

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 28th March, 2013

Eleventh Parliament – First Session – First Day

*The National Assembly met at 9.00 a.m. at
Parliament Buildings on Thursday, 28th March, 2013,
it being the first day of the first meeting of this National Assembly.*

*[The proceedings were opened with a prayer read by the
Clerk of the National Assembly (Mr. Justin Bundi)]*

COMMUNICATION FROM THE CHAIR

WELCOME ADDRESS BY THE CLERK

The Clerk of the National Assembly (Mr. Bundi): Hon. Members, on behalf of the staff of the Kenya National Assembly and on my own behalf, I wish to congratulate all on your election as Members of this august House. I wish to welcome you to this first Sitting of the National Assembly of the Eleventh Parliament. I also wish to extend a special welcome to those Members who are joining the National Assembly for the first time.

Hon. Members, pursuant to Article 126(2) of the Constitution, His Excellency the President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces (KDF) notified that the first Sitting of the National Assembly shall be held in the National Assembly Chambers at the main Parliament Buildings, Nairobi today Thursday, 28th March, 2013 starting at 9.00 a.m. Hon. Members, I wish to read the notification from His Excellency the President.

“In exercise of the powers conferred by Article 126(2) of the Constitution of Kenya, I, Mwai Kibaki, President and Commander-in-Chief of the Kenya Defence Forces (KDF) appoint that the first Sitting of the National Assembly of the Eleventh Parliament shall be held at the main Parliament Buildings, Nairobi on Thursday, 28th March, 2013 at 9.00 a.m. It is dated 21st March 2013, Mwai Kibaki, President.”

Hon. Members, Standing Order No.3(1)(b) requires that the Clerk of the National Assembly shall lay a list of names of persons elected as Members to the National Assembly on the Table of the House. I order the Senior Deputy Clerk to table the said list on the Table of the House.

PAPER LAID

The following Paper was laid on the Table:-

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List of hon. Members of the House

The Clerk of the National Assembly (Mr. Bundi): Hon. Members, we are able to proceed to the next business--- I pause briefly for those at the Bar to come in.

(Several hon. Members walked into the Chamber)

That far, hon. Members, we are able to proceed with the next business, which is Administration of Oath.

Hon. Members, pursuant to Article 74 of the Constitution, no person shall assume or perform any functions of a State office before taking or subscribing to the oath or affirmation of office. That means that, unless you have been sworn in, you may not be able to elect the Speaker or Deputy Speaker. In order to comply with the provisions of the Constitution, the first business of a new House, therefore, is the swearing in of new Members.

Standing Order No.3(2) provides that the Clerk shall administer the oath or affirmation of office to Members of the House. For the convenience of the House, I wish to administer the oath beginning with persons with disabilities and then proceed as per the list distributed to hon. Members. I now wish the indulgence of the House to proceed to where persons with disabilities are seated and administer the oath of allegiance.

The Member for Garissa Township (Mr. Duale Aden): On a point of order, Mr. Clerk, Sir. I want to bring to the attention of this House that you consider the practice that has been adopted in a number of countries in terms of swearing of Members in batches. Noting that there are 349 Members in this House and, subsequently, they will again have to go through the rigorous exercise of electing Speaker and Deputy Speaker, I want to quote countries where this practice has been taking place. In Philippines, in the House of Representatives, Section 5 of its Standing Orders gives power to the Clerk to swear Members of Parliament and Senators in a batch of five Members at a time. In the Australian House of Representatives, the Clerk is given powers by that country's Standing Orders to swear in between ten and 12 hon. Members at a time. In the South African National Assembly, the same procedure of swearing in ten Members at a time is provided.

Having said that, I want to urge my colleagues and you, Mr. Clerk, to give us that leeway and allow the 349 Members to be sworn in, in either batches of five, ten or 12. Thank you.

The Member for Rarieda (Eng. Gumbo): On a point of order, Mr. Clerk, Sir. Mr. Clerk, while I appreciate the contribution by my good friend, hon. Duale, I was privileged, indeed, to be here when we conducted the same ceremony at the start of the Tenth Parliament. There was a lot of acrimony and we spent almost two hours arguing about the procedures before we went on. This is a very big day. People all over the country are watching to see their Members of Parliament and representatives taking the oath of office. This day is reserved specifically for two assignments only, namely, for us to take the oath of office and to elect the Speaker of the National Assembly. Personally, I am in no hurry and I want to beg the indulgence of all the Members of this august House. This is a big day. There will be only one like this in the whole of five years. I wish to

request my good friend, the Member for Garissa Township, please, let there be no hurry on a day like this. Let our constituents see their representatives take the oath of office. I beg to oppose.

