

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 28th September 2017

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Proceed. Confirm that we have quorum.

PAPERS LAID

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

Annual Report and Financial Statements of the Unclaimed Financial Assets Authority (UFAA) for the period ended 30th June 2016;

Annual Report and the Financial Statements of the Insurance Regulatory Authority (IRA) for the year ended 31st December 2016;

The Second Quarterly Report of the Ethics and Anti-Corruption Commission (EACC) for the period covering 1st April to 30th June 2017; and,

Reports of the Auditor-General and the Financial Statements in respect of the following institutions for the year ended 30th June 2016 and the certificates therein-

1. Rift Valley Water Services Board.
2. Agro-Chemical and Food Company Limited.
3. National Council for Persons with Disability.
4. Agriculture and Food Authority.
5. The National Alliance.
6. Ministry of Sports, Culture and Arts.
7. Kenya Leather Development Council.
8. State Department of Planning.
9. National Cereals and Produce Board.
10. Tana and Athi River Development Authority.

STATEMENTS

Hon. Speaker: Let us have the Member for Lamu County, Hon. (Ms.) Ruweida Mohamed Obo.

DEMISE OF PRINCIPAL SECRETARY MARYAM EL MAAWY

Hon. (Ms.) Obo: Hon. Speaker, pursuant to Standing Order No.43, I wish to make a Statement regarding the tragic demise of the late Architect Maryam El Maawy on Wednesday,

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27th September 2017, while undergoing specialised treatment in South Africa following an *Al Shabaab* attack on 13th July 2017.

The late Ms. Maryam El Maawy was born on 29th October 1967. At the time of her death, she was the Principal Secretary (PS) in the State Department for Public Works in the Ministry of Transport and Infrastructure. Prior to this, she also served in the Ministry of Lands in the same capacity. Before joining the Government, the late PS served in the public service in various capacities for several years in various commissions and statutory bodies. She held Master's and Bachelor's degrees in Architecture and Urban Development, and was also a member of the Architectural Association of Kenya.

I take this opportunity, on my own behalf and that of the people of Lamu County, to convey my sincere condolences to the family and friends for the loss of this great daughter of the Bajuni Tribe of Lamu. May her soul rest in eternal peace.

With your indulgence, I wish to request the House to pay tribute to this distinguished public servant with one minute of silence.

Hon. Speaker: Order Members. The House will rise and observe one minute of silence.

(The House observed one minute of silence)

Thank you, Members. May her soul rest in eternal peace.

Hon. Members, before I invite the Leader of the Majority Party to give a statement, let me appreciate the presence in the Speaker's Gallery of pupils from St. Michael's Primary School from Makadara Constituency in Nairobi County and students from Nyakoiba Secondary School from Bomachoge Chache Constituency in Kisii County in the Public Gallery. They are all welcome to observe the proceedings in the National Assembly this afternoon.

Leader of the Majority Party, do you want to give your statement?

BUSINESS FOR THE WEEK COMMENCING 10TH TO 12TH OCTOBER

Hon. A.B. Duale: Hon. Speaker, pursuant to Standing Order No.44(2)(a), on behalf of the House Business Committee (HBC), I rise to give the following Statement. As usual, I give the Statement on your behalf, Hon. Speaker, who chairs the HBC that met on Tuesday this week.

From the outset and without anticipating debate, I wish to remind Members that the House is scheduled to proceed on a short recess commencing tomorrow as per the House calendar which we approved yesterday. As a result of this, the HBC has not scheduled any business for next week save for priority business when we resume which is as follows:

1. Consideration of the Report of the *Ad Hoc* Committee, which we approved this morning to consider the Supplementary Estimates for the Financial Year 2017/2018.
2. Consideration of all the stages of the subsequent Supplementary Appropriation Bill 2017.
3. Consideration of the Report of the Select Committee on the Election Laws, and particularly undertake public participation on the Election Laws (Amendment) Bill No.39 of 2017 and the Election Offences Bill, 2017, if the House approves Order No.8 on the Supplementary Order Paper.
4. Consideration of the Election Laws (Amendment) Bill and the Elections Offences Bill in the Second Reading and Committee of the whole House stages.

5. Referring the two Bills mentioned above to the Senate for further consideration before adjourning for another short recess that will give Members an opportunity to campaign for their respective presidential candidates.

I will campaign for none other than the current President and the Jubilee Party leader. I wish to lay the Statement on the Table of the House.

