Deputy Speaker, this is more than enough evidence that the management of our political parties has gone to the dogs and we should be addressing those in the right legislation. It should not be blocking Members who are protecting their rights under the Bill of Rights.

As we proceed with this Motion, I am happy that you communicated that what we pass in the Motion is not final. What is final is what we shall pass in the Act. I wish to call upon Members that when it comes to the Act, anything to do with blocking party hopping; anything to do with timelines that restrict your freedom as a leader, please reject it and ensure we proceed towards good governance in the Republic and finally in the political parties which must also stop exploiting ethnicity for the personal benefit of individuals based on false promises.

I thank you.

Hon. Katoo: Hon. Deputy Speaker, I will not talk on anything to do with party hopping because I think Hon. Anyango has said it all. I really want to support this Report.

(Hon. Ng'ong'o consulted loudly)

Hon. Deputy Speaker: Order, Members! Hon. Mbadi, you have a *kamukunji* there; take it somewhere else.

Hon. Katoo: Hon. Deputy Speaker, I know my colleagues have talked about these thematic areas. I am happy that the Committee found no allegations against members of the IEBC because this is a team that has had sleepless nights. They have been bashed left, right and center by almost everybody.

(Several hon. Members withdrew from the Chamber)

Hon. Deputy Speaker: Order, Members! Do not leave the Chamber. We want to finish this together.

Hon. Katoo: Hon. Deputy Speaker, they have been found guilty in public opinions but it is coming out clearly that there were no allegations about them. It is good that they are given a dignified vacation from office because the Constitution protects them but now that we are looking for a political settlement, I support that dignified vacation of office.

It is also good that the select committee has recommended that in future, the process of recruiting new commissioners for the IEBC should be done six months before the expiry of their term. This will retain institutional memory. There will be time for transition and it will be a learning process for those six months.

It is very important that this Committee has recommended cross-referencing and information sharing of the biometric data or information concerning Kenyan citizens for purposes of registration. That is for foreign national management service, the national

registration bureau and the register of voters. They should be sharing information and cross-referencing data using technology. This will help when it comes to voter registration.

Hon. Deputy Speaker, on this issue of verifying the voter register, I am happy with the recommendation that has been made that it should be done at the polling station. This is because at times, only one clerk is sent to a ward and voters are told to report to that one registration clerk for verification. In this Report, it is recommended that voter registration or verification should be done at the polling station. Another nice recommendation is time for verification. It has been extended from 60 days to 90 days. Therefore, that is very welcome.

Another very important thing is that it is now going to be possible – if this Report is adopted – for the verification to be done online. There should be an online inspection of the Voter Register by individuals through a public portal. We are now in the digital era. The Independent Electoral and Boundaries Commission should have done that a long time ago even before the recommendation of this Committee. They should come up with a public portal for voters to verify whether they are registered voters or not without going to their polling stations.

Another issue which is very critical is that of not accepting the waiting card---

Hon. Deputy Speaker: I see a point of order by Hon. Washiali.

Hon. Katoo: I wish you could let me finish. He wants to call for closure of debate.

Hon. Washiali: Thank you, Hon. Deputy Speaker. He is addressing issues that have been addressed before. Given the mood of this House---

(Loud consultations)

Hon. Deputy Speaker, can I be protected?

Hon. Deputy Speaker: You are protected.

Hon. Washiali: Members have a way of denying or accepting a point of order. Hon. Member, you are now old enough to know what happens.

Hon. Deputy Speaker, with your permission, I rise under Standing Order No.95 that judging from the mood of this House, I call upon the Mover of this Motion to reply.

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

Hon. Katoo: Thank you, Hon. Deputy Speaker. Let me finalise. I was talking about the issue of waiting cards. In this Report, it is recommended that it cannot be used as a document for registering as a voter. When you apply for an identity card and then you get a waiting card, it is not a guarantee that you will be issued with an ID. There will be security details to be checked and your application may be declined. This is very important. I do not know whether this is going to be possible. The Committee has recommended that when you apply for an ID, it should be issued to you within 30 days. If it is the renewal or replacement of one lost, it should be done within 14 days. It is a very good idea although I do not know how practical it is. The machine that is required for biometric registration and processing of IDs is only in Nairobi unless you decentralise it to every district. I do not think that is possible economically. That recommendation may not be possible to implement. The issue of coming up with a standard questionnaire to simplify the guidelines for vetting of applicants for the ID is very much welcome to avoid rejecting people on flimsy grounds.

With regard to voter education, it is good that those agencies that were proposed to partner with IEBC to conduct voter education be facilitated. However, there is need to monitor them so that they do not conduct political civic education.

There is also the recommendation on party preliminaries. All political parties should hold their nominations on the same day. That will help a lot. I want us to modernise IEBC through this Report so that they can establish real-time systems using Information and Communication Technology (ICT). It will be good to produce an impartial, efficient, simple, accurate and verifiable system that will do real time transmission. My only worry is the recommendation that says that they will only do this through ICT. We should not overrule the possibility of having a manual system as a back-up because with time, the electronic system may fail. Although we are looking for high quality standard on ICT, do not rule out the possibility of a manual system as a back-up.

It is very important that the Committee has recommended that the maximum number of voters per polling centre should not be more than 500. This should be implemented to the letter. Every polling station in this country should not have more than 500 voters because this will save time and money. It will be good to divide big polling stations into very many streams of a maximum of 500 voters. This voting exercise should be very quick and be completed in time.

Finally, I wish that the Committee had proposed a recommendation of someone running for two offices at the same time such as running for President and for Senate or the National Assembly. That should have been something that the Committee should have looked at. Maybe that will come next time when we consider the Bills.

I support the Report.

*[The Deputy Speaker
(Hon.(Dr.) Laboso left the Chair]*

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

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

Hon. Oyoo: Thank you very much, Hon. Temporary Deputy Speaker. I also wish to add my voice in support of this Bill, albeit the brouhaha that was precipitated by the issue of party-hopping. I want to take this opportunity to warn this House that in future, when you have an opportunity to nominate Members to a particular select committee, it is not an opportunity for them to push for their personal interests. This thing was about the IEBC. We expected issues to do with IEBC. There are Members who deviated, went overboard and brought in extraneous matters. What we have been debating and what generated a lot of heat in this House could have been contained in an Election Review Act. We spent a lot of time debating nothing because some people wanted to bring in the interests of some party leaders which was not very convenient.

I have looked at the suggestions they put in this Report and I realised a lot of things were not covered such as things to do with registration. There are also other good things that were articulated such as things to do with polling stations. There are places in Kenya, which I am not going to name, where there are only 300 voters queuing to vote. However, there are places like where I come from where we expect one polling station to harbour more than 2,000 voters. You do not expect everyone to get an opportunity to vote on the same day. We do not want people to

be denied an opportunity to vote. We do not want people to miss such that elections are not conducted.

We know the circumstances under which this Committee was formed. We expected them to do a very good job - slightly better than they did. Members should take time and read the Report conclusively so that if at all the Bills are tabled, we can debate them from a point of information and not fumble.

Those of us who have had the experience of unfair nominations do not want to debate much about it. I just want to take this opportunity to caution those of you who have not tasted it that it is not a very good experience. Party hopping is not bad. It is not limited to nominations alone. Very soon, I want to inform my good friend, somebody I like and respect very much, Hon. Duale, that party hopping is not limited to just nominations. In the near future, if I hear that he is moving from Garissa Town to Balambala, that will be tantamount to party hopping. He could be hoping from one constituency to another. All these are precipitated by circumstances that befall people suddenly and they are confronted with situations where they have no otherwise. Do not be over-jubilant as if you are holding the key or the battles to the world. Circumstances change. Circumstances can make a very bad man become a very good person or a very good person become a very bad man.

With those few remarks, I will make my other expressions when the main Bills come, if at all they will come.

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

Hon. Bowen: Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion as amended. I want to congratulate the Deputy Speaker for allowing the amendment by Hon. Olago Aluoch. That was the most contentious part of this Report. As much as I support this Report, as a country and lawmakers, we need to put in place measures, policies and legislations to develop our electoral system so that we do not create a new electoral body after every election. It is unfortunate that after two elections, two electoral bodies were disbanded. For how long will this trend continue? We need to have a strong electoral body like Ghana, the United States of America (USA) and other western countries.