The Member for Kisumu West (Mr. Olago): On a point of order, Mr. Clerk. You must appreciate one fact; in this House this morning nobody has the right to address you. Everything that is supposed to be done is within the Standing Orders. Before we are sworn in, it will be your sole and absolute discretion to decide what is best for this House and for the country. So, decide this matter upon your own discretion, Mr. Clerk.

The Clerk of the National Assembly (Mr. Bundi): I want to hear two more Members and then I make a decision.

The Member for Kigumo (Mr. J.K Irungu): Thank you, Mr. Clerk. As much as I want to go the hon. Olago's way, I want to bring to the attention of the Members that this House has 349 Members. If a Member takes an average of five minutes to be sworn in, that will translate to about 29 hours of swearing in and the Clerk cannot do all the 29 hours alone. That will be even before we start the process of electing the Speaker. I would rather go the Olago way and let the Clerk make the decision and then we can proceed from there.

The Member for Budalangi (Mr. Namwamba): Mr. Clerk, just for the record, whereas the position of hon. Olago is valid on the face of it, besides the letter and spirit of the Standing Orders, we also know that this House is guided by customs, traditions and usages. We, of course, know that we have had occasions when what we are doing right now, attempting to establish what should be done, has been done previously. So, we have established a custom. But having said that, it is indeed, true that this is the bible for this august House and we must be guided strictly by the letter and spirit of these Standing Orders besides those customs, traditions and usages that may come in hand. I was listening very keenly to hon. Aden Duale, with due respect to my good brother, and whereas I appreciate the concern of time, that cannot take precedence over the letter and spirit of the Standing Orders.

I heard a mention and reference to the Standing Orders of the National Assembly of the Philippines, but this House is not guided by the Standing Orders of any other assembly, either in the Commonwealth or anywhere else on the face of the earth. The Standing Order No.3 is very clear, unambiguous and specific. It states that:-

“(3)(2) The Clerk shall administer the Oath or Affirmation of Office to Members in alphabetical order using the following order of precedence---”

It goes on to specify how that shall be done. One may attempt to seek refuge in Standing Order No.1, which provides that:-

“(1) In all cases where matters are not expressly provided for by these Standing Orders or by other orders of the House, any procedural question shall be decided by the Speaker”.

Again, whereas that is a Standing Order that we could seek refuge under in this circumstance because this matter is not expressly provided for by these Standing Orders, question would arise whether at the moment the Chair is properly constituted by what is contemplated by the Standing Order No.1 as the Speaker of this House. I want to plead and again going back to the point made by the Member for Rarieda, that this is historic moment for these Members, especially Members who are sitting in this Chamber for the

first time. I believe that even if it takes us 36 hours, we should proceed and afford them the opportunity to feel the pleasure of taking a personal oath.

The Member for Gem (Mr. Midiwo): Mr. Clerk, while I agree with my colleagues, hon. Olago, Eng. Gumbo and hon. Namwamba, it seems that all of us have the same concern. I found nothing in Standing Order No.3 that would stop you from following it and modifying it a little bit for the sake of good order. Assuming it takes two minutes to swear in each Member of this Assembly, it will take us 12 hours to do it. So, if you could follow the alphabetical order and take us in batches of five, you will assume the same thing even if you followed the Standing Order that says order of seniority. I am talking for those people who have not been here three times like I or five times like others. For instance, I will be sworn in within the next 30 minutes, but think of your neighbour in a way that we can do this. We still have the election of the Speaker and the Deputy Speaker at the end of it all. So, something in between would be good. If you took five or ten Members, but use the order stipulated in the Standing Orders, you will divide that length of time in half or quarter and we will achieve a lot. Nothing stops us from doing that.

The Clerk of the National Assembly (Mr. Bundi): Hon. Members, the Standing Order No.3 guides us as to how to administer the oath. In 3(2)(a), it states:-

“(a) Members with the longest cumulative period of service in the Assembly;

(b) Members with the longest cumulative period of service in the National Assembly and the Senate;

(c) longest cumulative period of service in the Senate;

(d) all other Members.

As your secretariat, we are ready to go according to the Standing Orders, but if there is consensus, for the convenience of the House, we can go the way proposed by hon. Midiwo. If we follow the procedure as set out in Standing Order No. 3(2), we could try to hasten the process, for the convenience of the House, by handling groups of five Members at the same time. That in effect will not be breaking the regulations or the procedure, but it will be able to hasten the process. This is your House, we will guide you accordingly. If that is agreed, then we can proceed.