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

Hon. Speaker: This obviously means that 30 minutes to 7 p.m., there will be a short Motion for Adjournment which ends without the Question being put.

Before we move to the next Order, I wish to draw the attention of the Members to the existence of a Supplementary Order Paper. I am aware that there had been an Order Paper that had been printed last evening which was out today, but I received a Supplementary Order Paper following a Notice of Motion that was given earlier in the House. I approved it because it was in conformity with the Standing Orders. I just wish to draw the attention of the Members to the existence of that Supplementary Order Paper.

Let us move to the next Order.

MOTION

ESTABLISHMENT OF A SELECT COMMITTEE ON ELECTION-RELATED LAWS

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

THAT, aware that the country is still in an election cycle, arising out of the requirement for a fresh Presidential Election in October, 2017; further aware that there is need to legislate on and address certain legal lacunas and incompliance with judicial decisions asking Parliament to legislate on certain matters to ensure that the elections conform with the provisions of Article 81 of the Constitution on general principles for the electoral system; noting that such election-related matters would ordinarily require consideration by the relevant Committee of the House which is yet to be established; further noting the limited period of time before the date of the said fresh election; cognizant of the urgent need to consider and conclude with all matters relating to the elections to allow the Independent Electoral and Boundaries Commission (IEBC) ample time to implement any changes related to the review of the election-related laws; NOW THEREFORE, pursuant to the provisions of Standing Order 127(2), this House resolves –

- (a) to establish a Select Committee to be known as the Select Committee on Election Laws, 2017, comprising of not more than fifteen Members, to examine and undertake public participation on the Election Laws (Amendment) Bill, (National Assembly Bill No.39 of 2017) and any other related Bills;
- (b) that, the Committee comprise of the following Members-
 - (i) The Hon. William Kipkiror Cheptumo, MP – Chairperson.
 - (ii) The Hon. Gladys Jepkosgei-Boss Shollei, MP.
 - (iii) The Hon. Isaac Waihenya Ndirangu, MP.
 - (iv) The Hon. Ali Wario, MP.
 - (v) The Hon. Jennifer Shamalla, MP.
 - (vi) The Hon. Adan Haji Yusuf, MP.

- (vii) The Hon. George Gitonga Murugara, MP.
 - (viii) The Hon. Stanley Muthama, MP.
 - (ix) The Hon. Alice Muthoni Wahome, MP.
- (c) that, the quorum of the Committee be the Chairperson and four other Members; and,
(d) that, the Committee considers the matters under its mandate and reports to the House on or before Tuesday, October 10, 2017.

We are aware that following the delivery of the resounding judgement of the Supreme Court on 30th September 2017, a number of fundamental issues were raised by both the majority and minority judgements which this House needs to address itself to in order to ensure that the general principles for electoral systems as set out in Article 81 of the Constitution are fulfilled and which are geared towards ensuring free, fair and credible elections are held in upcoming 26th October, 2017 presidential election. In this regard, there is need for the election laws to be reviewed to align them with the Constitution and the Supreme Court judgement.

Further, prior to the General Election held on 8th August, there were a number of court cases at the High Court and at the Court of Appeal. In particular, I want to cite the IEBC vs. Maina Kiai case, which went all the way from the High Court to the Court of Appeal and was also affirmed by the Supreme Court in its recent judgement. The Maina Kiai case declared Section 39(2) of the Elections Act null and void, which relates to provisional results being unconstitutional and stated that the results declared at the constituency level be final. In this regard, there is need to review the Elections Act to align it with the Constitution and the judgement given by the High Court and the Court of Appeal.

As you are further aware, a close reading and examination of the majority and dissenting judgements of the Supreme Court indicate that there also exist lacunas in the election laws relating to the mechanism of identification of voters and transmission of results, which this House needs to address for the purpose of ensuring that the 26th October presidential election is free and fair. In this regard and pursuant to Article 1 as read together with Article 95 of the Constitution, which expresses the legislative role of the National Assembly, this House needs, therefore, to urgently review the election laws.

