

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 12<sup>th</sup> October 2017

The House met at 2.30 p.m.

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

### PRAYERS

### PAPERS LAID

**Hon. A.B. Duale:** Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Report on the Implementation and Monitoring of Provisions on Local Content in the Petroleum Extraction and Production Industry in Kenya by the Ministry of Energy and Petroleum for the year 2016.

The Report on the Assessment of the Management of Green Schools and Commercial Tree Growing Programme by the Ministry of Environment, Natural Resources and Regional Development Authorities for the year 2017.

The Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30th June, 2016, and the certificates therein:

- (i) National Council for Population and Development.
- (ii) Western Kenya Rice Mills Limited.
- (iii) Kenya Industrial Research and Development Institute.
- (iv) Kenya School of Law.
- (v) Ministry of Industrialisation and Enterprise Development.
- (vi) Mwea Rice Mills Limited.
- (vii) Kenya Industrial Estates.
- (viii) Kenya National Highways Authority.
- (ix) Bomas of Kenya, and,
- (x) Laikipia University.

The Reports of the Auditor-General on the Financial Statements in respect the following constituencies for the year ended 30<sup>th</sup> June 2016, and the certificates therein:

1. Ol Kalou Constituency.
2. Kisauni Constituency.
3. Lunga Lunga Constituency.
4. Chuka/Igambang'ombe Constituency.
5. Ganze Constituency.
6. Githunguri Constituency; and,
7. Kabete Constituency.

**Hon. Speaker:** Next Order.

**NOTICE OF MOTION**

## ADOPTION OF SESSIONAL PAPER ON MINING AND MINERALS POLICY

**Hon. A.B. Duale:** Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts Sessional Paper No.7 of 2016 on the Mining and Minerals Policy, laid on the Table of the House on Wednesday, 11<sup>th</sup> October 2017.

**STATEMENT**

## BUSINESS OF THE HOUSE

**Hon. A.B. Duale:** Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(a), on behalf of the House Business Committee (HBC), I rise to give the following Statement. As usual, the HBC met on Tuesday this week. Without anticipating debate, I wish to note that the House is scheduled to proceed on a short recess commencing tomorrow as per our Calendar. As a result of this, the HBC has not scheduled any business for next week. I now wish to lay this Statement on the Table of the House.

*(Hon. A.B. Duale laid the Document on the Table)*

**Hon. Speaker:** Before we move to the next Order, I wish to recognise the presence, in the Speaker's Gallery, of students from Kenya High School from Dagoretti South Constituency in Nairobi County; Mutungoni Academy, Mavoko Constituency, Machakos County and those from Kibra Home School Community, Kibra Constituency, Nairobi County. They are all welcome to observe the proceedings of the National Assembly this afternoon.

**COMMUNICATION FROM THE CHAIR**

## APPOINTMENT OF LEADERS OF THE MINORITY PARTY

**Hon. Speaker:** May I request the Members making their way in to quickly do so. I have some long Communication that I wish to make.

Hon. Members, this is Communication No.6 of 2017 and it relates to the matter of appointment of the Leader of the Minority Party, the Deputy Leader of the Minority Party, the Minority Whip and the Deputy Minority Whip.

My Office is in receipt of several communications relating to the filling of the various leadership positions by the minority coalition in this 12<sup>th</sup> Parliament. More specifically, I have received the following correspondences and minutes relating to the filling of the positions of Leader of the Minority Party, Deputy Leader of the Minority Party, Minority Whip and Deputy Minority Whip-

- (a) A letter dated 13<sup>th</sup> September 2017 from Senator Moses Wetangula notifying my office of a resolution of the NASA Coalition appointing Hon. John Mbadi, MP as the Minority Party Leader, Hon. Ayub Savula, MP as the Deputy Minority Party Leader, Hon. Robert Mbui, MP as the

Minority Whip and Hon. Chrisantus Wamalwa, MP as the Deputy Minority Whip in the National Assembly;

- (b) A letter dated 21<sup>st</sup> September 2017 from Hon. John Mbadi, MP notifying my office of a decision by the NASA Coalition to leave vacant the offices of the Deputy Leader of Minority, Minority Whip and Deputy Minority Whip awaiting a NASA parliamentary group meeting where the coalition will deliberate on and fill the positions. Hon. Mbadi attached a letter from the Chief Executive Officer of the NASA Coalition, one Mr. Norman Magaya, dated 21<sup>st</sup> September 2017 signifying the same;
- (c) A letter dated 20<sup>th</sup> September 2017 from the Registrar of Political Parties confirming the existence of a pre-election coalition agreement between the NASA Coalition parties;
- (d) Minutes of the Amani National Congress (ANC) Party held on 16<sup>th</sup> August 2017;
- (e) Minutes of the FORD-Kenya Party held on 6<sup>th</sup> September 2017;
- (f) Minutes of the Wiper Democratic Movement-Kenya Parliamentary Group meeting held on 13<sup>th</sup> September 2017.

Hon. Members, I have isolated three issues arising out of these correspondences for which I am obliged to give directions. These issues are-

- (a) Whether the leadership positions for the Minority in the House will be filled by individual party or a coalition of parties;
- (b) Who the lawful authority is to make and communicate the decision of the Minority appointing its leadership; and,
- (c) Whether the provisions of the Constitution, the law and the Standing Orders have been complied with by the Minority coalition as regards the filing of its leadership positions.

The first question: Is the Minority a party or coalition of parties?

Hon. Members, the first issue relates as to whether the leadership positions for the Minority in the House will be filled by individual party or a coalition of parties. Article 108 of the Constitution provides for the party leadership in the House as follows-

“Party leaders

108 (1) There shall be a leader of the majority party and a leader of the minority party.

(2) The leader of the majority party shall be the person who is the leader in the National Assembly of the largest party or coalition of parties.

(3) The leader of the minority party shall be the person who is the leader in the National Assembly of the second largest party or coalition of parties.”

Clause (4) further goes ahead to place the Leader of the Minority Party third in the order of precedence to be observed in the National Assembly after the Speaker of the National Assembly and the Leader of the Majority Party. Under Section 10 of the Political Parties Act, two or more political parties may form a coalition before or after an election and a coalition agreement entered into before an election shall be deposited with the Registrar, at least, three months before that election.

My office is in receipt of a letter dated 20<sup>th</sup> September 2017 from the Registrar of Political Parties in which she confirms a pre-election coalition agreement having been deposited in her custody between the Orange Democratic Movement, the Wiper Democratic Movement-Kenya, FORD-Kenya, Amani National Congress and Chama Cha Mashinani. Accordingly, all the aforementioned parties are, subject to any post-election agreement that may be made, eligible to constitute a coalition within the meaning of Article 108(3) of the Constitution and Standing Order 20 for purposes of election of the Leader of the Minority Party, the Deputy Leader of the Minority Party, the Minority Whip and the Deputy Minority Whip.

Hon. Members, the second issue relates to who is the lawful authority to make and communicate the decision of the Minority in appointing its House leadership. Article 108 of the

Constitution does not provide for the manner of election or removal of the Leader of the Minority Party. This is however provided for in Standing Order 20 which provides as follows—

20. (1) The Minority party or coalition of parties in the National Assembly shall elect—
  - (a) a member of the National Assembly belonging to the party or coalition of parties to be the Leader of the Minority Party;
  - (b) a member of the National Assembly belonging to the party or coalition of parties to be the Deputy Leader of the Minority Party.
- (2) In electing members under paragraph (1), the minority party or coalition of parties in the National Assembly shall take into account—
  - (a) any existing coalition agreement entered into pursuant to the Political Parties Act;
  - (b) The need for gender balance.
- (3) A member elected under paragraph (2) may be removed by a majority of votes of all members of the Minority party or coalition of parties in the National Assembly.
- (4) The whip of the minority party or coalition of parties in the National Assembly shall forthwith, upon a decision being made under this Standing Order, communicate to the Speaker, in writing, the decision together with the minutes of the meeting at which the decision was made.

I will take a break to allow Members to take their seats.

*(Hon. Members walked into the Chamber)*

Hon. Members I took a break to allow you to make your way in, not to go for water and the elderly to shake their hands.

*(Laughter)*

Hon. Members, I will continue. Under Paragraph 3 of the Third Schedule to the Political Parties Act, a coalition agreement, amongst other things, shall state the criteria or formula for sharing of positions in the coalition structure, roles and responsibilities within the coalition and the decision-making structure, rules and procedures of the coalition. Article 7 of the coalition agreement forwarded to my office by the Registrar of Political Parties in her letter under reference stipulates the decision-making organ of the Minority coalition to be its summit. Indeed, Members are aware that matters relating to political parties and coalitions thereof are governed by the Political Parties Act which has its own mechanisms for dispute resolution in relation to any disputes that may arise under the Act. I will therefore refrain from commenting on matters that fall under the purview of that Act and restrict myself to the requirements of the Standing Orders of the House.

It is however, true to conclude that our Standing Orders as read together with the Political Parties Act contemplate a decision appointing the Minority leadership in the House to be made by the decision-making organ of the coalition of parties forming the Minority coalition and further that the decision made be conveyed to my office in writing by the Whip of the Minority party or coalition of parties who is also obliged to attach the minutes of the meeting at which the decision was made. The Question to ask is: Has the Minority coalition complied with the Constitution, the law and the Standing Orders in appointing its leadership?

This issue relates to whether the provisions of Constitution, the law and the Standing Orders have been complied with by the Minority coalition as regards the filling of its leadership

positions as follows: The Leader of Minority Party, Deputy Leader of Minority Party, Minority Whip and Deputy Minority Whip. Standing Order 20(4) requires the whip of the Minority party or coalition of parties in the National Assembly to forthwith, upon a decision being made on the Leader of the Minority Party and the Deputy Minority Leader, communicate to the Speaker, in writing the decision together with the minutes of the meeting at which the decision was made.

My Office, as I said, received a letter dated 13 September 2013 from Senator Moses Wetangula notifying my office of a resolution of the NASA Coalition appointing Hon. John Mbadi as the Minority Leader, Hon. Ayub Savula as the Deputy Minority Leader, Hon. Robert Mbui, MP as the Minority Whip and Hon. Chrisantus Wamalwa as the Deputy Minority Whip. In terms of compliance with the requirements of Standing Orders 20(4), there were no minutes attached to this communication and, secondly, it is obvious that Senator Wetangula cannot be the Minority Whip to a House to which he does not belong.

My office subsequently received another letter dated 21 September 2017 from Hon. John Mbadi, notifying me of a decision by the NASA coalition to leave the offices of the Deputy Leader of Minority, Minority Whip and Deputy Minority Whip vacant awaiting a NASA parliamentary group meeting where the coalition was to deliberate and fill these positions. Hon. Mbadi attached a letter from the Chief Executive Officer of the coalition, one Norman Magaya, dated the same date signifying the same. In terms of compliance of Standing Order 20(4), there were also no minutes attached to this correspondence.

On a different note, however, these two letters from Hon. Mbadi and the said Magaya by implication confirmed that the NASA Coalition had, indeed, made the resolution communicated to my office by Senator Wetangula on 13 September 2017. More specifically, Mr. Magaya indicated in his letter that:

“By dint of this letter, I request that you write to both the Speaker of the National Assembly and Senate and ask them to stand over the earlier communication in respect of the other house leadership positions.”

Although this statement, especially coming from the Chief Executive Officer of the NASA Secretariat, can be inferred as a confirmation of the authority for Senator Wetangula's letter, the statement still falls short of the threshold of Standing Order 20(4) which requires communication to be made by the Whip and attachment of the minutes of the meeting.

The matters herein are not new to the House. Indeed, considered rulings have previously been sought and issued regarding leadership in political parties. Just to jog your memory a bit, in November 1993, the Chair was invited to guide the House on a matter regarding the issue of the Official Opposition Party in the House. Then, two opposition parties namely FORD-Kenya and FORD-Asili, each had 30 Members in the House, which was the requirement for a party to be declared the official opposition. However, the Chair never got the opportunity to give guidance as one of the Members of FORD-Asili defected to the then ruling party, KANU. Therefore, it became obvious that FORD-Kenya became the official opposition party. Similarly, in 2006 the Chair was again called upon to rule on the position of Official Leader of the Opposition. On Wednesday, 29 November 2006, the then Member for Eldoret North Constituency, Hon. William Ruto, rose on a

point of order and sought guidance from the Chair to rule on some issues, including the position of the Leader of the Official Opposition, in an apparent reference to purported changes in the leadership of the Official Opposition Party, KANU.

In his ruling, the Chair noted that party proceedings are foreign to the House unless properly and formally introduced through established mechanisms. Without taking you back, the Chair noted that:

“Registration of political party officials is extraneous, foreign and inconsequential to the conduct of parliamentary business or proceedings in this House. The constitutional responsibilities of conducting, managing, regulating and guiding parliamentary business lies nowhere else on earth but on the shoulders of the Chair.”

The Chair then ruled that:

“To give the guidance sought by the Member for Eldoret North, I hereby order and rule that the Leader of the Official Opposition party remains the Hon. Uhuru Kenyatta, the Official Opposition Chief Whip remains the Hon. Justin Muturi and the Shadow Cabinet remains as submitted by the Leader of the Official Opposition, Hon. Uhuru Kenyatta, vide his letter dated 11 June, 2003, as he had not received any notification that the KANU parliamentary caucus has met and made any changes in their leadership.”

In light of the foregoing, I am constrained to make the following observations:

Firstly, the communications I have received from the Minority coalition relating to the filling of its leadership positions have all fallen short of fulfilling the requirements of Standing Order 20(4) in terms of who should communicate and how the communication ought to be done.

Secondly, the perceived appointment of Hon. John Mbadi as the Minority Leader is premised on the letter dated 21 September 2017 from the Chief Executive Officer of the NASA Secretariat. It stills falls short of the requirement.

Thirdly, as the Speaker of the House, I am bound to apply the rules of this House without fear or favour, especially in cases where the Standing Orders have expressly provided for the matter in question. Standing Order 1 only gives me discretion to decide on procedural questions not expressly provided for by the Standing Orders. In the instant case, Standing Order 20 has expressly provided for the matter in question and my duty as your Speaker is to uphold the rules of the House.

In view of the foregoing, I am unable to act on the correspondences from parties forming the NASA Coalition and I call upon the Coalition to consider the matter and submit the necessary names in strict fulfillment of the laid down procedures, including those governing the Coalition. This ought to be concluded by the time the House resumes from the short recess, that is, November 7, 2017. For the time being, I remain open to receiving communication in the manner stated above. For now, every Member in the NASA coalition is on his or her own.

I thank you, Hon. Members.

*(Laughter)*

*(Applause)*

The Member for Kikuyu Constituency, what is your point of order?

**Hon. Ichung'wah:** Hon. Speaker, it is not really a point of order *per se*, but to take this opportunity to profoundly thank you for that Communication. It offers very good guidance to the House in terms of how we conduct business.

Hon. Speaker, more importantly, is your resolve to stick to our own rules and procedures in this House as enumerated in our Standing Orders, and also to show that this country is governed by the rule of law. Let me also take this opportunity--- You have referred in your Communication to leaders who have served in this House, including the President who was the Leader of the Minority Party, the then Opposition, and also the Deputy President.

Hon. Speaker, allow me to remind the House a quote from none other than the Deputy President who said in the recent past that:

“We are looking at a coalition that is leaderless, radar-less, clueless and visionless.”

*(Loud consultations)*

From your Communication, it is quite clear that the National Super Alliance (NASA) coalition is not just leaderless in the House, but even outside. That is because it is the leadership within that coalition that would have provided leadership to our able colleagues in this House. I would ask our able colleagues who are serving in this House to ask their leadership outside this House to, at least, have a clue as to the provisions of our Constitution and Standing Orders, so that they can ably guide the Members in this House. We have got very many able Members on the other side. The only problem is that they are being led by people who are clueless and visionless. Therefore, I wish to thank you for stamping your authority not just as the Speaker of the House, but also in showing leadership to this country, that we are governed by the rule of law, the Constitution and our own Standing Orders in this House.

With that, thank you for your indulgence.

**Hon. Speaker:** The Leader of the Majority Party, what is the point of order?

**Hon. A.B. Duale:** On a point of order. Hon. Speaker. First, I want to thank you. You have had a history of making sure that the Standing Orders and the applicable laws are followed. I am happy in his quest to sign and take off the purported Minority Leader, Hon. John Mbadi. Picking from your Statement, you referred to him as “purported” because within the readings of Standing Order Nos.20 and 21, he did not confirm. However, listening to your Communication, it now means that as the Chair of the Parliamentary Service Commission(PSC), if any of the purported leaders had in one way or the other enjoyed certain privileges in terms of access to vehicles of Parliament and offices, then I want to go on record that those Members must be surcharged.