(Several hon. Members stood up in their places)

Hon. Members: Proceed!

The Clerk of the National Assembly (Mr. Bundi): We do not want to keep dwelling on this one; otherwise we shall proceed as per the Standing Orders. Since there is no consensus then we will follow the Standing Orders.

Hon. Members: There is consensus!

Hon. Members: On a point of order, Mr. Clerk. This is a constitutional matter!

The Clerk of the National Assembly (Mr. Bundi): Hon. Members, we have already taken 30 minutes on this debate! By now we would have done 15 or even 20 Members.

Hon. Member: Yes! Proceed!

The Clerk of the National Assembly (Mr. Bundi): Hon. Members, I rule that we proceed to swear hon. Members as per the list circulated.

(Applause)

You will appear as called!

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Members:-

Abdi Yusuf Hassan
Wetangula Timothy Wanyonyi
Odinga Oburu
Angwenyi Jimmy Nuru Ondieki
Anyango Dalmas Otieno
Mwendwa Winfred Nyiva Kitili
Rai Samuel Ngozi
Abdalla Amina
Chumel Samuel Moroto
Abongotum Kamama Asman
Chanzu Yusuf Kifuma
Kamanda William Maina
Keynan Wehliye Adan
Konchella Gideon Sitelu
Katoo ole Metito Judah
Nkaissery Joseph Kasaine
Lekuton Joseph
Isaack Shaaban Ali
Manga Shadrack Roger Mwita
Mbai Benson Itwiku
Mbarire Cecily Mutitu
Midiwo Washington Jakoyo
Shaban Naomi Namsi
Were David Aoko
Wamunyinyi Athanas Wafula
Rotino Philip Lotiolo Ruto
Ababu Namwamba
Ahmed Shakeel Shabbir A.
Aluoch John Olago
Anyanga Peter Edick Omondi
Baiya Njoroge
Cheboi Moses Kipkemboi
Cheptumo William Kipkiror
Omagwa Joel Onyancha
Opore John Zebedeo

Cheruiyot Zakayo Kipkemoi
Duale Aden Bare
Elmi Mohamed Ibrahim
Gaichuhie Nelson Ributhi
Ganya Francis Chachu
Gitari Joseph Gachoki
Gitau Peter Njuguna
Gumbo Nicolas
Kabando wa Kabando
Kamau Jamleck Irungu
Kiptanui Jackson Kiplagat
Kibunguchy Enock Wamalwa
Koech Sammy Cheruiyot
Kombe Harrison Garama
Langat Benjamin Kipkirui
Lagat Elijah Kiptarbei
Leshoomo Maison
Linturi Franklin Mithika
Nyenze Francis Mwanzia
Laboso Joyce Cherono Abonyo
Lessonet Moses K
Letimalo Raphael Lakalei
Manoti Stephen Kengere
Magwanga Joseph Oyugi
Mohamed Abdi Haji
Mahamud Mohamed Maalim
Mathenge Esther Murugi
Mbiuki Japhet Miriti Kareke
Shakila Abdalla Mohamed
Munyaka Victor Kioko
Musyimi Mutava
Mungaro Maitha Gideon
Shidiye Mohamed Muktar
Mwadeghu Thomas Ludindi
Mwahima Mwalimu Masudi
Mwaita Sammy Silas Komen
Mwangi Kamande Peter
Mwiru Alex Muthengi Mburi
Ngahu Tiras Nyingi
Ng'ang'a Joseph Kiuna Kariambeu
Ng'ongo Mbadi John
Nyamai Charles Mutisya
Nyamweya Manson Oyongo
Odhiambo Millie Grace Akoth
Ogari Simon Nyaundi

Ottichilo Wilber Khasilwa
Ondicho James Gesami
Sakuda Moses Somoine ole
Shebesh Rachael Wambui
Rege James Gordon Kwanya
Outa Fredrick Otieno
Sambili Hellen Jepkemoi
Oyugi Aghostinho Neto
Shill Elias Bare
Sambu Bernard Alfred Wekesa
Serut John Bomett
Simiyu David Eseli
Wambugu Clement Muchiri
Wario Ali
Washiali Benjamin Jomo
Abass Ahmed Ibrahim
Abdi Mohamed Ali
Aden Abdikadir Omar
Ahmed Abdikadir Ore
Aburi Lawrence Mpuru
Akujah Protus Ewesit
Ali Fatuma Ibrahim
Nyongesa Otuoma Paul
Ali Shariff Athman
Ali Tiyah Galgalo
Ndirangu Isaac Waihenya
Amolo Rachel Ameso
Anami Lisamula Silverse
Andayi Benjamin A.
Banticha Abdullahi Jaldesa
Aramat Lemanken
Arama Samuel
Anyanga Andrew Toboso
Bady Bady Twalib
Ayub Savula Angatia
Barchilei Edwin Kipruto
Barua Ejidius Njogu
Bedzimba Rashid Juma
Bett Bernard Kipkirui
Bett, James Kimaru
Bichage, Chris Munga Nyamaratandi
Bii, Paul Kipchirchir
Maweu, Kyengo Katatha
Bitok, Kirwa Stephen
Bollo, Hezron Awiti