This Report exonerates and gives a clean bill of health to the Independent Electoral and Boundaries Commission (IEBC) commissioners. There is no incriminating evidence including the many petitions brought before this House. However, since the country is bigger than us and those commissioners, we are here to solve this problem politically and move this country forward.

I read through the Report and like I said yesterday, we need to set precedent as Parliament so that we work within the framework of the Constitution and the law. If we move this way, then this country is doomed. This Report comes up with words like “dignified exit” which is not even defined in law. What is a dignified exit? We should move this country forward by having a political solution to this problem.

There are some contentious parts in this Report because electronic transmission of results from the polling stations to the tallying centres will be difficult. For instance, in my home area, it is difficult to make a phone call unless you climb to the top of a tree, a roof of a house or even a mountain. Unless we provide telecommunication surveillance services in all the polling stations, this system will fail.

As we make these laws, we need to consider having the manual book and the electronic system working together so that in case there is failure with the electronic results transfer, we can

still go manual and have credible elections. There might be no problems in the urban areas but in pastoral areas like Turkana, Samburu and Tana River, electronic results transfer will be very difficult.

A voter register needs to be verified and an audit carried out to make sure that it is genuine. During the last general elections, there were allegations that dead people resurrected to vote. We must do that so that when Jubilee or I win, then it will be a clean win without any allegations.

This Report is very important because next week, we will be debating the draft Bills. We have an elections Bill before this House that was talking about qualifications of Members of Parliament (MPs). It should also go down to the counties so that we have the right people to make the right laws. We have issues in our counties where Members of the County Assemblies (MCAs) have a lot of difficulties in making laws to govern their counties.

In some counties, governors and MCAs fight because of simple legislations where MCAs bring unconstitutional Bills that do not conform with the County Government Act. We need to address all these areas.

Hon. Nuh: Your time is over!

Hon. Bowen: Hon. Junet was a Member of this Select Committee and he failed terribly. He cannot tell me to stop now when he had all the time. He went ahead to complain that he was forced to append his signature on this Report, and yet he sat there from the start of the Select Committee. Hon. Junet, please give us time to debate this Report. Do not tell me that my time is over because there is a timekeeper.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Bowen and Hon. Members, there is a lot of interest in this and it will be kind if you reduce your time for the sake of other Members.

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

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Bowen, we have a point of order from Hon. Baiya.

Hon. Baiya: Hon. Temporary Deputy Speaker, I am rising on a point of order in relation to what was decided by the House yesterday about this Motion; that we were to give each Member a maximum of five minutes so that we can allow many of them to contribute. Can we possibly reinforce that resolution of the House that was made yesterday?

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Baiya, there is a procedure of debate everyday on time limits. The Question on this was put earlier but Members rejected it. If that has changed, then I would like to advise Members to stick to five minutes. You do not have to be policed so that you can allow other Members to contribute.

Hon. Bowen: Hon. Temporary Deputy Speaker, the IEBC should be given enough money to buy this electronic equipment. During the last general elections, we had a case where we only had two Electronic Voter Identification Devices (EVIDs) in a whole constituency. We need to ensure that every polling station has an EVID.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, please remember my plea to stick to five minutes, if possible.

I now give the Floor to the nominated Member, Hon. (Dr.) Oburu Odinga.

Hon. (Dr.) Oginga: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this important Report to our country. You will recall that we have a very bitter history in this country where parties were dissolved and we became a one party system. This was enabled by Section 2(A) of an Act of Parliament. It made Kenya a *de facto* one

party State and it took two decades for Kenyans to struggle for multi-partyism and to remove this section. It was very dangerous for us to agree to go back to almost a single or two party system by prohibiting individuals from hopping from one party to another. I call it “hop, step and jump.” In this hop, step and jump, there are people who have hopped, stepped and jumped but they have not landed –as somebody alluded to in one of the contributions made here.

Hon. Temporary Deputy Speaker, I also commend the Joint Select Committee for approving this electronic voting system and electronic transmission of results. I hear people talking about manual voting and electronic voting running side by side. This is very dangerous.

Last time, during the voting or election, all the electronic voting machines or, BVRs failed. They were not working. It is very surprising that a day or two later, all of them were okay. They were working. Introducing the manual voting system is a sure way of going to rig elections again.

There is another item I want to talk about on the IEBC. People are saying that this Report has exonerated the commissioners of the IEBC. I am very surprised that these people did it. There is evidence people who gave bribes to these people in Great Britain are suffering and languishing in jails there. The evidence which was used and the list of people mentioned were given to Kenya. Those people are languishing in jail and yet we still say here in Parliament that these commissioners are blameless and very innocent. I think there are some commissioners who are very innocent because not all of them are guilty. However, to give them a clean bill of health that all of them are healthy, good and not culpable is not right.

On the vetting of the register, electronic vetting of the voter register by people going physically to check whether their names are there or not will eliminate ghost voters who normally vote when they are in their coffins or graves. Those people will not wake up again to vote as it has happened before.

I wish the Committee which was discussing these issues could have also talked about using identity cards as voter’s cards. It happens in very many countries all over the world that your identification document also becomes your voting card. That is so, so that we do not go through all this hustle of getting an identity card and then wait forever to confirm that you are in the voters’ register.

In future, I hope this Parliament will discuss the issue of using identity cards as voting cards so that we do not go through all these hustles of two registers. Kenyans who have attained the age of 18 are qualified to vote. There is no reason why they should be subjected to another long process of looking for voters’ cards when they are already registered as Kenyans.

I have already mentioned that transmission of election results electronically should not be compromised by or mixed with manual transmission.

I want to end by saying that I hope what has been recommended will be implemented to the letter. That is so, so that those who are used to stealing elections will not be tempted to fail the electronic machines on the voting day when there is nothing wrong with those machines. They just become out of order artificially and then they are all in order the next day.

With those few remarks, I support the Report.

Thank you.

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

Hon. Baiya: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity.

I also want to support this Report on the basis that it gives recommendations to the National Assembly. These recommendations will be translated into legislative proposals which

will be scrutinised by members one by one. They will give themselves the opportunity to deal with the other larger issues, including those relating to the processes of nomination.

I also want to take this opportunity to thank the Joint Select Committee for the good work it did in coming up with the reform proposals contained in this Report bearing in mind the tight timelines we have in the countdown to the next elections.

I want to go on record by saying that as a country, we have the challenge to meet the tight timelines to ensure we are in ready to hold elections by August, next year. In the process of carrying out these reforms, one can also see that constraints have also come into play as far as the reform proposals are concerned. For instance, they have refrained from making any proposals that touch on the Constitution. One can also see that the scope of these reforms is basically geared towards facilitating free and fair elections in 2017. After that, they will pave way for the country to consider further reforms.

It is particularly very instructive that the Committee has recommended we adopt the electronic biometric voter system. We may have challenges in some areas but the truth of the matter is that if we make it optional to carry out elections in any other way other than electronically, we will be giving opportunities or reason for excuses. It is time for us to make it mandatory that there should be electronic voting across all the regions. The Jubilee Government has had a programme of ensuring electricity is delivered to all public primary schools. We know that these are usually the voting places. If there is need for electronic transmission, it is important for that need to be underscored before that time, but there should be no recommendation for any manual system. The advantages of electronic-based systems like biometric voter registration and electronic voter identification were clearly underscored in the Kriegler Report to be the main foundation for guaranteeing free, fair, open and transparent elections. They will ensure that the country has an audit trail of who voted how. It will really be the basis of ensuring that we do away, once and for all, with the bad practices of ballot stuffing. This is the basis we will use to deliver results in a timely manner. It is very important that this has been accepted across the political divide and I urge that we do the relevant legislative proposals.