Articles 95 and 1 give power to legislate only to the National Assembly and the Senate. If you are out there and you ask me why am I introducing a Bill, my answer to you is you first get elected, become a Member of Parliament for a constituency, then the Constitution empowers you to do that job. I am paid by the Parliamentary Service Commission (PSC) to do that. However, as you are aware, the review of laws is normally undertaken by a relevant Departmental Committee in terms of Standing Order No.127(1). However, as you are aware, the relevant Departmental Committee of the House being the Departmental Committee on Justice and Legal Affairs is yet to be established and consequently, Standing Order No.127(2) provides that this House may resolve to commit a Bill to a Select Committee established for that purpose. Standing Order No.127(2) gives powers to this House to establish an *ad hoc* committee in the absence of the Departmental Committee. So, we are still within law. Those of us out there who want to tell us that we are breaking the law should know that we are not. They should read our Standing Orders. This House is asked to establish an Ad Hoc Select Committee on the Election Laws comprising not more than 15 Members to examine and undertake public participation on the election laws in this Bill in compliance with Article 118. Why do we have nine Members from the Jubilee side?

If our colleagues change their mind or have different instructions from their leaders, they have an opportunity to submit six names and ask the House to approve them and then we will

move on. Their space is there. Parliament cannot, under your leadership, be hijacked by a few people, so that its sittings and functions within the Constitution are controlled by these people.

The Election Laws (Amendment) Bill (National Assembly Bill No.39 of 2017) seeks, among other things, to amend Section 39 of the Elections Act by deleting the provisions on provisional results which were declared unconstitutional by the High Court and the Court of Appeal by creating clarity on Section 83 which deals with provisions of non-compliance with the law. This is very clear. Section 39(2) of the Elections Act provided for a provisional result. That section was annulled in the Maina Kiai Case, both by the High Court and subsequently by the Court of Appeal. In the absence of that, this House must create something. That is why this Bill is saying: “We want to have a concurrence of both systems; the live streaming or the transmission on one hand and a complementary manual system where every Returning Officer (RO) of the 292 stations can provide Form 34A which is not altered, stamped, with a seal and signatures.” That is what we are asking for.

Our colleagues were saying: “We will not go back to the elections unless the field is level.” This Bill is creating the field to be level. So, where is Raila Odinga? I am doing his work. He has been crying that the field should be equal. This Bill is making the playing field equal and his people are not here. I am sure they can come back and read the HANSARD. So, that provision was annulled by the Maina Kiai case.

I want to commend Hon. Cheptumo, the Member for Baringo North Constituency, for signing this Bill on behalf of the Majority Party and the Speaker for appending a signature to it. It was in order to provide an opportunity for the House to review election laws. He was a Member of the Departmental Committee on Justice and Legal Affairs in the last Parliament.

As I had stated earlier, the said Committee has 15 Members. We are now waiting for NASA to nominate their Members to the Committee before the end of the day. We urge them to expedite that matter and forward the names to you and ultimately to the House.

This Bill, you saw this morning, is now in public domain. Once a Bill is read for the First Time, it becomes a public document. How do we comply with Article 118 of the Constitution? From tomorrow, I am sure the Office of the Clerk will put the necessary advertisement in the newspaper. This Committee will sit. It will sit and start with the IEBC as the user of this law. The IEBC can disagree with us on this law. They can bring more amendments. They can improve on the law or on the Bill. We want the church, political parties, representatives of the presidential candidates to come. We want as many groups to come. Even the civil society, should come and appear before the Committee. This law is not cast in stone. Public participation will be done for a period not exceeding 10 days. You have 10 days and the facilities of Parliament are there. Those who are saying we are sneaking this Bill are wrong. We are not. We are only forming a Committee. The Committee will go and sit with everybody; all and sundry. So, Parliament cannot be gagged. The Members of Parliament cannot be gagged, and this Committee cannot be gagged. All we want is to streamline and have free, fair and credible elections where the winner wins it fairly and the loser loses in a fair contest.

The Select Committee is required, pursuant to Standing Order No.127(3), to facilitate public participation on the Bill through an appropriate mechanism including inviting submissions of memoranda, holding public hearings, consulting relevant stakeholders drawn from, among others, representatives of the presidential candidates from the Jubilee Party, NASA, the Third Way Alliance, religious organisations, Non-Governmental Organisations (NGOs), members of the civil society and members of the public. Further, pursuant to Standing Order No.127(3)(a), the Select Committee is also expected to take into account the views and recommendations of the

public in its report when they are tabling it. Further noting that we have less than 28 days to 26th October 2017, being the date for the fresh presidential elections, and recognising the urgent need to consider and conclude all these matters relating to the election in order to allow the IEBC to use this law, I propose that this House resolves that the Select Committee considers matters under its mandate and report to the House on or before 10th October 2017.

