

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 6th August 2015

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Hon. Members, it is clear that we do not have quorum. I direct that the Quorum Bell be rung.

(The Quorum Bell was rung)

Hon. Members, we can commence business

PETITION

COMPENSATION FOR VILLAGE MANAGERS

Hon. Deputy Speaker: Order, hon. Members! Can you settle down? I have a petition to read. Those Members upstanding, when you are in the House you should either be seated or leaving the Chamber.

Hon. Members, I want to convey a petition on compensation of village managers. Hon. Members, Standing Order 225(2)(b) requires that the Speaker reports to the House any petition other than those presented through a Member. I, therefore, wish to report to the House that my office has received a petition signed by one Mr. Titus Nyamai on behalf of Kiseku Ward managers in Makueni County.

Hon. Members, the petitioners have underlined the crucial duties performed by village managers which, *inter alia*, include maintenance of cohesion in their communities, mobilising residents for public functions and development, solving disputes and handling security-related issues within their areas. The petitioners are therefore praying that the National Assembly, through the Departmental Committee on Administration and National Security, establishes mechanisms through which the national Government can recognise, facilitate and compensate village managers as a token of appreciation for the services rendered to the nation.

Hon. Members, pursuant to the provisions of Standing Order No. 227 (1), the petition now stands committed to the Departmental Committee on Administration and National Security for consideration.

Thank you. Is it Hon. Makali Mulu who wants to make a comment on that petition?

Hon. Mulu: Thank you, hon. Deputy Speaker. This is a very important petition. I am actually very impressed they are using the words “village managers”. Normally, we call them “village elders”. Most Members of Parliament have actually been petitioned by these village managers to see whether the Government can consider some compensation for them. As we are all aware, they do very good work. They actually assist chiefs and the assistant chiefs in the maintenance of security in our villages. That committee should take this matter very seriously and, as much as possible, dispense with it as fast as possible, so that these village managers can really benefit from this Government.

Thank you, hon. Deputy Speaker for giving me the chance.

Hon. Deputy Speaker: Are all these other interventions on the same?

Hon. Members: Yes.

Hon. Deputy Speaker: Hon. Justice Kemei.

Hon. Kemei: Thank you, hon. Deputy Speaker. Back home, we call them “village elders” but the term “managers” will be better in terms of the responsibilities undertaken by these great men and women of Kenya. Most of the land, social and political cases are handled by these village managers; they perform a crucial task in terms of the affairs of this nation. If they were compensated, this would be one cadre of public servants – much as they are not designated as public servants – who would render a crucial service to this country. I join my colleagues to say that if that is done expeditiously, we will be happy.

Thank you.

Hon. Deputy Speaker: Hon. Abdikadir Omar.

Hon. Aden: Thank you, hon. Deputy Speaker. Village elders play a very important role in the spirit of devolution and decentralisation of decision making and solving issues. In fact, these village elders do some work that even our courts would have otherwise been forced to do. It is called alternative dispute resolution mechanism. I cannot remember any day when we do not refer matters to these village elders. If there are issues involving farmers or pastoralists, the people who are at all times actively involved in resolving those disputes are these village elders. They are very important in our society. You will see them spending many days under trees without offices and any penny. Compensation for them is such an important thing. I join my colleagues in saying that this petition is timely and good. The committee should work on it very quickly, so that we can provide this very important remuneration to the village elders.

I thank you.

Hon. Deputy Speaker: Hon. Cyprian Iringo.

Hon. Kubai Iringo: Thank you, hon. Deputy Speaker. Let me add my voice to this petition which, I believe, is timely. I really support the petitioner. It should be looked into with all the seriousness it deserves.

These village elders in some areas, which in my place we call “sub-areas”, do a crucial job, especially in the management of our villages and also in dispute resolution. They did a very good job when we were fighting illicit liquor. The crackdown is going on now. These are the people who identified liquor dens and they assist Administration Police Officers (APs). Usually, chiefs and assistant chiefs do very little to apprehend criminals, or solve disputes without making use of these village elders.

Therefore, I strongly support. These elders should be considered as they play a crucial role in the management of our social life.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Francis Waititu.

Thank you, Hon. Deputy Speaker.

I also join my colleagues in supporting these village elders. Recently, when we were fighting illicit brews, I understood their job. They were the people who led us to the places where illicit brew was hidden. We have very many land cases, especially in Central Province where people are giving themselves fake titles. These are the people who sit down with chiefs and assistants chiefs and come up with lists of names of those coming to steal land in Central Province. Today village elders are meeting with the DC in my constituency. The meeting is about the list of names of people known to the village elders for hiding illicit brews.

I support them because I know of a case in Kalimoni Location in my constituency, where one village elder goes out of his way to use his own motor vehicle. I also fuel his car with my own money. If they are considered for payment by the Government, they will help us at the grassroots.

Thank you, Hon. Deputy Speaker for giving me the chance.

Hon. Washiali: Thank you, Hon. Deputy Speaker.

I want to join my colleagues in thanking the petitioner for bringing this worthy petition. This Government has the *Nyumba Kumi* programme. The managers of *Nyumba Kumi* initiative are these village elders. I was just wondering how a Government can bring a programme that it is not ready to pay for. I think when the committee is looking at the petition, it should look at ways and means of paying the current village elders some kind of salary, so that they can work hard for the *Nyumba Kumi* initiative.

Hon. Wandayi: Hon. Deputy Speaker, I also wish to add my voice to this very important issue. Unlike my colleagues, I want to take a different path. I do not think we need to lament about the plight of these very important people. As a House, we have the powers to allocate money specifically targeted at the village elders. We can decide here and now that beginning this financial year we will allocate enough money to these people, so that we enable them do the work they have been doing all along.

It is a fact that in this era of devolution we must empower properly people at the grassroots level. There is no better authority in the grassroots than the village elders. So, I support the petition in full, but I want us to go beyond just supporting it. We need to take definite steps to allocate enough resources to support these village elders.

Hon. Chanzu: Thank you, Hon. Deputy Speaker. Village elders play a very big role. In fact, they have been there for a long time. But now with the changes that have taken place, you will find that chiefs and their assistants seem to have neglected their roles. In my place you will find them wanting to move out for bigger things. Therefore, the people who are left to work and are closer to the people are the village elders.

In the referendum we had in 2010 just before the last elections, they were the ones I used in my constituency to access people easily. Due to that, we were able to achieve success. However their job is an open one, because they work in the open. We do not have them in houses. It is important we use them and pay them to avoid corruption, because Kenya has become a country where people value money a lot. We should, therefore, reward them.

I agree with what Hon. Wandayi is saying. We must have consensus from the Members of Parliament, that is *baraza la wazee wa Bunge*, in order to go through this kind of discussion. When this comes to the House, we obviously will have a way of dealing with it.

Thank you, Hon. Deputy Speaker. I support.

Hon. Manoti: Thank you, Hon. Deputy Speaker for giving me an opportunity to air my view on this very important petition.

These are very important community members who do work without pay. They solve matters that cannot be solved by courts. When couples fight, the elders are able to sort out issues. It is high time we considered paying the village elders. We have to look for a way, as a House, to pay these people because of the good work they are doing.

Hon. Deputy Speaker: Hon. Members, let me give you the last chance. Hon. Members, you can see all of us are in support. I was just consulting because I remember in the last Parliament, hon. Eugene Wamalwa brought a Motion on this same matter. As we commit it to the committee, take cognizance of the fact that there was a Bill on the same that was never passed. Also, look at it with respect to the devolved system. I think we are getting people employed right up to the village level. Is there a way in which governments can come to some agreement on what we should do with the elders? That notwithstanding, we can hear a word from Hon. Patrick Ntutu.

Hon. ole Ntutu: Thank you, Hon. Deputy Speaker for giving me this opportunity. I also would like to support the petitioners. I totally agree with the Hon. Members of Parliament who have spoken about this issue. We need to go a step further and ensure that this House allocates money for the *wazee wa vijiji*. In fact, they are working very hard, and have been doing a very good job, particularly for people who are in the pastoralist communities. I must say that without the *wazee wa vijiji*, nothing would be done on the ground. In fact, nowadays chiefs do not do most of the work because of these *wazees*. I totally agree that we need to go a step further and make this petition work. The problem with us is that we talk in this House about petitioners and we do not follow them up. I want to ask my colleagues that this time round, particularly with the 2016/2017 Budget, we need to set up a fund for the village elders.

Thank you, Hon. Deputy Speaker.

Hon. Njuki: Thank you, Hon. Deputy Speaker for the opportunity to air my views on this issue of the village elders, who were popularly known as “Sub Areas” and now are called “Village Managers”. For any national Government and administration, that is the route to take. Today, if you wanted to know how many kids were born last night, you can have that data on your fingertips by just initiating your move right from the Presidents’ Office to the village. The village elders know everything that goes on in the village.

Those people are poor not because they do not have a source of income, but because they also do other jobs that we Members of Parliament and chiefs do not do. The responsibility they have usually comes with monetary demands. For instance, if they found a lady delivering by the roadside, they would be bound to give something due to their circumstances. Therefore, financial empowerment for the village elders will be critical in helping the Government to function better.

We can find a way in which these men and women who have intimate connection with the village can also be incorporated into benefiting from the money that is wasted at the county level, where we have ward administrators. They need to be remunerated, so that the load at the county level gets lighter.

Hon. Memusi: Thank you, Hon. Deputy Speaker for giving me this opportunity to add my voice to this very important petition. Due to the important role that these village elders play, and since as Members of Parliament we are treated as individuals in our constituencies, it is important that we all contribute to this petition if time allows us.

These village elders play a very important role as all my colleagues have acknowledged. It would be unfair for us not to support them by, at least, remunerating them. Leadership is a calling and the least that we can do, as Members of this House and leaders, is to compensate them. We know we cannot really fully compensate them for the time they give to the community.

Hon. Deputy Speaker, recently I accompanied my colleague, Hon. Patrick Ntutu, who acknowledged the very important role that these people play and he held a fundraiser for these village elders. These people use their own resources and sometimes as leaders we are forced to also get into our pockets to pay them because of the important role that they play.

I support this petition and urge the committee in charge to expedite and take action for the national Government to take these people seriously. I do not think there is anybody in this country who is working for free. For the *Nyumba Kumi* initiative to succeed, these people have to be compensated. For security to be taken care of in this country, they have to be compensated. I support.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Seeing the interest of Members, I will give you a few more minutes. That is also in line with our Standing Order No.226, which gives us up to a maximum of 30 minutes to make comments and observations on a petition. Let me give the fairer gender, Hon. Joyce Akai.

Hon. (Ms.) Emanikor: Thank you, Hon. Deputy Speaker. I stand to support this petition. Village elders are very important people; they support chiefs and by this House supporting this petition we shall be promoting what the President did by increasing the executive powers of the national structures at the county level for county commissioners, the former District Commissioners, District Officers, chiefs and even these elders.

Hon. Deputy Speaker, these elders are critical in curbing crime at the village level, because they know every person and the youth in the village. They can be used even to tackle the security challenges that this country is facing. We really need to go forward and see how we can even remunerate them.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. David Pkosing.

Hon. Losiakou: Thank you, Hon. Deputy Speaker, for giving me this opportunity. In trying to balance the country in terms of different interests, personal interests, farmers--- For us from the pastoralists' communities, and particularly from warring communities like where I come from, the Pokot and Turkana, the people who help us a lot are the village managers.

At home we know them as *Mukasas*, these are the people at the lowest level of administration. In fact, where we come from they are the ones who are used to communicate because sometimes there is no telephone network. They are the ones who know how to follow the footprints of a cow when it gets lost and also footprints of a thief. Sometimes the Pokot and Turkana wear their shoes with the front facing backwards so that you do not trace them when they steal your cows. It is these *wazees* or these people, who know whether this guy has just changed the shoe to face backwards to show that he was going to a certain direction, yet he was going the opposite direction. These are the people who have helped our society to be at peace from time immemorial up to now.

Secondly, there is now a competition to bridge the gap between the national Government and the county governments. County governments are doing a lot of recruiting of administrators. We are advising the committee to look at it this way, that this is a point where the national

Government can strengthen itself and its presence at the grassroots level through these people. My proposal going forward is that for this petition to have meaning, the committee should look at it, and, maybe, introduce an amendment to the National Government Co-ordination Act, so that we can anchor these people properly. This is because a petition only cannot really make much of a difference and will actually take most of our time. I am looking at the petition as an introduction of a Bill to amend the National Government Co-ordination Act to anchor *Mukasas* properly.

Finally, I also want to remind the committee there is something we passed here which is related to what we are discussing now through this petition. We passed an amendment on the people who were previously called Kenya Police Reservists (KPR); now the term has been changed to become “National Police Reservists (NPR)”. These are the people who work together with *Mukasas*, or these village managers; they are the implementers of the decisions of the village managers. We passed a law here as an amendment and nothing has happened in terms of remunerating these people. The committee should take this opportunity to look at that agency called NPR.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: I hope the Committee on Administration and National Security is listening to all the good suggestions being made, so that they can make recommendations.