Hon. Temporary Deputy Speaker, I also want to appreciate the political parties. They softened in some of the positions they had taken, including bringing in a referendum in recognition of the strict timelines that we are faced with. I urge members to appreciate the fact that adoption of this Report is not final. We will do the legislative proposals later on. We shall have the opportunity to scrutinise the legislative proposals with a toothcomb and make sure no legislation that will not help us is passed.

I also want to comment about the nomination process. The Joint Select Committee of Parliament was concerned with the IEBC matters and reforms. However, it has gone further to recommend how we are going to run political parties. It appears that this Committee went beyond its scope. Possibly, one of the reasons why this happened is because this Committee was chaired by two very senior members, unfortunately, both from the Senate. It was not very balanced as far as the input of the National Assembly was concerned.

When Members speak about party hopping, it is not that they do not understand the need to be loyal to political parties. We have to address the failure in the management of political parties. The fact that a member can hop from one political party and get elected in another political party is, in itself, a statement about how undemocratic the management of some political parties is. I have that experience having won a party nomination only to be denied a certificate. The experience one goes through is very painful. We do not wish to experience it. Now that

political parties are funded by the public, we do not want to give them an opportunity to orchestrate these experiences among Kenyans and Kenya's democratic process.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): It seems my pleas are falling on deaf ears. Hon. Members, please, try and take five minutes so that other Members can speak. I now give the Floor to the Member for Ugunja.

Hon. Wandayi: Hon. Temporary Deputy Speaker, I will be very brief. I want to start by re-emphasising the fact that the Report we are debating today is a product of political negotiations. That fact is very important to note because, as correctly put by the Deputy Speaker, this process involved both parties to the conflict. Therefore, I am happy that the Deputy Speaker has ruled that any further amendments to this Report and subsequent legislative proposals would need concurrence of both sides of the House. I want to say this because even though the amendment by Hon. Olago Aluoch has passed, at the time of debating the Bill, it is important to note that it will be necessary for any possible amendments to happen only if there is consensus from both sides of the House. That is important even on this matter which has been amended in this Report.

It is also important to note that in a negotiation, there is give and take. We, as the CORD or the ODM, there are things that we would have wanted to happen. They did not happen but we have to live with what has been produced by this Committee.

I cannot advocate for the politics of throwing the baby with the bath water. That would be very retrogressive and unwise. We recognise that the vexing issue of party hopping was essentially a Jubilee Party idea. As CORD or ODM, we had no business caging our members. Be that as it may, it is also important to reiterate the fact that it takes all of us to contribute to the maturity of political parties.

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

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Wandayi, please give me a minute. There is a point of order from Hon. Sakaja.

Hon. Sakaja: Hon. Temporary Deputy Speaker, after the Member for Ugunja has said that this was a product of both parties agreeing, is he in order to say that it is Jubilee that brought in the issue of party hopping when he is not a member of the Committee? Can he substantiate that the issue of party hopping was brought by Jubilee or withdraw his remarks? That cannot stay in the record of the House if he cannot provide evidence that, that idea came from Jubilee. We have no issues as Jubilee when Hon. Members go.

Hon. Wandayi: Hon. Temporary Deputy Speaker, sometimes, it is important for us to listen carefully.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): The Member for Ugunja, also listen to me. If you want to speak about how the process went along, you need to be factual. If you are not factual about such details, speak on the Report without trying to purport you know the way the process went.

Hon. Wandayi: Hon. Temporary Deputy Speaker, I cannot purport to know. I speak from a point of authority because the Members we sent to the Committee were interacting with us. Therefore, I am assuming that since we did not send them to include that particular clause, it could only have come from the other side. That was my assumption. So, if my assumption was wrong, so be it. If my assumption that it was Jubilee which brought the clause is wrong, so be it.

If they allow me, I want to conclude.

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

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, let me hear the point of order. You are asking for it yourself, Hon. Wandayi. You encourage people to rise on points of order because you are asking for it.

The Member for Magarini, what is your point of order?

Hon. Kombe: Hon. Temporary Deputy Speaker, is the Hon. Member in order to say that the issue of party hopping came from Jubilee when he was not a member of the Select Committee?

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): It is the same thing. Hon. Member, I am asking you to make it clear.

Hon. Wandayi: Hon. Temporary Deputy Speaker, in the interest of harmony and peaceful coexistence, if Jubilee is denying what it perhaps, did, I withdraw it.

I want to conclude by saying that if you say that party hopping should be allowed, that is fine because it is a democratic right under the Constitution. However, you continue lamenting that political parties are dictatorial. The reason why Kenya is a multi-party State is to enable every individual to belong to those parties that they belong to. It will be in order. In fact, it is common sense that you cannot stick to a political party which you believe is not democratic. You will make a conscious decision and move to a party which you think is democratic so that we eliminate this very bad culture of party hopping, which although is constitutional is not healthy for our democracy.

I will finalise on the issue of the IEBC commissioners. It is true that the Committee did not delve into the allegations levelled against those commissioners.

Hon. Temporary Deputy Speaker, I want to make it clear from my perspective that even though the Committee has not delved into the allegations leveled against them, it should not be taken that they have been given some form of immunity because that will be against the law and the Constitution. In the fullness of time, whoever did anything which is against the law would have to be held accountable. That must be extremely clear and on record.

Thank you very much and may God bless you.

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

Hon. ole Kenta: Thank you, Hon. Temporary Deputy Speaker. I would like to join my colleagues in supporting the Report. The most important thing is that the issue of party hopping has been removed. That was the most contentious and thorny issue simply because a few people were trying to serve their own selfish interests at the expense of many people. That is something that should not be accepted. I want to quote Lord John Dalberg-Acton who rightly said that power corrupts and absolute power corrupts absolutely. That is where we were heading to. Somebody could decide you were not going anywhere after locking you out of his or her party. So, I thank the members who have supported the amendment.

The Report is very exhaustive and I would like to congratulate the people who prepared it though they went slightly overboard. However, we should realise that this is a negotiated Report. It was an agreement that had brought us to the right way of thinking because where we were headed was dangerous. It is something that we should look at as a way of recouping what we were losing.

One of the most important proposals was that there should be an audit of the voter register. We know there were problems in the last elections because more than 2 million votes were cast for somebody. That was very questionable. I believe that we will curb that the moment we clean up the register.

The other important issue is limiting the number of voters in a polling station. Five hundred voters will be a good number. This is because people are not able to vote within the specified time in most cases. The other important thing is the issue of announcing the results at the polling station to prevent doctoring of results. So, for purposes of making the electoral system work in Kenya, they have done a good job.

I request my colleagues to support this Report. So, I would like to give my colleagues a chance.

Thank you.

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

Hon. (Ms.) Ombaka: Hon. Temporary Deputy Speaker, thank you for giving me this opportunity. There is nothing much I want to contribute other than celebrate the fact that the IEBC commissioners are out. This is because the majority of Kenyans wanted them out. This is a Report that gives us the process of appointing the new IEBC commissioners.

There are certain words that are used in this Report that are attractive. They are “free and fair elections, verifiable, objective, simple, accurate and transparent.” These are key words that we need to highlight all the time in the election process. This is not only for the IEBC alone but also for parties that are going to have nominations. Even nominations must put in place these values that we put for the IEBC. Parties must also have free and fair nominations. They must be verifiable, objective, simple, accurate and transparent so that the whole process of transparency, fairness and objectivity is maintained throughout the election process of which nomination is one of them. So, it is a big message to parties that they must streamline themselves so that even this party hopping that is being mentioned here does not occur. Nobody will party hop if a party is transparent, free and fair. So, we need to use all these words not only for the next elections but also for parties that are exercising nominations.

I want to conclude by talking a little bit about biometrics. We cannot run away from the fact that we are not well connected with electricity in this country. We have blackouts throughout the day. The blackouts run for three days in certain areas. My biggest worry if we are going to use the ICT during elections is if there is no power. We have to be realistic and, therefore, we must have plan “B”. We must have generators in every polling station so that should there be no power, we will still run the elections and transmit the results. Otherwise, we are not being realistic when we say that we are going digital. It is good to go digital but we are not ready as a country.

I support the Report.

Thank you, Hon. Temporary Deputy Speaker.