*(Applause)*

I am sure they are somewhere driving right now. The necessary law must apply and those vehicles must be confiscated in the highways by the police under the direction of the Serjeant-at-Arms and the Clerk.

Hon. Speaker, this is the same coalition that says: “We believe in the rule of law.” They are always out there. They have turned the rule of law into anarchy. It is very good. I talked to

one of them yesterday. When our coalition brought the minutes from our PG as per the Standing Order, it was Hon. Washiali who wrote to you and gave my office a copy. Hon. Washiali wrote to you as the Majority Whip and said that the coalition had appointed the following individuals-- - I am shocked that Norman Magaya is appointing people. He has no *locus standi* in the Standing Orders. I am hearing Hon. Mbadi appointing himself.

*(Applause)*

Hon. Wetangula is appointing Hon. Mbadi when he does not belong to this House. Today, I am so happy with your Communication. Hon. Members, Speaker's Communications are very important documents. Your Communication will be used by other jurisdictions and Parliaments. So, I want to thank you for that clarity. As we sit here, there is no leadership in NASA. Anyone of them sitting here or listening to me should aspire to become a leader.

*(Laughter)*

**Hon. Speaker:** Hon. Olago Aluoch, the Floor is yours.

**Hon. Aluoch:** Thank you, Hon. Speaker. I listened to your ruling very keenly and I have no problem with it at all. I have heard Hon. Ichung'wah and the Leader of the Majority Speaker speak. Whatever we feel about each other, let us treat one another with respect. The country outside this House is about to burn. Let us try to heal. The healing process starts here. However, if we are going to start insulting each other and using words which are bordering on un-parliamentary language like radar-less and clueless in referring to colleagues, then I think we are on the wrong path. Whatever we think about each other, let us show respect and start showing the country that reconciliation starts from here. It pains me when I listen to Hon. Ichung'wah and the Leader of the Majority Party insulting the other Members on this side. It is not right. I kindly ask the Speaker to ask us to moderate our references to each other so that the country can take cue from us.

Thank you.

**Hon. Speaker:** Hon. Members, you will recall, and I know it is gratified today--- I can see a few Members here who have been holding their meetings elsewhere present in the Chamber. I have advised in the recent past that it is fair that we refer to each other either as the Member representing this or the other constituency, this particular interest, honourable colleague or gracious ladies.

*(Applause)*

Let us avoid this direct mention of each other's names. If you cannot remember them as the Hon. Members of this or the other or the ranking Member, especially if you are talking about Hon. John Olago Aluoch who served in the 10<sup>th</sup> and the 11<sup>th</sup> Parliament, you must obviously know that he is a ranking Member.

Hon. Members, I agree with Hon. John Olago Aluoch. It is fair that we refer to each other in a manner that respects and upholds the dignity of the positions that have been given to you by the citizenry. So, let us observe decorum. Indeed, I do not want to express myself on other matters that may have happened outside the Chamber, but I would appeal to all of us to try to behave in a manner that, if you look through the Leadership and Integrity Act, as well as Article

10 of the Constitution, and the Leadership Chapter VI, when you walk out of this House, anybody will really feel that you are indeed an honourable Member. Of course, those of you who attended the induction workshop will recall some of the hilarious moments created by some of our resource persons. They referred to what Members have always done. Members even pick telephone calls and start saying: "I am Hon. so and so," How do you honour yourself? You are John Olago Aluoch, the Member of Parliament for Kisumu West. Let the other person say: "Ooh! *Mheshimiwa!* Is this Hon. John Olago Aluoch?" And you say: "Yes". But you do not introduce yourself as the Hon. Member for Kamukunji, Hon. Yusuf. Surely, you cannot be the one to honour yourself. We discussed all these things in the induction workshop and they make a lot of difference in the way even the electorate will look at us. However, I fully want to agree with Hon. Aluoch that we need to treat each other with respect and dignity. That will go a long way in depicting who we are as Members of the 12<sup>th</sup> Parliament. I do not think this is a matter that you want us to discuss further.

The Communication speaks for itself. I have only directed the NASA coalition to follow the law because I am receiving so many letters and purported minutes from the various ingredients of the coalition. One is called FORD-Kenya, another one is called ODM, another one is called Wiper Democratic Movement and another one is called ANC. All of you are writing to me, claiming to have resolved to hold certain positions. How do I resolve these matters? Please, just follow the provisions of Standing Order 20.

When you have a NASA Parliamentary Group Meeting, at which decisions as to leaderships have been made, let there be minutes and communication. In that meeting, you will have resolved to appoint somebody as the whip. The minutes will show. That whip is the one who is supposed to - and is mandated - to communicate with the Office of the Speaker. Those others, like Magaya - whatever the names are - are strangers. I am not going to receive letters from those kinds of people. Therefore, let there be a proper meeting with minutes taken. Take a decision to appoint Leader of the Minority Party, Deputy Leader of the Minority Party, the Minority Whip and the Deputy Minority Whip. That should be as simple matter. Why are you finding it difficult to make that kind of decision?

Hon. Junet, I can see that you are very excited about that particular issue. Remember, many of you in that coalition may not qualify to be parliamentary parties, if you do not take your decision quickly. That is because when we resume next time, I will have to make a decision one way or the other; to look at which party qualifies to be a parliamentary party and ask them to make individual decisions. You have a window of three weeks. You do not even need three weeks. You can make that decision even in a day. I can see that Hon. John Mbadi wants to say something about this matter. Hon. Mbadi, now that the Communication has come from a stranger called Magaya; I have decided to ignore it. It is of no consequence. Also, Hon. Wetangula has no capacity to make that kind of communication, appointing you and himself. He can appoint himself in respect of the Senate, if he thinks he has that capacity, but not here. Please, follow the law.

Hon. John Mbadi, I will give you a chance to say something because this matter affects you directly.

**Hon. Ng'ongo:** Thank you, Hon. Speaker. This is really hilarious. I just want to say that I have no problem at all with your Communication. We have interacted on this matter both informally and now formally. We are alive to the provisions of Standing Order 20. I want to repeat here that NASA is a coalition recognised by law. It is a coalition of parties. Therefore, we qualify to be a political party, in terms of coalition.

**Hon. Speaker:** Hon. John Mbadi, I am not cutting you short. If you read my Communication, I have acknowledged the letter dated 20<sup>th</sup> September from the Registrar of Political Parties, in which she communicates that NASA is a coalition comprising of the Orange Democratic Movement, Wiper Democratic Movement (Kenya), FORD Kenya, Amani National Congress, and Chama Cha Mashinani. Therefore, I want to confirm to you that the position you are advancing is in my Communication. I have that correspondence. You are right.

Please, proceed.

**Hon. Ng'ongo:** Hon. Speaker, I just wanted to say that our coalition has been in consultation and discussion on the matter of leadership in the House – both the National Assembly and the Senate. I know that you have received some communication, which we discussed previously. I am aware that finally, the coalition was very clear on the leadership of the Minority Leader in both Houses. However, today, I hear from the Communication from the Chair – which I respect – that our communication did not come out properly. We are actually alive to the provisions of Standing Order 20; that in the event you do not have a whip, how do you communicate? By the way, I may be wrong, but if you look at Standing Order 20 critically, you will realise what the whip is required to communicate. It is like if there is a replacement in the Office of the Minority Leader or the Majority Leader. However, when the holder of that office is to be appointed for the first time, Standing Order 20 is not so clear. In fact, it is derived that 'replacement' may be the same as the first appointment.

Hon. Speaker, that is, however, not the point I wanted to make. The point I wanted to make is that we have no problem complying with your ruling. We will comply fully. We are even aware that according to Standing Order 20, the whip is not supposed to be appointed through a parliamentary group meeting minutes. It is the Leader of the Minority who is supposed to appoint the whip. I am a very good student of the Standing Orders of this House. I am sure that can hardly be disputed. I am a ranking Member of this House. I have checked Standing Order No.20. The minority whip is supposed to be appointed by the Leader of the Minority Party. The Majority Whip is also supposed to be appointed by the Leader of the Minority Party. The question is this: If the Leader of the Minority Party is supposed to appoint the Minority Whip, how then do you get the Minority Whip to forward minutes appointing the same person?

Hon. Speaker, there is some lacuna in the Standing Orders, if you asked me. I think these Standing Orders were made in a rush. However, I do not want to argue with you regarding your decision. As I conclude, I just want to say that recognising John Mbadi, the Member of Parliament for Suba South, as the Leader of the Minority Party after the leadership of the Minority Coalition communicated, both publicly and in writing, was not done by John Mbadi. It was done by the National Assembly. I cannot give myself facilities, if it is not agreed. I have absolutely no problem if the National Assembly does not recognise John Mbadi as the Leader of the Minority Party. We will just go back to our coalition, hold a meeting and bring you the minutes of that meeting. That is not something that is difficult for me. The only thing that I also ask from the Leader of the Majority Party, Hon. Duale, who is my good friend, is some respect. I have my vehicles, which I can use. I had an office. I was very comfortable. I have used an office at Continental House for 10 years. I was allocated the other office just the other day.

**Hon. Speaker:** Hon. Mbadi, let us hear Hon. Cheptumo.

**Hon. Cheptumo:** Hon. Speaker, you made a Communication from the Chair. It is a very clear Communication. Listening to Hon. Mbadi, he either appears to challenge your Communication or is purporting to complain. I respect Hon. Mbadi, but I think he did not have time to read Standing Order 20. It is so clear. Even for him to tell us that he has a vehicle which

he can use, that cannot be an issue. What the Leader of the Majority Party said is that if a Member purports to occupy an office that he is not duly appointed to occupy by his coalition, he cannot enjoy the benefit of utilising resources of the House availed to that office. That is what Hon. Duale said. Therefore, I pray that you find Hon. Mbadi out of order, because he appeared to be challenging your Communication, although he was seeking some direction. I think Standing Order No.20 is so clear. There is the use of the word 'shall'. It reads:

20. (1) Thee Minority party or coalition of parties in the National Assembly shall elect—

(a) a member of the National Assembly belonging to the party or coalition of parties to be the Leader of the Minority Party;

Standing Order 20(1)(b) states:

“(b) a member of the National Assembly belonging to the party or coalition of parties to be the Deputy Leader of the Minority Party.”

Hon. Speaker, we need to spend the time of this House usefully and not engage in debate on issues which are very clear. Of course, I know that Hon. Mbadi is trying to save the situation, but I think it is important for us to move on as a House.

**Hon. Speaker:** Let us not debate the Communication because it is settled. All we want Hon. John Mbadi to do is not to continue operating on the basis that communications were made by some strangers or in Press conferences. I do not recognise those modes of communication. As Hon. John Mbadi said, this is a matter you can resolve by holding a meeting tomorrow if the wheelers dealers of the coalition are willing. Maybe, while we are on recess, you will resolve it because it is not a contentious matter. You can sort it out and resolve because the communication is clear. Please meet and provide leadership. We do not have any preferences in as much as we would like Hon. John Mbadi to continue occupying that position, but should your coalition decide otherwise, the House will still move on. I am sure the Hon. Member for Suba South will still continue to serve his people. There is nothing there to make the country or the House to break. But it is important for that matter to be resolved.

Let us go to the next Order.

**Hon. Bowen:** On a point of order, Hon. Speaker.

**Hon. Speaker:** I hope it is not on this Hon. Kangogo. Is it a separate matter?

**Hon. Bowen:** Hon. Speaker, this is in relation to the leadership of the Houses of Parliament in reference to Article 108 of the Constitution, which talks about the Leader of the Majority Party and the Leader of the Minority Party in the National Assembly.

*(An hon. Member stood on the Gangway)*

**Hon. Speaker:** Order! I think this Member has not read the Standing Orders. The Standing Orders are very clear; you cannot stand between the Member speaking and the Speaker. You are blocking me. Please go and read the Standing Orders. I hope he is one of those who have been regular in attendance. Maybe, I can forgive those who have not been participating in the House.

**Hon. Bowen:** Thank you, Hon. Speaker. I am making reference to Article 108 of the Constitution about the leadership of Parliament both in the National Assembly and the Senate. The Constitution is very clear about the Leader of the Majority Party and the Leader of the Minority Party. What the Constitution talks about in Article 108(2) is about the Leader of the Majority Party and the Leader of the Minority Party in the National Assembly. There is nowhere it states that the Senate should also have these leaders.

The Senate also has a leader of the majority party and the minority party. Where did they get those powers and privileges? You need to give direction not as a Speaker but as the Chair of the Parliamentary Service Commission on the interpretation of the Constitution. This is because I think there are some people who are in positions which are not in the law and are using public resources. This is a concern not to me only, but also to Kenyans.

**Hon. Speaker:** Hon. Mbadi wants to respond to that. Maybe, the Auditor-General should deal with this issue.

**Hon. Ng'ongo:** Thank you, Hon. Speaker. I think this is not the first time that this matter is coming up on the issue of Article 108. I just want to mention two things. One, the Senate is a separate chamber from the National Assembly. I know that the Constitution in Article 108 talks about the Leader of the Majority Party and the Leader of the Minority Party. Actually, it uses the article "the", which in English means one. We must also look at the spirit of the Constitution. If you have two chambers and then you make one chamber to have the Leader of the Majority Party and the Leader of the Minority Party then, the spirit is not captured properly.

On that basis, I think the Senate created the two positions through Standing Orders which are allowed by the Constitution. We can create Standing Orders to regulate the conduct of the business in the House. I think Sen. Murkomen and Sen. Wetangula are perfectly occupying their positions if the Standing Orders recognise them. Yes! Sen. Wetangula because on the issue of Communication, I assume the Hon. Speaker was referring to the National Assembly and he is not privy to what is going on in the Senate. Probably, in the Senate, the NASA Coalition has communicated properly. Maybe, that Communication is not proper in the National Assembly, but in the Senate it is.

Hon. Speaker, I just want you to ignore this point of order and treat it as irrelevant. I know he raised it because you are the Chair of the Parliamentary Service Commission. I want to address that you are perfectly in order to pay the two their allowances, if at all there are any allowance attached to those positions and provide facilities to those offices because the Standing Orders of the Senate has created those two positions.

**Hon. Speaker:** The Member for Suna East seems to be burning with something.

**Hon. Nuh:** Hon. Speaker, I just want to add my voice to the issue raised by Hon. Kangogo. It is very true that the position of the majority and minority leaders are constitutional offices and in my coalition, I support Hon. Mbadi to remain as the Leader of the Minority Party. If the Constitution has not provided for those positions in the Senate, the only cure is to amend it. But, the spirit that Hon. Mbadi has talked about I believe says that the Senate is subordinate to this House. This means the National Assembly should have the majority party and the minority

party leaders and the Senate can have somebody who can do house-keeping like a class monitor. The Constitution is superior to the Standing Orders and if it says it is only the National Assembly which is supposed to have the majority party and minority party leaders, then the only cure to that problem is to amend it. There is no other cure.

People who have been masquerading in those positions for the last five years should be held accountable and the Auditor-General should raise an issue on the monies that they have used for the last four years. There is no reason why the Constitution created those positions in the National Assembly and never created them in the Senate. It is very clear that this House is superior because it has the majority leader and minority leader. I support Hon. Mbadi, but those who are masquerading there must report to the majority leader and the minority leader of this House. Those are masqueraders of the Constitution and they should be held accountable. Sometimes the spirit can come in many ways. Even *Roho Mtakatifu* is a spirit as Christians say. The spirit comes naturally, but we have to read the Constitution to the letter as it is and what it says. Those two leaders should only be found in the National Assembly. It did not even say Parliament, because we would have said the Senate can be included. It specifically says “the National Assembly”. So, who are we to purport to change the Constitution and create positions in that House? They can have the Chairman of the Liaison Committee to be in charge of everything of that House.

Hon. Speaker, you are the Parliamentary Service Commission Chairman. You are the President of the Legislature. When audit queries are raised, you will be held accountable.

*(Laughter)*

You better raise that matter as an agenda in the PSC. That should be the first agenda to be discussed by the PSC because there are people who are earning monies that do not belong to them. They are even using Government facilities, including bodyguards. Let me leave it there because I can say very many bad things.

*(Laughter)*

**Hon. Speaker:** Today marks a very interesting date for re-appearance of Hon. Junet. I think that matter will be canvassed elsewhere. Hon. John Olago Aluoch, you still want to throw some light.

**Hon. Aluoch:** Hon. Speaker, you heard me talk against the Leader of the Minority Party and my friend, Hon. Ichung’wah, but listening to Hon. Junet speaking about a principal in the NASA this way in this House, I am wondering whether we really have leadership. If this is the leadership we have in the coalition on our side talking like this in this House, then we have no leadership.

*(Laughter)*

**Hon. Speaker:** Hon. Cheptumo.

**Hon. Cheptumo:** Hon. Speaker---

**Hon. Speaker:** Hon. Members, you know, the Houses of Parliament have variously been compared to churches or mosques. The only difference is that unlike the churches, we do not have choirs here. Therefore, we may not have occasion to sing but we must have occasion to have these moments when Hon. Junet is challenged by Hon. John Olago Aluoch.