Hon. Andrew Mwadime.

Hon. Mwadime: Shukrani, Mhe. Naibu Spika. Nasimama kuunga mkono hili swala. Kwa kweli hawa wazee wa vijiji ni watu muhimu sana, manaake kawaida viongozi huwatumia hawa watu na baadaye wanawasahau. Ni vyema wanguwangaalia kimfuko manaake wao kwa upande wa usalama ndio nguzo. Kila mtu anayeingia katika kijiji ndio wanaomfahamu. Ukiangalia maswala mengine kama kesi ndogo ndogo, wao ndio hutumika. Ni vyema tuwangaalie vizuri hawa wazee wa vijiji. Naunga mkono kwa dhati kabisa maswala ambayo wenzangu wamezungumzia.

Asante Sana, Mhe. Naibu Spika.

Hon. Deputy Speaker: Hon. Leshoomo, using Hon. Esther Murungi’s card.

Hon. (Ms.) Leshoomo: Asante sana, Mhe. Naibu Spika kwa kunipa hii nafasi nichangie hili swala la wazee wa kijiji. Nafikiria kile kitu tumeona kule vijijini ni kuwa hawa wazee wanaumia sana, na tungeomba wangaliwe zaidi. Kulingana na vile wenzangu wamezungumza, hao wazee wanafanya kazi kupita hata wale walioajiriwa. Ni wazee ambao masilahi yao hayaangaliwi, haswa sehemu za Samburu.

Vile mwenzangu kutoka Pokot amesema, ng’ombe wakiibwa na akina mama au watoto wakipigwa, hawa wazee huwa na korti yao. Hiyo korti huamua kesi. Unaweza kukuta hawa wazee wanaulizwa wafuate nyayo za ng’ombe kilometa 30 ama 40, bila gari ama chakula. Hawana chochote na ndio watapeleka ripoti kwa kamishna, naibu wa kamishna na polisi. Kwa hivyo, unaona ni wazee wanaohitaji kuangaliwa kwa njia zote; inafaa wapewe pesa kidogo ama magari.

Kile ningeomba, kamishna na naibu wa kamishna wawe pia na magari ya kuwapa hawa wazee wayatumie kwa sababu wanaumia na wanatakikana kupeleka ripoti zote. Unajua pia hata chifu na naibu wa chifu hawana baisikeli, gari au pikipiki; pia hao wanawatumia hawa wazee. Kwa hivyo mimi ningeomba sheria itumiwe vizuri ndio hawa wazee wetu wapate kutumikiwa kwa njia inayotakikana.

Asante, Mhe. Naibu Spika; pia mimi naunga mkono zaidi hili ombi litimizwe, na pia kamati ifuate ukweli na sheria ili wazee hawa wapate njia ya kusaidika.

Asante Mhe. Naibu Spika kwa kunipatia nafasi hii.

Hon. Deputy Speaker: Hon. Wanyonyi.

Hon. F.K. Wanyonyi: Hon. Deputy Speaker, I want to add my voice to this petition. First of all, I had a meeting with chiefs, assistant chiefs and chairmen of elders in my constituency. I was condemned for not having followed up Hon. Eugene Wamalwa's Motion in the last Parliament. Therefore, I stand to support this.

Secondly, this is a very organised group. They have their chairmen who report to the assistant chiefs. Any time they have a meeting and a Member of Parliament is involved, you have to give them some little money. It is important that we start remunerating them to be able to keep them. These are the wise men in the village. The chief and the assistant chief cannot make a decision without these people. Normally they give their advice to the assistant chief, chiefs and even the Assistant County Commissioner of the area. Therefore, it is important that we do something about it.

As a member of the Committee on Implementation in the National Assembly, I want to assure the House that we are going to fast track the Motion that was brought here by Hon. Eugene Wamalwa and see how far the previous Parliament discussed it.

I want to make one correction here. There is a difference between the chairmen of *Nyumba Kumi* initiative and the elders. There is a very big difference. *Nyumba Kumi* initiative came in recently because of security, but these elders, who are under their chairmen are very different. In my case, we have the two parallel groups and the one we are talking about is the elders not the chairmen of the *Nyumba Kumi* initiative. This must be made very clear. The chairmen of the *Nyumba Kumi* initiative deal with security and the chairmen of the elders deal with matters regarding traditions of an area.

Hon. Deputy Speaker, I support that the Committee should move fast; meanwhile, as a member of the Committee on Implementation, I will fast track the Motion that was brought by Hon. Eugene Wamalwa.

I support.

Hon. Deputy Speaker: Thank you Members. We have now exhausted our 30 minutes, Hon. Members.

(Loud consultations)

Members, we are a House of order. So, our 30 minutes are over. I can assure you that you have all positively supported our elders. Order, Members!

We are also telling the committee to use this petition to seriously address the issue of elders. Let us move to the next Order.

Hon. Bowen: Hon. Deputy Speaker, as you are concluding this petition, we heard the Member for Lugari saying that the Chair is biased. Was he in order to say that the Chair is biased and shout to Members that the Chair is biased? Can he substantiate?

Hon. Deputy Speaker: Hon. Bowen, personally I did not hear that. Can the Hon. Member confirm that he has cast aspersions on the Chair? Is the Hon. Member in the House?

Hon. Angatia: Hon. Deputy Speaker, I am a son of a retired village elder. I have not said that. Can he provide evidence to that effect?

Thank you.

(Loud consultations)

Hon. Deputy Speaker: Order, Members! Hon. Member, remember that all of us have an equal chance of speaking in this House. It is upon the Speaker to try and balance. You can be 20 of the same coalition, gender or region. It is upon the Speaker to try and see how to balance, so that we can have a balanced view from the Opposition, different gender and regions. That is what I said. We had only 30 minutes to make comments. So, Hon. Members, I believe that is exactly what we have tried to do this morning, to share out the 30 minutes as much as possible, taking into consideration all those other matters that I have just mentioned.

Hon. Savula.

Hon. Angatia: Hon. Deputy Speaker, I am seated next to the leadership of this House. The Chief Whip is here and he has confirmed that I have not uttered such words. I beg you to use your privilege to give me an opportunity to contribute for a minute because this is an important petition.

Hon. Deputy Speaker: Hon. Savula, we have moved on from that petition.

Hon. Angatia: I was just begging because I have been accused unfairly, Hon. Deputy Speaker.

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

Hon. Deputy Speaker: Hon. Chepkong'a is on a point of order. Take your seat.

Hon. Chepkong'a: Thank you, Hon. Deputy Speaker. I rise pursuant to Standing Order No. 83, as read together with Standing Order No. 107. While I was walking down the aisle, Hon. Savula was shouting that the Speaker is biased. Everybody heard. We are just asking him to be an honourable Member. This is not a market place. This is a place of honour. You cannot be dishonourable when you are called an honourable Member of Parliament. The most important thing that you can do is to apologise and say: "I am sorry." He is not going to die for saying: "I am sorry." He is going to be disreputable for shouting that the Speaker is biased. We are so many of us. I have also not had an opportunity to speak, but must I speak so that the process in Parliament can be said to be fair? This is completely unacceptable. We must not accept the unbecoming conduct of this Member. If he insists that he did not say that, I want to be given an opportunity to name him.

Hon. Deputy Speaker: Hon. Savula, I said that I did not hear that but the Members have confirmed it. You have seen that the rest have confirmed it. Can you do the honourable thing and apologise, so that we can move on with the business?

(Loud consultations)

Order, Members! I am giving an opportunity to Hon. Savula to apologise and then we move on with our business.

Hon. Angatia: Hon. Deputy Speaker, since I am seated in the neighbourhood of the leadership of the House, the Chief Whip is here, I demand that my neighbours be given an opportunity to testify in this matter because I am being crucified unfairly.

(Loud consultations)

Hon. Deputy Speaker: Order, Hon. Savula! Member for Samburu.

Hon. (Ms.) Leshoomo: (*Inaudible*)

Hon. Deputy Speaker: We cannot hear you. Which microphone are you using, Hon. Leshoomo? You see, it becomes very confusing when you do not have your cards.

Hon. (Ms.) Leshoomo: Asante, Naibu Spika kwa kunipatia nafasi hii. Ningependa kusema kuwa tukiwa ndani ya hili Bunge ni lazima tuelewe sheria za Bunge. Ndugu yetu, Mhe Savula - tuna masikio na macho - alipiga kelele kabisa. Alisema Naibu Spika hana usawa. Ni vizuri aombe msamaha ili tumalize shughuli za Bunge. Hakuna haja ya kukataa.

Hon. Deputy Speaker: Thank you. She has justified it and we are not going to go on. Hon. Savula, apologise and allow this House to move on. Order, Members! We are not having any more of this. I am waiting to hear Hon. Savula's voice only.

Hon. Angatia: Hon. Deputy Speaker, for the sake of the House so that we can move on to important business, whether I said it or not, I apologise.

Hon. Deputy Speaker: Order, Members! Next Order!

MOTIONS

ADOPTION OF SESSIONAL PAPER ON GOVERNANCE, JUSTICE, LAW AND ORDER SECTOR POLICY

Hon. Chepkong'a: Hon. Deputy Speaker, I must thank you for being very patient with some of us despite the untenable language that we use once in a while in the House.

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

THAT, this House adopts Sessional Paper No.4 of 2014 on the Governance, Justice, Law and Order Sector (GJLOS) Policy laid on the Table of the House on Thursday, 12th February, 2015.

This is an extremely important policy statement that deals with governance, justice, law and order. The development of policy on the Governance, Justice, and Law and Order Sector (GJLOS) in Kenya is based on the recognition that past attempts to improve governance, justice, law and order have not fully succeeded to improve the sector. However, the Government of Kenya continues to recognise the importance of improved governance in national development. Vision 2030 and the new Constitution reflect linkage with regard to this policy.

The GJLOS policy is fairly large. It is a multi-actor sector governed by many existing policies, laws and administrative circulars. Individual GJLOS institutions work within this dense policy and legal framework, which has generally created incoherence and constrained effective collaboration within the sector. The development of this policy is to ensure that we have a coherent administration of this sector that brings together various actors that have similar linkages in terms of their areas of competence.

(Loud consultations)

Hon. Deputy Speaker: Order, Members! Can those withdrawing to committees do it quietly?

Hon. Chepkong'a: Hon. Deputy Speaker, the creation of the GJLOS was rationalised on the basis of recognition of the interlinkages of the mandates of the GJLOS institutions. This policy will guide decisions to achieve certain outcomes in the sector.

It is important to note that the Government's intentions and statements in relation to the sector are much wider. It provides direction in terms of programmes and actions needed to achieve the required policy outcomes. This sector policy anchors governance, justice, law and order reforms on a broader national development and political context, particularly with regard to Vision 2030, and, more importantly, the Constitution of Kenya, 2010.

It incorporates key policy options that the sector will pursue in order to deepen sector reforms in line with national values and principles of governance espoused in the Constitution that we promulgated in 2010. It also defines and facilitates how institutions in the sector will co-operate and co-ordinate in terms of complementing one another. It creates opportunities for better and sustained impact of reforms in the sector as well as to ensure that there is economic growth in the country that is smooth and benefits all Kenyans.

The linkages between governance and economic growth are evident from the implementation of the Economic Recovery Strategy (ERS) from 2003 to 2007. Therefore, the vision of this policy paper is a just, inclusive, accountable, participatory, democratic and human rights-respecting State and society. The key objectives of this policy are to ensure that we guide the proper operation of the GJLOS, so that we can identify priorities to further the values and principles espoused in the Constitution. Secondly, it is intended that the sector policy aligns the reform process with the Vision 2030, the Constitution of Kenya, 2010 and the national development policies in general. This policy also provides a common framework for harmonisation, alignment, co-ordination as well as sharing of values within the sector between the various sectors of the national process of integration.

Finally, this policy statement intends to provide a singular framework of reference for all GJLOS institutions, and to benchmark and anchor the reform process in the sector on a common and coherent framework. This is a very important policy that will ensure that all those sectors that are within this particular policy will promote an integrated approach to the implementation of reforms by assisting institutions to move away from narrow and lone-ranger thinking to sector-wide approaches in order to address problems in a systematic manner.

As you know, we have had serious problems in terms of co-operation and co-ordination within this sector, particularly in fighting terrorism and issues of graft where the Judiciary, the Ethics and Anti-Corruption Commission (EACC), the Director of Public Prosecutions (DPP) and the police all act independently. This policy will ensure that there is an integrated approach in fighting most of these vices in our society. As you may have seen in the past, cases are taken to court by the DPP and then the Judiciary releases terrorist suspects on very lenient terms. In most cases, those terrorist suspects disappear from the radar. They never come back to court. They abscond and abandon the bond that they have posted. This policy intends to ensure that these actors work in a co-operative manner to ensure security of Kenyans and that the various vices that have been occasioned in this country are dealt with in a very systematic manner.