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

Hon. Kipyegon: Thank you, Hon. Temporary Deputy Speaker for giving me this chance to speak to this Report. I am one of the Members who vehemently opposed this Report because of a few glaring issues which have been amended. As it is now, the document still has gray areas. I believe that we will have an opportunity to look at it when it comes to this House as a Bill or we will have an opportunity to relook at those areas which we think are very offensive and unconstitutional.

Article 2 of the Constitution states:-

“(1) This Constitution is the supreme law of the Republic and binds all persons and all State organs at both levels of government.

(4) Any law, including customary law, that is inconsistent with this Constitution is void to the extent of the inconsistency, and any act or omission in contravention of this Constitution is invalid.”

This negotiated document is just like a customary law and, therefore, if it is against the Constitution---

(Laughter)

It was negotiated outside this House by some elders who sat somewhere. I believe with proper amendments and serious attention to this law, it will be good for this country. I must support the fact that this is a document that is going to cure the acrimonies that most people have faced in this country.

We all agree that we had a problem with the IEBC and this agreement has brought that problem to an end. We also agree that there are parts of this document that deal with electoral reforms. The only part which we were not happy with is that the people who mostly complained about the electoral reforms, had not complained about parties. Parties are like other business premises in this country.

People in this country form parties without realising that they are in the Constitution and they are funded by public money. The moment they are registered they cease to be private properties. People know that some people have turned them into business premises so that if you want to vie, you have to pay some cash to get a ticket. This is the case especially with popular parties like Jubilee and CORD.

The reason why we vehemently opposed---

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

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): What is out of order, Hon. Chepkong'a?

Hon. Chepkong'a: Thank you, Hon. Temporary Deputy Speaker. I rise pursuant to Standing Order Nos.83 and 107. Hon. Ng'eno is making very serious allegations. On the part of customary law, he knows, of course, that it is part of our laws in this country. The other one is just a draft but on a more concrete issue, he is making very sweeping allegations. First, that people are buying tickets. You know these are criminal issues.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Chepkong'a, you are now debating. You have not raised a substantial point of order as to what is out of order with the Member on the Floor.

So, proceed Hon. Kipyegon.

Hon. Kipyegon: Hon. Temporary Deputy Speaker, Hon. Chepkong'a is my senior, but in politics he is just junior. This is because he does not know much. I say this because I contested in the first election in 2007 under a very popular party at that time, ODM, where everybody including even the substantive Speaker at the moment were great Members.

My name was missing when we went into nominations in Kilgoris Constituency and opened the ballot boxes in the morning. That was the case and yet I had paid all the money. I campaigned for the party only to find my name missing. I called one of the Pentagon members who is now in Jubilee claiming to be a democrat. He told my people to turn the paper, write my name and tick at the back.

I told them I am not an off-cut. That is how people bought those tickets. Someone had bought the ticket and kept it while we were campaigning and going to the polling stations to vote

down there. At that moment, I moved to another party thanks to Jirongo because he gave me a party. There was still a threat because people were telling me that someone had already bought a ticket while others had gone elsewhere to buy it.

I had to go to the Office of the Returning Officer with four certificates from different parties so that if I found that one had been sold, I would present the other one. I hustled a lot. When I see people trying to put us in that same mess by locking out the opportunity of hopping, hip-hop or whatever you call it, I feel sad because I am a product of that misnomer.

Later on, I opted to run on independent parties which had nothing to do with the big-wigs. An Hon. Member has claimed that this section on party hopping was sneaked by Jubilee. I do not want to believe it was Jubilee, but it was one of these big-wigs. It was either the big-wig in Jubilee or CORD.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Ng'eno, if I call you again, I will ask you to leave the Chamber. I have just asked the Member for Ugunja not to purport---

Hon. Kipyegon: Hon. Temporary Deputy Speaker, I apologise and withdraw that. I am making a very serious statement that the reason why people will not allow others to hop, step and jump is because they want to kill their political future. It is not your problem, if I hop from one party to you, why should it be a problem to anybody? It is my choice. It is like "my dress, my choice" or "my party, my choice". This is because these parties are funded by taxpayers money.

You do not sell land to fund parties. I have never heard Raila Odinga selling cows to fund CORD nor do I hear Uhuru Kenyatta selling sheep to fund parties. We fund these parties with taxpayers' money. This is public property.

Even the Kenya National Congress (KNC), a party I belong to and love very much, although I was thinking of creating some relationship by hip-hopping with Jubilee is not private but public. Therefore, anybody who imagines in this country that he can kill other people's political future because of blocking them from hip-hopping will not succeed. This is because we will not allow that.

Although, we only allowed one amendment, there is another issue we must look at. Item 643 reads:-

“(6) That, independent candidates forward their names to the IEBC 14 days before the nomination date.”

The nomination date belongs to parties and not independent candidates. Why are you denying independent candidates a chance to present their nomination? Why are you anchoring it on nominations? These are independent people who might want to try their luck in the major parties. The moment they fail, they should be allowed to run on other parties or as independent candidates.

Hon. Temporary Deputy Speaker, people who run these parties are goons. They mess this country all the time. The reason you find people almost killing each other is because the owners of these parties or those who run them mess everything.

Hon. Mbadi, you are a crook!

Hon. Mati: On point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, do you have a card?

Hon. Mati: Hon. Temporary Deputy Speaker, I know Hon. Ng'eno is an expert in long jump.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Please say what is out of order.

Hon. Mati: Hon. Temporary Deputy Speaker, my point of order is that Hon. Ng'eno has just called all political leaders in this country goons. I find this unparliamentary. Because he is a long jumper, he knows how to hop, step and jump.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, I have heard you.

Hon. Ng'eno, please, and I am not doing this lightly, withdraw that statement and apologise or leave the House.

Hon. Kipyegon: Hon. Temporary Deputy Speaker, I will not leave the House. I am withdrawing that but I am only wondering what other name I should give them. Anyway, let me just withdraw that remark, but I hope the message has reached those people.

It is very painful. You do not know how people feel when they are locked out just because someone did not like them. You do not know how some people feel when they fail to come to this House, and yet they were the people's choice.

I am saying this because I have gone through that pain. I would like to change that name to a good one, which I do not know. As of now, I withdraw and apologise for calling them crooks and goons, but I am looking for another good name.

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

Hon. Onyura: Thank you, Hon. Temporary Deputy Speaker. I will also be brief so as to give a chance to others who wish to contribute.

I support this Motion as amended because the problem was the issue of party hopping. The truth is that there is no party in this country that has got the capacity to run good nominations. Perhaps, not necessarily out of choice, but even the resources which are needed and required to run good nominations throughout the country are enormous.

I do not even see how the suggestion that the IEBC could be contracted to run these nominations will help. This is because resources will be a problem.

Doing nominations for each party is almost like running a full election. The amount of money needed is enormous. One way of trying to ease pressure on this is by allowing party hopping. By the way, I am a product of party hopping. If it were not for that window, perhaps, I would not be here. There is no way I can support the ban on party hopping until our parties have matured and have the resources and capacity to run such nominations.

I am also happy with the proposal about the number of voters per polling station. I think the number that has been suggested in the Report of 500 voters is reasonable, but perhaps it should even be lowered to, say, 300 voters. This is because the more polling stations we have the better for us because in some areas the voters cover very long distances.

Apart from that, remember that on the polling day, we are doing a total of six elections. It will not be good to have people in long queues or to let voters stay for long hours in a polling station. I think that is a good proposal.

The issue of IDs is mentioned. I want to support those who have said that, perhaps, we should consider using IDs for many things, including voting. It is said in the Report that we have several agencies that give identification documents but they just offer them like silos. We have an agency issuing birth certificates, another one issuing passports, another one issuing ID cards and another one doing voter registration. There should be a way of amalgamating all these into a unit. We will not only save money but also time and the data will be there to be used by all.

Finally, I just want to appeal to serious, qualified and professional Kenyans. When the positions have been declared vacant and advertised, let them come forward and apply. To all the

armchair critics and analysts that we keep reading and hearing about, this is the opportunity to come forward and offer themselves for these positions.

Hon. Temporary Deputy Speaker, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the opportunity to Hon. Jakoyo Midiwo because of his seniority in the House.