**Hon. Cheptumo:** Hon. Speaker, I just want to agree with Hon. Junet but I think he confused two aspects – the Holy Spirit and the spirit of the Constitution. The *Roho Mtakatifu* he spoke about is not about the spirit of the Constitution. As Christians and Muslims, we need you to distinguish that we are discussing the spirit of the Constitution, and not the Holy Spirit. I, indeed, support this critical issue that, as a House, it is important to address it.

Hon. Speaker, as our leader and having given us direction always with wisdom, you will be able to give direction on this one. I think it is a very important issue.

**Hon. Speaker:** We will address that matter at an appropriate time. I am sure Hon. Olago Aluoch must have agonised over this issue as a Commissioner in the 10<sup>th</sup> Parliament. This is because it is the 10<sup>th</sup> Parliament which ushered in the new Constitution but, for some strange reasons, did not notice that anomaly in Article 108. In a sense, Hon. Junet also has his right because he is reading Article 108 as it is but, of course, the Houses of Parliament operate through customs, traditions, *et cetera*. So, we will address that matter in a different forum.

Let us move to the next Order.

## PROCEDURAL MOTION

### REDUCTION OF PUBLICATION PERIOD OF THE SUPPLEMENTARY APPROPRIATION BILL

**Hon. A.B. Duale:** Hon. Speaker, if you allow me, when Hon. Junet speaks, *Baba* has spoken. So, we take that as the position. It is Raila Odinga who has spoken.

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

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Supplementary Appropriation (No. 3) Bill (National Assembly Bill No. 42 of 2017) from seven (7) days to one (1) day.

Hon. Speaker, it is very clear. What is the essence of this Bill? What does it do? This is the Bill that will give Government the resources in the sense that after the adoption of the Supplementary Appropriation Report of the Committee, this Bill makes the provisions for giving statutory sanctions for public expenditure for the year that is ending 30<sup>th</sup> June 2018 on the basis of the supplementary estimates which were adopted by the House.

The Standing Orders give us the leeway to deal with it in all the three stages. So, I ask colleagues that we reduce the publication period so that later in the afternoon, once we reach the third stage, we can be in a position to enact an Act of Parliament that will authorise issuance of certain sums of money out of the Consolidated Fund.

So, I ask Hon. Cecily Mbarire to second.

**Hon. (Ms.) Mbarire:** Hon. Speaker, I second.

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Speaker:** I put the Question?

**Hon. Members:** Yes.

*(Question put and agreed to)*

**Hon. Speaker:** Next Order!

## BILL

*First Reading*

THE SUPPLEMENTARY APPROPRIATION (NO. 3) BILL

*(Order for First Reading read - Read the First Time - Ordered to be read the Second Time today by leave of the House)*

**Hon. Speaker:** Next Order!

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

**Hon. Speaker:** Yes, what is your point of order?

## POINT OF ORDER

REQUEST TO ENHANCE SECURITY FOR MEMBERS

**Hon. Ichung'wah:** Thank you, Hon. Speaker. I am rising on a point of order on a matter I consider very important on the security of Members of Parliament. In line with your earlier Communication and also as Chair of PSC, I strongly feel that at times, in view of the happenings in the recent past, Members may not be very secure. I am even not certain whether the Inspector-General has been able to avail security to all Members of Parliament and, more so, the new ones. Not just in the Chamber but also within the precincts of Parliament. I did witness, a few days ago during the demonstrations, one of the groups that had come to picket outside the gate of Parliament just at the entrance. Many of our new Members, especially the young ones, were being harassed by demonstrators at the gate. In fact, one of the groups had very many ladies. The ladies were forcefully hugging and even attempting to kiss some of these young Members of Parliament who had no security at that time. It is sad because many of them are yet to get known. As they drive or walk into Parliament Buildings, their security is compromised.

Hon. Speaker, I am also concerned because I have observed in the recent past that a number of our colleagues from the Minority Party have been making technical appearances in this Chamber and then walking out, leaving this House with Members of the governing Jubilee Coalition. It concerns me because I have also heard very subversive inciteful words being uttered by the Members of the same coalition outside this House, and some within the precincts of this House. It becomes a matter of concern to me. I was asking myself how secure we are as Members of one coalition sitting in this Chamber or even within the precincts of Parliament, not knowing what some of these subversive elements are planning. A time like this, this country is at war with the *Al Shaabab* terrorist network. But there are also local terrorist networks that work with them. These subversive elements within the Minority Party can pretend to be *Al Shaabab* and attack this House. The people who would be exposed to grave danger are the Members of the

Jubilee Coalition. I know they are desperate to decimate our numbers in this House and the Senate since we have a commanding lead in numbers. Therefore, I wanted your assurance that, as the Chairman of the Parliamentary Service Commission you will ensure that Members in this House from both sides of the coalition are secure within the precincts of Parliament.

I take note that this morning, the Cabinet Secretary (CS) for the Interior and Coordination of National Government and the Inspector-General (IG) sort to designate areas where people can picket and demonstrate in and around this city and other parts of the country. In the same light, it is very important and critical that you, as the Chairman of the PSC, also designate a place that will not put Members of Parliament in danger of such demonstrators. It will be a place where anybody who intends to picket or demonstrate outside Parliament is designated a corner away from the gates where they can picket. If they have petitions to present to the House, the people leading the demonstrators or the petitioners can then approach the gate or any Member of the House or our staff from the Clerk's Office can go to the demonstrators and pick the petition. This is what happens in all other civilised societies like the civilised western democracies. There are designated areas where people can picket and demonstrate.

We must also not be blind to what has been happening in the recent demonstrations in this city. Yesterday, you saw the church building right next to Parliament, Bishop Cardinal Otunga Tower, being stoned. Cars inside All Saints Cathedral church compound were stoned. Hon. Speaker, I can hear a funny noise, and I am even more concerned.

**Hon. Members:** It is the rain.

**Hon. Ichung'wah:** Is it the rain? It is too heavy, Hon. Speaker, but it is okay. You can see the anxiety. I get concerned when I notice it is only Members of the Jubilee Coalition who sit in this Chamber, and who are, at certain times of the day, within the precincts of Parliament after the Members of the Opposition have made their technical appearance. If we are allowing demonstrators at the gates of Parliament and every other person to access Parliament, we are putting the lives of these Members of Parliament in grave danger.

I was talking about the demonstrations outside Parliament yesterday. The I-G and the CS have spoken out against these demonstrations, and it is critical. I heard Hon. Olago Aluoch here when he rose on a point of order to speak about this country burning out there. I could not help asking myself: "Who wants to burn this country?" If there is anything that these people know from the other side of the political divide, they would rather come out clearly and tell us. It is clear from the purported withdrawal from the elections the day before yesterday by the NASA leader. From the Independent Electoral and Boundaries Commission (IEBC) communication yesterday, without the statutory form 24A, that withdrawal is also a nullity as they nullified our win. Then it begs the question because they continue to hold demonstrations saying there will be no elections. Violence can be the only other tool to use to stop Kenyans from going into elections on 26<sup>th</sup> October 2017. Therefore, I also want to take this opportunity to thank the I-G and the CS, and ask them to do the regulations that they need to do to designate areas within the Central Business District (CBD) and outside the city and in other cities in this country where people can picket and hold demonstrations. However, within the precincts of Parliament, with all due respect, that should be your work.

Thank you.

**Hon. Speaker:** The decision was taken but it is not being implemented as to where people can picket and demonstrate. We do not want people to come to the gate to picket. I remember there were some demonstrators as you say, and they were nurses. Those must be the

ones you said they were hugging Members. There is nothing wrong with people hugging. Maybe, they were happy when they saw their Members of Parliament.

*(Laughter)*

It is fair that Parliament as an institution designates one place where people can come, even if they want to sleep there and undress. It should be somewhere away from the precincts of the institution. There is a place which is already earmarked for that. I suspect that Hon. Jimmy Angwenyi may be aware of that proposal, but it is being worked on.

Leader of the Majority party.

**Hon. A.B. Duale:** Hon. Speaker, you have given directions and I want to add. It happened in Burkina Faso where demonstrators burnt the National Assembly. It also happened in Gabon where over 1,500 demonstrators went to Parliament, ransacked everything and burnt all the offices. It also happened in Paraguay where the congress of that country was burned. So, we are talking from experience. Yesterday, for strange reasons, I know Hon. Arati and his team with their demonstrators were going round Parliament from one street to the other until I asked why they should do it in Parliament. I agree that security must be enhanced. I also agree with Hon. Ichung'wah that this is where the majority of the leadership of the Jubilee Coalition is. We are under obligation that, as you protect Parliament, we also must raise the protection for our Members of Parliament, so that Parliament becomes an institution that is respected. I am sure those Members who are demonstrating are within their right, but Parliament must be protected not only during demonstrations, but also the security of our Members through your office must be enhanced.

**Hon. Speaker:** The matter will be addressed. I am sure it is being addressed because it had been discussed earlier.

Next Order.

## MOTION

### MEASURES TO ENFORCE PROMPT PAYMENT BY SUGAR MILLERS

THAT, aware that apathy in sugar-cane farming due to unfavourable weather patterns and poor payment programmes by sugar millers to farmers has resulted in a worrying drop in cane production and thus drop in sugar production; noting that millers have for years frustrated farmers through delays in payment for cane delivered; concerned that these late payments have caused sugar farmers untold suffering and frustrations and made them incur huge losses resulting from interests on loans advanced to them during cane farming to purchase fertilizers and other farm inputs; cognisant of the fact that as a result of these delayed payments, many of the farmers have remained poor and in debt, this House urges the cane millers to provide for the mandatory payment to cane farmers within 14 days upon delivery.

**Hon. Speaker:** Hon. Members, debate on this Motion by Hon. Julius Melly was concluded yesterday and what remained was for the Question to be put.

*(Question put and agreed to)*

## BILL

### *Second Reading*

#### THE SUPPLEMENTARY APPROPRIATION BILL

**Hon. A.B. Duale:** Hon. Speaker, I beg to move that the Supplementary Appropriation (No.3) Bill of 2017 be now read a Second Time.

The Financial Year 2017/2018 Supplementary Estimates No.1 was submitted to the National Assembly on 27<sup>th</sup> September 2017. Consequently, this House approved the Report of the *Ad Hoc* Committee that was formed to review the 2017/2018 Supplementary Estimates No.1.

At the outset, I wish to commend and thank the *Ad Hoc* Committee on the Supplementary Estimates for its dedication and commitment in providing recommendations on the 2017/2018 Supplementary Estimates No.1, which was adopted by this House yesterday. The Government has fully complied with the recommendations on the 2017/2018 Supplementary Estimates No.1 hence the publication of the Supplementary Appropriation Bill that is before us for the Second Reading.

Hon. Speaker, the gross ministerial change to the 2017/2018 Supplementary Estimates No.1 is Kshs38.6 billion while the overall ministerial change is Kshs38.6 billion, which is equivalent to 2.4 per cent change from the original Budget that was passed by the 11<sup>th</sup> Parliament during its sunset days.

The Government has made adjustments within the provisions of Article 223 of the Constitution. The Government has also observed the fiscal responsibility principles as enshrined in the Public Finance Management Act (PFM) Act. It is clear that the overall Development Expenditure remains at 37 per cent of the total ministerial budgets, while the Recurrent Expenditure stands at 63 per cent. In revisiting the 2017/2018 Budget, the targets that were set out have been revised to reflect the changes in budgetary re-allocations. The highlight of this is of course the Kshs12 billion that has been given to the IEBC as well as the increase in Recurrent Expenditure as highlighted. There is Kshs23.1 billion for enhancement of free secondary education, Kshs12 billion for IEBC and Kshs6.9 billion to cater for enhanced security operations and resettlement of Internally Displaced Persons (IDPs). Therefore, more resources have been set aside to enhance security operations as we approach the repeat presidential election.

In addition, a sum of Kshs5.2 billion has been set aside to cater for salaries of university staff as enhanced through their Collective Bargaining Agreements (CBAs) so that they do not go on strike. A sum of Kshs3 billion has been set aside for maize subsidy; Kshs2.2 billion for famine relief suppliers and Kshs950 million for the livestock off-take programme, among other drought mitigation measures.

Key increases in Development Expenditure include a sum of Kshs8.3 billion of counterpart fund. This is what the Government of Kenya is receiving from the Government of the Republic of China for equipping of various technical training institutes with modern equipment. There is Kshs7.4 billion net increase of donor commitment as well as enhanced allocations for Lake Turkana Power Project as well as Kshs2.5 billion allocation for the Kenya Climate Smart Agriculture Project and, of course, Kshs2 billion to cater for low-cost housing.

Where are the reductions? The reductions are in Development Expenditure. A sum of Kshs9.5 billion has been reduced from the State Department for Planning and Statistics. There is a further reduction of Kshs6.7 billion meant for the Digital Literacy Programme and, of course, a reduction of Kshs7.5 billion from the Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) Project. This is a fairly self-explanatory Bill.

Therefore, I beg to move and ask Hon. Limo to second.

**Hon. Limo:** Hon. Speaker, I stand to second. As the Leader of the Majority Party has clearly and ably stated, this Bill is for the purpose of providing the necessary funding for the fresh presidential election. Therefore, any doubting Thomas who has been thinking that this country is gone to the dogs, and that we can borrow money from the United Nations Development Programme (UNDP), should know that this is a country which is on its feet. It is capable of funding its programmes, including funding the fresh presidential election of 26<sup>th</sup> October. I confirm to the country that we have provided Kshs12 billion for the purpose of ensuring that we have free and fair repeat presidential election on 26<sup>th</sup> October 2017.

When the Government assured Kenyans that it was committed to providing universal and free secondary education, some people thought that it was a dream. If some are still standing waiting and dreaming that this is not a reality, today it is becoming a reality because we have provided Kshs25 billion for the purpose of funding free secondary education starting January 2018.

The Government went on to say that we do not want to run a country which is practising discrimination in terms of catering for the welfare of the elderly. The people who are old are not supposed to be left alone. Previously, they struggled to meet their basic needs. The Government is committed to ensure that all Kenyans aged above 70 years are provided with some money from the Cash Transfer Fund. At the same time, those elderly people will be provided with insurance to cater for their health. They include “Baba”. I hear he is above 70 years old. They will benefit from the Cash Transfer Fund without discrimination. Whether they are rich or poor, they will benefit from the Cash Transfer Fund to make their lives happier. In order to enable the Government to cater for that programme, we have provided an additional Kshs6.2 billion.

We are making most of the things that the Government has promised Kenyans a reality. These Supplementary Estimates are very necessary, and they have come at the right time. As we end the year, we want to make the lives of our people very comfortable. In the past, this country used to thrive a lot on the annual agricultural shows, through which good agricultural practices were shared amongst farmers. Farmers are responsible for food security in this country because they provide cheap and reliable sources of basic commodities like maize and milk. In order to ensure that farmers remain productive, they need to share good practices across the world. To achieve that, we have provided Kshs350 million for the purpose of upgrading our agricultural show in Nairobi. This will come in handy because the Ministry of Agriculture is geared towards upgrading and ensuring that the old Agricultural Show of Kenya comes back. This will be done as from January next year. The Nairobi ASK will be among the many best of those agricultural shows.

We have also provided Kshs3 billion together with an additional Kshs3.7 billion for the maize subsidy programme. This will ensure our people get enough and sustainable food thereby doing away with hunger. It is also important to address the need of our youths in terms of acquiring skills. There is a plan to build so many houses to ensure that all Kenyans afford housing, especially in the urban centers like Nairobi, Mombasa, Nakuru and Kisumu. I hope the people of Kisumu will ensure that these houses are not burned down when they are

demonstrating. We have provided Kshs2 billion for the purposes of catering for low cost housing. When this housing project starts, and I want the youth in this country to listen carefully, the country will require a lot of skilled labour mainly on masonry and plumbing. We must ensure that we are prepared for that. We have provided Kshs8.3 billion as counterpart funding to ensure that various technical institutes across the country are fully equipped with modern equipment. Therefore, the youths should get prepared to get the necessary skills to enable them get the jobs that will be created through enhanced housing projects.

As I end, in order to cater for the expected increase of children who will join Form One next year, we have provided an additional Kshs1.4 billion together with Kshs100 million to make a total of Kshs1.5 billion for the improvement of infrastructure in our secondary schools. This will come in handy as it will ensure that there is no pressure on our existing infrastructure. We also have provided Kshs400 million to the Export Processing Zone in line with the Government policy of expanding investment in the country and creating more jobs. We have also enhanced what was provided before which is a total of Kshs250 million to the Kenya Industrial Estates (KIE) to provide cheap reliable funding for the small businesses across the country. This money targets a lot of youths who are aspiring to be businesspeople.