A major challenge that has been experienced in promoting the rule of law and administration of justice is the limited compliance of the law. There is a serious problem with regard to compliance with the rule of law. The citizens have espoused lack of knowledge of the law and levels of compliance with the law are too low. As you know, there is the maxim that ignorance of the law is no defence, yet many Kenyans are not conversant with the laws that have

been passed even by this House. That has become difficult in terms of compliance with the laws that this House and many other institutions have passed.

The law is also not easily accessible to the citizens, both physically and in terms of language. The language that is used is a little bit technical. This policy wants to ensure that laws are available across the country. The policy also seeks to inculcate the process of Alternative Dispute Resolution (ADR) and traditional justice mechanisms in dealing with disputes, which is an inexpensive process of settling disputes amongst Kenyans.

With those remarks, I beg to move that this policy be adopted. I request Hon. Njoroge Baiya to second.

Hon. Baiya: Thank you, Hon. Deputy Speaker, for giving me the opportunity to support this very important Motion. I would also like to thank the Chairman of the Departmental Committee on Justice and Legal Affairs for ably moving this Motion. This Motion seeks the adoption of Sessional Paper No. 4 of 2014, with regard to the programme that the Government will pursue on the second Governance, Justice, Law and Order Sector (GJLOS). It is the first time the country is coming up with an elaborate policy position that encompasses the national goals with regard to the Vision 2030 as well as the implementation of the Constitution, and to bring on board all the institutions that have a role to play in the entire sector.

It has been the experience from the Constitutional Implementation Oversight Committee (CIOC) that we have been making laws in this country when we do not have the benefit and input of a policy position done by the Government. This has always weakened the quality and effectiveness of the laws that are passed. This has also made the laws less clear to the public. A well consultative and well prepared policy document involves all the stakeholders who bring out the main challenges in the various sectors they are involved in, and they are given an opportunity to propose solutions. These solutions are reduced to a programme that is going to be implemented within a specified period of time. It informs the development of legislation that will be required to deal with problems and challenges that have been encountered. It also informs the budgeting procedures on a regular basis. It states where resources will be allocated so as to address the programme and brings out the challenges identified.

Therefore, this approach to this sector means that a policy paper is the most important defining document to help the country understand where we want to go. Where this has been done, legislation is made much easier, and it becomes possible to realise whether the legislation has realised the goal that had been identified in the policy paper. It is very important that this House gives clear priority to policy documents. In the Order Paper, there are many other policy papers which have been forwarded to the House, but for some reasons they do not appear to enjoy priority. If they enjoyed priority, they would have become the basis to inform all the other players and stakeholders.

Hon. Deputy Speaker, as it has been pointed out by the Chairman, the existence and adoption of a policy paper helps the country avoid kneejerk approach, or lone-ranger methods of addressing these problems. It will also help the country distill all the information and reduce it into a cluster of issues which inform activities of Budget and so on. A policy paper should be on a regular basis. It ought to be revealed, and if there are any areas and gaps that the implementation has brought out, it will be possible to put them in a review. It is a very important document. It will help the country to know how to harness solutions and resources which help it realize objectives set out not only in Vision 2030 with regard to the GJLOS, but also in the Constitution and the various laws we have enacted.

I beg to second.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Before I propose the Question, I want to welcome St. Elizabeth Primary School from South Imenti Constituency, Meru County. You are welcome to the National Assembly.

(Question proposed)

Hon. Deputy Speaker: Hon. Timothy Bosire.

Hon. Member: Hon. Deputy Speaker, he is not in.

Hon. Deputy Speaker: Hon. Makali Mulu.

Hon. Mulu: Thank you, Hon. Deputy Speaker, for giving me the chance to support the adoption of this Report and Policy Paper. The GJLOS is an important sector in this country. I had an opportunity to work for GJLOS from 2004 to 2007; we did a lot of work. While working for this sector, one of the challenges we used to face was lack of a policy paper that would guide operation in this sector. This policy paper becomes very important and timely in this country. This policy paper is going to ensure there is proper co-ordination and harmonisation of all the initiatives under this sector. A number of reforms have been introduced in this sector which include the police sector, electoral reforms, Judicial reforms and a number of initiatives introduced leading to anti-corruption initiatives. When you look at these initiatives and reforms, the major challenge in achieving the targeted outcomes has been lack of integrated approach.

The many departments which are implementing a number of issues in this sector have varied approach to implementation. They do things without caring what the other departmental sectors are doing. In this sector, there are a lot of linkages, and it is very difficult for any department to do something without affecting the operations of other departments. If you look at the criminal justice system, it brings on board a lot of players. If these players are not properly guided through a policy document like this one, we are not likely to achieve the expected outcomes in a timely manner because some people will be operating while pulling others back, as others are pushing forward.

In my view, this policy paper becomes very important, and I want to plead with the House to adopt it as soon as possible, so that we can move forward in terms of implementation. I have been wondering how, as a country, we operate without a policy document. The best practice is a situation where you have the policy documents or papers from which you derive legal framework, and come up with an implementation framework and later frameworks. In a situation where we have legal frameworks not informed by a policy framework, you will find there is a lot of inconsistency.

To me, this policy paper becomes very important. I see a situation where within a very short time, the GJLOS that has been facing a lot of challenges will be properly structured. We will get things right and they will be implemented within a very short time. Issues of human rights fall under this sector. I can see a situation where, with this policy, we will be able to move forward in the right way as a country because the policy will inform all the laws that we have on human rights.

Hon. Deputy Speaker, as I conclude, I would like to speak about the registration of persons. I look forward to a day when, as a Kenyan, I will only be required to produce one document which has all the information about me. I will be happy to have only one document

which captures my National Social Security Fund (NSSF) number, National Hospital Insurance Fund (NHIF) number and Kenya Revenue Authority (KRA) number. This policy can help this country achieve a level where Kenyans will have only one identification document, instead of carrying many documents to identify themselves.

With those remarks, I support the adoption of this policy paper. I really urge hon. Members of this House to support it so that it can be implemented in this country.

Thank you, Hon. Deputy Speaker for giving me the chance.

Hon. Deputy Speaker: Hon. Susan Musyoka.

Hon. (Ms.) Musyoka: Thank you, Hon. Deputy Speaker, for giving me a chance to contribute to this very important Sessional Paper. The rules of law-making require that laws be adopted in accordance with established procedures and that they be made known to the public. They should be enforced consistently and even-handedly. This important policy document will help follow the rule of law. The rule of law is intended to ensure that a government exercises its authority fairly. It is crucial to securing liberty and justice for the people of any nation. This policy will make us move a step forward. As we know, no country is perfect. We should have those factors that will make us move forward and observe the rule of law. Even in the United States of America (USA) where the supreme law of the land is the Constitution and the Federal Law, it protects women, racial and ethnic minorities and other historically oppressed groups. I know they still have racial issues but, because of the rule of law and good policies, they voted for the first time ever, a Kenyan-American to be their president. That is a joy to many people all over the world.

We need to have the policy in place. I thank the committee that has put it in place. It is important for us to appreciate that we need to make people more aware of the laws of this land. As people become more aware of their rights and privileges as citizens of Kenya, we also need to exercise good governance, respect for human rights and recognise the indispensable conditions for sustainable and balanced development in the country. Governance is the way in which the institutions of the state operate. How the state relates to individual citizens, the civil society and the private sector is key to shaping the framework for the development of this country. So, public involvement and participation in law is very important. Having the policy in place will go a long way in involving people and getting them closer to attaining justice.

Good governance means that political systems provide opportunities for all people to influence Government policy and practice. Good governance requires an honest and accountable Government capable of managing public resources responsibly. So, the involvement of people, knowledge and awareness is also very important in achieving what this document is expected to do.

On the issue of accountability in this country, it is important that binding rules define responsibilities of authorities at different levels. They are pre-conditions and benchmarks for accountability. So, judicial procedures and an independent Judiciary are important instruments to hold those in power accountable for irresponsible behaviour. That has been addressed in this sessional paper. Removal of barriers to access justice, including provision of legal services has become a measurable indicator of sector performance. I support this paper and I recognise that it is something that will help us move a long way in the development of this country.

I beg to support. Thank you very much.

Hon. (Eng.) Mahamud: Thank you very much, Hon. Deputy Speaker, for giving me the chance to contribute to this Motion.

The GJLOS is very important in this country. I remember a lot of effort was put in trying to coordinate and harmonize activities within that sector during the early part of the decade. Up to now, I think we have not been able to harmonise properly. That is why it is important to have a policy paper which sets out guidelines, policy and objectives so that we can have laws which are coherent, consistent and which deal with the issues which are required in the sector.

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

[The Temporary Deputy Speaker (Hon. Kajwang') took the Chair]

Hon. Temporary Deputy Speaker, this policy attempts to create harmonisation of laws within the sector and also to guide and review the implementation of laws relating to GJLOS, so that we can move this country forward.

Over the years, a lot of efforts have been made. As far back as the 90s, a taskforce was established to look at how to harmonise our law. In 1988, the Legal Sector Reform Consultative Committee was established to review the issues. It ended up in the formation of the sector which was domiciled in the Ministry of Justice and Constitutional Affairs in 2004 up to 2007. Again, after the promulgation of the new Constitution and, of course, the adoption of Vision 2030 it is important that we bring the sector laws and policies up to date so that we can deal with the matters.

The sector faces many challenges that are to do with coordination. We see a lot of disharmony, especially after the new Constitution. That is why this policy is coming at the right time. In this sector today, we have issues related to the rule of law and administration of justice, which need to be addressed. We have issues of security, safety and cohesion in this nation. They are posing a major challenge. We have issues concerning public administration and service delivery, which are also very important to this nation. We have issues of human rights and social security. This policy is trying to address all those issues.

Under the rule of law and administration of justice, we know the challenges. There is limited compliance with the law. There is limited coordination and harmonisation between the various sectors. There is inadequate public participation when it comes to enacting laws. That is why it is important to have a policy paper that will lay the groundwork so that we can anchor all our laws on it.

Security issues and cohesion in this country are very serious matters today. We have conflicts all over the country. We have rising insecurity problems, banditry and other issues. We have issues of terrorism which we are not dealing with properly. We are bringing in laws that are not addressing the whole thing holistically. Again, that is why this policy will, hopefully, be able to lay the groundwork so that things are properly done.

It is high time this country embraces constitutionalism, human rights and justice. If we cannot do that today within the constitutional framework which is actually the most liberal Constitution in terms of the Bill of Rights; if we cannot have laws that can move that forward, then it will be failure on our part.

The adoption of this policy paper will lay the ground for us to move forward so that we can have laws that are practicable, feasible and policy frameworks that can adequately address

the issues that are actually affecting this country. I support this Motion so that we can have a proper framework of justice, law and order that can deal with the issues of integrity and security.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Kajwang'): Before I give an opportunity to the Member for Bura, I would like to recognize some of the young people in the Public Gallery. They are students of Matuguta Secondary School in Githunguri Constituency, Kiambu County.

Members, give them a round of applause.

(Applause)

You can do better. These are young people who have come to see how best you do your things.

(Applause)

I am informed that Hon. Njoroge Baiya, a ranking Member of this House represents that constituency. Where are you, Member for Bura? Please, go ahead.

Hon. Wario: Ahsante, Mhe. Naibu Spika wa Muda, kwa kunipa fursa hii. Nasimama kuunga mkono sera hii. Ni kwa nini naiunga mkono? Nchi ya Kenya, kama nchi zingine zinazoenedelea katika Bara la Afrika, tulipopata Uhuru, tulizipa kipaumbele sekta za uzalishaji, uwekezaji na biashara kuliko sekta ya haki na sheria.

Maswala ya demokrasia na haki za binadamu yamekuwa matukio ya kigeni katika nchi ya Kenya. Ukilinganisha uwekezaji wa rasilimali katika sekta za biashara na uzalishaji na sekta ya sheria, ni kama uwekezaji katika sekta ya sheria umeanza juzi. Kwa sababu hiyo, dhuluma dhidi ya jamii na wananchi wa Kenya imeenda juu sana. Ni furaha yangu kubwa kusimama hapa kuzungumzia sera itakayoangalia haki za binadamu, itakayoboresha demokrasia na itakayoleta sekta tofauti tofauti pamoja ili kushughulikia usalama wa taifa la Kenya. Naiunga mkono na inanifurahisha zaidi.

Sehemu kame za Kenya kama Mandera, Wajir, Garissa, Lamu na Tana River zimeshuhudia mauaji mengi tangu tulipopata Uhuru. Kwa nini? Ni kwa sababu taasisi za sheria zinazohusika na haki za binadamu zimekuwa duni katika sehemu hizo. Hii sera inatupa fursa ya kurekebisha sheria za kitaifa. Kuna jamii tofauti tofauti ambazo katika mila zao, zina mahakama za kitamaduni. Mfano ni *Njuri Ncheke*. Hizo mahakama zinakaa kutatua matatizo baina ya jamii hizo. Jamii ya Oromo iko na mahakama yao ambayo inakaa kusikiliza na kuhukumu makosa baina yao. Hii sera itaipatia jamii ya Oromo fursa ya kuendeleza sheria zao za kutatua matatizo na mizozo katika jamii.