As I conclude and it has been the practice, whenever the House establishes a Select Committee to consider specific matters, members of staff of this House have provided secretarial services to such Select Committees with distinctions. So, I want you to give us the best of the clerks and the best of the legal minds we have in the Legal Department to clerk this *Ad Hoc* Committee. I, therefore, urge the Office of the Clerk to nominate members of staff to provide secretarial service and facilities as required by the Select Committee.

In a nutshell, that is what this Motion is about. I want to just say that we, as Jubilee, have no mischief. Senior Counsel Olago Aluoch is listening to me. We have absolutely no mischief. We know our numbers. Our party leader, as I speak, is in Busia. He will be in Bungoma tomorrow, in Mumias on Saturday and somewhere else on Sunday. He will be back to the city on Tuesday morning, *Insha'Allah*. That tells you we are out campaigning. Our numbers are very clear. Numbers count in politics and elections. We want to increase our numbers from 1.5 million that we won in 8th August 2017 to 3 million. We have no mischief. If we have any mischief and know we cannot win---

Hon. Speaker: I think the Motion is about the setting up of the *Ad Hoc* Committee. Now, you are addressing other issues.

Hon. A.B. Duale: With your permission, the reason I am saying this is because last night until this afternoon, serious stakeholders and friends were calling me. They were telling me: "You Jubilee, you have a card under the table." Allow me one minute to say that we have no card under the table. We want this Committee to talk to every Kenyan. If Kenyans feel this law is not relevant, they will decide.

With those many remarks, I beg to move and ask the only surgeon in the House, to my knowledge, Hon. Pukose, to second. I think he is a surgeon. I think Simba Arati has not gone to school.

(Laughter)

Hon. Speaker: Hon. Pukose, Member of Endebess Constituency.

Hon. (Dr.) Pukose: Thank you Hon. Speaker. As you are aware, I am a General Surgeon. My colleague, Dr. Mishra, on the other side, is a Gynaecologist. The other Gynaecologist in the House is Dr. Kibunguchy.

I stand to second this Motion. From the outset, the election amendments this House seeks to bring are in line with our Constitution. It is a cleanup. If we had any cards below the table, it would even have been brought as a Miscellaneous Amendment Bill, but it has been brought as a proper Bill before the House. We even reduced the publication period this morning from 14 days to one day. What that means is that the document is now available to the public. I am informed that it has been published in the *Kenya Gazette* today. Once it is published, it means it is available to the public for scrutiny. We are inviting the rest of the country to look at this document and see the amendments that are being brought. If persons have anything to add or subtract, this is their time.

The Jubilee Coalition has faith in terms of the contributions people will make. In this country, it is at times very unfortunate. People make statements saying that: “Since *Baba* has read and said it is bad, then the document is bad”. You will find that the person making that kind of statement is very knowledgeable enough to advise *Baba*. If you cannot advise *Baba* with your knowledge, your knowledge is of no value to the society.

It is important we look at this Bill, criticise it and the public has 10 days to look at it. Let us look at it and align it with our Constitution. If there are areas we can pinpoint, let us come and point them out instead of just saying the document is wrong. When you look at the amendment to this Bill, we are saying that the Presiding Officer and the RO must take responsibility. If they do not take responsibility and are in breach of the law, they must be charged. They must act responsibly. What is wrong with that? When Kenyans have woken up, gone to their polling centres and voted, that voting must be counted at the end of the day. We expect that. At the constituency tallying centre, whatever the RO declares is final. Let that be what is transmitted to the National Tallying Centre and tallying to be done for the results that were announced at the constituency level. We must be accountable. What is wrong with saying that all the documents must be verified and all agents take responsibility? This amendment Bill is in good faith. It is going to help our country. It is going to make sure the election is free, fair and credible.

With those few remarks, I second.

(An Hon. Member walked along the aisle)

Hon. Speaker: I am attracted by the Member who is trotting up. Take your seat.

I want to make a few things clear because I can see there are very many requests. The power of the House to constitute committees is enshrined in Article 124 of the Constitution for those of you who have their copies, it reads:

“Each House of Parliament may establish committees, and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.”

Therefore, the setting up of any form of committee: departmental, investigatory and *ad hoc* is anchored in our Constitution. Nobody can question the formation of a committee of a House of Parliament on the basis that they may have been in some religious assembly somewhere where somebody prayed to the contrary. It is in the Constitution. I am saying this because I do not want us to discuss the question as to whether the committee should be named: “*ad hoc*”, “select”, “departmental” or “investigatory”. It is in order. It is perfectly constitutional and in order.