Despite the fact that the country is known to be the best in co-operative development, many co-operatives have been facing problems, but the Government will not leave them to suffer. The Government is committed to ensuring that the co-operatives are uplifted. To do that, we have provided some funding for two co-operatives which have been having problems in the past. The co-operatives are: Bunyala Fishermen Co-operative Society which we have provided Kshs18.7 million and a factory called Stegro, EPZ Tea Factory, which has been given Kshs300 million.

This Supplementary Budget has addressed most of the short-term issues. I thank the Members of the *Ad Hoc* Committee which was formed to address these issues. They were committed. I urge this House to continue in that spirit and to be in support.

I second.

*(Question proposed)*

**Hon. Speaker:** Member for Mwingi Central.

**The Member for Mwingi Central** (Hon. Gideon Mutemi Mulyungi): Thank you, Hon. Speaker. Since this is my first time...

**Hon. Speaker:** Yeah, proceed. The Member is making his maiden speech. He has never spoken. He has been out of the House.

**The Member for Mwingi Central** (Hon. Gideon Mutemi Mulyungi): I have not been in the House. You know what has been happening...

**Hon. Speaker:** You will not be interrupted.

*(Laughter)*

**Hon. Speaker:** Do not laugh too much.

**The Member for Mwingi Central** (Hon. Gideon Mutemi Mulyungi): I have been mourning in the streets. Hon. Speaker, you are very well aware that I have come to this House for the first time since I was born, but I am not seeing it the first time. I want Members to know

that when I was the Permanent Secretary for Public Works, I supervised the construction of this building and that of the Senate Chambers.

*(Applause)*

Therefore, allow me to take this opportunity to thank and congratulate my people of Mwingi Central Constituency for turning out in large numbers to vote for me and send my only opponent, who had decamped to Jubilee, home. I want to assure them that I am going to serve them well and to the best of my ability in this Parliament.

Hon. Speaker, you may not be aware, but in the last two days I have lost my presidential candidate, therefore, I am orphaned. I do not have a presidential candidate. So, welcome me. I am bereaved. From your Communication today, you have ruled that the appointment of the Leader of the Minority Party, Hon. Mbadi, is null and void. Can you allow me to declare myself the Leader of the Minority Party and act up to the time that the NASA Coalition appoints a substantive Leader of the Minority Party? I want to have more chances to speak in this House like my friend and neighbour, Hon. Duale. We have signed a coalition agreement with my neighbour because he passes through my constituency to go to his constituency in Garissa Township. I will never block his road even when I am demonstrating.

Allow me to support this Motion before the Floor of the House. I, however, wish to introduce some amendments. I want to support it because it is catering for people I saw when I was campaigning in my constituency; the elderly people who were not getting their monthly stipend. I will be so happy if those old people are going to earn a living and even manage to go to hospital because if they do not get anything they are going to die very soon.

Secondly, where I come from, we do not have food. It is very close to Duale's place. We do not have food and camels for milk and therefore, we suffer. So welcome and support this Motion because of the provision of Kshs2 billion for relief food. I would take all the sacks of maize to Mwingi, if the money comes next week as we go for recess.

Finally, on the provision of Kshs2 billion for housing, I have listened to the seconder of this Motion talking about making sure that this Budget will provide housing for all Kenyans who do not have access to housing in Kenya. I am speaking with authority because I am an architect by profession. The Kshs2 billion is not even enough to house 100 families. So as we move forward I would appeal to the makers of this Budget to make sure that there is adequate, progressive provision of budget for housing in the country. It may not be enough, but it should be progressive so that we can reduce the number of slums in the country.

Finally, I oppose this Motion because of one thing.

*(Loud consultations)*

Okay, I am proposing an amendment to this Motion because of one thing: provision of Kshs12 billion for the repeat elections. Noting that I do not have a presidential candidate....

*(Loud consultations)*

Listen to me. You know when you are making a maiden speech you are not supposed to be interrupted. Noting that the officers who bungled the elections in August, Mr. Chiloba and the rest, are still in office, I feel that this money is going to waste. The elections will be bungled again. Therefore, I want you to withdraw this money and we look at it again. Let us look at how we are going to conduct a free and fair election in accordance with the Constitution of Kenya.

Thank you, Hon. Speaker.

**Hon. Speaker:** Obviously, I am sure many may have been restraining themselves because it is a maiden speech. I can see another person who wants to make a maiden speech. Next time you want to make a maiden speech, do not raise your hand. The Member for Kilifi County, do not raise your hand. There is a place where you put your card. Please go ahead.

**The Woman Representative for Kilifi County** (Hon. (Ms.) Gertrude Mbeyu Mwanyanje): Thank you Hon. Speaker, for this opportunity. May I take this chance to make my Maiden Speech. I am speaking for the first time in this House since I was born. Allow me to thank the people of Kilifi County for bestowing in me the privilege to represent them in this august House.

From the outset, I must appreciate this House and its leadership for providing appropriate orientation and induction that has left us well placed to carry out our mandate than when we came in just a month ago, for the swearing-in ceremony. Mine is a message of thanks and togetherness that as we embark on our extensive mandates let our actions and conduct bring much needed hope to the Republic. Let us endeavour in our doings to bring new considerations and meaning to these words: peace, brotherhood and thank you.

I say this because our country is at a critical moment, a moment that calls for reflection and prayers, a moment that calls for tolerance and brotherhood among us and a moment that calls for humility and leadership. For us in leadership and specifically me, as a leader in this Republic, peace is my world and brotherhood is my call.

My people gave me this mandate for a very simple but urgent and immediate reason. They want to improve their lives; have something to eat and not just to eat something; obtain a better living standard; walk and drive on better roads; drink clean water; live in a clean environment and have dignity guaranteed to all humanity to stand up and shine like any citizen of the free world.

I keep in mind that 50 plus years after Independence, our people's immediate concerns are still biting poverty, disease and ignorance. I also keep in mind that we have made tremendous progress in ameliorating these challenges for indeed these are the challenges of every Kenyan citizen from the farthest depth and breadth of this Republic, from whom we have borrowed the mandate to represent in this august House. Accordingly, we are under duty to do more for our people.

Mine is to assure my constituents and the Republic at large that I will take every opportunity provided to me by this august House to do whatever is necessary to pass the necessary legislation, undertake appropriate oversight and represent their interests to the best of

my abilities to see to it that our people move towards fully freeing themselves from the indignity of poverty, ignorance and diseases.

I am fully cognisant of the challenges I might face in making this possible, and indeed the challenges all of us might face. But it takes heart and resilience, hard work, patience and fortitude of Kenyans for we know that despite our differences and what seems to be endless political wrangles, deep down we all want what is good for this Republic and for our people. We all want to fight endemic corruption and impunity. We all want to end hunger in parts of the country, Kilifi County being one of them, and put measures in place to produce sufficient produce to feed all of our people. We all want good governance and clean politics, with better housing environment and roads for our people. We all want to do things well. We want to give hope to find solace in peace and brotherhood. These matters run at the core of our collective aspirations of a people.

As I conclude, permit me to once again thank my fellow citizens for the expression of confidence given to those of us present in this Chamber. I beseech all of us to rise to the occasion and breathe life to that expression of confidence. I am immensely grateful to you for this opportunity. With your leadership and the rest of the leadership of Parliament, it is my hope that the 12<sup>th</sup> Parliament lives up to the expectation of the people of Kenya. As we embark on this journey over the next five years, may we always pray that the Almighty walks with us.

Thank you, Hon. Speaker.

**Hon. Speaker:** Well, that is yet another maiden speech. Hon. ole Sankok David, the Floor is yours.

*(Loud consultations)*

Hon. Sankok has been very robust in the House.

**Hon. ole Sankok:** Thank you, Hon. Speaker. I think you mistook me because today I am in white and you are used to me when I am in green. So, probably, I am making my maiden speech while I am in white.

*(Laughter)*

Let me make it very clear that I support this Motion. I also support the Supplementary Budget in totality because it touches on all spheres of our lives. Before I highlight the points that the Supplementary Budget touches on, may I ask you to clarify if we are allowed to read speeches while we are making our maiden speeches or rather contributing in this House. You know speeches can be written by experts outside and it is normally good you give us clarity. Again, I want to clarify the point of our colleague, the Hon. Member representing Kisumu West who said Hon. Ichung'wah said that NASA is leaderless. He did not abuse anybody. He only confirmed your worries, Hon. Speaker. This is because you are worried that they have not given you the names of their Leader of the Minority Party and the Chief Whip of the Minority Party. They did not give you those positions. So, Hon. Ichung'wah was not wrong. He was just affirming that we need the NASA Coalition to give us their leadership and to do so very fast so that we do not hold this House to ransom. They had held the country to ransom and they also

want to continue doing so. We want to move forward. So, can they provide their leadership as soon as possible? I am also worried because *Baba* is not around. So, I do not know who will give them direction.

Hon. Speaker, I am in support of this Motion. First, because of the money allocated to Lake Turkana Power Project. That is a very important project in this country because it will add to our national grid. Cash transfer to elderly persons who are allocated Kshs6.2 billion shillings is very important because we have become a civilized nation. At times you find that elderly persons are left in the rural areas and they suffer a lot. They are given a monthly stipend of around Kshs2000 and National Health Insurance Fund (NHIF) cards to cover for their health insurance. We really support it because it will make their lives more comfortable. There is also necessity to make sure that we have funds for this coming election because there is none. I want to repeat this one clearly that there is no shortcut to become the President of this country. You can only become the President of this country through an election. And we want to finish up with this election so that the country can move forward because we cannot live in a lacuna where we are always uncertain of the future. So, I really support and these funds should be provided as soon as possible so that again we do not have excuses from the IEBC that they want to delay the election even for a single day. We want the election to be held on 26<sup>th</sup> October 2017 as provided by IEBC.

Hon. Speaker, I want to support the allocation of money to farmers. Farmers in this country have been suffering. We really need to understand that agriculture is the backbone of our economy and we need to allocate it as much money as possible. Another very important allocation was the equipping of our technical institutes. We have constructed almost 290 technical institutes in every constituency but they are not equipped. Some of them are not functional. We really need them to be equipped and our young men and women to be trained. It is a shame that in a country like Kenya, we are importing furniture from Dubai and yet our labour force is huge than it is in Dubai. Dubai imports labour force from Kenya. We import equipment from them yet their furniture is actually made by our own young men who have migrated in search of greener pastures to Dubai. I really support equipping of our technical institutes.

Hon. Speaker, our President has been on record promising free secondary education from next year. We want to make this a reality because the Government cannot promise its citizens and fail to deliver. We want to assist in the delivery of the promises that have been made by our President on behalf of the Government and all leaders of this country.

Lastly, we are very happy that today our colleagues in the House are very jovial. I want to extend a hand of friendship so that in future they will be around joining us every now and then. Even though I suspect it is because today we were discussing the leadership of NASA. I do not know who leaked information that we are discussing their leadership. Probably, that is why all of them poured inside here. When we are discussing about free secondary education, equipping our technical institution, allocating money to farmers and healthcare, they go out. They have already gone out. It is unfortunate that they have gone out to the streets to picket. Some of our people are saying they are here.

**Hon. Member:** We are here!

**Hon. ole. Sankok:** Thank you, Hon. Member. We respect you because you are always here and you represent your constituency very well. However, I am talking about those who left the Chamber and especially after the Speaker declared that Hon. Mbadi is not the Minority Leader. Even Hon. Mbadi has also left the Chamber. He has gone back to the street to picket yet

his constituents are looking upon him. The Budget we have just allocated here is inclusive of that of sugar-cane farmers. I am sure he also wants sugar-cane farmers in his constituency to be paid, yet he was not here when we approved that they should be paid within 14 days. He has gone to the streets. Was he elected to go to the streets or was he elected to come to Parliament? I want to ask them with a lot of humility that they should always be here so that when we are passing laws that touch directly on their constituents, those who elected them--- They should be here so that we can reason together because for me, I want that payment for sugar-cane farmers to be cash on delivery. I am a pastoralist and when I sell my cow, I am paid cash on delivery. We sell potatoes and wheat and we are paid cash on delivery. I do not know why wheat farmers have to wait for one or two years. I do not even know why they should actually wait for 14 days. If they were here, they would have amended that they be paid cash on delivery.

Thank you very much, Hon. Speaker for the time you have given me. I appreciate and request our colleagues from NASA to always be present in this House because they were elected not to come to Nairobi to picket and look after cows or camels, but to come to Parliament, amend and make laws.

Thank you very much Hon. Speaker.

**Hon. Speaker:** Member for Kitui Central.

**Hon. Mulu:** Hon. Speaker, before I get to the Supplementary Estimates Bill, I would like to thank the people of Kitui Central for giving me another chance to serve them as their MP. I have looked at the Supplementary Estimates Bill and listened to the Mover and the Seconder making their presentations. I just want to remind the House that a Supplementary Budget is not the main Budget. The 11<sup>th</sup> Parliament did this country a good service by approving the main Budget in April, which was huge.

This is the first Supplementary Budget to be presented to this House. I know the main discussion was done and now we have this Bill, which we are expected to approve. The Constitution of Kenya, in Article 223, discusses why we need a supplementary Budget. It is expected to address unexpected expenditure or what we call emergencies. When I listened to Hon. Limo second the Bill, I wondered whether this Supplementary Budget meets the requirements of a supplementary budget as contemplated by the Constitution. I want to give examples. Some money has been set aside to construct low-cost housing in Kisumu. The question we should ask ourselves is whether that is an emergency. Why did we not have this money provided for in the main Budget that we passed in April? Some money has also been set aside for Export Processing Zones. Again, we should ask ourselves whether that is an emergency that we could not have provided for in the main Budget. I can go on and on.

I am simply saying that the wisdom behind having committees of parliament composed of members from both the ruling party and the minority party has been demonstrated through this Supplementary Budget. I am speaking as an authority in this area. The only provision that is an emergency is that for the fresh presidential election since the election was unplanned. That fits very well into this Bill. I feel that this House has a constitutional mandate to do the work of budget-making. This House has the constitutional mandate of overseeing Government institutions.

Hon. Speaker, the IEBC was allocated Kshs45 billion to prepare and conduct the general elections of 8<sup>th</sup> August 2017, which they did. Now this House, which is expected to provide oversight, is being asked to provide an additional Kshs12 billion for the repeat presidential election without asking hard questions. What happened to the money that we gave them? If we are to do our national duty, we are required to ask tough questions, as an oversight institution. We should hear of Kenyans who are behind bars because they did not correctly use the money that was allocated to them. We should hear of Kenyans going through a court process to determine if they made prudent use of the Kshs45 billion – an amount which could be used to construct another Thika superhighway and leave some balance.

What surprises me is that this House just wants to approve the amount of money that has been requested. I have no problem with that but, as an oversight institution, this House needs to rise to the occasion and ask hard questions. I have respect for Hon. Limo because I was with him in the 11<sup>th</sup> Parliament, but this Committee should have helped Kenyans to get answers to those questions before proposing to this same House to add Kshs2 billion to the initial amount requested by the IEBC. This House cannot be an extension of the Executive. This House is independent, and is expected to behave as such.

We all know that the Judiciary has reclaimed their independence. As a House, we are being challenged to rise to the occasion and do what is expected of us. Let us look at this Supplementary Budget of about 38 billion, as Hon. Duale said. The question is: Why are we rushing to have this Supplementary Estimates Bill passed by this House? The Constitution allows two months. The National Treasury would have gone ahead to spend this money, we conduct the elections as expected and bring the details to this House for approval so that at that time, this House can ask that question.

There is nothing wrong with the National Treasury spending Ksh12 billion to conduct the fresh presidential elections. It is allowed by the Constitution. They still have two months to go ahead and present the Supplementary Budget. Therefore, while I support this Bill, I challenge the membership of this House, I being part of it, to forget about your political coalition. Once you are elected, you become a Member of Parliament and you are expected to do your work independently. Article 95 of the Constitution clearly describes the work of the National Assembly. It does not cost you to be in this House. That is why I want to correct Hon. Sankok, that he does not have to do his work, as an MP, by being in this Chamber. You can do it even from outside there. There is representation, legislation, oversight and budget-making. Let us not confuse Kenyans by cheating them and talking as if you can only do your work when you are in this House. An MP has more than one role.

**Hon. Limo:** On a point of order, Hon. Speaker.

**Hon. Speaker:** What is it, Hon. Limo?

**Hon. Limo:** Hon. Speaker, is the hon. Member in order to mislead Kenyans that the work of Parliament can be done from outside this Chamber? Right now, we are discussing this very important matter of the Supplementary Budget, which cannot be done from outside of this House.

**Hon. Speaker:** The Member for Kitui Central is at liberty to do his Parliamentary work even in the toilets.

**Hon. Mulu:** Hon. Speaker, let me remind Hon. Limo that the reason why we have live broadcasts of what happens here is so that we can follow the proceedings of this House from wherever we are in the world. Therefore, as far as I am concerned, you do not have to sit here to do your work.