Tukiongea kuhusu sekta ya uongozi na haki, tusiangalie tu kitaifa ama vile mahakama za Kenya zinafanya kazi, vile Idara ya Polisi inavyoendelea au hali ya jela za Kenya. Turudi nyuma kidogo tupeane fursa kwa taasisi za kimila ili ziweze kuinuka na kuchangia maswala ya uongozi bora. Tutakapotoa rasilimali za kutosha kwa sekta ya sheria, itaboresha pakubwa maswala ya sheria na uongozi bora.

Mwisho kabisa, ningependa kugusia maswala ya magereza ya Kenya chini ya sekta hii. Kulikuwa na jitihada za kuboresha magereza ya Kenya. Kunao wazee wakongwe katika jela zetu. Wengine wamekaa ndani ya jela kwa zaidi ya miaka 20. Lengo la jela ni kurekebisha mtu

aliyefanya makosa. Mtu akishakaa kwa jela miaka 20 na ni mtu amefikisha miaka 80, atafika umri gani ndiyo Serikali iamini atajirekebisha?

Kwa hayo machache, naiunga mkono sera hii.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Meru.

Hon. (Ms.) Kajuju: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to speak to the GJLOS policy paper that was tabled by our Committee. I also thank the members and Chairperson of the Committee for the work they did, which is going to inform us in the adoption of this policy paper.

I stand to support the adoption of this policy paper because we need these kinds of policies to govern the various institutions that we have created in our country. During the passage of the Constitution, as members of the Law Society of Kenya (LSK) and other people, we were involved in a programme that was named "Kenya Integrated Civic Education Programme (KNICE)". That programme was fully sponsored by GJLOS. The programme was for us to go into vernacular radio stations to educate the people on what the draft Constitution stated, so that the public could be in a position to make a wise decision, which I believe they made.

This is a good policy because it shows us what we can do as lawmakers and as persons who have been entrusted by the people to deliver the services they require. Sovereignty belongs to the people and we are only entrusted to exercise that sovereignty on behalf of the people. Most importantly, because we exercise the sovereignty as elected persons at the national and county levels, we need this policy so that we are able to know how the two arms of the Government are going to relate at the county and national levels. We also need to understand that, as much as we are exercising that sovereignty, there is need for us to respect various laws through the practice of constitutionalism. We might have a constitution but fail to practice constitutionalism in various institutions. That is why we have this policy to ensure that there is the implementation of various statutes that we pass.

Article 10 of the Constitution is about transparency, accountability and other core values that are expected from us. As persons who have been appointed, elected or who represent their country in a certain manner, it is important for us to know that we must be transparent and accountable to the public. In our capacity, we are trustees of the people. Therefore, I believe that this policy paper is going to demonstrate to us, who hold positions in trust for the people, how we are supposed to ensure that there is transparency and accountability.

There are various bodies that were constituted after the passage of this Constitution. One of the institutions, whose members were vetted by the Departmental Committee on Justice and Legal Affairs, is the National Cohesion and Integration Commission (NCIC). National cohesion in this country is very important. We have witnessed various conflicts within societies, communities and clans that have ended up in the loss and disruption of lives.

Hon. Temporary Deputy Speaker, this paper is going to address some of the issues that are supposed to manage conflict in our communities and also bring about peace-building.

To finalize, let me talk about access to justice. This is a very important paper because the civil procedure rules permit access to justice. We need to have a formula so that if I am pauper and I want to seek redress in court, I am not impeded by the fact that I cannot pay the filing fees. This is one of the areas that is being implemented by this policy---

The Temporary Deputy Speaker (Hon. Kajwang'): I can see you got excited and got deep in your thoughts. Member for Vihiga.

Hon. Chanzu: Thank you, Hon Temporary Deputy Speaker, for giving me the opportunity to support this sessional paper. It is important because it is helping to operationalize the various laws in this sector and even to serve as an example in other areas where we need to have some kind of order on how things are supposed to be done. To operationalize all the legislation that has been passed by this House concerning governance, justice, law and order, it is very important. In fact, as we talk about the economy growing or the intentions we have about what we want to do about our country in order to achieve prosperity, we must have all this in place first. We must have good governance mechanisms, justice for all and law and order for that to happen.

It is a very important prerequisite if Kenya has to achieve Vision 2030 and the various targets that we have set up as a country. It will even give the country a good image. That can only happen when laws are fair. When everything is in order, it will be very easy for those who want to set up businesses here to do so. There is need for all that to be in place so that there is a conducive and an enabling environment for us to prosper. In fact, the Constitution we have now is quite good. It took a lot of time but, the only trouble is that people do not want to play their roles. For example, there is the conflict that we always have between the National Assembly and the Senate. When you look at Articles 93, 94, 95 and 96 of the Constitution, they spell out clearly the roles we are supposed to play. But we get into situations where people want to fight for supremacy. We should have a sessional paper that stipulates how order can be maintained. It should also go a long way to specify roles of the various agencies which are involved in that. If that is not done, you will get conflicts. We are having issues about the role of the Controller of Budget, the Auditor-General and the Ethics and Anti-Corruption Commission.

If it does not come out very clearly and people do not know, it will be very difficult even for the laws that we have put in place to be implemented. Awareness is very important. It is good that this sessional paper has come at a time like now. That is because when it gets to elections time, you will get the civil society educating people on what they are supposed to do. For example, last time, the ones who were doing civic education on the Constitution went round, but they did not even get to the people. They went to market places, called a few people who filled in some forms and they came and got paid from whoever was funding them. Kenyans were left not knowing what is happening. When you go to the countryside and talk about the Constitution today, there are quite a number of people who do not understand it. They passed it but they do not know what they passed.

It is very important we get time - when it is not campaign time and when there is not much politics - so that people can get to know what their laws entail. So, this is a very important paper. The other day I was very happy that the Chief Justice himself---

The Temporary Deputy Speaker (Hon. Kajwang'): Member from Turkana. Member for Vihiga, you may have forgotten that we had resolved to do five minutes for each Member speaking. It is a resolution we made about two or three days ago, and it is in the Order Paper. Yes, Member for Turkana.

Hon. (Ms.) Emanikor: Thank you, Hon. Temporary Deputy Speaker. I rise to support this policy. The GJLOS policy actually attempts to align institutional policies and strategies with the political pillar of Vision 2030. Fundamental in the realization of Vision 2030 is the political pillar. The reforms that are envisaged by GJLOS will then trigger growth in other sectors, particularly the private sector and hence improve the economic pillar as well.

The GJLOS reforms include constitutional implementation, judicial and legal reforms, security and policing reforms, which are very critical in the growth of this country. This policy in turn will enhance enjoyment of the human rights that are enshrined in our Constitution. The policy addresses the fast evolving and dynamic demands of the GJLOS sector. This is notwithstanding the commendable achievement of the GJLOS since its inception or launch in 2003.

I support the policy.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Navakholo.

Hon. Wangwe: Thank you, Hon. Temporary Deputy Speaker. I am sorry I did not want to contribute to this one because I will be contributing to the next one. So, I was not ready for this one.

The Temporary Deputy Speaker (Hon. Kajwang’): You have contributed to this one, have you not?

Hon. Wangwe: Yes.

The Temporary Deputy Speaker (Hon. Kajwang’): Right. I beg your pardon. Member for Turkana Central.

Hon. Nakara: Thank you, Hon. Temporary Deputy Speaker. I stand to support this Motion. Good leadership entails many things. For us to pass this Motion, we want to demonstrate the kind of leadership we want to have in this country. When you talk about good leadership, you talk about transparency. Without rules and laws that will govern our leadership, transparency will be history in our country.

The problem we have in this country is lack of accountability. Leaders are not ready to be accountable for the mistakes that they make or for the pronunciation of words that bring hatred and tribalism among our people. When this Motion goes through, our people will learn to be accountable for their words and also for the resources that are entrusted to them by the *wananchi*.

When you talk about good governance, you also talk about integrity. When we talk about governance, we bring the issue of integrity in place. Without integrity, you cannot have good governance. We want our leaders to have integrity. They should be people who cannot be questioned beyond their stand. They should be people who are ready to tell the truth, stand for the right and ready to defend the human rights of their citizens. When we talk about governance, you are talking about stewardship - which is taking care of the resources that the *wananchi* have entrusted to us. Those resources should be used in the right way to help generations that will come after us. Without good governance in this country, our resources will go to waste. Good governance is taking the responsibility of using the resources that are entrusted to you by the people to improve their lives.

Hon. Deputy Speaker, on justice, this country needs to come out clearly. Up to now, there are people who have not received justice in this country. Their cases have been in courts for years. This Motion is providing that those people must be given justice. Delaying justice is one way of telling citizens that we are not ready to cater for their needs. We need judicial reforms in this country. We need to eradicate corruption in the Judiciary. Unless we have laws that govern everybody in any office and ensure that they are responsible, we will not move forward. We should give justice to the poor people who cannot afford to hire lawyers. There are people who have been denied justice in this country because they are poor and cannot afford to hire lawyers.

This country must maintain law and order. If people do not follow the law, our country will be ruined. That is why this country almost went into the abyss in 2007.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Kajwang’): Order, Member for Wajir! You have made a request to contribute, have you not?

Hon. (Ms.) F.I. Ali: Yes, Hon. Temporary Deputy Speaker.

(Hon. (Ms.) F.I. Ali crossed the Floor without bowing to the Chair)

The Temporary Deputy Speaker (Hon. Kajwang’): When you have done all that, you only have two minutes to go. Just a minute! Go back to the Bar and bow. Order, Member for Wajir! Go back to the Bar and bow!

(Hon. (Ms.) F.I. Ali went to the Bar and bowed to the Chair)

Now you can proceed. You only have one and a half minutes to say what you have to say.

Hon. (Ms.) F.I. Ali: Thank you, Hon. Temporary Deputy Speaker. I support this policy. The GJLO sector is core to any country. Our Committee Members were very passionate about how the Government or country can strengthen the GJLO sector. We felt that the GJLOS programme has been ongoing in this country for a while. I can testify that when I was a Commissioner of the Kenya National Commission on Human Rights, the GJLOS was ongoing. But because of lack of serious commitment by the State, after the donors withdrew, the GJLOS funding came to an end and the Government was unable to implement the programme. There were many beneficiary institutions that were public and semi-autonomous, and which made a lot of progress.

The unfortunate part of GJLOS was that they were not implementing the reports of the institutions in the basket funding. It is useful for us to develop a national policy, but the most crucial part is the implementation. Many will agree that this country has a bad history in terms of implementation of such reports. The most affected area is security in terms of sustaining law and order. When our security sector is not reformed, the achievement of justice, law and order is seriously challenged.

I have interacted with some security apparatus. Yesterday, I went to Nyayo House to assist one of my electorate and I saw that the police have no regard for the human rights of people who apply for passports and identity cards. They still harass and mishandle people, particularly people with disability, women and members of communities who want to observe their culture and practices in terms of their faith.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Wajir, have you now prosecuted your point? The Speaker is sympathetic to you, but time is up. Do you think you can leave it at that? Have you finished your thoughts?

Hon. (Ms.) F.I. Ali: No! No! I need two more minutes or three.

The Temporary Deputy Speaker (Hon. Kajwang’): Unfortunately, I do not have. I am politely asking you to wind up.

Hon. (Ms.) F.I. Ali: Hon. Temporary Deputy Speaker, you used some of my minutes. However, I want to conclude by saying that policies are very important, but implementation is more crucial. The culture of not implementing reports from institutions that contribute to GJLOS will not achieve much for us. The policy is necessary as a starting point in terms of strengthening GJLOS.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Wajir, the Speaker is sympathetic on account of gender. That is why you got two or more minutes than you should have.

Hon. Members, in accordance with a resolution that, we, as a House, passed about a week ago, pursuant to which we had agreed that every sessional paper will be discussed for one hour, and looking at the time that this paper has taken, it is exactly one hour and about three minutes more. I now call upon the Mover to reply. I intend to end this debate at 11.20 a.m. and I am using the digital clock. It is now 11.18 a.m. and so, you have two minutes to do what you must do.

Hon. Chepkong'a: Thank you, Hon. Temporary Deputy Speaker. First and foremost, I will be very brief. I must thank every Member who has just contributed. They have, indeed, contributed in a very passionate manner. This policy touches on various institutions that deal with the fabric of this country in terms of the rights of the people. It has been a very passionate debate in terms of supporting the policy.

This policy wants to ensure that there are coherent coordination mechanisms in the GJLO sector. It has identified four key dimensions, among other things within the policy, as stated by the Members. I would like to thank the Members for pointing out those critical dimensions which include the lead agency that will ensure that the sectoral targets are reviewed as well as mobilizing resources and coordinating with sectoral partnerships.