(Applause)

Secondly, I wish to clarify one thing. In moving this Motion, the Leader of the Majority Party has gone to great depths to explain the *raison d'être* for the setting up of this *Ad Hoc* Committee. Similarly, the Seconder delved into not this Motion like the Mover, but went to explain about the Bill proposed to be committed to this Committee. I allowed both the Mover and the Seconder to do that in light of the fact that they say: “When you are in extraordinary circumstances, extraordinary measures are called upon.” Therefore, the debate, once I propose the Question, should no longer go to the Bill. The Committee will make a report to this very House. It is at that time that every Member desirous of commenting on the merits or demerits of the various provisions in the Bill will be at liberty to express themselves on it. This is just to give

guidance so that we may not spend a lot of time. I do not want anybody to stand and start telling me: “This Bill provides for this.” That is not the time. They say, and I can see Hon. Jennifer Shamalla and Hon. Gladys Shollei smiling, “it will be inchoate; it will be premature”. Let us not go to the merits of the Bill. Let us only debate the reasons given for the setting up of the *Ad Hoc* Committee. If anybody has any issues as to whether the House has power, I have already clarified it. You just have to look at Article 124. I hope we are clear so that we do not spend a lot of time explaining the Bill. If you explain about the Bill now, what will you say when the report of the Committee is brought to the House? Indeed, the Leader of the Majority Party has said quite rightly that the various members of public or groups that may desire to appear before the Committee will be at liberty to make whatever comments regarding that Bill. So, that report of the Committee will encompass and cover all those presentations and comments that will have been made by various people. Let us not now respond to things about the Bill that may have appeared in something called *Twitter* or *Instagram*. As the Leader of the Majority Party has explained, the Bill is now public and is in public domain, but the debate is not about the contents. It is only about the setting up of this Committee. For instance, you may comment and say that you think Hon. Gladys Shollei should not be a Member of the Committee. Those are the kind of things that you can comment on. Do not tell us about the Bill. We are not yet at that point.

That being clear, hopefully, Hon. Members, I proceed to propose the Question.

(Question proposed)

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

Hon. Speaker: What is your point of order, Hon. Kamket?

Hon. Kamket: Hon. Speaker, with the guidance you have given this Assembly; and noting the continued absence of Members from the other Coalition whom we would have convinced to support the formation of this *Ad Hoc* Committee while debating; and given the urgency of this matter, would I be in order to say that it is prudent for you to put the Question?

Hon. Speaker: I just have to look at the mood of the House.

Hon. Members: Put the Question.

Hon. Speaker: Hon. Members, the mood seems to be that I put the Question. In assertion to the request by Hon. Kamket and having looked and seen the mood of the House, I proceed to put the Question.

(Question put and agreed to)

Obviously, Hon. John Olago Aluoch is entitled to vote in the manner he has.

Next Order.

Hon. Speaker: The Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I need your guidance, help me substitute Order No.9 with Order No.10, so that I can start with Order No.10. Sorry, Hon. Speaker, one of my researchers has confused me. Let me continue with Order No.9.

MOTION

RATIFICATION OF PROTOCOL TO OPERATIONALISE THE

EXTENDED JURISDICTION OF EAST AFRICAN COURT OF JUSTICE

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

THAT, cognisant of the Report of the Select Committee on Regional Integration of the 11th Parliament on the Ratification of the Protocol to operationalise the Extended Jurisdiction of the East African Court of Justice, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, this House approves the Ratification of the Protocol to operationalise the Extended Jurisdiction of the East African Court of Justice.

The East African Court of Justice is established under Article 9 of the East African Community (EAC). Article 27(2) of that treaty requires member states like Kenya to recognise the existence of the East Africa Court of Justice (EACJ). It will have the original, appellate, human rights and other jurisdictions as will be decided by the Council. Further, under the same Article, the EAC partner states agreed to conclude the Protocol to operationalise the extended jurisdiction of the Court, recognising the critical role it plays in regional integration, following the establishment of the East African Common Customs Union, the East African Common Market and the East African Monetary Union.

The 15th Ordinary Session of Heads of State held on 30th November 2013 approved the recommendation of the EAC Council of Ministers to extend the jurisdiction of EACJ to cover areas such as trade and investment.