Hon. Midiwo: I thank you, Hon. Temporary Deputy Speaker. I will not take too much time. I rise to support this critical Motion. I am happy that there are Members staying here to contribute. We did not just get here. The process of democratisation in our country has a very long history and many people have died in the process. We may be on two different sides, but I think sometimes it calls for us to see sense in what our people want, what we want to do and how we imagine our country to be 50 to 100 years from today. I think that is very important.

I am very glad that Members agreed to the reasoning of the Speaker who issued a ruling. This was about IEBC. If I listened correctly to Hon. Njoroge, he really put us back on track on how this issue did not deserve to go the route it was going. We owe it to our people and to this country and its future. This cannot be a Jubilee and CORD affair. A good electoral system is good for democracy and for our future.

I have stood here and said, and I want to say it again, that there are many people on this side that you will see on the other side in a few months. There are also many people on that side that will be on this side in a few months. All you need to do is to go to the lounge where Members take tea and see how they hate whichever side they are on. It is obvious. It is human nature. What should matter is the order that may lead us to the future.

I have looked at the Report and there are a few things I would have done differently, but laws can be changed every six months. This is a good beginning, especially on these things that annoy us about elections, and not the composition of the IEBC.

A law can be made today and be applicable tomorrow. We must look at whatever the Bills say. We will still come back here. I think this House must make sure that nobody has a reason to rig elections or fight after elections; that we can lead our country to the point where elections are done and people say; "let us move on; it is our country." This being the first House under the new Constitution, it has to follow some rules. I am very happy.

The issue which was being canvassed, and which Hon. Olago Aluoch amended is not small. I said yesterday that I believe it is unconstitutional. I have read the mandate of the Committee and whatever they were trying to do is not part of it. So, whether the argument is Jubilee or CORD, I know who did it because I saw the list of demands from both sides. However, that is an issue for another day. Let us put that behind us for now. What we should talk about now is how to marry our version with the Senate's version. What do we want to do as the leadership of this country, and as a House in terms of moving forward to meet the timelines?

It is good to thank the Committee for giving and taking. Less than three months ago, we were talking of how police were shooting our people. We were telling them to stop disobeying the law and that the IEBC must go. I only want to echo the sentiments of Hon. Wandayi and Hon. Kangogo. If you break the law, it should not be assumed that your crime will be negotiated in your favour. Whoever will become a member of the new IEBC must know that he or she is not above the law. It is wrong to say these people have not broken the law. There are audit Reports before the House. We have said, given the circumstances, let them go home, but on the rest of the issues, I think the Committee overstretched its mandate. For the Committee to do that, they are committing a crime of abetting a crime. It is not for Sen. Orenge or Sen. Kiraitu to know who is innocent. They are lawyers but not judges. That Committee was not a court of law. So, people

cannot come and tell you they are innocent and you accept it. Let those processes go where they belong. I can tell you that is how it is going to be. What irritated the Senate and this House is how they just went and decided things which are outside their mandate?

In 2012, there was a USA Senator from Maine called Lieberman.

The Democratic Party in its wisdom thought Lieberman was not good enough for their party. Lieberman is still a Senator to date. He walked out and became an independent candidate and I think he is still a Senator. He ashamed the people who were plotting against him. Where people are in groups, somebody may not like your face, or somebody may just want to do it differently. Let me plead with all of us. What brings chaos in this country is what all political parties must do to assure Kenyans that it is okay to stay together. You cannot force people to stay with you. You also cannot put people in a corner.

I am in CORD and in the ODM. In CORD, we do not have a problem because we consult; we have no reason to be dictatorial. In the ODM, it is too large. The country must understand as Hon. Onyura has said that no political party has capacity to conduct this thing called “nomination”. I have asked myself why in Gem, when nomination papers for my party leave Nairobi at whatever time, it takes them two days to get there. It is because there are some outside players. If we want to fix the nomination process, we must get the National Intelligence Service (NIS) out of it. That is the elephant in the nomination process. If you take Akamba Bus at 9.00 p.m., you will take breakfast in Busia. How come nomination papers cannot get to Busia the following morning? These are questions that we must deal with.

Lastly on that issue, Kenyans must understand that political parties must have powers to give them nominations. People must know direct nomination is also nomination. When you tell people that it is wrong to go home it creates friction. However, the parties must say that this is our nomination rule, publicise it. Publish your nomination rules so that whoever wants to come with you can do so and stay if they wish. Let them go to where they think their rights shall not be violated.

Hon. Temporary Deputy Speaker, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I want to give a member of that Committee a chance, because I think we have been talking a lot. At this juncture I want to give Hon. Junet, the Member for Suna East this chance. Please, take five minutes.

Hon. Nuh: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity. First and foremost, I would like to congratulate the Committee that I belong to for doing a good job for this country.

Hon. Temporary Deputy Speaker, this is a negotiated document that we are discussing today in the House. These negotiations were brought about by the sweat and blood of the people who went to the streets to demand for their rights. For that reason, the select committee was formed to look into this matter. What has been brought here may not be the best but is a basis and an improvement of what has been there before.

There is the issue of the culpability of the commissioners; whether this Committee has found that these commissioners have not committed any wrong. First and foremost, the Committee was not a judicial one. The Constitution is very clear under Article 251 on how these commissioners are to get out of office. A tribunal was supposed to be formed and it is the one that was supposed to establish whether they have crimes to answer to or not. The Committee decided to take a shorter route for the benefit of the country in what they call “a political settlement”. That is how this Report was brought to the House.

If the culpability of the commissioners was supposed to be ascertained, then this Committee should have proposed a tribunal to be formed by the President to look into each and every commissioner to ascertain whether he or she has committed any crime. However, because of public interest and for the good of the country, the commissioners themselves appeared before the Committee and said that they were willing to leave voluntarily, as long as a political settlement was agreed upon that they vacate office so that the street battles leading to loss of lives comes to an end. I wanted to clarify that matter.

Secondly, it was very difficult to serve in this Committee. It was a Committee that was formed by Parliament but majorly consisted of two major coalitions in the Assembly. Every coalition had its issues. They had their irreducible minimums. There was the issue of give and take, as Hon. Jakoyo has said.

In such an arrangement, one coalition decided to leave this and the other coalition decided to give that. I know the coalition I belong to, and in particular the party I belong to - ODM - is not very happy because there are certain fundamental things that they wanted addressed which were not captured in the Report, but because of the goodwill of the country and the statesmanship that our party leadership showed, we agreed to move with what we have.

I am on record as opposing the idea of sending 11 names to His Excellency the President. I was for the idea that only seven names should be sent to the President for appointment. The selection panel should only select seven names just like it happens with the Judicial Service Commission (JSC). However, because of the collective decision that the Committee made, they decided to send nine names for the position of commissioner and two names for the position of chairperson.

The issue of party hopping was canvassed. The issues were bigger than that. There were people who proposed that all political parties should do their nomination in one day, it must be gazetted and that should be the end of nominations. So, we said that these political parties are like religious groups. Some are like Catholics, others like Seventh Day Adventist (SDA) and Muslims. They do not go to prayers on the same day. Muslims go for prayers on Friday while SDAs go for prayers on Saturday. So, how will you conduct nominations? I even told them that this country is based on the African society and people are polygamous in nature. At night they are in this party and during the day they are in another party. Let us just allow these people to do what they feel like, and the people will decide at the end--- *Wacha kuzima hiyo kitu!*

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, for the sake of the rest, I gave you this opportunity because you are a Member of the Committee.

Hon. Nuh: But there are issues---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I think you have expounded on all the issues. I will give you one minute to wrap up.

Hon. Nuh: Hon. Temporary Deputy Speaker, lastly, I would like to say that I am very happy that the next elections will be conducted electronically. That will stop this issue of stealing elections once and for all.

The Jubilee Government claims that it has connected electricity in every school. There is no reason why we should not conduct elections in 2017 electronically. For that reason, I can assure you that my party will win the next election. I am 100 per cent sure that Raila will be the next President of Kenya. With this kind of election that is coming, I can also assure you that no election will be stolen in this country. There will be no demonstrations after the elections and even the Supreme Court will be jobless because it will have no petition to listen to.