The other most important key dimension that is engendered in this policy is the horizontal coordination between the various actors within this sector that will ensure there is high level political and policy committees and working groups drawn from the various thematic areas of policy framework.

The third one is the vertical coordination that ensures that the national targets and priorities will need to be translated into county targets and priorities.

Finally, the other key dimension is the inter-sectoral coordination mechanism that ensures that the policies within the GJLOS will impact on, and will also be impacted upon by policies and agencies in other sectors so that we have a coordinated mechanism that will ensure that we have a seamless coordination as required by the Constitution that we passed in 2010. The Constitution obligates every institution to coordinate with each other at whatever level, whether at the county or national levels.

So, I thank you hon. Temporary Deputy Speaker and every Member who has contributed and also those who were not able to contribute. In particular, I thank the indomitable Member for Wajir, Hon. Fatuma Ibrahim, who had to run all the way to contribute to this important policy. I thank you, hon. Temporary Deputy Speaker.

I beg to reply.

The Temporary Deputy Speaker (Hon. Kajwang'): I now order that, that business appearing as Order No. 8 will be printed in the Order Paper this afternoon for the purpose of taking a vote.

Next Order!

RATIFICATION OF CONVENTION ON SUPPRESSION OF UNLAWFUL
ACTS RELATING TO INTERNATIONAL CIVIL AVIATION

The Temporary Deputy Speaker (Hon. Kajwang'): Let us have the Chairperson of the Departmental Committee on Transport, Public Works and Housing.

Hon. (Eng.) Mahamud: Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on its consideration of the Convention on the Suppression of Unlawful Acts relating to International Civil Aviation and the Protocol Supplementary to the Convention for Suppression of Unlawful Seizure of Aircraft, laid on the Table of the House on Thursday, 18th June 2015, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of:-

- (i) The Convention on the Suppression of Unlawful Acts relating to International Civil Aviation; and,
- (ii) The Protocol Supplementary to the Convention for suppression of Unlawful Seizure of Aircraft.

Hon. Temporary Deputy Speaker, the Report was tabled in the House on 18th June 2015. Pursuant to Section 118(1)(b) of the Constitution and Standing Order No. 127(3) and Section 8 of the Treaty Making and Ratification Act, the Committee placed an advertisement in the local dailies on 4th March 2015 calling for memoranda from the public to submit any representations they may have on the protocol and the convention. By the closure of the deadline of the advertisement, the Committee did not receive any memoranda from the public.

The Committee held three sittings during which the representatives of the Ministry of Transport and Infrastructure appeared before the Committee. In considering the convention and protocol, the Committee was guided by the provisions of the Treaty Making and Ratification Act No. 45 of 2012.

The convention referred to as the Beijing Convention of 2010, modernises and consolidates the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation done at Montreal on 23rd September 1971, referred to as the Montreal Convention of 1971, and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation supplementary to the Montreal Convention of 1971.

The protocol supplements the Convention for the Suppression of Unlawful Seizure of Aircraft done at the Hague on 16th December 1970, commonly referred to as the Hague Convention of 1970, which Kenya is a signatory to.

The convention and protocol seek to, among other things:-

- (i) Criminalize acts of using civil aircraft as a weapon for the purpose of causing death, serious bodily injury or serious damage, as happened in the 9/11 incident in New York on the Twin Towers. An aircraft was used as a weapon to cause destruction. This actually criminalises the act of using civil aircraft as a weapon for the purpose of causing death, serious bodily injury or serious damage. The two instruments further provide for the criminal liability of directors and organisers of an offence involving a civil aircraft as well as liability of those who knowingly assist an offender to evade investigation, prosecution and punishment. The two instruments also

criminalise the making of a threat to commit an offence or an agreement to contribute to an offence that is likely to endanger safety of an aircraft.

(ii) Criminalize the use of civil aircraft to release or discharge any biological, chemical, nuclear weapons or similar substances to cause death, serious bodily injury or serious damage. Further, cyber attacks on air navigation facilities constitute an offence under this convention.

(iii) Expand the ground for jurisdiction under the earlier instruments by requiring each state party to establish jurisdiction when an offence is committed by its national and by enabling each state party to establish jurisdiction when the victim of the offence is its national.

(iv) Expand the scope of the Hague Convention 1970 to cover different forms of aircraft hijackings, including through modern technological means.

The two instruments are open for signature, ratification and accession at the International Civil Aviation Organisation (ICAO) Headquarters in Montreal upon coming into force. Many countries have already signed the convention and that is why Kenya has now to accede as a very active member of ICAO. The objective of the convention and protocol is to promote aviation security by addressing unlawful acts against civil aviation that may jeopardise the safety and security of persons and property, seriously affecting the operations of air services, airports and air navigation facilities.

The convention and protocol:-

(a) obligate the contracting parties to *inter alia* undertake to strengthen the legal framework for international co-operation in preventing and suppressing unlawful acts against civil aviation.

(b) enhance confidence of people in the use of aviation as a means of transport.

(c) criminalize the use of civil aircraft for purposes of causing death and serious bodily injury.

(d) criminalize the unlawful transport of biological chemicals and nuclear weapons relating to all other dangerous materials.

The Committee observed that the ratification and implementation of the convention and protocol will help the country in achieving the following:-

(i) Promote passenger and freight air transportation.

(ii) Facilitate regional and global integration.

(iii) Increase trade and tourism; and,

(iv) Enable safety and security for civil aviation.

Hon. Temporary Deputy Speaker, in conclusion, it will be in Kenya's interest to ratify the said convention and protocol owing to the immense benefits the country stands to gain.

With those few remarks, I beg to move this Motion and request Hon. Ali Wario to second.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Bura, before you second this Motion, I would like to recognize the presence of students from Seguton Primary School in Kuresoi North, Nakuru County. They are in the Public Gallery. Give them a round of applause, Members!

(Applause)

Thank you very much. Member for Bura.

Hon. Wario: Ahsante sana Mhe. Naibu Spika wa Muda. Nasimama kuunga mkono Hoja hii. Lengo kubwa la mkataba na ratiba hii ni kuboresha hali ya usalama wa ndege ama usafiri wa angani, kwa sababu duniani, kuna watu wanaotumia ndege kama silaha. Wanatumia ndege kulipua watu na makazi yao. Ratiba hii imeletwa ili kuwe na nyanja za kisheria katika ushirikiano wa kimataifa. Mataifa mbali mbali duniani yanafaa kutia sahihi ratiba hii ili kuleta usalama katika safari za angani.

Pili, ni vipi tutakuwa na sheria itakayofanya tukomeshe watu kutumia ndege za abiria kama zana za kivita? Mara nyingi, ndege hizo za kivita huleta vifo na madhara na ndiyo sababu tumeamua turatibu mkataba huu. Tukifanya hivyo, Kenya itaweza kulinda usalama wa angani. Ratiba na mkataba huu ni kama sheria. Wale wakurugenzi au wafadhili wanaojaribu kufanya hatia itabidi wachunguzwe kwa maana sasa itakua ni hatia. Itawalazimu kuwajibika kwa matukio ambayo yametokea.

Kwa hayo machache, naunga mkono Hoja hii. Ahsante.

The Temporary Deputy Speaker (Hon. Kajwang’): Order, Members!

(Question proposed)

I have a request list. As usual, you may have come and you want to speak to another Motion on the Order Paper. So, can I see those of you who want to speak to this Motion on the intervention button?

We will start with the Member for Shinyalu, and then the Member for Navakholo, in that order.

Hon. Anami: Hon. Temporary Deputy Speaker, it is very interesting to see this convention. I want to thank the Committee for the Report they have given us on this convention. I support it. However, the challenge that we have is on implementation, particularly on domestication of such a convention. We have many conventions that we have signed, acceded, ratified, but implementing them remains a challenge. In our situation, if we do not ratify and effectively implement this convention, others will do and we will have challenges of cooperating with them. It is, therefore, important that the Committee goes further to deliberate on mechanisms of implementing this convention, so that Kenya does not only stay safe, but can be a participant in the international fora. Kenya will also be able to access partnerships that will contribute to our growth in this sector.

The way Kenya is positioned in our regional economy; we need to be compliant to international laws and conditions that operationalize aviation. Recently, we observed our own Head of State return back to the country because he could not go on with his journey due to matters that were happening in another country. It should be possible for us to be proactive when it comes to instances like that, so that we do not endanger aviation activities that are emanating from our country.

Kenya is developing very fast. We are now proud that our economy is growing. We have a lot of aviation activities happening in the country. This will progress if we position ourselves to the extent that our aviation businesses will be with the international community. When we do that, it will be better that our aviation authorities and institutions that are training our youth in this sector are properly informed of international requirements and laws.

This convention should be a good opportunity for us to access international space. It should be a good opportunity to interact internationally, especially on matters of aviation. As we

speak now, many Kenyan youths are training in South Africa in a programme that is being organized by Kenya Airways. As Kenyan leaders, we should be sensitive to the fact that the changing status of Kenya Airways, the Pride of Africa, will adversely affect the programmes that are going on. The Committee needs to advise us and be sensitive to the impact of the failing Kenya Airways. The Government at large should be seized of this matter and see the reasons why, as we ratify this, we should not let the Pride of Africa fail. It is important that we do everything that we can to sustain the Pride of Africa as we go on to ratify this convention. That will be one of the indicators that we are serious and are committed to playing at the same level with the international community.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Kajwang'): All right. That was good. The Member for Navakholo.

Hon. Wangwe: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion on the ratification of the Convention on the Suppression of Unlawful Acts relating to the international civil aviation and, thereon, the Protocol Supplementary to the Convention for Suppression of Unlawful Seizure of Aircraft.

Hon. Temporary Deputy Speaker, at the outset, this is not the first time we are having such a ratification. But in the current Constitution, this is the first one to happen when it comes to seizure of aircraft. This is a chance that Parliament now enjoys as a result of the new Constitution. Initially, the Executive used to just go behind doors, sign very sensitive conventions and protocols without them being debated or shared with Parliament. So, I want to, first and foremost, thank Kenyans for giving us the new Constitution that allows us to look at these conventions.

This convention should be read together with the Montreal Convention of 1971, which Kenya is a signatory. What we are ratifying today is an upgrade of what was not captured in the Montreal Convention of 1971. Those issues are now being captured, having looked at what is happening in the world today. If you remember what happened during the famous Twin Towers bombing, the pilot simply used the aircraft as weapon and flew into the buildings. During investigations, it was a bit difficult to come up with what was the cause. This convention also intends to address issues such as a passenger injuring a colleague or another passenger on board an aircraft. It is allowing investigators to cover all the countries that are signatory to the convention.

Hon. Temporary Deputy Speaker, this convention looks at the duration that someone can use an aircraft and when it is supposed to be taken for service. So, it is looking at a broader perspective such that when an engineer is working on an aircraft, he should not insert dangerous equipment which might end up blowing the aircraft while it is airborne. Therefore, with those benefits, Kenya will become the bigger economy in East Africa and the host of the Pride of Africa, Kenya Airways, which is alluded to be coming down. I feel that the Kenya Government must do something to make sure that Kenya Airways does not come down and we will support the move. Therefore, being the host of Kenya Airways which flies across continents, this convention will really put us on the safer side. Passengers will be safe because engineers, pilots and users of aircraft are protected by this convention.

When you look at the world today, terrorism is part and parcel of our lives. Some terrorism acts happen when you are airborne and you cannot control anything. So, this convention will bring us joy. There will be no protection for terrorists because we are signatories

to the convention. Kenya, being a signatory to the International Civil Authority Organization, has an attaché in Montreal who represents us on the board of ICAO and so, should we be affected in one way or another, we are bound to have proper investigations. Kenya, being the home of Kenya Airways should own aircraft. The conventional way of infantry is coming to an end and the future is the cyber attacks. Cyber wars are the 21st Century wars. It simply means the use of robots and drones. This convention stipulates that should an engineer or any other person insert a drone or an installation in-flight, investigations and prosecution of such a person is subject to this convention. So, it does not matter who you are, but you are going to be affected.

The way people board or travel airborne is a security risk. It is a concern to the passengers. This convention addresses the challenges that come with the risk. It is aimed at reducing the risk to the passengers. People will not feel that when they fly, they are bound to face problems or attacks. The aircraft is a very safe mode of transport and some engineers, in some school of thought, said an aircraft is 77 times 7 much safer than using the road. Therefore, this convention should justify the school of thought that came up with that assertion. If that becomes the position, then once the security aspect is addressed, we will definitely be happy and people will enjoy flying from one area to another.

Hon. Temporary Deputy Speaker, air transport is the most available and safest---

(Hon. Member crossed the Floor without bowing)

The Temporary Deputy Speaker (Hon. Kajwang’): This Member here on the gangway, order! Can you go back to the Bar and start a fresh? You do not cross the Floor as you have done.

Proceed.

Hon. Wangwe: Thank you, Hon. Temporary Deputy Speaker, you have taken my one minute, I hope you do not mind adding me one more minute.