Arising from the implementation of the Protocol on the establishment of the EAC Common Market and dispute arising out of the implementation of the Protocol on the East African Monetary Union, there was a sense that this Court be operationalised and its jurisdiction extended. The main objective of the Protocol to extend the jurisdiction of the EACJ was to cover trade and investment matters which arise as a result of the implementation of the Protocol.

*(Hon. (Ms.) Jaldesa crossed the Floor
without bowing to the Chair)*

Hon. Speaker, the Member for Isiolo is just crossing from one side to the other after having that serious induction.

Hon. Speaker: Hon. Member, I thought you attended the induction. You cannot cross from one side to the other. Just go back to the door.

Hon. A.B. Duale: Hon. Speaker, I have a lot of respect for---

*(Hon. (Ms.) Jaldesa crossed the Floor
without bowing to the Chair)*

Hon. Speaker: Not that way. I urge Members to stop inviting their colleagues just by waving at them because you are encouraging them to do the wrong things.

Hon. A.B. Duale: Hon. Speaker, for the record, if you want to cross from one side to the other, you have to go to the Bar and bow to the Chair. She is a very great leader of the Jubilee Party.

Hon. Speaker, because of disputes in trade and investment mainly by the private sector across the partner states in the East Africa region, there was need to extend the jurisdiction of the EACJ. For that reason, the implementation of key things like the East Africa Common Market, the East Africa Common Custom Union and the East Africa Community Monetary Union.

What does this Protocol obligate partner states to do? *Inter alia*, they must undertake the following:

1. Prevent or peacefully contain and resolve conflict and disputes among partner states arising from trade and investment matters. This is a forum where if there is dispute on investment or trade between a company that operates in Kenya and another sister company that operates in Tanzania, that conflict must be resolved between the partner states.
2. More importantly, partner states must observe and encourage the implementation of the Protocol on the establishment of the East Africa Custom Union, the Protocol on the establishment of the East Africa Common Market, and the Protocol on the establishment of the East Africa Community Monetary Union.

As I said yesterday, the process of ratification and public participation is solely bestowed upon this august House and the Protocol has complied with the Treaty Making and Ratification Act of 2012, hence the Cabinet Secretary (CS) for Foreign Affairs and International Trade informed the National Assembly, through a memorandum to the Speaker on 13th May 2016 and pursuant to Section 27(2) of the Treaty, of the need to adapt the East African Community Protocol to operationalise the extended jurisdiction of the EACJ by none other than partner states of the EAC. The CS informed the National Assembly and its committees on the second meeting held on 18th February 2016, which approved the ratification of the Protocol and therefore seeks the approval of this House. I am sure, the Executive, namely, the Cabinet and the state, have approved. They now need the final approval from the National Assembly to ratify the Protocol.

This Protocol was adapted and signed by the East African Heads of State on 25th April 2015 in Nairobi, and the said department for East African Affairs convened a public forum at Laico Regency Hotel on 28th April 2015 to invite views on the Protocol. Therefore, public participation, in accordance with Article 118 of the Constitution, was done. Then the question begs: What is the benefit to the nation? What is our benefit as a country? Why do we approve this Protocol? What do we gain from it as a member state?

Firstly, the protocol encourages partner states to foster and maintain an atmosphere that is conducive to the enhancement of trade and development. It facilitates. It is a catalyst for trade and investment to flourish within the partner states. Secondly, this Protocol is aimed at coordinating and cooperating with other East Africa partner states in matters relating to trade and investment. This Protocol will deal with that matter. It will enhance the capacity of the EAC for each member state to respect trade and investment.

Hon. Speaker, you are aware of times when Kenyan companies were kicked out of Tanzania. Kenyans working in Tanzania were denied work permits while Tanzanian companies were working in Kenya. In order to protect trade and investment among the member states, this Protocol is necessary. It is necessary in order to build respect and enhance capacity for the EAC. I can go on and on, but I am sure that Members will discuss it further.

The Report is at the Table Office. It was done by the former Committee on Regional Integration, chaired by Hon. Kajuju, the former Member for Meru County. The required public participation and report was tabled.

With those remarks, I beg to move and ask the Member for Navakholo, Hon. Wangwe, to second.

Hon. Wangwe: Thank you, Hon. Speaker. I rise to second this Motion. First and foremost, I was a Member of the Committee on Regional Integration that came up with the report that was brought to this House. We debated the creation of the EACJ. For the Members who have not understood what the Motion is about, there are three issues that have taken place, namely, the East African Customs Union Protocol, the Common Market Protocol and we are now in the process of restructuring and coming up with the Monetary Union Protocol of the EAC.