However, I am saying that, as Members of Parliament, let us not be held hostage by our party affiliations. We have a constitutional mandate to deliver for Kenyans. Once you get in through that door, as an MP, your first responsibility is to pledge your loyalty to the people who elected you. Secondly, your pledge to protect the Constitution. Thirdly, you pledge your loyalty to the other bodies you are talking about.

Therefore, while I support this Bill, moving forward, we should avoid this way of doing things, as a House. We should do things in the right manner.

With those remarks, I support the Bill as it is now.

**Hon. Rono:** On a point of order.

**Hon. Speaker:** What is your point of order?

**Hon. Rono:** Hon. Speaker, my name is Daniel Rono from Keiyo South. The Member who has just spoken said that we need to be loyal to the people who elected us. I do not know who they are being loyal to when they come here briefly and go away to listen to *Baba* and go to the streets to demonstrate, yet he talked about loyalty. Is he in order?

**Hon. Speaker:** Well, he has already finished speaking. I am not sure I know that name. I suppose the word you have used is '*Baba*'. Is there somebody by that name?

**Hon. Members:** It means father.

**Hon. Speaker:** Whose father?

**Hon. Rono:** Their father, Hon. Speaker.

**Hon. Speaker:** No problem his time is over and I cannot rule him out. Hon. Kimunya.

**Hon. Kimunya:** Thank you, Hon. Speaker. I rise to support this Bill and thank the Committee for a job well done in the analysis and taking us through the Report yesterday. First, I would like to make some corrections to some contributions especially on something which has just been said by the Member for Kitui Central.

For the benefit of our new Members and the public out there, Supplementary Estimates do not arise because of emergencies but they come to the House because of developments which have taken place in between budgets. I believe what the Hon. Member was referring to is withdrawals from the Contingency Fund because this is what leads us to emergencies. Let us not confuse ourselves in this matter and try to show Kenyans that we are rushing a Bill here because there is an emergency. This is coming here because the Jubilee Government is responsible enough not to spend money and then bring this Bill here but has anticipated adequately what will be spent over and above what was already provided for by the 11<sup>th</sup> Parliament.

It is not only about increasing the estimates because some of the items are being reduced. So, this is basically a rearrangement of the budget to reflect the current reality. I do not want to go through the Motion because the Committee did its work and took us through the Report. Looking between the Report and the Bill, I just want to highlight some three issues which I am sure the Chair would want to bring for correction before we finalise on the Bill during the Committee Stage. The first is on Page 1372 of the Bill under Vote R1081. If you add up the numbers there it becomes very clear that under 0401000P.1, Preventive, Promotive and RMNCAH it should be negative; it is a deficiency and not surplus. So, that needs to be corrected.

The second item which requires correction is on Page 1387. Under the Development Expenditure D1011 you will notice that the three figures there do not add up and obviously, the Kshs428,250,000 is positive and the asterisk alongside it ought to be deleted so that it shows we are adding to it and deducting from the other figures. The last one is on Page 1388. Again, these are typing errors which arise between the Report and publication in the Government Printers and the asterisk should be removed on D1081 on the last Item 0405000 P.5 Health Policy, Standards and Regulations. Apart from those, the Bill is in total tandem with the Report which we approved.

I ask that we do not spend more time on this Bill but approve it subject to those corrections and start moving on with life and spending and giving Kenyans the quality of life that the Jubilee Government wants to give them. As the others wait to sort out their leadership and join us in national building.

Thank you, Hon. Speaker.

**Hon. Speaker:** Very well. I hope the Mover has been able to note those items so that in Committee stage he can correct them. Hon. Pukose.

**Hon. (Dr.) Pukose:** Thank you, Hon. Speaker. I stand under Standing Order No.95 this considering that this Motion was debated yesterday when Hon. Limo the *Ad Hoc* Chairman moved the Supplementary Budget. I think we are just repeating what we discussed and most of the Members in the House are in concurrence. I request that the Mover be called to reply.

**Hon. Speaker:** Obviously, when a Member rises under Standing Order No.95, the Chair has to put to Question to see whether indeed that is the mood.

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

**Hon. Speaker:** Mover, the Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, I beg to move that the Supplementary Appropriation (No.3) Bill be read a Second time.

**Hon. Speaker:** I see consultation between the Deputy Speaker and the Members of the Speaker's Panel. I think it is clear to most of us that according to the Calendar unless the House resolves otherwise, we are due to proceed on a short recess and resume on Tuesday, 7<sup>th</sup> November at 2.30 p.m. without fail. For those of you who have looked at the Calendar have seen

this. Therefore, since most of you have approved that the Bill be proceeded with, I now proceed to put the Question.

*(Question put and agreed to)*

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

**Hon. Speaker:** Next Order.

### COMMITTEE OF THE WHOLE HOUSE

*(Order of the Committee read)*

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

### IN THE COMMITTEE

*[The Chairman (Hon. Cheboi) took the Chair]*

### THE SUPPLEMENTARY APPROPRIATION BILL

**Hon. Chairman:** Hon. Members, we are now in the Committee of the whole House on the Supplementary Appropriation (No.3) Bill (National Assembly Bill No.42 of 2017). It is going to be a brief one. So, Hon. Members be a little patient.

*(Clause 2, 3, 4 and 5 agreed to)*

### *First and Second Schedule*

**Hon. Chairman:** The Mover, I hear you have a comment on the First and Second Schedule.

**Hon. A.B. Duale:** Hon. Chairman, in the First Schedule, we insert an asterisk against programme one which is Preventive, Promotive and RMNCAH at the referral hospital. The figure is 51,640,385. It is found on page 1372. In the Second Schedule, we delete the asterisk appearing on D1011 against Programme two – Cabinet Affairs – on this figure which is 428,250,000. It is found on page 1387. Also in the Second Schedule, we delete an asterisk appearing on Vote D1081 against Programme five, which are Health Policy, Standards and Regulations. The figure is 112,500,000. It is found on page 1388. Hon. Chairman, for Hon. Members to understand, the asterisk here denotes a reduction.

**Hon. Chairman:** Therefore, what you are basically saying is that these are only typo corrections.

**Hon. A.B. Duale:** Yes.

**Hon. Chairman:** Therefore, we will proceed in that manner, unless there is a Member who wants to comment on this one. I could give two Members even if there is no amendment, should there be anybody who wants to speak to it.

Member for Tharaka.

**Hon. (Ms.) B.N. Nyaga:** Thank you, Hon. Chairman. I rise to support the correction that has been made by the Leader of the Majority Party in that the typos that are being corrected do not go into the substance of the Bill. As such, it is of no consequence apart from getting the record straight and the Bill to be in the proper form.

I support.

**Hon. Chairman:** I think I should also give that accounts guru an opportunity. Let us have the Member for Kipipiri, if he is in the House. Those are very senior Members in that profession.

**Hon. Kimunya:** Thank you, Hon. Chairman. I just want to thank the Leader of the Majority Party for the corrections and to confirm to everyone that really these were already captured within the Report. So, it can only be an issue between the printing of the Bill and it coming here rather than any other intended purpose. I am happy that Parliament has accepted those corrections.

**Hon. Chairman:** I actually called him “guru” because unlike many Members here, he has been an executive, a minister and a senior one at that in that ministry. I will proceed and put the Question.

*(Schedules agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

We come to the end of that. Therefore, I ask the Mover to move reporting of the Bill.

**Hon. A.B. Duale:** Hon. Chairman, I beg to move that the Committee doth report to the House its consideration of the Supplementary Appropriation (No. 3) Bill (National Assembly Bill No. 42 of 2017) and its approval thereof without amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*(The Temporary Deputy Speaker  
(Hon. Omulele) in the Chair)*

**REPORT AND THIRD READING**

## SUPPLEMENTARY APPROPRIATION (No.3) BILL

**The Temporary Deputy Speaker** (Hon. Omulele): Let us have the chairman.

**Hon. Cheboi:** Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Supplementary Appropriation (No.3) Bill (National Assembly Bill No.42 of 2017) and approved the same without amendments.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

I request Hon. Amos Kimunya to second the Motion for agreement with the Report of the Committee of the whole House.

**Hon. Kimunya:** I second.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I beg to move that the Supplementary Appropriation (No.3) Bill (National Assembly Bill No.42 of 2017) be now read a Third Time. I also request Hon. Benjamin Washiali to second.

**Hon. Washiali:** Hon. Temporary Deputy Speaker, I second.

*(Several Hon. Members walked into the Chamber)*

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Members, kindly freeze.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time  
with leave of the House and passed)*

Next Order!

**MOTIONS**ADOPTION OF SESSIONAL PAPER ON  
THE NATIONAL CLIMATE CHANGE FRAMEWORK

THAT, this House adopts Sessional Paper No.5 of 2016 on the National Climate Change Framework Policy, laid on the Table of the House on Wednesday, 11<sup>th</sup> October 2017.

**The Temporary Deputy Speaker** (Hon. Omulele): Let us have the Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, with your indulgence, I want to step down this Motion. This is a very important Sessional Paper. The National Climate Change Framework is important. So, I really want to stand it down and put it on the Order Paper at an appropriate time.

*(Motion deferred)*

**The Temporary Deputy Speaker** (Hon. Omulele): Next Order!

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

**The Temporary Deputy Speaker** (Hon. Omulele): What is out of order, Hon. Kangogo?

**Hon. Bowen:** Thank you, Hon. Temporary Deputy Speaker. The Leader of the Majority Party should know that this is Parliament. Order No.13, which is a Motion, is in the Order Paper this afternoon. If you are withdrawing it, you need to explain to us the reason so that we know.

**The Temporary Deputy Speaker** (Hon. Omulele): You know the rules Hon. Kangogo. You know that he is the Mover. He has the latitude to deal with the Motion as he deems fit. I have already granted him permission to take it out of today's Order Paper.

Let us have the next business.

ADOPTION OF SESSIONAL PAPER ON THE  
NATIONAL URBAN DEVELOPMENT POLICY

THAT, this House adopts Sessional Paper No. 6 of 2016 on the National Urban Development Policy, laid on the Table of the House on Wednesday, 11<sup>th</sup> October 2017.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I want Hon. Bowen to listen to me. Order No.14 is about the National Urban Development Policy which is a very important Sessional Paper No.6. I will be very happy if we dealt with this matter when we resume. The relevant committee of Parliament will be in place to interrogate this Sessional Paper. It is such an important document that it cannot just be dealt with. Hon. Bowen should know that, at least, the position of the Leader of the Majority Party of the National Assembly is anchored in the Constitution under Article 108.

*(Motion deferred)*

**The Temporary Deputy Speaker** (Hon. Omulele): I will direct that we now move to the next business.

**MOTION FOR ADJOURNMENT**

ADJOURNMENT TO A DAY OTHER THAN  
THE NEXT NORMAL SITTING DAY

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order No. 28 on the Calendar of the National Assembly (Regular Sessions), this House adjourns until Tuesday, 7<sup>th</sup> November 2017 at 2.30 p.m.

Hon. Temporary Deputy Speaker, as you may be aware, this week, the country witnessed what political analysts called political pronouncements geared towards causing perceived strong waves in a very calm sea. The alleged waves came apparently in the form of the recent declaration by Hon. Raila Odinga of his intention to withdraw from the fresh election which has elicited wide debate and demonstrations organised by his coalition. I had the opportunity to work with Hon. Raila Odinga at one time in my political career. He was my party leader. In my opinion, he has dug his own political grave. I do not know who advised him. I talked to Hon. James Orengo who at one time represented me in a petition at the High Court in 2008 last night. I am sure he gave him wrong advice.

Allow me to say that the sea called Kenya is very calm. There are no waves as planned. There is no crisis in this country. We are a country that is governed by law and the apex norm is the Constitution and the institutions established by the Constitution. The Constitution sets the legal framework upon which fresh elections are to be held. In particular, Article 138 (8) of the Constitution lists out three grounds upon which fresh elections can be cancelled, but it does not include withdrawal or what I have heard people calling abandonment.

Rule 6 of the Election Regulations (General Provisions) is very clear that a candidate can only withdraw three days after nomination in prescribed form 24A. Hon. Raila Odinga made a public declaration of his intention to withdraw, but he did not withdraw from the race. In that case, his withdrawal followed by the dictates of Article 140(3) of the Constitution, fresh elections must go on as planned.

I am happy the IEBC, as an independent institution, last night, confirmed that it is not only President Uhuru Kenyatta who will be in the ballot but all the other many candidates who never campaigned. They have another opportunity to contest and see if they can win the presidency. The likes of my good friend, Mr. Abduba Dida, Prof. Wainaina, Mr. Joe Nyaga, Mr. Cyrus Jirongo and Mr. Ekuru Aukot.

The country is therefore not at the mercy of politicians like what people want us to believe. The Constitution has already created the road mark through which each and every politician in our country can chart his own ways. The Supreme Court under the President and Chief Justice David Maraga spoke loud and clear with the reading of the Article 140 (3) of the Constitution. It directed IEBC to conduct repeat presidential elections within 60 days. We are 13 days to the end of the set date. The IEBC has until 31<sup>st</sup> October. In my opinion, if by chance, NASA leadership goes before the Supreme Court, the first thing they must face is contempt of court in as far as the direction given by Judge Maraga is concerned.

Article 142 of the Constitution provides that the president shall hold office until another president is sworn in. In this regard, President Uhuru Kenyatta remains as president until another one is sworn in or he is re-elected. I want to speak to the Secretary General of the workers union, Mr. Francis Atwoli, who is saying that we should form a 10 member team, and President Uhuru and the former Prime Minister Hon. Raila Odinga must sit in it. We are used to these shenanigans. My good friend, Mr. Atwoli, should not be the one who speaks. His mandate is to lead workers. He is supposed to lead workers. He is a trade unionist. He should not interfere with the workings of the political class.

*(Applause)*

If Hon. Raila Odinga has sent him to come as an emissary, we are telling him he has sent the wrong person. In the event he wants Hon. Raila, Hon. Kalonzo and Hon. Wetangula to meet us, Hon. Murkomen, other leaders in this House and I are ready and willing to engage them. President Uhuru Kenyatta and Deputy President, William Ruto, do not play in the same league with the people you purport to represent. His invitation is okay but it is directed at the wrong people. Please re-direct it to me, Hon. Murkomen and the rest of us who are in this House. We have capable men and women in this House who can sit with you, including Hon. Sankok who will represent the interests of the people with disabilities in that forum. People with disabilities must be represented in that forum. That is why we did not make a mistake in nominating Hon. Sankok. We knew their voice will be heard in any forum in this country, including the one my good friend, Mr. Atwoli, is suggesting.

Further, the three arms of Government— the Legislature, Judiciary and Executive – are powerful engines which are running separately but efficiently. Parliament is currently considering, or is about to consider the election laws, which we have just passed. To ensure that there is free and fair elections, the Judiciary and the Executive are also performing their constitutional mandates. So, there is no problem in Kenya. You saw the purported demonstrations are in very few places; they are in two or three places. There are no demonstrations in northern Kenya, where there are about nine counties. There are no demonstrations in the Rift Valley, where there are over 14 counties. There are no demonstrations in the Coast region, which has six counties. There are no demonstrations in Western Kenya, where there are four counties. There are no demonstrations in the Eastern region, which has about seven counties. There were only demonstrations in Kisumu and part of Nairobi.

What the Cabinet Secretary (CS) for Interior and Coordination of National Government said today is provided for in law. Hon. Matiang’i is not violating the Constitution. You demonstrate and destroy people’s property. Norman Mogaya, who signed the notification, must be held responsible. He must pay for each and every car’s windscreen which was destroyed. They must pay for the juice and the *sodas* that they stole. I saw a video of a Member of Parliament dishing out Kshs50 to demonstrators. Jubilee wants to create jobs for the youth, we do not want to misuse the youth.

This week, the IEBC has also guided the country in accordance with the ruling of the court as to who should participate in the fresh elections. This afternoon, the CS for Interior reminded us that freedom of expression and demonstration does not extend to destruction of property. There is freedom of expression, but that freedom has limits. Where my freedom ends, it is the beginning of the freedom of another citizen. You can love Raila Odinga, but you cannot destroy my car. You may go and destroy his car because you love him.

There is a notion they speak about. Every day, they say “Kenyans.” I ask myself this: Are those of us who voted for Jubilee in North Eastern and Rift Valley, in the mountain, in the ocean, or are squatters? We represent Kenyans! So this misnomer that Kenyans have spoken, somebody should say, “my followers, who voted for me” who in essence are dwindling every day.