Hon. Temporary Deputy Speaker, I was just comparing that if we are to travel across continents, we are bound to travel across oceans. The most available means to do trans-ocean and trans-continent transport is air. Therefore, this convention is addressing all manner of transport. The world is a global village and we can access each and every corner without any fear.

We have hosted one of the senior-most people in this world, the son of K’ogelo who is also the President of the United States of America. Had he not had a good Boeing Aircraft called “Air Force One”, definitely he would not come here. Therefore, when we are addressing the issue of civil aviation safety, this is one thing the convention is going to guarantee us. Airspace and air transport is the safest means of transport.

The beauty that comes with this convention is regional and global integration. The world can only become one when there are treaties and conventions that tie us together. From the south to the north, east to west, once we have conventions that bind us together, we tend to integrate, do business and move our monies in terms of financial mobility. We are now bound to trade across the countries, individuals, companies and corporations together.

Therefore, by ratifying this treaty, Kenya will be integrated into the global world. Everybody will know the airspace of Kenya and any kind of legal or illegal atrocities to the country will be governed by ICAO. It will not only be an issue of Kenya’s airspace but Kenya as a world space.

Just to sum up as we sign this convention, I would seek that we make East Africa a single airspace rather than Kenya only. As we address faults and failures of Kenya Airways, we also need to look at those external big airlines that come to Kenya and pick passengers in Uganda and Rwanda and yet, they have locked us out of their airspaces. It is a big challenge. They contribute to the failure of our flights. Therefore, let us think big and bold and make sure that Kenya or rather East Africa has a single airspace.

With those many remarks, I support.

The Temporary Deputy Speaker (Hon. Kajwang'): You have spoken as a professional full of substance with good research. So, you are entitled to all the minutes that you got. You know that for the case of the Member for Shinyalu, pursuant to Article 2 (6) of the Constitution, all the conventions that Kenya ratifies become automatically law in this jurisdiction. We have also passed the Treaty Making and Regulation Act by which those laws become laws straightaway. So, when we are speaking about this Motion, we are making the law. It is a law-making process. It is equivalent to a Bill. Once we have passed it after a vote, it becomes part and parcel of the law. So, implementation should follow just like every other law made in this jurisdiction.

There being no other Member wishing to contribute on this Motion, I now call upon the Mover to reply.

Hon. (Eng.) Mahamud: Thank you very much, Hon. Temporary Deputy Speaker. Let me thank all the Members who have contributed to this important Report on the ratification of this treaty.

The Temporary Deputy Speaker (Hon. Kajwang'): The Member for Turkana, what do you have to say?

Hon. (Ms.) Emanikor: I had indicated that I wanted to contribute to this Motion.

The Temporary Deputy Speaker (Hon. Kajwang'): I had asked Members who wanted to contribute to this Motion to indicate by pressing the intervention button because there are Members who come and request but they want to contribute to different Motions. So, that is how I was able to see who wanted to contribute to what. If that did not go well, I apologise. So, you will have an opportunity to speak later.

Proceed the Member for Mandera West. You are the Vice-Chairman of this Committee.

Hon. (Eng.) Mahamud: Thank you, Hon. Temporary Deputy Speaker. Let me thank the Members who contributed to this Motion and those who did not. I am sure that they are with us in spirit. This is a very important protocol and the fact that we are ratifying it shows the commitment of this country to the safety of civil aviation.

Our airport, Jomo Kenyatta International Airport (JKIA), is not receiving many flights from other countries because of issues of security. I am sure that this ratification along with others that we have done before will help put us on that global map where we are seen as a safe destination. It will also help us make our little contribution to the safety of international aviation as a sovereign nation which is proud of itself. So, I will urge the Members to support this protocol when the Question is put later on so that it becomes part of our laws and also deals with safety within our airspace and in the whole world.

I thank you, Hon. Temporary Deputy Speaker.

I beg to reply.

The Temporary Deputy Speaker (Hon. Kajwang'): I hereby order that the business appearing as Order No.9 in the Order Paper be printed this afternoon for the purpose of taking a vote.

Let us move on to the next Order please.

BILLS

Second Reading

THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL)

The Temporary Deputy Speaker (Hon. Kajwang'): That is the business appearing as Order No.10. The Chairperson of the Departmental Committee on Finance, Planning and Trade, are you there?

Hon. Gaichuhie: Hon. Temporary Deputy Speaker, I beg to move that the County Governments (Amendment) Bill, Senate Bill No.1 of 2014 be now read a Second Time although the Committee had rejected it.

From the outset, I want to say that this Bill was brought from the Senate and its essence was to have county headquarters in specific areas. So, when the Committee received the Bill, we consulted the stakeholders and the Attorney-General. We also invited the Ministry of Devolution and Planning, the Commission for the Implementation of the Constitution (CIC) and the Transition Authority (TA). However, in their remarks almost all the authorities were of the opinion that this should be a county affair. It is an affair that the headquarters should be decided at the county level. We should not have a legislation that marks where the county headquarters should be.

So, the Committee in its wisdom decided that the Bill should not even be read a Second Time. I am reading it for the Second Time because it is a property of the House. The Committee declined it. The recommendations of the Committee were that we should not read the Bill. So, we recommended that all the clauses including the title should be deleted.

I have approached quite a number of Members who have declined even to second the Bill because the Committee rejected it. They were of the opinion that their headquarters should not be permanently stationed where they are. For example a county like Nakuru has its headquarters in Nakuru Sub-County. If tomorrow they decided to move to Naivasha Sub-County, that should be the responsibility of the MCAs in consultation with the general public of Nakuru County.

The Temporary Deputy Speaker (Hon. Kajwang'): The Member for Subukia, just move it in a positive term because you are proposing. Propose it and leave it to Members to debate.

Hon. Gaichuhie: All right. Thank you. The essence of the Bill as I said earlier is that the Senate had decided that the county headquarters--- They had even a schedule for all the 47 counties where their headquarters should be. The schedule indicated that the current headquarters of the counties should be permanent. However, they also had a provision that if anybody wanted to change counties, then they should start with public consultations and the Senate should ratify all the headquarters. So, the essence of the Bill is that it is supposed to indicate where county headquarters are supposed to be.

With those very few remarks, Hon. Temporary Deputy Speaker, I beg to move.

The Temporary Deputy Speaker (Hon. Kajwang'): All right. Who will second it?

Hon. Gaichuhie: Unfortunately, the Members of my Committee were meeting the Central Bank of Kenya (CBK) Governor and nobody else had indicated that he or she wanted to second the Bill.

The Temporary Deputy Speaker (Hon. Kajwang'): The Member for Subukia, are you indicating that there is no seconder for your Bill?

Hon. Gaichuhie: That is exactly what I want to say. Maybe, Hon. Temporary Deputy Speaker, you can invoke Standing Order No.57.

The Temporary Deputy Speaker (Hon. Kajwang'): What I will invoke is my business. If you do not have a seconder just resume your seat.

Hon. Gaichuhie: Thank you.

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Members, Standing Order No.57 (1) states:

“The question on any Motion shall not be proposed unless it shall have been seconded and any Motion that is not seconded shall be deemed to have been withdrawn, and shall not be moved again in the same Session.

(2) Despite paragraph (1), a Motion made in Committee of the whole House shall not require to be seconded.”

So, Hon. Members in terms of Standing Order No.57 (1) I, therefore, order that this Motion be deemed to have been withdrawn and shall not be moved again in the same Session.

Having ruled the way I have done, I have to go back to the Constitution. Article 112(2) of the Constitution, with regard to an ordinary Bill concerning county governments. It says:-

“If, after the originating House has reconsidered a Bill referred back to it under Clause (1)(b), that House—

- (a) passes the Bill as amended, the Speaker of that House shall refer the Bill to the President within seven days for assent; or
- (b) rejects the Bill as amended, the Bill shall be referred to a mediation committee under Article 113”.

I, therefore, make a ruling pursuant to Article 112(2)(b) of the Constitution of Kenya, that having been deemed withdrawn, I treat that Bill as having been defeated or negated. In other words, it is rejected in accordance to this Article and, therefore, it shall be referred to a mediation committee under Article 113.

That being the case, I request the Leader of the Majority Party and the Leader of the Minority Party to forward the names of their preferred Members to the Speaker for appointment to the mediation committee for this Bill. It is ordered accordingly.

*(The County Governments (Amendment)
Bill (Senate Bill No.1 of 2014) referred to mediation committee)*

Next Order!

THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL

The Temporary Deputy Speaker (Hon. Kajwang'): This is business appearing as Order No.11. Let us have the Chairperson of the Departmental Committee on Justice and Legal Affairs.

Hon. Chepkong'a: Hon. Temporary Deputy Speaker, I beg to move that The County Governments (Amendment) (No.2) (Senate Bill No.2 of 2014) be now read a Second Time.

In the first instance, this Bill originates from the Senate and it concerns counties. As you know, all matters that concern counties must either go to the Senate or originate from the Senate. If it originates from the National Assembly, it must end up in the Senate. The Senate can equally originate a Bill that concerns counties or is not a money Bill. This is not a money Bill in accordance with Article 114 of the Constitution. It concerns counties.

The principal objective of this Bill is to ensure that county assemblies respect the gender rule as espoused under Articles 27(8) and 177 of the Constitution. The Bill seeks to amend the County Governments Act and introduce a new Sub-Section 7(a), which seeks to state:-

“A county assembly shall not be fully and duly constituted for the first sitting after a general election unless all the members provided for under Article 177(1)(b) and (c) of the Constitution have been duly nominated and their names published in the gazette.”

Secondly, Sub-Clause 2 seeks to introduce that Sub-clause 1 shall not apply where the nomination of a member of a county assembly under Article 177(1)(b) and (c) of the Constitution is the subject of a court order stopping or otherwise, pending the nomination of the member.

Finally, the Bill also seeks to introduce Sub-Clause 3 that states:-

“Despite Sub-clause 1, a county assembly shall be deemed to be fully and duly constituted for the first sitting, notwithstanding the death or before the date of the first sitting of the county assembly, of a member nominated under Article 177(1)(b) and (c) of the Constitution”.

The import of this Bill is to ensure that all the nominated Members of the County Assembly (MCAs) as contained in Article 177 will not be locked out of the first sitting as it happened in the first sitting of all the county assemblies in 2013 after the general election. The MCAs were nominated and gazetted after the first sitting of all the county assemblies. During the first sitting of the county assemblies, they elected the chairpersons of the various committees but all the nominated MCAs were not present. So, all the committees of the county assemblies, as they are constituted at the moment, do not contain any woman at all except those who were elected.

Hon. (Ms.) Kajuju: Female!

Hon. Chepkong'a: I am corrected that they are called “female”, but they are also called “women”. I do not need this assistance from Hon. Kajuju. The word “woman” is still contained in the Bible and Quran as a correct terminology that is rightly used.

For instance, my county assembly has only three elected MCAs and 15 nominated MCAs. All the three got positions as vice-chairpersons of the various committees because the assembly was dominated by men. So, they were given those positions like sweets. In terms of numbers, they were not there, but when the nominated MCAs joined them after about three sittings, they found that all the positions had been taken by men. If you remember, one of the hue and cry of the county assemblies at that time was that there must be fresh elections of the chairpersons and vice-chairpersons of those committees. The men refused and stated that elections had already been held. They said that the *status quo* must prevail and the women should wait until 2017.

We are seeking to cure that mischief by ensuring that the first sitting of the county assembly after a general election shall not happen unless the nominated MCAs have been gazetted and will be present at the county assembly, so that they can participate in the election process of the various chairpersons of committees in those assemblies. That is the import of this Bill.

The Departmental Committee on Justice and Legal Affairs considered this Bill and we thought that it is very appropriate. Being gender sensitive, as a Committee, we are sponsoring a gender Bill to ensure that more women join the National Assembly and the Senate. It will be completely unacceptable that the principle that is contained in Article 27(8) of the Constitution is scuttled by the county assemblies meeting before the nominated MCAs are gazetted and allowed to sit for the first time. So, the Committee, while considering this Bill, supported it unanimously. I urge the Members to support it, so that we can deal with this matter expeditiously.

I beg to move. I would like to request the indomitable County Women Representative for Meru, Hon. Florence Kajuju, to second this Bill. As you know, she has been very supportive of the male gender in our Committee and in this National Assembly.

Hon. (Ms.) Kajuju: Hon. Temporary Deputy Speaker, I thought the Chairman would have referred to me as a ranking Member because that is what you have been saying since morning.

Hon. Temporary Deputy Speaker, I will speak from experience because I have seen what happened after the 2013 elections. Many counties did not elect women representatives in the county assemblies. At the time of electing the Speaker of the county assembly, the Deputy Speakers, the chairpersons of the various committees, we did not have gender representation. There is a reason why in the Constitution we stated that we should have one-third gender obligation in elective and appointive positions. This has to apply within our county assemblies.