The Customs Union came into force in 2005. All the East African partner states have already signed and ratified the various treaties aligned to the Protocol. The Protocol has helped the EAC member states to import various consignments at a single source. Now Uganda, Rwanda, Burundi and any other East African Community member country that is hinterland can access goods through Mombasa within a single customs union.

We also have the Common Market Protocol, which has allowed the movement of goods from one country to another at a very simple, fast and seamless connectivity. Movement of goods and services from one country to another, coordinated together with the Customs Union, as two protocols definitely results into dispute. We must have an organ that is able to listen to those disputes and address what has arisen from them. Therefore, by extending the jurisdiction of the EACJ, we are looking at the achievements of the Customs Union and the Common Market as protocols and how we resolve disputes that come about with the two protocols.

Therefore, the faster we ratify the Protocol and extend the jurisdiction of the EACJ, the faster our people in East Africa at large will move their goods and ship in their products from whichever country. In case of any dispute, there will be a proper way of addressing it.

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

(The Deputy Speaker (Hon. Cheboi) took the Chair)

Hon. Deputy Speaker, there came a phrase called the “coalition of the willing” in 2015 and 2016. The coalition of the willing had to push matters arising from the Common Market Protocol. Kenya, Uganda and Rwanda lined up to push their business agenda into existence.

Hon. Deputy Speaker, as a result of that, what happened to the Kenyans moving into Tanzania? There was an issue of labour movement. Therefore, there was a rise in issues of labour movement where our people were denied entry and our goods were subjected to various barriers. Those barriers can be comfortably addressed by the East African Court of Justice. Therefore, by urging this honourable House to ratify this Protocol officially and enable Kenya to be part and parcel of the East African Court of Justice is good. We will have a proper and formal court against which we can present our issues for discussion.

With that information, I beg to second.

(Question proposed)

Hon. Deputy Speaker: I can see there is some reasonable interest. I will start with Hon. Mutua Barasa, Member for Kimilili. Hon. Gitau Wairimu, do you want to contribute to this Motion?

Hon. (Ms.) Gitau: Yes.

Hon. Deputy Speaker: Okay. Proceed.

Hon. (Ms.) Gitau: Hon. Deputy Speaker, I rise to support this Motion for the approval of ratification of the protocol to operationalise the extended jurisdiction of the East African Court of Justice.

The requirement and responsibility of ratification of international treaties, protocols and agreements is squarely bestowed on this august House by Article 2 of the Constitution, as read together with Section 8 of the Treaty Making Ratification Act of 2012. Having said that, the Protocol before us is one that seeks to, among other things, streamline and harmonise the general operations of the East African Community (EAC). The protocol acknowledges the current functions of the East African Court of Justice and limitations of its jurisdiction after the adoption of the EAC protocols, common markets, custom unions and monetary unions. Therefore, there is need for the extension of the jurisdiction of the court to include trade and investment that fall under the above already ratified protocols.

The ratification of this Protocol will, therefore, prevent, contain and peacefully resolve conflicts and disputes arising from trade and investment matters. Furthermore, it will also encourage the implementation of the EAC protocols on common markets, customs union and monetary union. These are the integral agreements within the EAC which will enrich regional integration among member states.

Finally, I wish to call upon the respective State departments in the relevant ministries to fast-track the implementation of this Protocol as soon as the House approves its ratification. This being a budget-making House, I believe we will be ready to provide the necessary funds to operationalise programmes arising from the Protocol. Indeed, most of the key partner states in the common community including Tanzania, Rwanda and Uganda have already ratified the Protocol or are in the final stages of ratification. I, therefore, call upon the House to support the ratification of this Protocol.

Hon. Deputy Speaker, I beg to support.

Hon. Deputy Speaker: Do we have Member for Lamu West in the House, Hon. Muthama Muiruri? Member for Mbeere South, Muturi Kingagi.

The Member for Mbeere South (Hon. Geoffrey Kingagi Muturi): Thank you, Hon. Deputy Speaker, for giving me the opportunity to address the question at hand. I rise to support the Motion.