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

Hon. Bunyasi: Thank you, Hon. Deputy Speaker. At the outset, I want to say that I rise to support the Motion as amended. We are all grateful to the country for the work that was done by the select committee in negotiating a delicate balance among various factors and coming up with this Report. Hopefully it will mainstream the process back in Parliament, so that we can deliberate on it and come up with an administrative and legal framework that will govern the way forward.

There are many things that have been said, and some of them are not core such as the innocence of the other commissioners. Those are areas that the select committee had no competence in. It would have been better to recognize the dictum that the absence of a technical verdict of guilty does not mean you are innocent. They probably overstretched on that. Be that as it may, it is a small price to bear given the conclusions that they had. I would like to urge members that as the Bills get published people are looking carefully at them. In fact, any subsequent legislation – I think there is a lot more legislation that is going to follow from this – must be scrutinized closely especially with regard to the issue of timelines. They should follow closely the issue of timelines because it is possible that what we took away through the amendment may be barred by technicalities in timelines.

Hon. Temporary Deputy Speaker, I would like to urge members to get a time chart. It is pretty confusing and there is a risk there. In fact, what we took out through the amendment may be embedded in the timelines if we do not pay attention.

In evaluating the commissioners, there were various things including issues of integrity. I want to comment on that but not in respect of the commissioners. If we demand of others that they should meet certain standards of integrity, we should expect all of us to comply with those standards of integrity as outlined in the Constitution. What frustrates me is that nowhere in the Report is it mentioned that even those participants in elections, including candidates who are not clean will not be allowed.

We have participants who flout the law and the Constitution on issues of integrity. I hope that as we seek to get a clean election, we have a clean Commission and a clean slate of candidates across the country. If we do not, we are not going to end up with a clean output. We have people in this country who cannot step out of our borders because they are hiding from every jurisdiction outside this country. They are afraid they will be captured. If we have candidates of that nature, we are not going to get clean outputs in elections. We are going to get results that are, in fact, subject to manipulation. I am disappointed in the absence in the mention of integrity in the rest of the processes beyond the commissioners and the secretariat.

Be it as it may, we should all pass this Report and let it move forward but, we should pay special attention to the legislation that will follow. It is in that detail that the devil may lie.

I submit my support. Thank you.

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

Hon. Mirenga: Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to also contribute my thinking on this Motion. Allow me first of all, to thank the Committee for the work it did. The Committee did a lot of good work, spent a lot of time and resources, of course, to get us this Report.

I support this Report majorly because it was a political agreement that was settled on by the party leadership and the political leaders generally. Other than a few offensive paragraphs

that have already raised enough heat on this Floor which I do not want to raise, the recommendation of this Report gives us a chance to correct the errors in the elections management in Kenya. The life blood of any democracy is a functional electoral management body and system that guarantees conditions that would make any polls pass as free and fair.

It is also important to note that organising a free and fair election is more important than the outcome of the election itself. So, every process in the election must be managed well so that we have an outcome that is acceptable to everyone and which can also help us to forestall any possible poll-related crisis like what we had in 2007/2008.

(Loud consultations)

Hon. Temporary Deputy Speaker, please, allow me to ask you to protect me from the increased volumes from my colleagues.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, please lower the volume of your consultations so that the Member on the Floor can be heard.

Hon. Mirenga: Thank you, Hon. Temporary Deputy Speaker. What is critical in this debate is the necessity of an electoral body that can guarantee and serve electoral justice to the people of Kenya. All we need is the IEBC that inspires confidence across the political and ethnic affiliations of the voters because we know the voting patterns in this country. Those are not areas that we would like to ignore. If we have the IEBC that can be an impartial manager of these elections and give us good results, obviously we will have peace and there will always be growth and the investors outside this country will have confidence in our country.

I also want to ask the political leadership, including myself, that as we dedicate this moment to reforming the electoral process, let us also not forget to dedicate some, if not a lot of energy and intellect towards hitching a serious political wagon to a higher value that can feed into the very idea for which this country exists. That is the idea of nationhood. This requires of us a change and a re-orientation of our political minds so that we can speak to something that can be good enough for the well-being of this country and her people.

There are two big problems that we must face as a country and as a leadership if we want to take this country to the next height. These are tribalism and corruption. These are things that all Kenyans talk about every day but no one is willing to take these two monsters head on. I want to talk about tribalism more than the other vice because all these other social ills anchor themselves around it.

We need to re-orient our political narrative to issues that affect our day-to-day lives rather than focusing on personalities and ethnicities. On this one, I want to remind the leaders in this House who are my age-mates what has been said again and again that every generation has a purpose to fulfil. The only work for that generation is to identify it and fulfil it or betray it. The first generation of leaders in this country served their purpose. They fought and succeeded in giving us Independence by fighting the brutal white minority rule. They gave us Independence and we are forever indebted to them.

The second generation of leaders fought for the expansion of political space that we enjoy today. They fought for the institutionalisation of democracy. They also fought and ensured that all these constitutional safeguards were created against the whims of those that are in power. We owe them gratitude.

The third generation is the one that the Deputy Leader of the Minority Party belongs to. They have a date with destiny because destiny has placed on them the onus of ensuring that they

midwife the delivery of a new political order, as spelt out in our new Constitution, and lay out preconditions for a more united and prosperous country. We expect the President and his generation to do that.

The next generation is my generation. This is the generation of leaders who were born after President Moi had been in power for some years. It is up to this younger generation to ensure that we fight tribalism, dismantle it and have a united country because many things will not move without unity in this country. It is up to us to ensure that we demystify our ethnic differences and instead fortify the ideals that make us, as a people. I urge my generation that just like there are those who fought very hard and were detained for something they believed in, my generation must believe in uniting this country and fighting tribalism. After all, there are many inter-ethnic marriages all over this country today.

In the next 15 years, we will have a country where the young generation will not care who comes from where. This is only possible if the generation I am talking to begins that war today.

Hon. Nuh: Tribalism---

Hon. Mirenga: Hon. Temporary Deputy Speaker, Hon. Junet is heckling. I do not know why he likes tribalism and yet he is a beneficiary of a region that does not practice tribalism as such.

I support the recommendations of the Report. The hot issue of party hopping has been discussed the better part of this afternoon and yesterday. We need to look into the root cause of this problem. The problem is mismanagement of our political parties. We should address how to strengthen the structures of our political parties and ensure that institutions work. We should also finance them well to ensure that the primaries are not mismanaged. There will be no reason for party hopping if they are not mismanaged. It is important to note that party hopping is just a major issue to political leaders. People did not demonstrate because they wanted politicians to party hop or not, but they wanted the IEBC out. I am happy that through this Report, when the time comes to make these recommendations into law, if we do it well and have a new Commission in place and deal with offensive issues, we will definitely go into the next elections as a better prepared nation.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, let us observe the five-minute rule. We are literally saying the same things. I now give the Floor to the Member for Nyandarua County.

Hon. (Ms.) Muhia: Thank you, Hon. Temporary Deputy Speaker. I will try to use few minutes so as to also allow my colleagues to contribute. I want to thank the Committee for the good work it did to remove Kenyans from the streets where they were closing down businesses in the name of the IEBC must go. I am sure some quarters are now happy with these results.

I categorically support this Report but with reservations from the amendment that has been praised by several Members since we started this sitting.

I want to bring to the attention of Members that we are the people to improve our party nominations. We are the people to believe in our parties because Ugandans will not come to believe in the Jubilee Coalition nor will the Tanzanians come and believe in CORD. We should believe in our parties, make regulations and implement them. When we say nominations will not be fair, then we are abetting that we hope to ever make good parties. It is possible to have free and fair nominations.