This amendment is quite in order. As we have said time and again, the Constitution might not be 100 per cent good but as we progress towards the implementation, these are some of the gray areas we will look at and see how we can amend. This includes the subsidiary legislation. This is because the County Government Act is one of the legislations or statutes that operationalise county governments. The county assembly is a key player towards ensuring that county governments operate. Therefore, we believe that if the county assembly at the first instance was to proceed in the manner that we see Kenyan elections being undertaken and one gender is disadvantaged, we shall have the political voice of the female gender lacking in most of the county assemblies. From the first instant, it is very important to state that any county assembly must await nominations so that if any gender is disadvantaged, at the end of the day, we shall have nominations and a properly constituted assembly that will take care of the interests of the 50 per cent of the population which in most cases would mean the female gender.

Hon. Temporary Deputy Speaker, we are going into elections in 2017, and if we do not legislate now, we are going to have a repeat of what we saw in the last elections. It is important to do it now, just as we are doing in other amendments to ensure that in the next elections, there is a smooth transition and composition of the various bodies comprised in the Constitution as by law established.

I beg to second.

Thank you, Hon. Temporary Deputy Speaker.

(Question proposed)

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, we will go with the same rules. If you are on the request list and you want to speak to business appearing as Order No.11, please press the intervention button and I will recognize you.

Yes the Member for Siaya.

Hon. (Ms.) Ombaka: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Bill. I support the move towards including women in the county assembly. Women in the county assemblies have no big roles even though they were nominated. I will take an example from Siaya County where nominated women MCAs have no roles within the county assembly. They are there as flower girls and they have no positions. When elections were done, out of the 30 positions for MCAs, only one woman won the elections and is now the Chairperson of the Education Committee. So, she is the only one out of the 29 men who has a position. Women have no role to play within the county assembly. That has shown a lot of discrepancy in the manner in which things are done, that even though nominations were done to address the one-third gender rule, that can be done but if you do not give them roles and responsibilities within the county assembly, then we have not achieved what we want.

Having women is good but giving them responsibilities is another thing. So, it is only one woman who is the Chairperson of the Education Committee and the rest do not play any role. This is because nomination to those positions was made when nominated women MCAs were not there.

We hope this will be corrected in 2017, and that nominated women will be there in the right time when nomination is being done so that they are included. This Bill is exciting because it shows we are moving in the right direction. As long as we continue to put this in Bills and laws that will be implemented, we are going to achieve the two-thirds gender rule. We have been talking about this the whole of last week and this week. I do not have much to contribute now. This is a good move to the country and that we are beginning to implement the two-thirds gender rule progressively.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Yes the Member for Turkana.

Hon. (Ms.) Emanikor: Thank you, Hon. Temporary Deputy Speaker. I rise to support the County Governments (Amendment) (No. 2) Bill (Senate Bill No. 2 of 2014). As the Mover said earlier, after elections most county governments and county assemblies did not have the requisite gender parity numbers. It took time for parties to nominate MCAs due to the dynamics of the different parties. Most of these nominations were characterized by squabbles and this disadvantaged female MCAs. They were nominated after the constitution of committees and they were slotted into committees but they did not secure leadership positions in those committees. This amendment will ensure that both the elected and nominated MCAs attain the same status, accorded the same treatment and enjoy the same democratic rights.

In my interaction with my MCAs from Turkana County, whom I am mentoring, I learnt they are treated by their colleagues as lesser MCAs. That means issues of gender mainstreaming and concerns are excluded in county legislations and activities. The exclusion notwithstanding, these female MCAs are some of the most active members who have even moved Bills in the county assemblies.

I stand to support.

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

The Temporary Deputy Speaker (Hon. Kajwang’): The Member for Changamwe, if you want to receive the Speaker’s recognition, you press the intervention button. You do not shout from where you are, claiming to be on a point of order.

Hon. Shimbwa, can you press the intervention first? I am not able to know the seat you are occupying. The Member for Navakholo, can you assist your colleague?

Hon. Wangwe: It is on, Hon. Temporary Deputy Speaker. It seems his card has a problem.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Shimbwa, there is definitely a problem with your card. After you have finished, talk to the relevant people on Information Technology (IT) to correct your card. What is your point of order, Hon. Shimbwa?

Hon. Shimbwa: Thank you, Hon. Temporary Deputy Speaker. I actually would like to advise our women colleagues---

Hon. Temporary Deputy Speaker (Hon. Kajwang’): Remember you are on a point of order.

Hon. Shimbwa: Yes. I want to bring up a point. Being a nominated MCA or whatever, what matters is what you contribute to the assembly. You are not just going to be given favours and be pampered because you are a woman. It is up to the ladies to come up with a list of ladies who are up to the task. Otherwise, if you bring mediocre people, they will not be considered. It is up to the lady Members of Parliament to go round the country and pick the right calibre so that they can be given the prominence they deserve.

Thank you, Hon. Temporary Deputy Speaker.

(Hon. (Ms.) Kajuju and Hon. (Dr.) Shaban gestured)

The Temporary Deputy Speaker (Hon. Kajwang’): Do not worry the Meru County Women Representative and the Member for Taveta, I am patiently trying to get what could be out of order in that speech.

Hon. Members, let us go back and look at our Standing Orders. If you look at Standing Order No.107---

(Hon. Shimbwa stood up in his place and bowed)

The Member for Changamwe, I am addressing you.

Hon. Shimbwa: Yes. I am all ears!

The Temporary Deputy Speaker (Hon. Kajwang’): Relook at it and you will know what can be out of order and what points you can raise to be out of order.

Hon. Shimbwa: The Hon. Member was misleading the House.

The Temporary Deputy Speaker (Hon. Kajwang’): No. Please, remain silent. If you look at that provision, next time you will not stand and proclaim that somebody is out of order when you, in fact, just want to debate.

Let me proceed. Yes, the Member for Elgeyo Marakwet.

Hon. (Ms.) Chebet: Thank you, Hon. Temporary Deputy Speaker.

I rise to contribute to this Bill. I want to support it from the start. This Bill has come at the right time when we have realised that more women are nominated than elected in our counties. Those who are nominated are normally locked out of business in the assemblies. I

come from Elgeyo Marakwet where we have 10 nominated women MCAs and two elected. The only active ones at the time are the two elected. The 10 MCAs are left silent because they were not assigned any responsibility as chairpersons or vice-chairpersons.

This amendment is coming at the right time when we are preparing for the 2017 General Election and we would not like to see a repeat of what is happening currently. We would like to have our women participate in the first meeting of the county assembly when elections for various chairpersons are conducted.

I rise to support the Bill. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang'): All right. Yes, the Member for Shinyalu.

Hon. Anami: Thank you, Hon. Temporary Deputy Speaker. First and foremost, we want to appreciate that we had many protracted court cases at the very beginning. People were seeking to be nominated. That can explain the situation as it is now but, we cannot repeat. We should not be anxious to repeat the mistake that was made that time. It also calls upon us, as a country, to put mechanisms in place that will facilitate elections and nomination of this gender.

I also wish to underline the fact that gender disparity may tilt against the female gender but, we should not take it for granted and think that that is what the case will be throughout. We are setting law for the future. There will be time when the male gender will want this special attention. The spirit of the Constitution being that we should bring everyone on board and appreciate that both gender have a purpose and reason to be citizens of Kenya and that they have a contribution to make for purposes of having balance, we should be anxious to correct the mistakes that were made.

There is the spirit of public participation and citizen participation, in the nomination and even election of these MCAs. How I wish that in this amendment we could find a way of setting standards for people to be chairpersons for certain committees, to have certain basic skills and abilities to deal with that sector. This will pull us back and it should not just be the question of one-third gender rule but a question of who is doing what so that the spirit of fair distribution of resources and opportunities can be upheld.

The principle of inclusiveness is very fundamental here. Even after these MCAs were included following the court cases, still we have had some changes. Many changes of Speakers, Deputy Speakers and chairpersons of the different committees at the county level but the female gender has been excluded. This is arising from the behaviour of governors. We, at that time, saw our dear governors wanting to create regimes for themselves so that MCAs could not impeach them. This is what may also have contributed to this disparity. This needs to be interrogated seriously and the Senate needs to rise to the occasion to address this issue case by case so that we can have this necessary balance and obey the principle of inclusiveness.

We need to stabilise county governments and require that county assemblies play their oversight role and enjoy the independence that they need to have as an arm of the county governments. If this has to be done, then we need to have legislation that affirms this; the position of county governments. I think the challenge goes beyond county assemblies. It is the first test on county governments. Some county assemblies think they are answerable to governors to the extent that they behave as if they are staff of the governors. If we affirm this rule and create the one-third gender balance, perhaps we will have better county assemblies and they will play their oversight role effectively.

There is also the issue of who gets nominated. Since that is for another day, I think that this amendment might need to be looked at more broadly to address the bar or threshold of who plays which role in the management of county affairs.

With those few remarks, I wish to support.

The Temporary Deputy Speaker (Hon. Kajwang'): The Nyandarua County Women Representative, you have been applauding very loudly about something that excites you. Can we hear it now?

Hon. (Ms.) Muhia: Thank you very much, Hon. Temporary Deputy Speaker. Indeed, I was happy with my colleague who has just spoken for speaking very good about women though I was disappointed by the Member for Changamwe for considering women as being given favours by this amendment. I consider this amendment as not based on any gender. It is purely based on constitutional rights of individuals because even men can be a minority in the House to require nomination. I hope that is the where we are headed.

This amendment is very good. It is unfortunate to be pioneers of any eventuality or occasion but it also comes with its own advantages. The current MCAs are the pioneers. There was no path and one has to be cleared. Some of the ways to make this path is to amend some Acts as we are currently doing. So, I want to commend the person who has come up with this amendment.

In Nyandarua, we did not elect any woman MCA and we ended up nominating 17 MCAs. These are potential leaders in their own rights. They will possibly rise to become Members of Parliament, or great leaders in this nation. However, because of the fact that they were not given their democratic right to chair committees or elect the Speaker, they have not made any difference.

In a case where the Speaker won with two votes, maybe if these women were given an opportunity that could have changed. There are circumstances where the Speaker is not leading the assembly in the right direction, but because these women are denied their democratic right, there are repercussions. With this amendment, these women will be given the opportunity to become leaders.

We all know that chairpersons have added advantage compared to those who do not hold those positions. For instance, women who come from upcountry could get a lot of exposure by travelling to other countries. I believe that most of those who travel out of the country are chairpersons because they lead delegations. So, if these women got this opportunity, for instance, if a woman was elected the chair of a committee, by the end of the term that is already a capacity built. That will not happen because this opportunity was not given to the women MCAs.

I also see this amendment in the spirit of equalisation and inclusiveness. That is if the assembly is in place every person in that assembly would have equal chance to contribute from day one. In that case, history would charge the assembly one way or another and all the MCAs would take equal responsibility.

This is a very good amendment which will afford all MCAs justice because there is already injustice in the current assemblies. However, on the first page, I see injustice in four counties in this country, and my county is one of them.

The drafters of this Bill or the persons in charge of the county governments have indicated the county headquarters and their physical locations, but they have left one column. For example, in Mombasa the location of the county headquarters is Mombasa City, but where is it? I take this opportunity to note that we have four counties in this country, Nyandarua being one of

them, which do not have any place to operate from. In fact, the Nyandarua County Assembly is operating from a church. So, it would have been wise if the officers declared---

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

The Temporary Deputy Speaker (Hon. Kajwang'): The Nyandarua County Women Representative, just hold your horses. The Member for Kitui Central, what is out of order?

Hon. Mulu: Thank you, Hon. Temporary Deputy Speaker. The Member is confusing us. The Bill we are discussing has nothing to do with county headquarters. That is a different thing.

The Temporary Deputy Speaker (Hon. Kajwang'): Is your point of order on relevance or she is misleading the House?

Hon. Mulu: Is it in order to discuss a Bill which is not before the House?

The Temporary Deputy Speaker (Hon. Kajwang'): Can you properly compose your point of order so that I am able to appreciate it?

Hon. Mulu: Hon. Temporary Deputy Speaker, what is before us is the County Governments (Amendment) (No.2) Bill, 2014 but what the Member is discussing is the County Governments (Amendment) Bill, 2014. There is a bit of confusion. So, is it in order for the Member to debate a Bill which is not before this House?

The Temporary Deputy Speaker (Hon. Kajwang'): Where have you got this County Governments (Amendment) (No.2) Bill, 2014 from?

Hon. Mulu: That is the Bill I have, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): I am trying to understand why you think this Member is referring to the County Governments (Amendment) (No.2) Bill, 2014.

Hon. Mulu: Unless I am having different Bills, Hon. Temporary Deputy Speaker, the Bill I have is on amendment---

The Temporary Deputy Speaker (Hon. Kajwang'): Did she refer to the County Governments (Amendment) (No.2) Bill, 2014 or something like that?

Hon. Mulu: Yes, the Bill I have reads that unless there is some confusion, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): You are confusing me more than you are helping me.