As Members of Parliament, let us go and constitute our National Government Constituencies Development Fund (NG-CDF) Committees so that by the time we come on 7<sup>th</sup> November, they will be ready for approval by the House. The new regulation says that the NG-CDF Committee members must be approved by the House. So, we want our Members to go out and constitute broad-based committee members. We also expect our sisters, the county women Members of Parliament, to go and establish their Affirmative Action Fund and we expect

Members of Parliament to go out and put up the structures of their constituency offices which are different from the NG-CDF offices.

With those many remarks, I beg to move that the House adjourns until 7<sup>th</sup> November.

*(Question proposed)*

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

**The Temporary Deputy Speaker** (Hon. Omulele): I see a lot of interest. We cannot put the Question now. You have three hours to debate this. According to your rules, a Motion of this nature will be debated for three hours. Every Member debating will have five minutes. I can see 25 Members. I propose to follow the list as it is presented. We have time. I now give the opportunity the Hon. Wachira Kabinga, Member for Mwea.

**Hon. Josphat Wachira:** Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion that we adjourn until 7<sup>th</sup> November. It is very important for us to go back home to participate in the election process and to support our candidate. As you are aware, the election date is set for 26<sup>th</sup> and we are ready for it. This will be an opportune time for us as Members and especially the new Members to go back home, interact with our constituents and explain some of the things we have learnt in this House, including some of the bad manners we have seen in this House where Members come, sign, go back, come in the afternoon, sign and go back. I am not sure that this is why we are here in this House.

It is also a good time for us to go back home and relate some of the promises that we have given to our constituents to the Supplementary Budget that we have just passed so that as we look forward to supporting our constituents, we are well versed about the national Budget. I pity our brothers and sisters in the Minority side who skipped all these sessions. I am not sure about what they will be telling their constituents because they have no idea about the Supplementary Budget that we have just passed. Therefore, I pity them.

This is the time to talk about some of the projects that my constituents are eagerly awaiting. There are roads, which are one of the most important items that we have. I know, through the Supplementary Budget, our Department of Irrigation has some money. Therefore, I will be pushing for completion of Thiba Dam Irrigation Scheme now that I know there is some money. I also know that the budget for roads is there. Therefore, I will be pushing to see that some of the roads we have been waiting are now completed within this financial year. This is why I am saying I pity our colleagues who found it necessary to be in the streets when some of us were running the parliamentary business. I am not even sure whether the new Members who participated in stone-throwing will learn what some of us have learnt in this House.

It is high time our constituents realised that they sent us here in Nairobi to come and represent them and also to represent the nation in the discussion of very important matters. Therefore, when we absent ourselves, we are simply absconding the very important duty that our constituents have sent us here to do. It is also a pity that while some of us market ourselves by participating in this Parliament and by going home to share what we have learnt with our constituents, in some of the areas - I think we need to do more on civic education - it has turned out that some of our Members market themselves by the way of throwing stones and abusing others. By the way, they have the courage to abuse the Head of State and other senior citizens of this country. I hope that our colleagues will take this period to rest, reflect and think about themselves as well as their constituents. They need to participate in the development of this country.

I really pity those who lost their car windscreens, side mirrors, crates of *soda* and so on. When I first got my job, I worked so hard to get a car. So, I put myself in the situation of those people whose cars were destroyed in the chaos. Some of them may not have enough resources to put in the necessary insurance and then somebody from nowhere comes to throw stones at their cars and destroying them. Maybe that particular car is the only thing one had to move around with or even use to get married. It is a pity.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Members, please, note that you have five minutes, so arrange your thoughts around the five minutes. I will give this opportunity to Nguna Ngusya, Member for Mwingi West. Is he in? I will now proceed to give the opportunity to Hon. Member for Taveta, Hon. Shabaan.

**Hon. (Dr.) Shaban:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to join others in agreeing that this is the time for us to adjourn considering that there is so much to be done.

Basically, the 12<sup>th</sup> Parliament has been on quite briefly because of the political environment. Kenyans are campaign animals all through, but this time we have had it long. It is too much. We have to go out there and ensure that we elect a president for this country. We have a Chief Executive in place. However, I believe that the term of the President has to be extended so that he can carry out his constitutional mandate without any interference. People should not think that the presidency is meant for certain people.

Article 1 of our Constitution is very clear. Kenyans are the ones who have the sovereign mandate of deciding who their leaders should be and, more so, who their president should be. Kenyans should be given a chance to make that decision following the Supreme Court ruling. It is time for us to go back to Kenyans and ask them to vote for our favourable candidates. I will be campaigning vigorously for the President. We should also make sure that Kenyans campaign peacefully. It is all work to ensure that Kenya is safe and Kenyans can enjoy doing their politics without quarrelling and fighting. Having come from post-election violence experience, I would not like to see Kenya going back to what we faced in January and February 2008.

It is shame we have been demonstrating instead of selling our candidates because to sell our candidates following the decision of the Supreme Court means going to discuss the vision of the person you are marketing. I want to ask all my colleagues, from both the majority and the minority side that, it is upon us to ensure that Kenyans are safe and they do not fight at this time of campaigns.

Hon. Temporary Deputy Speaker, hopefully, by the time we come back on 7<sup>th</sup> November 2017, we shall have our Chief Executive in place and Kenyans will resume their normal lives. This country has been thrown into a spin following the Supreme Court decision and more so following the confusion which has followed and even some of the candidates pulling out. Believe you me, we might be playing with this, but at the end the day, we might end up regretting the decisions we have rushed to make.

Kenya is not about Uhuru Kenyatta or Raila Odinga. It is not about Naomi Shaban; rather it is about Kenyans. Kenyans must be given their democratic right to make that decision. With the kind of running up and down, it is sad that we are chasing away investors. We are making it impossible for anybody to look at Kenya seriously and making it impossible for our economy to grow. We are destroying our economy.

With those few remarks, I just want to plead with all my colleagues that as we go out there let us not incite voters. We should just get them to come out in big numbers and vote. I beg to support.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall now have Hon. Gichimu Githinji, Member for Gichugu.

**Hon. Githinji:** Thank you, Hon. Temporary Deputy Speaker for that opportunity. I beg to support this Motion for Adjournment. We all know that we are headed for another period of campaigns where we are required to join our party leader and his deputy in the campaign trails. We have been holding this Parliament trying to straighten the laws that will make us go to the elections in a free and fair manner. This is the time to add onto their efforts to criss-cross the country and try to gather all the votes that the Jubilee leaders require in order to take this country forward. It is also an opportunity for Jubilee leaders to show our opponents, the NASA coalition, that we do not fear them. We are not out there to fight; we will fight in terms of putting in effort to garner the maximum number of votes for our leaders. Actually, it is also the best time to answer my constituents, Gichugu people, who have been wondering where we are. We have not been seen in the streets and elsewhere. This is the time to show them that we are behind our President in the campaigns and we will re-organise ourselves especially as Kirinyaga people. We will be seen to participate in all that it takes to ensure that we get all the votes that are required for our President to win.

Further, this is also an opportunity to answer some questions in respect of development. Now that the Supplementary Budget has already been passed, there is an allocation for the elderly people. I did not have an answer to that issue, but now I do. Very soon, the elderly will be getting their stipend. When that process is well structured, each and every person will benefit from that. I am also happy that there is an allocation for equipment in respect of technical institutes that are being put in place in each and every constituency. My youths in Gichugu will be excited and I will give details and encourage them to venture in that area. We also know that this is the time that we need to forge peaceful agenda. Actually, we need to do peaceful campaigns. This country is bigger than any one of us. We abhor any attempts to bring violence or to destroy people's property in this country. We urge our opponents, the NASA Coalition, not to move in that direction and to copy the Jubilee leadership in the way they are doing their campaigns.

I beg to support this Motion of Adjournment, Hon. Temporary Deputy Speaker. Thank you so much.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Tum Chebet, the Member for Nandi.

**Hon. (Ms.) Tum:** Hon. Temporary Deputy Speaker, I beg to support this Motion. The Supreme Court of Kenya directed the IEBC to hold elections on 26<sup>th</sup> October. It was to be on the 17<sup>th</sup>, but Raila Odinga said it should be pushed and he was given a chance and the date was set for 26<sup>th</sup>. The NASA Coalition said they are not ready for the elections. This House has just passed Kshs12 billion for the elections. We know what is happening in Nairobi and Kisumu. Our people are not having a conducive environment to do business. The economy of this country cannot be killed because of one side or the other. Whatever agenda NASA has against this country is not going to materialise. Kenya is in the hands of God and there are people who are praying. We ready for the elections. We are going home and we know that Uhuru Muigai Kenyatta will be sworn in as the president of this nation.

As women of this nation, we are not ready for war. We saw what happened in 2007. We are saying NASA should accept and go for elections with us or they stop their demonstrations in this country.

Thank you.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall have Hon. Kilonzo, the Member for Yatta.

**Hon. Kilonzo:** Thank you, Hon. Temporary Deputy Speaker. I was getting worried because this House is nowadays more Jubilee than anything else. So, I was wondering about the fate of those who are not on either side and who are not recognised by the House. That said, a recess is a very important time for Members of Parliament. As somebody who has been here for some time, you realise that a time will come and you will have to go home.

*(Loud consultations)*

I have the Floor.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Kilonzo will be heard in silence.

**Hon. Kilonzo:** Thank you, Hon. Temporary Deputy Speaker, for protecting me. As somebody who has been here for some time, recess is a very crucial time for Members of Parliament. This is the time for family, because what happens with politicians is that when we join politics, in most times, we tend to abandon our families, not in a bad way, but we tend to get committed too much with national duties and forget about families. I want to tell Members when you lose your seat, the soft-landing you get is your family. So, I want to encourage Members to get time off to be with their families. I am aware there are some who are young and do not have families, but they can use the time to start their families.

It is also time to start setting up systems at the constituency level and various committees in place. I want to hope that the Government will release money as soon as we get our committees gazetted, and that is some time when we come back. We have done politics for long and now people want to see action.

Most importantly, we have elections coming up. One thing which I know as a Kenyan is that we must have this election on 26<sup>th</sup> irrespective of who wins. We must have the election. I say so because other than being a politician, a majority of you are also business people. We are doing great disservice to the business community. If we are not careful, very soon we will not have enough money because these members of the business community are the same people who pay taxes that run this country. So there comes a time when we must say “make a decision”. The decision I have made as a politician is that we must have elections irrespective of who will win.

I want to remember how Duale found me in this House. Members want to make it so personal. I have seen young Members who are after each other’s throats. It reminds me of when Duale found me in this House. Things change. Politics change. Duale was one great supporter of Baba. That time I was in the Wiper Party, which moved and joined PNU. You should have heard

the things Duale was saying. Little did he know times would change. Now I look at Duale speaking the way he speaks today and when I see the likes of Jaguar and Owino wanting to go after each other's throats, I just know they are young in politics. Things will change. Do not be surprised in 2022 to find Duale and Baba in the same ship. This is politics.

**The Temporary Deputy Speaker** (Hon. Omulele): I would just wish that you refer to Members as honourable.

**Hon. Kilonzo:** Yes, Hon. Temporary Deputy Speaker. Thank you for the correction. It is only fair. I repeat that do not be surprised if you find Baba and Hon. Duale in the same boat. So, whatever we do, Members of Parliament need to know this is politics. Just the other day, we saw Munya, the former Governor of Meru, shift. One day, he was in PNU, shifted to NASA and overnight, crossed to the other side. Because of time, let me urge that as we go out, let us preach peace. We have no other country, but Kenya.

With that, I support the Motion of Adjournment.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. I will now give this opportunity to Hon. Noor Sophia, the Member for Ijara. Members, you will notice we have a problem with the microphone system. Hon. Noor, kindly move to a microphone that is close to you, so that you can save time. Kindly come to the Dispatch Box, so that we can proceed.

**Hon. (Ms.) Noor:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I would like to take this chance to support the Motion of Adjournment. I did not get a chance to contribute to the Supplementary Estimates. I know they are crucial and very important estimates that we have just approved as a House.

The major increments have gone to day school education. Day secondary school education is something that was in the Government manifesto. We promised Kenyans that we will have free secondary school education. I am very happy to be part of the people who this evening has approved the Estimates that include money for free day secondary education.

Hon. Temporary Deputy Speaker, I want to talk about the resources that were earmarked and approved for senior citizens in this country, namely, the cash transfer. In the 10<sup>th</sup> Parliament, I was the Chairperson of the Departmental Committee on Labour and Social Welfare which dealt with the issue. I was among the first people who first looked into the issue of cash transfer for senior citizens. I went around the country and I saw the impact it has had on our people. When I went to Ganze Constituency, I met with senior citizens and they told very moving stories. They felt that that was the first time the Kenyan Government remembered them. The money given as cash transfer was so little, but they appreciated it. I would be keen and interested to see that one day, this House will discuss and debate increment in the amount given through the cash transfer programme to our senior citizens, orphans and vulnerable children in this nation. What we are giving them is just too little that we really need to re-look into the policy that addresses the issue.

Hon. Temporary Deputy Speaker, when we look at the framework for commitments that we make, it is not comprehensive. We need to relook at the frameworks that we have in place particularly our commitments with our partner organisations and development partners that give resources to this country since every year we revisit issues of resource allocation.

We also need to look at the issue of teachers. The National Treasury must keep aside some resources to improve the status of teachers, nurses and particularly housing of our security

personnel. We must be humble. These are the people who are protecting our country. They are the same people who stand in during difficult times. If you look at the houses they live in, it is a problem. The National Treasury must bring estimates and budgets that will give decent housing to our security personnel.

Hon. Temporary Deputy Speaker, because of time, I am a worried woman of this country. When you see women coming out of their houses to throw stones, then it is not a good sign. This is our country. Women and politicians of this nation must re-look and re-think about the way they want to handle street demonstrations. It is not right. We can talk and dialogue on the table. It is not right that we go around throwing stones.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall have Hon. Chachu Ganya, Member for North Horr.

**Hon. Ganya:** Thank you, Hon. Temporary Deputy Speaker for this opportunity to contribute to this Adjournment Motion. I surely support it.

I want to address something very unique in North Horr, my constituency, in Marsabit County. In this time and age, nobody in the world should die because of malaria. In some parts of this country, Baringo and Marsabit counties in particular, many Kenyans have lost their lives due to the malaria crisis. In Marsabit County, 28 people have lost their lives in the last one month. About 26 of those people hail from my constituency and 85 of them hail from a ward called Dukana on the Kenyan-Ethiopian border.

Marsabit or northern Kenya is a lower Malaria endemic area. Because of this, our health facilities were ill prepared to deal with this crisis caused by mosquitoes in Marsabit. Since we were ill prepared, we did not have Malaria drugs in our health facilities. We did not have diagnostic kits to test Malaria patients in our health facilities. We did not have mosquito nets and adequate personnel in our health facilities, logistics such as fuel, vehicles and resources that are necessary for us to counter the crisis. As a result, we lost over 28 Kenyans to Malaria which is a big shame and should never happen anywhere in the world in this time and age.

Hon. Temporary Deputy Speaker, most of the facilities in our counties and Marsabit County in particular, lack ambulances. Many facilities had very limited or very low capacity. Two people died in Muite Ward in Laisamis Constituency because they did not even have a single ward to admit them. They could not even admit any of the patients who eventually died without any attention. When this crisis occurred, we were also experiencing severe drought in most parts of northern Kenya. As a result, people were so weak. They are highly malnourished in the sense that they had very low immunity to Malaria. Some were highly anaemic. Actually, 14 patients had to be referred from Dukana Health Centre to Kalacha Level 4 Hospital which is over 120 kilometres away so that they could get blood transfusion. Unfortunately, the blood was not available. It had to be availed from Nairobi and other parts of Kenya. I am glad to report that these Kenyans have been saved and are now recuperating in Kalacha Level 4 Hospital.

It is important for me to appreciate that even though the response was really delayed, when it came, it came in a very handy way. Both national and county governments responded. I want to particularly single out the Kenya Red Cross who not only flew in medicine, Malaria drugs and diagnostic kits, but also came in with the necessary personnel who were able to do serious medical outreach using vehicles and ambulances. With that, they were able to go and assist the patients in the rangelands or in their *manyattas*. This is a nomadic mobile community and most of them were out with their livestock. They were able to reach them and test them. Those who were found to be Malaria positive got drugs and as result their lives were saved.

Hon. Temporary Deputy Speaker, I also want to appreciate Family Health International (FHI) Doctors of the world, Medecins Sans Frontieres (MSA), Belgium Doctors of the World, the National Malaria Control Programme and the Kenya Medical Research Institute (KEMRI) who are on the ground right now doing research to rule out the possibility of other complications beyond Malaria.

Hon. Temporary Deputy Speaker, it is very important for our Government to think critically about service delivery in the marginal and nomadic communities like North Horr Constituency. We need to reach out to where the pastoralists are. This is why we need mobile service delivery like mobile clinics. We also need medical outreach personnel to reach Kenyans wherever they are and test the patients. Those found to be Malaria positive should be given the necessary drugs. It is really important that our health facilities are well equipped with necessary drugs, mosquito nets and all other necessary items.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Members, next is Hon. Korir Nixon, but before he takes the Floor, I have an urgent message. It is with regard to the approval by the Senate of the Election Laws (Amendment) Bill 39/2017.