Bowen, David Kangongo
Busienei, Elisha Kipkorir
Bunyasi, Sakwa John
Bosire, Timothy Moseti E
Chae, Alice Nyanchoka
Chea Mwinga Gunga
Nooru Adan Mohamed
Changorok Regina Nyeris
Chebet Susan Kipketer
Chege John Kiragu
Chege Sabina Wanjiru
Chidzuga Zainab Kalekye
Dawood Abdul Rahim
Chepkong'a Samuel Kiprono
Chepkwony Hellen Chelangat
Dukicha Hassan Abdi
Duba Roba Sharu
Duri Halima Ware
Duale Mohamed Dahir
Ekomwa James Lomenen
Emanikor Joyce Akai
Gakuya James Mwangi
Farah Abdulaziz Ali
Geni Charles Mongare
Fathia Mahbub
Gathogo Esther Nyambura
Gethenji James Ndungu
Gichigi Samuel Kamunye
Ghati Dennitah
Gikaria David
Gathecha Annah Nyokabi
Huka Mohamed Adan
Gure Shukra Hussein
Irea Gideon Mwiti
Injendi Moses Malulu
Charles Gumini Gimose
Ichung'wah Anthony Kimani
Iringo Cyprian Kubai
Ibren Nasra Ibrahim
Kahangara Joseph Mburu
Chege John Njoroge
Juma Sulekha Hassan
Kingara Benson Mutura
Kang'ata Irungu
Kajwang' Francis Tom Joseph

Kajuju Florence
Kaluma George Peter Opondo
Kanyua Priscilla Nyokabi
Kasuti Suleiman Murunga
Karani Stephen Wachira
Kariuki John Ndirangu
Karithi David
Katana Aisha Jumwa
Kanini Kega James Mathenge
Kemei Justice Kipsang
Kariuki Julius Ndegwa
Kedogo Dorcas Luvalitsa
Kenta Richard Moitalel Ole
Keraa Mary Sally
Kering Zipporah Jesang Kurgat
Khamisi Mishi Juma
Keter Alfred Kiptoo
Kilonzo Francis Mwangangi
Kiaraho David Njuguna
Kihagi John Karanja
Kimaru Anthony Mutahi
King'ola Patrick Makau
Keter Eric Arap
Kipchoim Grace Jelagat
Kiptui Grace Jemutaiaa
Kisang William Kipkemoi
Kipyegon Johana Ngeno

The Clerk of the National Assembly (Mr. Bundi): Hon. Members, I wish to make a small communication. The National Assembly is serving tea as we do the swearing in. So, Members who are able to go for tea are welcome at the main dining. We are also serving lunch. So, those who are through with the swearing in may have lunch and come back to wait for the election of the Speaker.

We will continue calling names.

Kinoti Boniface Gatobu
Kinyua Peter Weru
Koinange Paul
Kisoi Michael Manthi
Kobado John Owuor Onyango
Kitungi Bernard Munywoki
Korere Sara Paulata
Korir Wesley Kipchumba
Kosgey Alexander Kimutai Kigen Kosgey
Dido Ali Rasso
Onyonka Richard Momoima
Koyi John Waluke

Lati Jonathan Lelelit
Lempurkel Mathew Lekidime
Lay Joyce Wanjalah
Lemein Korei Ole
Lentoimaga Alois Musa
Lomunokol Mark
Limo Kirui Joseph
Lomwa Joseph Samal
Makenga Richard Katemi
Losiakou David Pkosing
Maanzo Daniel Kitonga
Machira Jane Agnes Wanjira
Macharia Jacob Waweru
Manje Joseph Wathigo
Masadia Alfred Agoi
Mati Munuve G. J.
Wanjohi George Mike
Mburu Stephen Kinyanjui
Mbalu Jessica Nduku Kiko
Mbui Robert
Mbugua Mary Njoki G
Melly Julius Kibiwott
Mohamed Abass Sheikh
Mitaru Rose Rwamba
Moindi Mosomi Elijah
Momanyi Ben George Orori
Mlolwa Jones Mwagogo
Mohamed Diriye Abdullahi
Moi Kipruto
Mirenga Ken Obura
Muchai George Mukuru
Muhia Wanjiku
Mulu Benson Makali
Muluvi Marcus Mutua
Mumo Rose Museo
Munene Mary Wambui
Mule Stephen Mutinda
Murgor James Kipkosgei
Mukwe James Luswet
Muia Regina Nthambi
Murungi Kathuri
Musimba Patrick Mweu
Mutua Florence Mwikali
Mustafa Salim Idd
Musau Vincent Musyoka