Hon. Mulu: Maybe you have several Bills in your hand, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): All right. I will leave it at that. That point of order has not been well articulated.

Hon. (Ms.) Muhia: Hon. Temporary Deputy Speaker, I do not expect the Member to be confused---

The Temporary Deputy Speaker (Hon. Kajwang'): Do not worry, the Nyandarua County Women Representative. What has not been matured is not for you to respond to.

Hon. (Ms.) Muhia: It is unfortunate for the MCAs not to be given their democratic right. Page 2 of the Bill indicates the physical location of the county headquarters. I am aware we are not discussing the county headquarters, but the point I was trying to point out is that together with these problems---

The Temporary Deputy Speaker (Hon. Kajwang'): The list of headquarters is in the County Governments (Amendment) Bill, 2014 and not the County Governments (Amendment) (No.2) Bill, 2014. Is that what you are referring to, the Nyandarua County Women Representative?

Hon. (Ms.) Muhia: Yes, I am referring to the County Governments (Amendment) Bill, 2014.

The Temporary Deputy Speaker (Hon. Kajwang'): Do not refer to it because it is something which we have passed and committed to mediation.

Hon. (Ms.) Muhia: Hon. Temporary Deputy Speaker, I just want to drive a point; it is very necessary. As all this confusion brought by the Constitution was there, there were also other confusions which were brought by the Transition Authority (TA). There are counties like Nyandarua, Tharaka and Tana River which do not even have anywhere to operate from leave alone the issue of nominating women, men or giving them an opportunity to elect the Speaker. These county governments do not have anywhere to operate from, two years down the line. So, I recommend to the person who drafted this Bill that it would be better to state the location of the offices. However, I stand guided.

The Temporary Deputy Speaker (Hon. Kajwang'): I suggest that you lobby the Leader of the Majority Party to appoint you to the mediation committee so that those good ideas can be given at the mediation process because they are relevant to that discussion.

Hon. (Ms.) Muhia: Thank you, Hon. Temporary Deputy Speaker. I support.

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you very much. Yes the Member for Kitui Central.

Hon. Mulu: Thank you, Hon. Temporary Deputy Speaker, for giving me the chance to add my voice to this important amendment. The import of this amendment is to ensure that before county assemblies are fully and duly constituted the nominated members are part of them.

This being the first time we implemented this provision of the Constitution, there were a number of challenges. These nominations were done after the county assemblies had been constituted. In that case, the nominated MCAs were not able to participate in the election of their respective Speakers. At the same time, they were not considered for leadership in the committees, which is a serious omission. It only happens that the majority of the nominated MCAs are of the female gender. I see a situation in future where we could have most of them coming from the male gender.

Hon. Temporary Deputy Speaker, this amendment is very important because it is going to make sure that just as it happens in the National Assembly where nominated Members of Parliament participate in the two important events of election of the Speaker and are also considered for the leadership of the Committees, this amendment ensures that this happens in the county assemblies. So, I support this amendment.

I was a bit worried because I thought possibly because we have 47 many county assemblies, we need to be careful so that there are no delays in having these important institutions being constituted but, I am happy that the amendment takes care of that in terms of precautions. First, we are saying that in a situation where nominated MCAs have court cases, that should not stop the constitution of the county assembly. At the same time, in a case where a member has been nominated but by bad luck the member passes on, it is catered for in the Bill. My worries have been addressed through this amendment. I support it because it will go a long way in making sure that county assemblies are a replica of the National Assembly.

One of the important points we need to note as Members of Parliament is that even though these nominations are important, some of the political parties did not do their nominations properly. We had many issues to do with nominations. Nominations are supposed to fill the gaps which are not taken care of during elections. This is to do with special groups and

special interests but, we have realised situations where these nominations do not add any value to these county assemblies. We have seen some situations where some of the nominated MCAs are illiterate. So, you really wonder why if we are looking seriously for nomination we would go for someone who is illiterate.

As we move forward in this important amendment, it is the work of parties in this country to make sure that we get the right nominations which add value to the work of the National Assembly and at the same time the work of county assemblies.

With those remarks, Hon. Temporary Deputy Speaker, I support these amendments.

Thank you very much.

The Temporary Deputy Speaker (Hon. Kajwang'): Yes, the Member for Taveta.

Hon. (Dr.) Shaban: Asante sana, Mhe. Naibu Spika wa Muda, kwa kunipatia nafasi hii pia niunge mkono sheria hii ambayo ikipitishwa itakuwa imesaidia sana kuwa na uanachama wa bunge za kaunti za ugutuzi.

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

The Temporary Deputy Speaker (Hon. Kajwang'): The Member for Gilgil, I am always very apprehensive when a Member walks in and the first thing he or she does is to rise on a point of order. Was that deliberate or was it a slip of your fingers.

Hon. Ndiritu: Yes, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): All right. The Member for Taveta, proceed.

Hon. (Dr.) Shaban: Mhe. Naibu Spika Wa Muda, ukweli ni kwamba kipengele cha 147 cha Katiba yetu ya Kenya kinahusisha binadamu wa maumbile yote na binadamu wa jinsia zote kwenye maswala ya ugutuzi hasa kwa maswala ya bunge za kaunti. Ninatoa pongezi zangu kwa Seneta Martha Wangari kwa kutukumbusha kwamba bunge za maeneo ya ugutuzi haswa kaunti zetu humu nchini zilivyoanza kazi wakati huu uliopita hazikua na wanachama vile instahili kulingana na kipengele hicho cha Katiba.

Ni tatizo kubwa sana kuwa bunge hizi za ugutuzi zilianza kazi kabla ya kina mama na haswa walemavu kuweko katika bunge hizo ili kuchagua spika pamoja na wale wengine ambao wanasimamia kamati tofauti tofauti.

Jambo la kusikitisha ni kuwa ikifikia swala la wanawake ama swala la kuhusisha vijana ama walemavu, watu wanataka kuangalia ikiwa mtu huyu amesoma kiasi gani ama unasikia watu wanaongea kama Wakenya wote hawana haki ya kuhusishwa kwenye maswala ya kutengeneza sheria hasa kwa maswala ya ugutuzi ambayo ni maswala mapya na ni maswala ambayo yanatakikana kuangaliwa kwa uangalifu ukihusisha wananchi wote wa Kenya.

Jambo la kusikitisha ni kuwa wakati huu makosa yalifanyika kwa sababu ni mara ya kwanza. Lakini tunavyoelekea mbele ni lazima tuangalie kuwa bunge zimebeba jinsia zote na kujumuisha wananchi wote ili waweze kufanya kazi pamoja.

Tume ya Sarah Serem imefanya mambo ambayo yanalenga sana na kutenga wale ambao walikuwa washughulishwe tangu mwanzo kuwa wanachama wa bunge za ugutuzi. Kuna pesa zingine wenzao wanalipwa na wao hawalipwi. Kwa mfano wenzao wanarudishiwa ridhaa wakati wa usafiri, *mileage claim*, lakini wale ambao wamewekwa kwa orodha hii maluum ya wabunge wa kaunti wamenyimwa.

Akina mama, walemavu pamoja na vijana wamenyimwa wakiambiwa hawastahili kupatiwa. Hutoka maeneo walipochaguliwa kutoka kwenye wadi zao kuletwa kwenye bunge lile. Maswala hayo yote ni lazima sasa hivi tuyarekebishe ili tuhakikishe kwamba tunapokwenda

kwenye uchaguzi ujao kusiwe na makosa yale yaliyotokea pale mwanzo. Kwa hivyo, ninaunga mkono na ninatoa pongezi zangu mara nyingine tena kwa Seneta Martha Wangari kuhakikisha kuwa tunavyoenda mbele Kenya inaweze kujumuisha wananchi wote kwa maswala ya ugatuzi kwenye bunge za kaunti.

The Temporary Deputy Speaker (Hon. Kajwang'): Yes, the Member for Kaiti.

Hon. Makenga: Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute on this very important amendment. From the outset, I would like to support the amendment Bill. This amendment will give political parties opportunities to nominate their members in time so that it does not inconvenience the constitution of the assembly, particularly during the formation of committees.

Political parties which are mandated to nominate members in the assemblies to fill up gaps will have adequate time to identify suitable members for those positions. Some of these positions are very important and members must come from vulnerable groups which may be marginalised. Political parties should identify vulnerable groups so that they fill the positions. The two-third gender rule is very important as far as the nomination is concerned. This amendment was meant to cure that issue.

The other issue is that assemblies will be constituted without further delays. After the last general election, protracted court cases were filed by people who felt that they were not fairly treated and it took a long time for these court cases to be sorted out. That caused a delay in the constitution of the assemblies. It also caused unnecessary delays in the formation of the assemblies. This amendment will cure the legal protraction immediately after the nominations. Therefore, nominated MCAs will be in place before the constitution of the assembly.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Kajwang'): Yes the Member for Gilgil.

Hon. Ndiritu: Thank you, Hon. Temporary Deputy Speaker for this opportunity to contribute to this very important Bill.

First of all, it is viewed that it is only female MCAs who are to be nominated. It is a bit unfortunate to my male colleagues and even to some women who have insinuated that it is only women who are going to be nominated. In some cases, and the best example is my constituency, out of five wards, we have three elected female MCAs and two elected male MCAs. This means that, in our case, if we were to nominate, they would have nominated me. So, to my male colleagues, this does not only apply to women, but also to men.

I sympathise with the Nyandarua County Women Representative who said that they never elected even one woman in the whole county. It is unfortunate and in the next election, she should be working to empower many women, so that we can get numbers in the county.

I am a father of two daughters and I have always told them that they have to fight hard to win their place in the society. Without anticipating debate, I know there is something going on in the National Assembly which makes it competitive for women to get these seats. I support the idea that assemblies should not be constituted until the membership is fully constituted. Nominated MCAs like the nominated Members that we have here, have equal rights with elected Members. So, denying them the opportunity to be part of the processes that constitute the assembly is unfair.

Committees are the ones that make most of the laws. They study and deliberate issues. Making them not part of that deliberation is denying them the opportunity that they were given to even come and push issues probably for the marginalised, persons with disabilities and women.

They are also supposed to push for issues that women may understand more that affect the society.

With those few remarks, I would only like to remind all of us that it is not always that women are the ones that are endangered. In my constituency, I only come in to balance the equation because they are three against two. I have to come in as a Member of Parliament, so that we are three-three.

I support.

The Temporary Deputy Speaker (Hon. Kajwang'): The Member for Vihiga, we are trying to close this discussion. Spend maybe three minutes or so, so that we can close this discussion.

Hon. Chanzu: Thank you, Hon. Temporary Deputy Speaker. This is a very important amendment Bill. I just want to join my colleagues in congratulating Senator Martha Wangari for remembering and bringing this Bill so that we can streamline issues. Just like it was intended, the Constitution came up but there is a lot that we need to do in order to operationalise various articles and sections of the laws that we enacted here just before the elections. Just like my colleagues have said, the issue of balancing has been taken for granted. When you see some of our colleagues running up and down, it is because there are marginalised groups. So, it is important that this is done so that we can obey the two-thirds gender rule and we can also offer equal opportunities to everyone in our society.

In fact, the idea that some of these nominated MCAs could not get various positions was not there in some areas like ours. In our area, they were the people who were recommended for appointment to the positions of whips and so on. People were going round asking for money from some people who wished to be nominated.

A Member has talked about the role of governors and their separation from MCAs. The law is also very clear about the oversight role that MCAs are supposed to play. The law says that they should not become part of the executive or go into the kitchen cabinets of the governors like we see in my County of Vihiga. That is why they are not able to control the rampant corruption between the executive and them.

So, this Bill is very important. We should do anything to improve our laws so that they can serve Kenyans and not just the elected people like governors, Members of Parliament and so on. So, we should define them as much as possible so that Kenyans can get equal service across the country.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): The Member for Kiminini, I have given you a lead but you seem not to be relenting. Let us hear you in one minute.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Speaker. I just want to add my voice to this Bill which I support. It will be very nice for the nominations to be done before the committees are constituted. I remember last time the nominated MCAs came in after the committees had already been constituted and this caused a lot of acrimony. This is a good amendment. Again, their nominations go to political parties. Maybe we should look further at the Political Parties Act for purposes of harmonisation and consistency. Otherwise, I support.

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang'): There being no other Member desiring to contribute to this Bill, I therefore order that the Mover be called upon to reply.

Let us have the Member for Ainabkoi.

Hon. Chepkong'a: “Ainabkoi”, the place of stones!

The Temporary Deputy Speaker (Hon. Kajwang'): Yet it is the place of trees.

Hon. Chepkong'a: “Ainamoi” is the place of cows.

(Laughter)

Hon. Temporary Deputy Speaker, I thank you very much. I thank all the Members for supporting this Bill. It will go a long way in ensuring that there is parity in the county assemblies.

I beg to reply.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Kajwang'): Order! The time being 1.00 p.m., the proceedings are hereby adjourned until this afternoon at 2.30 p.m. It is so ordered.

The House rose at 1.00 p.m.