Hon. Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a message from the Senate regarding the approval by the Senate of the Election Laws (Amendment) Bill 39/2017. The message reads:

### COMMUNICATION FROM THE CHAIR

#### APPROVAL OF THE ELECTION LAWS (AMENDMENT) BILL BY THE SENATE

Hon. Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a message from the Senate regarding the approval by the Senate of the Election Laws (Amendment) Bill 39/2017. The message reads:

“The Election Laws (Amendment) Bill 39/2017 was considered and passed by the Senate on Thursday, October 12<sup>th</sup> 2017 without amendment.”

Hon. Members, you may recall that the National Assembly passed the said Bill on Wednesday 11<sup>th</sup> October 2017 with amendments. In this regard, I will now proceed to present the Bill to His Excellency the President for assent in accordance with the provisions of Article 110(5) of the Constitution.

Thank you.

**The Temporary Deputy Speaker** (Hon. Omulele): Proceed, Hon. Korir.

**Hon. Korir:** Thank you, Hon. Temporary Deputy Speaker. That was a very good message for all of us. I rise to support the Motion.

Our function is to come to this House to legislate and represent the people. As the Member for Lang’ata Constituency, I need time to go and interact with my people. We have a big problem of water shortage, which we need to discuss with the county government and resolve.

I did not get a chance to contribute during the First Supplementary Budget, but I have to mention a few things as I go for recess. There are issues about equipping technical institutes and vocational training institutes. I think it is a good thing. The Member from Kitui said that the Supplementary Budget contained some items which are not urgent. As a young man, I know that there are many urgent things in relation to young people that we need to handle immediately. The most important thing is to ensure that we equip them with training and technical skills so that they can be competitive in the job market. He also mentioned that some things such as housing are not urgent. I represent a constituency with slums. I know the urgency of fixing the housing problems that we have in this country. I am happy that the First Supplementary Budget of 2017/2018 was passed by this House. There are urgent matters that need to be handled, and most importantly, the issue of the fresh presidential election.

For the last one year, we have put this country at a pause, so that we can politic. Nothing is moving forward. It is high time we went back to the ballot and concluded this matter. We should campaign for our respective candidates for the position of president and put this matter to rest on 26<sup>th</sup> October.

I support this Motion because it is our duty to interact with our people. A Member said that it is also time for us to have quality time with our families. I am lucky to have come from Nairobi County. My home is a walking distance from this House. I will get an opportunity to also establish committees and offices that are needed so that I can run my affairs as the Member for Lang'ata Constituency.

I would also like to mention a few issues, as a Member of this county. We have witnessed a lot of demonstrations and violence by our opponents from NASA. While the Constitution, under the Bill of Rights, gives us the right to demonstrate and picket and make petitions, it has some limitations such that your rights stop where the rights of another person start.

What we witnessed yesterday was not good. We witnessed robbery, destruction of property and breakings into people's cars. This is not right. As we go for recess, we will get an opportunity to talk to the young people out there to ensure that they are not used to do wrong things like participating in demonstrations and destroying people's properties. As a Member said, I also witnessed a Member of Parliament dishing out Kshs50 notes to members of the public so that they could participate in demonstrations. We want to engage the youth in meaningful ways. We will ensure that they get organised and get supported so that they can contribute meaningfully to this country.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Omulele): Let us hear the Member for Mbeere South, Hon. King'angi.

**Hon. Muturi:** Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to support this Motion.

There is tension in this country. This morning, I was called by my good friend, Eng. Maina, who told me that he did not sleep well. He asked me what was going to happen. I think

he is not alone. Many of this country's citizens are not sleeping well because of the uncertainty that is all over the place because of the politics in this country.

We need to go back to our constituencies to reassure our people that nothing bad is going to happen. I told the engineer that on October 26<sup>th</sup> we will go back to the ballot and cast our votes, so that the winner of the election can be announced. Thereafter, we will move on. It is important that we go out there to reassure our people that nobody will ruin the country that we love so much.

The good people of Kenya want to move on. They are tired of the drama that we are giving them. The national examinations will be taking place within this same period. The teachers are struggling; businesses, and the economy in general, have slowed down. It is about time we went back to our constituencies and assured Kenyans that there is life after politics and guide them on how to go to an election without violence. We must encourage them to believe in themselves; that, if you do not start the violence, there is not going to be any violence. I will be leading the good people of Mbeere South in making sure that we have a free and fair election. I will encourage them to turn out in large numbers and vote.

I also want to throw in a few words. There is a community in Mbeere South, Makima Area whose members live on land designated for the Tana and Athi River Development Authority (TARDA). They are about 1,000 people and they have been given notice to move out of that land. This is the time when people prepare land for planting. It is wrong to throw families out at this time. I appeal to the Government and the management of TARDA to resolve this issue through dialogue. I am ready to lead the dialogue and save the people from eviction. There are those who are hell bent on causing spontaneous violence. Many times, it is not spontaneous. Somebody causes and fuels the violence so that they can have their way without necessarily having to work.

As a Christian, I would like to assure them that many Christians in this country believe there is a God in heaven, who is looking down upon us and he will not let this country go to the dogs. I urge the good people of Kenya to continue praying and come out in large numbers on 26<sup>th</sup> October, 2017 to vote and their choice will count. I support.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. We shall have the Member for Isiolo, Hon. Jaldesa Dida.

**Hon. (Ms.) Jaldesa:** Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to the Adjournment Motion. I support it and also join my colleagues in stating that we will take the recess period to campaign for our presidential candidate Uhuru Kenyatta. Of course, we did not wish to go back to the process which was ably done on 8<sup>th</sup> August 2017. We are a nation which is governed by the Constitution and has law abiding citizens. Therefore, we decided to respect the ruling of the Supreme Court and accepted to go back to elections on 26<sup>th</sup>.

I want to urge all the Kenyans wherever they are to campaign peacefully and practise restraint. I know the Jubilee side has been provoked and called names and our properties destroyed but as always, we will abide by the law and respect the Constitution of this country

and campaign peacefully. I am sure on 26<sup>th</sup> October our President shall win with a landslide and there is no doubt about that. For my colleagues in NASA it is very unfortunate, that for the last one and a half months since Parliament was opened they have only been coming, making technical appearances and living the Jubilee Members of Parliament (MPs) to debate. That does not only cost the people they represent but it is a waste of the resources of this country because they are paid. They usually come and append their signature so that they are not struck out of the list and disappear. So, my humble request is that when we reconvene on 7<sup>th</sup> November they will take their legislative role seriously and come to the House.

What we have been experiencing in terms of picketing and demonstrations has been very unfortunate. Yesterday, I was caught up when coming to this House and by the grace of God I was with my body guard. I can imagine what those of us who do not enjoy the benefits I enjoyed go through. I want to commend the Cabinet Secretary (CS) Internal Security and Coordination of national Government for the measures he has taken to ensure that the Central Business District (CBD) of cities are protected. I think that was a right move. I know the Constitution allows for freedom of picketing however, it should not infringe on the freedom of other Kenyans.

As I conclude my contribution, I want to urge the Government to continue supporting us especially at this time when we are anticipating rains. The County of Isiolo has a large number of street families and it is my prayer that the Government will be kind enough to find accommodation for them. Thank you. I support.

**The Temporary Deputy Speaker** (Hon. Omulele): For the people of Nairobi, I will give this opportunity to the Member for Roysambu.

**Hon. Ndirangu:** Thank you, very much, Hon. Temporary Deputy Speaker for allowing me this opportunity. I would like to make a special request on behalf of most residents of Nairobi who live in the informal settlements. I want to appeal for relief food particularly for those in the informal settlements of Kawangware, Githurai, Soweto and Congo because they are facing very hard 'Maraga' times. Since the Supreme Court declared its ruling of the Presidential elections most businesses have not been operating and many factories have closed. Even in this town most casual workers are going without jobs and there is a general problem in Nairobi of people being unable to put food on the table.

I therefore, appeal to CS Kiunjuri, who is in charge of Devolution and Planning to consider all Nairobi informal settlements for relief food. You could see this clearly in the streets of Nairobi when NASA supporters were demonstrating because they go to town on empty stomachs. I appeal to the leaders of NASA to first feed their people before they unleash them to the streets of Nairobi. We are also appealing to leaders from other counties like Mombasa who are congregating in Nairobi to bring disruption to trade and businesses to keep off. We will not take this lying down. We have asked all our business people to report any losses, breakages and theft to the Central Police Station. We are engaging our lawyers from next week to demand for compensation of properties which have been stolen and destroyed.

As we go on short recess, I urge the Members to preach peace in their constituencies and it is important that the National Government Constituencies Development Fund (NG-CDF)

releases money meant for bursaries so that we are able to issue it to the needy pupils over the recess. I also plead with the leader of opposition, Raila Odinga to preach peace and particularly now that he has withdrawn from this contest. Perhaps, you did not get a chance to know why some young MPs were fighting outside this House. One is a grandson of *Baba* and the other is a young MP from this town. The one from Jubilee was insisting that *Baba* is a serial killer.

When he asked him why, he said it is because he is fond of killing institutions like the Electoral Commission of Kenya (ECK) and the Independent Electoral and Boundaries Commission (IEBC). He is opposing every other Government institution to the extent of opposing tetanus vaccines for our women and opposing Chiloba and Chebukati. He is like the proverbial sojourner who also disagreed with the river. The river is flowing downwards and he insisted that he could swim upwards and then he drowns. Let us preach peace and we hope these demonstrations will stop now that *Baba* will not be on the ballot. We wish Uhuru Kenyatta and his deputy victory.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Waihenya, there is no reason why Members of Parliament should fight physically anywhere within the precincts or without. I think the mandate of Members of Parliament really is for us to debate ideas, but not to go physical. So, there is no excuse. I learnt that they have since apologised and they will be of good conduct within the precincts of Parliament. We hope that they will be good representatives of the youth within Parliament.

Having said that, I would like to give this opportunity to the Member for Nyandarua.

**Hon. (Ms.) Gitau:** Thank you very much, Hon. Temporary Deputy Speaker. I rise to support the adjournment of this House. Indeed, this will give me time to be with people in my county. As you know, there have been a lot of uncertainties down there and I need to be with them to reassure them that Kenya is safe and it is moving forward. I will also have time to set up my office. Indeed, for the last two months, I have not been able to do anything because of *Baba* and demonstrations. I am glad that by the time I come back, we shall have no demonstrations, no naked bodies walking on the streets and no looters. I am happy that by the time I come back to this House, we shall have a duly elected and undisputed president in the name of Uhuru Muigai Kenyatta. I am proud of that.

I am glad that we have passed the Supplementary Budget. That assures Kenyans that we are moving on. We have the money for elections. Our children shall do their exams. We shall have trade within and without East Africa flow smoothly. Our elderly people shall be happy with this Government. They will be getting their stipend. We shall have value addition to our produce through industrialisation. Technical skills to our youth shall be realised. I am so glad that by the time I am back in this House, we shall hear of *Baba* no more.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Omulele): Member for Nyandarua, you have no desire to hear the word “*Baba*” again. We shall have the Member for Funyula.

**Hon. (Dr.) Oundo:** Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I stand here to support the Adjournment Motion. Indeed, we the people of NASA have had no time to come and sit in the House because we have had more pressing national issues to deal with. We believe this gives us an opportunity to continue agitating for fair, credible and verifiable elections because to imagine and believe there is no problem in Kenya, is to sincerely behave like the ostrich. You burry your head in the sand hoping the problem will go away. It is

practically impossible to talk of being a leader and the President of the Republic of Kenya when you know very well that over three quarters of the country has issues with the legitimacy in the office. I sincerely want to tell everybody who cares to know that the election of 26<sup>th</sup> October 2017 is just a dream. It will not happen. Even if it happens, it will produce a president who has no legitimacy and, indeed, as the former Chief Justice said, the drums are ringing in this country. Those of us who refuse to hear the drums are generally the enemy number one of the people of Kenya.

The right to picket is enshrined in Article 37 of the Constitution and no one anywhere has a right to deny the people of Kenya to express their dissatisfaction and their displeasure over many issues happening in this country. We will continue to demonstrate and I feel happy when people say the demonstrations are only in Nairobi and Kisumu. Of course, it is good to say what suits your heart. You have seen there were demonstrations in Lamu. There have been demonstrations in Vihiga, Busia, Kakamega and all over. I can assure you that from Monday next week, you will see a bigger crowd turning out to express their dissatisfaction. I call upon my colleagues on the other side to truly be leaders and as leaders, you must listen to your heart, brain and soul and put the interest of this country as priority number one beyond, probably, your blind support for your leaders.

Everybody knows that the IEBC bungled the elections. We cannot purport to go to the election with the same infrastructure and structure in place because, obviously, the results will be the same. Fifty-four per cent has already been fixed in the computer and the rest will be distributed amongst the other candidates. Rest assured we have not seen the end of this story. The stories are many. I think as a country we have so many problems which are self-inflicted and largely contributed and began by the Jubilee Government. We had hoped that the independent bodies like the IEBC will be independent enough and allow us to solve these problems once and for all.

The many months the nurses have been on strike---

*(Hon. Maore pressed the intervention button)*

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Maoka Maore, you seem to have pressed the intervention button. Do you have a point of order? You wanted to speak. You will hold on. Finish, Hon. Oundo.

**Hon. (Dr.) Oundo:** Thank you, Hon. Temporary Deputy Speaker. The nurses have been on strike for over 100 days. Nobody seems to care how to solve the problem because it does not affect them. It only affects poor people from Funyula Constituency. It only affects marginalised people from Busia and other parts of the country. The so-called ‘slump down’ in the economy is a situation that would have been avoided. If Jubilee would not have instigated the bungling of the elections, we would long have concluded this matter.

As I conclude, we know problems lie ahead, but I want to urge my fellow parliamentarians and colleagues: “Please let us go outside there and solve the problem. Abusing and insulting *Baba* will not increase the number of *sufurias* of *ugali* in your house.”

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Omulele): Member for Bomet.

**Hon. Korir:** Thank you very much, Hon. Temporary Deputy Speaker, for giving me this chance to support the Motion that has been moved by the Leader of the Majority Party. I support the Motion for Adjournment. This is one of the ways that Members will get back to their

constituencies to at least notify the members of the public of a number of issues which they have done during the time they have been in Parliament.

I must thank Members, especially from my political divide, for the number of businesses at they have transacted ranging from the elections laws. I want to thank the Senate and the National Assembly for passing the Bill. I also want to thank Members for the Supplementary Budget that has already been passed. This is some of the work that you are supposed to do as Members. This is the duty and mandate which we have been given by members of the public. It is the only thing that can enable our constituents to get the support from the Government. In this regard, I must thank the *Ad Hoc* Committee that came up with the Supplementary Budget for allocating Kshs300 million for the Stay Grow which is a project that has stalled for a number of years within Bomet County. I am proud of this. I must congratulate the *Ad Hoc* Committee for that.

Although I was not a Member of this House before, I am privy to the Budget making process. There is one Member who talked of the Kshs40 billion that was set aside for elections. The Kshs40 billion that was put in the Budget by the 11<sup>th</sup> Parliament was not meant for presidential elections alone, but it was for the whole process. The money that has been put in the Supplementary Budget is meant for the repeat election of the presidential elections after the invalidation by the Supreme Court.

This is a House of procedures. It is always good to talk about matters touching on money to the members of the public. We should talk about things that are exact to avoid misleading the public. Furthermore, I must thank the Jubilee Government for the money they have set aside for free education, support for the elderly and housing. I come from one of the counties where we lack housing. The structures that the Jubilee Government has put in place to an extent of having the Budget for housing projects will enable the people of Bomet to have access to housing in our county.

There is also the issue of maize subsidy. I must thank the Jubilee Government for the measures they have taken.

Finally, we are going for a short recess to meet constituents and do thorough campaigns for our President. I come from the Kalenjin community. In the Kalenjin culture, we normally have circumcision. When a man decides to be circumcised, he does not turn back when he has already entered the room where he is supposed to be circumcised. Hon. Raila met the wrong adviser. He made a wrong decision at a wrong time. We are set to re-elect the President. I want to tell the picketing Members that they are welcome to my house. Let us have a consultative forum where we can discuss issues that can enable this country...

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Garane, Member for Lagdera.

**The Member for Lagdera** (Hon. Mohamed Hire Garane): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. I am making my maiden speech. I did not get the opportunity to speak in the earlier sessions. I therefore request not to be interrupted.