I stand here as a Member who was elected through a free and fair nomination exercise in Nyandarua County. We had over 450 polling stations. We are aware of the inefficiencies of party

nominations especially when polling stations are merged. This is because this denies old persons and persons with disabilities an opportunity to go and cast their votes. All aspirants in Nyandarua County collected funds and presented them to The National Alliance (TNA) Headquarters which gave us what they had for other counties, and we conducted nominations in every polling station. I believe this nomination was free and fair. I also believe that it is possible to have free and fair nominations. We are the people who can make free and fair nominations. My good friend, Hon. Ababu, spoke about freedom of association which is denied members who want to party hop. Who is infringing on the right of the other? If you truly believe in a political party, your freedom is not infringed because you have freely joined that party. If you do not believe in the other party, you should just be independent or join another party.

Therefore, because of this amendment, I will support this Report with reservation. We are the people to move the country progressively. We always operate at 100 per cent. If you look at this House today, you will see that the members who “party hopped” and made it to this House are statistically not more than 5 per cent. Many others “party hopped” but they never made it to this House.

Hon. Temporary Deputy Spaker, we were seven women during the election. When six were defeated in the nominations, they joined other parties. The six garnered 50,000 votes and I was elected with almost 200,000 votes. So, they still never made it to this House. When we talk about 5 per cent, I have to put this question to these members and I want to remain on record. Do we want to take the larger percentage of the country or the smaller percentage? This is because 95 per cent will make it to this House after nomination, while 5 per cent will make it to this House after party hopping. Do we want to go with the 5 per cent or with the 95 per cent?

Hon. Temporary Deputy Speaker, these are fundamental questions that every leader with a bigger picture--- Every leader would like the Jubilee Party to be like the Republican, the Democratic, the Conservative or the Labour parties. These are fundamental questions that we must ask ourselves.

The country should go the majority way because it is always said that the majority have their way, and the minority have their say. If we look at the percentage, then we should go the majority way.

Having said that let me conclude by saying that we are the people to make the change. Let us see the bigger picture and say to the people who do not believe in a party that they have the right to choose a party of their choice so that they can exercise their freedom.

With those few remarks, because of time constraint, I will stop there.

I support this Report for the sake of Kenya.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, thank you. Let us now hear the Member for Homa Bay Town, Hon. Kaluma.

Hon. Kaluma: Thank you, Hon. Temporary Deputy Speaker. I never do this, but I have just received a message from some young person from Awendo Constituency which I want to read to the House so that we get the perspective of this matter.

This is what Evans Chunga from Awendo is telling me today. He says:-

“Kenya is a nation built through sacrifice by brave men and women who put the country before self. I urge all Members, including you, to perform their duty and support the IEBC Report.”

This is important to me because I know Evans Chunga. Among those people who lost a relative to a bullet was this young man. Let me take this opportunity, without taking much time,

to thank those Kenyans who put their lives on the line from the days of Independence for us to have proper electoral reforms.

Let me also congratulate the team that went to negotiations when we were at war in our over democratisation process. It has been said, and it bears no repeating that at negotiations, you give as much as you take so that the position we have is not the position the ruling Coalition wholly wanted. The position we want is not the position that the CORD) preferred, but it is the best position for the country. Let me thank that team for putting the interest of the nation ahead.

Before I go to something else let me congratulate and thank the leadership of the nation, that is, both the President and the leadership of the Opposition coalition for having found it fit to constitute the Joint Select Committee to put us where we belong. The electoral environment in the country, if we breathe life and law into this Report and ultimately pass the proposed Bills, will be radically changed.

Our electoral processes have been reduced into a rigging competition. There is a joke about the regions in our country that compete over rigging. We are not sure whether the elections and their results are the expression of the true will of the electors. It is about the thinking that people are rigging around. The consequences are there for us to see.

We know where we were in 2007/2008. We also know about the tension that followed the elections in 2013. We have started the journey of saying “no” to anything that will cause violence in this country over elections. We have started the journey of securing our future elections and making sure that they will be the true expression of the freewill of the electors. Let me say that there is a fundamental development being proposed here, which I request my colleagues to forthrightly and straightaway breathe law into.

In the Justice and Legal Affairs Committee, we have been observing elections all around. The last election I observed was in Turkey. That was supported by CORD. Polling closes at 5.30 p.m. and by 6.30 p.m., the President is already known to everybody. The public portal is open to all candidates, parties and members of the public. The current President who visited our country a short while ago, Mr. Erdogan, left Istanbul and addressed the nation within one hour’s time in Ankara. Why? This is because the system of elections is electronic.

We went to South Africa in the last elections. When there are contests around the results of the elections, it is not the commissioners who tell you the results in Western Cape Province. That is done by the Returning Officer who is there.

So, what is being proposed by this team of great men and women before this House, before we even consider this party hopping, which is not the reason for us to have gone to the streets at all, is that there will be biometric voter registration. There will be mandatory electronic voter identification at polling stations. Those results will be transmitted from all polling stations in the country simultaneously to the County Returning Officer and to the national tallying centre. I want to dare say that I do not think we even need what we call the cleansing of the register or the fresh registration we have been thinking about because no dead voter will have a chance to resurrect to go and vote. No multiple voters in the register will have a chance to do it twice. You will be identified electronically.

We are moving to a situation where anyone who will be elected as the President of this country will have the salutation of all Kenyans, both the winners and the losers, that he is really the President of the nation and he has our confidence to lead. That is a fundamental departure. I request that because Article 94 of the Constitution says that we are the people who breathe life into provisions to make them law, let us expedite this process and move it forward. If you look at the election laws that are being proposed here--- You are being told that the results that are

declared in Kenya by the IEBC at the national tallying centre in Bomas of Kenya or the Kenyatta International Convention Centre (KICC) after a seven-day period are merely provisional. By these proposals, we are saying that the results, as shall be declared by the Constituency Returning Officers, will be treated not as provisional results but as final results, which everybody can move by. So, there are fundamental departures.

Let me say, as a lawyer that I have a fundamental problem with the proposals being made about how we are to compose the new commission and the process of going through it. The idea that you will give the President, who is also a political player, a list of 11 nominees to pick seven people from is a challenge. However, I am saying that if we incorporate technology and make it a mandatory process of the electoral process, nobody will care about who the electoral commissioner is. I thank the current commissioners of the IEBC for agreeing to go. Of course, they overdelayed.

Let me end by joining the people who said that if any of them breached the law, we are negotiating their vacation and not their immunity for any wrong they would have committed. May all our agencies do whatever they want to do. We will give them money to vacate office. We thank them for agreeing to go because time was short to investigate those issues but they ought to have put the nation first. It is belated but they have done it.

I thank you, Hon. Temporary Deputy Speaker. I want to allow other Hon. Members to speak.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): That is okay. Hon. Members, I now give the Floor to the Member for Laikipia East.

Hon. Kimaru: Thank you, Hon. Temporary Deputy Speaker. I support this Motion as amended. We shall all remember the kind of acrimony we had yesterday. We were on the brink of throwing away the baby with the bath water. There was that elephant that was so eloquently described by Hon. Millie Odhiambo which is now out of the Report. We can now move forward. We can see the sobriety that is hovering all over this room. We are able as legislators to move forward.

As legislators and with the leadership that we had yesterday, I would like to start by applauding the Deputy Speaker for making the right decision. If she had not made that decision probably this Motion would have failed yesterday. There are those who will criticise her but she made the right decision to allow that amendment. Without that amendment, we would not have been able to move forward. So, she did the right thing in the spirit of give and take and consensus as demonstrated by the Joint Select Committee that sat to pave the way forward. We saw Hon. Moses Kuria and Sen. Muthama sit in the same Committee. They were able to agree. What greater demonstration of what we can do as a nation!

As we move forward to the next election, it is the prayer of everyone of us and the nation that that election shall be peaceful and credible. Even as I believe Jubilee will be triumphant, I would also like the CORD to sit in the comfort that the process shall be credible and that the results that will be announced will be acceptable to all.

So, from the good work that was done by the Joint Select Committee and what we are doing today, because I am sure we are going to pass the recommendations and the Report as amended, I must reiterate that for my good friend Hon. A.B. Duale to get--- We are going to pass the Report as amended. The import of that is that the restriction on party hopping has been removed from this Report.