Musyoka Susan Mbinya
Bishop Mutua Robert
M'uthari Joseph M'eruaki
Muzee Daniel Kazungu
Mwadime Andrew
Mutambu Joe Musyimi
Mwamkale William Kamoti
Mwanyoha Hassan Mohamed
Mwashetani Khatib Abdallah
Naicca Johnson Many
Mwaura Isaack
Nakara John Lodepe
Nakuleu Christopher Doye
Nassir Abdullswamad Sheriff
Nanok Daniel Epuyo
Nderitu Francis Waweru
Ndiege Joseph Obiero
Ngare Stephen Muriuki
Ndiritu Samuel Mathenge
Ngikor Nixon Nicholas
Ng'ang'a Alice Wambui
Ngeny Eusilah Jepkosgei
Ngetich Cecilia Chelangat
Ngunjiri Onesmus Kimani
Njagagua Charles Muriuki
Njenga Francis Kigo
Njomo Jude L. Kangethe
Njuguna Humphrey Kimani
Njuguna Winnie Karimi
Ntutu Patrick Keturere
Njuki Onesmus Muthomi
Nuh Junet Sheikh Mohamed
Nyaga Beatrice Nkatha
Nyaga John Muchiri
Nyasuna Gladys Atieno
Nyikal James Wambura
Nyumu Joseph Ngugi
Nyamai Rachael Kaki
Ochieng David Ouma
Odanga Geoffrey Makokha
Odera Arthur Papa
Ogalo George Oner
Ogendo Rose Auma
Osman Hassan Aden
Ogolla Gideon Ochanda

Ombaka Christine Oduor
Omondi George Washinton Mallan
Olum Joash Odhiambo
Omondi John Ogutu
Okoth Kenneth Odhiambo
Omulele Christopher
Onyango Silvanse Osele
Opiyo Jared Odhiambo
Otsiula Boniface Okhiya
Otuch Mary Emaase
Otaalo Raphael Milikau
Pukose Robert
Onyura Michael Aringo
Ramadhani Suleiman Dori
Owuor Joshua Aduma
Oyoo James Onyango
Sane Ibrahim Ahmed
Robi Mathias Nyamabe
Sakaja Johnson A.
Rop Jackson Kipkorir
Sang Leonard Kipkosgei
Seneta Mary Yiane
Serem Cornelly
Shehe Peter Safari
Sanjeev Kour Birdi
Sudi Oscar Kipchumba
Shinali Bernard Masaka
Shimbwa Omar Mwinyi
Simba Paul Arati
Sumra Irshadali Mohamed
Sitati Daniel Wanyama
Teiya Janet Marania
Theuri George
Tiren Silas Kipkoech
Tonui Ronald Kiprotich
Tobiko Peris Pesi
Tuya Roselinda Soipan
Wahome, Alice Muthoni
Waiganjo, John Muriithi
Waititu Francis Munyua
Wakhungu Chrisantus Wamalwa
Saney Ibrahim Abdi
Wandayi James Opiyo
Wangamati Patrick
Wangwe Emmanuel

Wanyama Janet Nangabo
Wanyonyi Ferdinard Kevin
Wanyonyi, Reginalda Nakhumicha
Waweru Dennis Kariuki
Wekesa David Wafula

The Clerk of the National Assembly (Mr. Bundi): Hon. Members, we have gone through the list up to the end. Just in case we have missed any Member, we would like to know. Otherwise, we shall consider to have sworn in every Member who was present. Are there any Members who have not been sworn in and they are here? If there are no Members who have not been sworn in that means we have now concluded the swearing in ceremony.

I would like to suspend this session up to 2.30 p.m. so that we shall commence the election of the Speaker and thereafter the election of the Deputy Speaker.

ADJOURNMENT

Hon. Members, this House stands suspended until 2.30 p.m.

The House rose at 1.48 p.m.