First and foremost, I would like to sincerely thank the people of Lagdera for giving me the opportunity to be their representative in the august House in the 12<sup>th</sup> Parliament. I am deeply honoured and humbled. I promise not to let them down and I will be their representative in the august House.

This country is undergoing a very tense moment. There is a lot of anxiety. The people on the ground call us every day and the first question on their lips is what will happen next. There is a lot of fake news in the social media. There is a lot of unsubstantiated news everywhere you go.

Those people and mothers from my constituency in a place called Malmin are really worried. They are worried about the direction Kenya is taking. They are worried about what the future holds for them. Those are not the aspirations and the expectations of this great country. That is not what many people in this country desire. At a time like this, this country requires men and women of wisdom who can give guidance. This country is not about Jubilee or the National Super Alliance (NASA). It is about all of us. It is about Kenyans. Like many Members who spoke before me said, we need to come together. The political leadership of this country needs to climb down from the cliffs it is hanging on to. It is time to speak, dialogue and give Kenya the direction it requires.

If you watch news, everybody looks confused. All the lawyers in this country are making their own interpretations. The Jubilee side is making its own interpretation. The NASA side is making its interpretation. This country looks confused. That is why I said in this great time of anxiety, we need men and women of wisdom. We are undergoing the most difficult times in a decade. There is a serious drought ravaging all parts of Kenya. Like many other constituencies and regions in northern Kenya, there is a serious drought there. It is therefore my wish and appeal to the Government to redouble its efforts. I know it is doing something but that is not enough. I appeal to the ministries concerned, the State Department for Special Programmes and the Ministry of Water and Irrigation to make urgent interventions in those areas. Already, livestock have been lost. The next thing we will be losing human life, which would be a very serious issue in the 21<sup>st</sup> Century.

With those few remarks, I beg to support the Adjournment Motion.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall now have Hon. Mwathi Mungai, Member for Limuru.

**Hon. Mwathi:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion for adjournment. In so doing, I also appreciate the Communication that you just made regarding approval of the Election Laws (Amendment) Bill by the Senate. For us, it is good news. Therefore, I hope this will put to rest matters of concern in this country. It will also seal the loopholes that almost sent this country to the dogs through the cancelling of the presidential election results. Even as I support this Motion, it was advised by the Speaker that under the provisions of the Constitution on access to information, at one time within this week, you would publish the names of attendance of Members so that we can see who is fooling who in this country. There are Members from the NASA Coalition who are lying to those who elected them that they do not attend sessions in this House. It is only fair that even as we go to tell our people that we have electoral laws that are going to seal the loopholes, and as we anticipate to have an election, that we have a record. It is public knowledge that those people have been coming here because some of them have been seen. If we can have that document, we will appreciate.

One of the major items that came out as we go to recess is not that we are very tired; we have not been here for a long time. I am happy that we have been able to pass the Supplementary Appropriation Bill, a Bill that now takes care of the fresh presidential election. I am happy to say that the Committee, led by Hon. Limo, was even able to add Kshs2 billion to the money that had been allocated by the IEBC. That should tell Kenyans that the repeat presidential election shall be held. I also welcome the ruling of the High Court that put to rest the matter of whether it is two people or three people who will be on the ballot, subsequent to which the IEBC gave a statement to the effect that everybody who was on the ballot on the presidential election of 8<sup>th</sup> August will be in the ballot for the fresh presidential election of 26<sup>th</sup> October. As we also welcome the letter that was written by *Baba*, saying that he wishes to withdraw, I am looking

keenly to see whether he will beat an about-turn. I will then know that this is a person who does not understand himself. If he decided that he is not going to vie for the reasons that he knows himself, then let it rest there. I welcome all the others who were on the ballot to come and exercise their democratic right.

Raila Amollo Odinga left the country on a British Airways flight to the United Kingdom (UK). I remember that during the 10<sup>th</sup> Parliament, he was among top promoters of *buy Kenya, build Kenya*. Ten years later, he is putting his investment in a foreign enterprise. That tells you the kind of person you are dealing with is not a patriot. We need to build our country. If he really wants to lead this country – he knows how much the economy is ravaged as a result of the demonstrations that are going on – he should not have used the money that Kenyans donated to him through MPESA to travel with British Airways to enjoy his holiday and do some shopping with it.

Hon. Temporary Deputy Speaker, it is time to go to our constituencies and talk to the children of this country and ask them to lower their anxiety. We should tell those who have exams around the corner that their lives are as important as ours, their leaders. Even leaders from *Baba's* side should tell their people the same. They should assure Kenyans that their children will sit the exams. Money has been appropriated to fund secondary school education for all students in the country starting next year. We now have available Kshs25 billion to cater for day secondary schooling. Indeed, that is a step in the right direction by this Government.

I beg to support.

**The Temporary Deputy Speaker** (Hon. Omulele): You know the Member for Limuru is an old hand at this. He has been here before and he will take cognisance of Standing Order No.87 next time he wishes to discuss the character of any person. One needs to bring a substantive Motion on that.

Member for Mandera County!

**Hon. Yussuf Adan:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I have really waited for it for long. First and foremost, I am very happy to hear that the Senate has passed the Election Laws (Amendment) Bill. I was a Member of that Committee. We really toiled late into the night to make sure that we come up with a law for posterity and not for the forthcoming repeat election. It is a law for future generations. I am happy to learn that it is now almost law because it is just waiting for the President's assent.

The break we are about to start is very ideal. Some of us who come from far-flung constituencies, over 1,000 kilometers from here, will benefit from the break because we will go back to the people in our constituencies to establish the necessary offices and infrastructure. We need to make service delivery effective. *Wanjiku* should be able to see our faces as we continue to support her.

During this campaign period, we need to ensure that we create an enabling environment for businesses. This habit of demonstrations three times a week or five times a week is going to kill the economy of this country. It is really paralysing us. Even us, as Members of Parliament, get our salaries from the taxes paid by those businessmen out there. If we paralyse those businesses and at the end of the month we expect to be paid a salary, then that is very unfortunate. Can we go out there and ensure that we create an enabling environment for our businessmen?

Hon. Temporary Deputy Speaker, where I come from, there is serious drought. There are signs of rain and so it is an ideal time for us to go to our constituencies to assess the damage of

the drought and also prepare for the rains. When livestock becomes too weak, the biggest disaster occurs during the onset of the first heavy rains and so we need to put adequate plans in place.

Therefore, it is very timely that we are going back home to talk to our people, to sit with them, assess the effects of the drought and prepare for the rains. Some of us who come from very far areas, even these three weeks might not be enough. Essentially, we are going for recess for the elections, but there are many other things that we need to do. I can see the light is now red. I therefore support the Adjournment Motion. I could even have asked for another extra week.

Thank you.

**The Temporary Deputy Speaker** (Hon. Omulele): The Member for Mandera West, you are saying you desire an extra week of recess. That is well. We shall now have the Member for Kimilili, Hon. Barasa.

**Hon. Didmus Mutua:** Thank you, Hon. Speaker, for giving me this opportunity to also support this Adjournment Motion. Let me begin by first appreciating and thanking Kenyans of all walks of life who wake up very early in the morning to engage in business that will enable them to put food on the table for their children. I also want to appreciate the very many Kenyans who travel from east, west and south of this republic into this city to do small businesses that will also enable them earn a living. I also want to bring to the attention of Kenyans that we are where we are as a country because of the Jua Kali sector. These are the men and women who sell sugarcane along the road and those who sell food in small kiosks along the road.

It is very unfortunate that despite these efforts by Kenyans, we have individuals who have been sabotaging the economic gains of these people by sponsoring criminal gangs in the name of demonstrators. They are destroying Kenyans' property and interfering with their businesses. I want to make it clear that as we support this Adjournment Motion, we are going back to the villages where we come from. We are going back to our constituencies to tell stories between those who want to promote peace and those who toy the country left, right and centre.

The only way peace will prevail in this country is by not interfering with the will of the Kenyan people to elect their president. What I have witnessed in the last few weeks, pregnant women and school going children being molested by demonstrators, only explains that as a country, we have not matured our level of democracy to the standard of the US where people can demonstrate peacefully.

As a country, and as Members of Parliament, we need to support Cabinet Secretary Matiang'i to ensure that central business districts (CBD) of major cities of this country are no go zones for those peaceful demonstrators who turn out to be goons and criminal gangs.

Hon. Temporary Deputy Speaker, as I support this Adjournment Motion, Kenyans are now aware. It is now clear which coalition is supporting the elections of the repeat presidential elections on 26<sup>th</sup> October 2017. That is the only way we will have peace in this country. The courts have spoken. There is no way that withdrawal of a particular candidate is again going to lead this country backwards, that we have again to go to an electioneering mood. We have been politicking for a very long time. Time has come that for us to put these elections behind and move forward.

This Adjournment Motion is very important for us because we are going to ensure that Uhuru Muigai Kenyatta gets a resounding victory on the 26<sup>th</sup> October 2017. We are also going to ensure that Kenyans send some of the people to life time political retirement. I have been asking my good friend, the Member of Parliament for Lang'ata and we have agreed that, when considering beneficiaries of the money for the elderly, he should not forget that the former Prime Minister should be a beneficiary of that money.

With all what I have said, I beg to support this Motion.

**The Temporary Deputy Speaker** (Hon. Omulele): The Member for Bureti Constituency, the Floor is yours.

**Hon. Mutai:** Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion that is before this House. This is the time that we need to get back to our constituents and tell them that all is well. There is a lot of anxiety and uncertainty about what is going on in the country. They look upon us to give directions and confidence that all will be well on 26<sup>th</sup> October 2017 when we shall be having elections. The candidates on that particular day will include Mr. Dida, our only President, Uhuru Muigai Kenyatta and even Raila Amolo Odinga if he so wishes to participate in the election.

Hon. Temporary Deputy Speaker, I want to congratulate the 12<sup>th</sup> Parliament. We are doing what no other Parliament has ever done in this country. Those of us who were elected for the first time were welcomed with baptism of fire. When we went for the elections on 8<sup>th</sup> August 2017, we did not know that we will be going for another election on 26<sup>th</sup> October 2017. I want to laud and say kudos for the Elections (Amendment) Laws that were passed by this House. The former Prime Minister, Hon. Raila Odinga, opted out of this race by the sheer fact that this House was going to pass those laws. That shows that really the laws were well made and tailored for this country.

On the issue of the right to picket, it is unfortunate that in this time and day, the so-called supporters of one particular wing in this country could even dare to rob people within Parliament precincts. Some honourable ladies and staff of Parliament were robbed yesterday outside Protection House when the so-called “peaceful demonstrators” were going about their procession and doing “peaceful picketing”. They were robbed of their phones. It is unfortunate. I thank to the CS, Matiang’i, for saying that the organisers of the procession and the picketing that took place yesterday will be called to answer.

If it can happen around Parliament, are Kenyans safe? The right to picket is not absolute. If it is going to infringe on the rights of other people, then those rights can be limited. The Constitution is clear. Likewise, I am proud to be a Member of this House. I want to tell Kenyans that this House this morning passed the First Supplementary Appropriation Bill. Kenyans have been made to believe that parliamentarians are power-hungry, thirsty-for-money, greedy and everything nasty. However, today I tell Kenyans that this Parliament reduced their Budget for the sake of this country. I am proud for that today, and I am glad to be a Member of this House. If we can sacrifice for the good of this country, then we are worth the leadership and the honour that has been bestowed upon us.

Likewise, regarding the issue that the Member for Funyula raised about the striking nurses, we cannot blame the Jubilee Government for it. Health is a devolved function. It is not germane for Jubilee Members to arrest the nurses’ strike. It is everywhere, including the Opposition side. Where are the NASA governors? We cannot take responsibility this time round.

Kenyans, by nature, are predisposed to violence. On 26<sup>th</sup> October, we shall have a repeat presidential election. I am ready to come back to this House on 7<sup>th</sup> November and celebrate the victory of Uhuru Muigai Kenyatta and William Samoei arap Ruto.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Omulele): Let us have the Member for Lari.

**Hon. Jonah Mwangi:** Thank you, Hon. Temporary Deputy Speaker. First, I congratulate you for being chosen to be part of the Speaker's Panel. I am happy that the Speaker's Panel has somebody I know. I do not know whether I will be rigging. I was in the same school with this boy.

I am also happy to support the Motion for Adjournment. It is time for us to go and sit down, reduce the anxiety within our people and continue campaigning for the President. I am also asking the Member for Funyula, if I come to campaign in that area, it is high time he knew he does not have a presidential candidate. I will go there so that we can get some votes for President Uhuru Kenyatta from that area as well as from Luanda. We want to unite Kenyans. This is not time to continue fighting. We are Members of this House and we want to make laws.

The other day, we ratified laws about the Nile Treaty. Those laws will benefit people down there. We also passed a Motion on sugarcane farmers. We are looking after the whole country. We are here representing the whole country. While we are on this, other Members should not just be coming here to sign the attendance register and go to demonstrate on the streets. Let us all come to this House and work together, so that Kenya can move forward.

This morning, I was in the village and I realised that there is so much anxiety. People were asking if there will be a fresh presidential election. I want to assure Kenyans that we will have a fresh presidential election on 26<sup>th</sup> October, as all the signs indicate. I assure my people that tomorrow; we will be on the caravans, campaigning for the President. I call upon the people of Kiambu County to stay put with the 1.2 million votes. Let us campaign for the President and put those votes in one *kiondo*.

We have seen a lot of defections in Mombasa. If we continue this way, by 26<sup>th</sup> October, President Uhuru Kenyatta will win the election by 90 per cent plus one vote. Remember, we have seen Mvurya and Samboja defect to the Jubilee Coalition. Even Joho will be coming soon because people have realised that Jubilee is a national coalition. We are not aiming at abusing *Baba* or legislators. We are aiming at having a united country so that we can grow our Gross Domestic Product (GDP) and the economy in the next five years with minimal demonstrations.

As I conclude, I invite the people of Lari to come and constitute the National Government Constituencies Development Fund (NG-CDF) Committee and other constituency committees.

God bless Kenya and our people.

**The Temporary Deputy Speaker** (Hon. Omulele): Next is the Member for Isiolo North. The Member for Lari you did not get an opportunity to speak because you were in school with me but because it was your turn to speak.

**Hon. Hulufu:** Thank you, Hon. Temporary Deputy Speaker. I stand to support the Adjournment Motion. We have been here for quite a while now and it is high time we went back

home for appraisal by the voters who sent us to this august House on what we have done during this short period.

I am proud to be a Member of the 12<sup>th</sup> Parliament. It is important for everybody especially Kenyans who are anxious out there to know that Kenya is peaceful. The institution of Parliament which is independent has continued to execute its mandate. We have done quite a bit of legislative work. We passed a very important Sessional Paper yesterday which is of much interest especially to Isiolo North constituency where I come from and happens to be an Arid and Semi-Arid Land (ASAL).

I would like to speak about drought which is ravaging my constituency and also large parts of ASAL in Kenya. We are facing one of the worst droughts in our living memory. I am glad that the county government and the national Government through our lobbying efforts have put in place mitigation measures. For the first time in history, in Isiolo, for example, we have had military trucks providing water to people and livestock. That intervention will go along way in saving our people and their source of livelihood, which is livestock.

I am also glad that we have passed the Supplementary Appropriation Bill today and I am would like to inform our people that contained in there is money which is meant to alleviate suffering of our people especially under social services, particularly, the social protection department where we have passed some money for cash transfer to vulnerable groups. My appeal to that department, it that it should ensure that cash transfers to the elderly, severely disabled persons and orphans is fast tracked because that it enables many poor families to buy food.

In that Supplementary Appropriations Budget we have also given money for free secondary education starting January. It is important for all Kenyans who are watching us to appreciate this. The information out there is that those of us who belong or are affiliated to Jubilee are just like robots; that we are told what to do and blindly do it. We know what we are doing and as parliamentarians, we have a role to perform. Our primary responsibility is legislation and nothing can stop us from making and amending laws.

A concern to most of us is the anxiety which was created by cancellation of the presidential election results by the Supreme Court and the re-election which is scheduled for 26<sup>th</sup> October 2017. We keep on getting calls from our constituents asking whether, if *Baba* pulls out of the race there will be an election or not. For avoidance of doubt, there is no where in the Kenya Constitution or any piece of legislation indicating that a particular candidate pulling out will stop the election from taking place.

As I support the Adjournment Motion, I would like to assure Kenyans that we have passed the Supplementary Appropriations Bill which will enable the Independent Electoral and Boundaries Commission (IEBC) to conduct presidential re-run on 26<sup>th</sup> October 2017 and we are going out there to seek votes for our candidate, Uhuru Muigai Kenyatta and his running mate William Samoei Ruto.

Thank you, Hon. Temporary Deputy Speaker.

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Members, the time being 7.00 p.m., the House stands adjourned until Tuesday, 7<sup>th</sup> November 2017 at 2.30 p.m.

The House rose at 7.00 p.m.