Moving forward, I believe it shall not be in any legislation of this House. It is not that I would want to party hop. I will be in Jubilee and I am there to stay. But even as I win, I would

like the people that I beat to have the conviction that I won fairly. Even if they run away after I have won fairly, I will have nothing to fear because they will be moving away to fail again. However, if I stole the election then they would have reprieve and something to fall back on.

The Bills will be coming before this House. I am sure the House will pass the laws that will guide us into the elections and they will be good. I also think that by removing that restraint on party hopping, it will now make sure that parties carry out credible nominations. With credible nominations, I do not think anybody will be running away to other parties. I have more to say but to save time for others to speak, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, I now give the Floor to the Member for Mandera West, Hon. Mahamud Mohamed Maalim.

Hon. (Eng.) Mahamud: Thank you, Hon. Temporary Deputy Speaker for this opportunity.

From the outset, I was a member of this Committee. When we started this process on 12th July, 2016 we never thought we would agree. In fact, we started as two groups which were looking at each other from very hard positions.

I am happy that we agreed on this Report every time by consensus. In fact, at no time did we vote on this Report. Before us are very critical issues on the allegations against the IEBC and based on these allegations we were to recommend vacation and not removal. Article 251 of the Constitution talks about removal of the Commission at the right time but what we were given by the two Houses was vacation. There was no provision in law about vacation. Funny enough, the law governing the IEBC does not allow room for resignation or death for vacation.

As recommended in the Report, there was no specific allegation that was showing any of the commissioners was culpable. In fact, when they appeared before us and said they are going to voluntarily resign, we came up with a dignified exit which is being criticised here.

The other aspect before us was the issue of how to reconstitute the Commission. It was very contentious between the parties. We agreed on it and you can see what is in the Report.

Hon. Temporary Deputy Speaker, we abandoned the Fourth Thematic Area on legal policies and institutional frameworks to improve the electoral system and processes. We, therefore, came up with voter registration, voter education, nomination, registration of candidates and public media. All these were part of my mandate. I do not agree, therefore, that we had no mandate to discuss the issue of party nomination and registration.

We know very well in this country that the biggest problem with the electoral process is nomination of parties. If you thought that was out of our mandate, it is fine but we had to go through that process. I am happy that the mood in the House today is different from yesterday's when we were condemning the Report. This is a good Report which was well negotiated. We had very agonizing moments and late night sittings. The men and women you put there did a good job. This, I must say, will improve our electoral environment.

The electoral infrastructure has actually changed. As mentioned by an Hon. Member in this House, we had a team of ICT experts from the IEBC, independent persons and the Ministry of Information, Communication and Technology appealing before us to look at the issue of ICT. Everybody would like an election process that works. This was something that was well negotiated and thought out. At the end of it, we came up with the Bills required. We came up with a stand-alone Election Offences Bill. For the benefit of Members, in the laws that were there before, even treating or transporting your supporters was an offence, but that is now removed in the Bill. You will see it when the Bill comes.

The other contentious issue was the issue of presidential petitions. Fourteen days was maintained by this Committee, but there are people whose submission to us recommended 30 days. We said 14 days is enough. But once the IEBC is served with a petition, it must submit all the documents which it relied on to declare the President-elect to the Supreme Court. I think we have done a good job.

This Committee did not waste time. I am happy that today we are talking about passing the Report. Let us pass it. If there is anything, it is the amendment that was moved by Hon. John Olago and the issue of party nominations. The Committee, with good intentions, wanted to improve the electoral environment.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Please wind up. I want to give an opportunity to one more Member.

Hon. (Eng.) Mahamud: With those few remarks, I thank the Members. Let us support this Report and move within the strict timelines that we require to put our systems in place so that elections are done on 8th August, 2017 and not a day beyond that.

I thank you, Hon. Temporary Deputy Speaker.

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

Hon. Muluvi: Thank you, Hon. Temporary Deputy Speaker for the opportunity. First of all, I want to thank the Joint Select Committee of Parliament for what it managed to achieve. The clarion call from our end was that the IEBC commissioners must go. Indeed, the Committee has recommended that the commissioners leave office. That is very important as far as we are concerned.

I want to make a few comments. One is on the electronic transmission of election results. This is the way to go. If we allow electronic transmission to go parallel with manual transmission like it happened last time, it is a precursor to allowing rigging of elections.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Please, lower the level of your consultations for the Member on the Floor to be heard.

Hon. Muluvi: Thank you, Hon. Temporary Deputy Speaker. The other important thing is to be able to transmit the results straight from the polling stations. I was privileged to observe elections in Liberia when the country was just coming out of the war. It took the entire United Nations (UN) and the ECOWAS group which was negotiating to talk to them to allow transmission of results to be done from the polling stations.

The other thing is that political reforms cannot be achieved overnight. I am sure there are recommendations in the Report which Members are worried about. Please, let us allow the Report to pass the way it is because the elephant which was in the house, as it was referred to, was party hopping and that has been removed.

With those few remarks, I support the Report.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, I now ask the Mover, Hon. Naomi Shaban, to reply.

Hon. (Dr.) Shaban: Hon. Temporary Deputy Speaker, I wish to donate one minute each to Hon. Alfred Keter, Hon. (Eng.) Gumbo, and the incoming Governor of Nairobi County. How many minutes are those?

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Naomi, you only have five minutes. If you give away all your time how will you reply? You may only donate part of your time to two Members. I will give an opportunity to Hon. Alfred Keter and Hon. (Eng.) Gumbo.

Hon. Alfred Keter: Hon. Temporary Deputy Speaker, very reluctantly, I want to support this Motion. Yesterday, I could not believe that we passed a law that is unconstitutional. The law was on issues touching on elections. Most Members have said that it was wrong. We have to allow Members the freedom to associate with any party they want to associate with.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Gumbo, you have the Floor.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, let me start by saying that I do not agree with the blank clearance of the commissioners. The Committee neither had the time nor the expertise to do so. I also disagree with the provision for seven full time commissioners. I really do not see what seven full time commissioners would do. I also disagree with the notion that conducting elections electronically is a silver bullet for the integrity of the electoral process in Kenya. The integrity of any electoral system is as good as the integrity of the people running those systems. Electronic systems do not design themselves nor do they install and integrate themselves. Ultimately, only a fully integrated system will ensure the integrity of our elections.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Let us now have Hon. Shaban.

Hon. (Dr.) Shaban: Hon. Temporary Deputy Speaker, I take this opportunity to reply. First, I want to thank all the Members for their contributions. We have noted down the issues which have been raised. Since the Bills will be published and brought here, we should work together as a team for the betterment of our country.

The Commission's life usually comes to an end just before an election. When we come back after the elections, we might have to consider bringing some amendments to the Constitution because it talks about six years. We could also come up with the idea of staggering the life of the Commission, something which is not contemplated in the Constitution. I am praying and hoping that the selection panel will consider the issue of gender so that religious leaders can also nominate women who will also be involved in interviewing the commissioners. That way, it will be an all-inclusive panel.

Hon. Temporary Deputy Speaker, I beg to reply.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, pursuant to the resolution of the House of July 6, 2016 regarding the establishment of a Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission (IEBC), and paragraphs 7 and 8 of the Houses of Parliament (Joint Sittings) Rules, this House:

- (i) adopts the Report of the Committee laid on the Table of the House on Thursday, August 18, 2016;
- (ii) commits to the recommendations of the Committee regarding:

- a) allegations against Commissioners and the Secretariat of the Independent Electoral and Boundaries Commission, specifically on credibility, impartiality, integrity and independence;
 - b) legal mechanisms for the vacation from office of the current Commissioners and the Secretariat of the Independent Electoral and Boundaries Commission in accordance with the Constitution;
 - c) legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner; and
 - d) legal, policy and institutional reforms to improve the electoral system and processes so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner; and
- (iii) resolves to establish a mechanism by which it shall oversight the implementation of the recommendations in the Report and the electoral processes until the 2017 General Elections, subject to deletion of sub-paragraph (7) of paragraph 659 on page 215 of the Report.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, the time being 6.30 p.m. this House stands adjourned until Tuesday, 30th August, 2016, at 2.30 p.m.

The House rose at 6.30 p.m.