Before I do that, let me start by congratulating you for being appointed as the Hon. Deputy Speaker. I also congratulate Members who are here in the House. I want to thank the great people of Mbeere South for giving me an opportunity to be in this House. As you know, Mbeere South is not an ordinary constituency. Virtually all the previous Members of Parliament in that constituency ran for either presidency or somewhere near it, including the immediate former Member of Parliament, who ran for presidency. The Member was the Chairman of the Budget and Appropriations Committee. So, I count myself lucky and honoured to stand among the giants from Mbeere South.

The ratification of the Protocol to operationalise the extended jurisdiction of the East African Court of Justice is very important. With globalisation, markets are under attack. This region has become a favourite market for goods from Asia, Europe or wherever. This Protocol seeks to smoothen out the naughty issues, so that trade can flow within the region. It will help to protect businessmen in this community.

I support the Motion. This is a very important Protocol and it ought to be supported by all. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: I see a Member who has intervened here. Hon. Ali Haji of Mandera South, do you have an issue or you want to contribute?

Hon. Ali Adan: I want to contribute, Hon. Deputy Speaker.

Hon. Deputy Speaker: Proceed.

The Member for Mandera South (Hon. Adan Haji Ali): Thank you, Hon. Deputy Speaker. I thank you most sincerely for giving me the opportunity to make my maiden speech in the august House.

I take this opportunity to thank and appreciate the people of Mandera South who elected me to represent and serve them as the Member of Parliament. Let me also thank my supporters of various political thinking and the entire leadership of Mandera South. The people of Mandera South have shown commitment. They supported me and my candidature. My ability to propel Mandera South is evident. Therefore, I am greatly honoured to them. I assure them that I will work consciously and tirelessly to positively transform their lives.

The outcome of the August election has reaffirmed the unwavering determination of our people to ensure that democracy triumphs in Kenya. In Mandera South, we have sent a strong signal to all and sundry that no entity in our democratic system of governance is powerful enough to thwart the will of the people, despite the attempt by a section of leaders from my home county, Mandera to sabotage popular governance and replace it with a retrogressive form of governance called negotiated democracy that subverts and kills democracy. The great people of Mandera South stood up and voted for a leader of their choice. I salute their steadfastness, courage, allegiance, commitment and fierce determination to defend their sovereign rights.

Mandera South is one of the six constituencies in Mandera County. The key challenges in Mandera South Constituency remain to be poverty, unemployment, access to clean water, basic medicare, issuance of identity cards, among other things.

Allow me to remind you that the Kenyan Vision 2030, which is the country's development blueprint, aims at transforming Kenya into a new industrialised middle-income country providing high quality of life. Under Article 43 of the Constitution, my constituents and, indeed, all Kenyans, have an inalienable right to the highest attainable standards of health, housing, freedom from hunger, right to adequate food, clean and safe water, social security and education. We, therefore, have an obligation to make an impactful contribution to attain the Vision, especially in historically marginalised constituencies. I look forward to the rest of the term in this House to do whatever that is required of me as a Member of Parliament and as a leader in my community to ensure that the fundamental rights guaranteed by our Constitution are realised and that they are not crumpled by mismanagement of public funds.

As I conclude, I would like to take this opportunity to contribute to the approval of the ratification of the East Africa Protocol on Privileges and Immunities. It is beneficial for us to approve and support this Protocol because it is in our commercial interest, especially knowing Kenya's economic roadmap and the vision of the East Africa member states of Kenya, Tanzania, Uganda, Rwanda and Burundi. In this region, we view tourism as a key pillar for national development. Most importantly, we see it as a mechanism of alleviating poverty, generating foreign revenues for the Government and contributing towards wildlife conservation.

With those remarks, I wish to support the ratification of the Protocol. Thank you.

Hon. Deputy Speaker: Hon. Members, please, be reminded that we are dealing with the Motion on approval of ratification of Protocol to operationalise the extended jurisdiction of the East African Court of Justice and not the other one. So, be reminded accordingly.

Let me give this chance to the Member for Kigumo.

Hon. (Ms.) Mwaniki: Thank you, Hon. Deputy Speaker for giving me this opportunity. I rise to support the Motion for the approval of the ratification of the East African Community Protocol on Privileges and Immunities. The best trading partner a country can have is their neighbour. Kenya has not fully utilised its potential for trade with the East African Community (EAC) partner states, although they remain and still are our main export destination. We need to up our game particularly now that we are considering industrialisation on issues to do with value addition of agro-processing that finds their market in our partner states. Many of our people find their way to some of those partner states and still they are not able to trade as easily as they should. I believe this Motion is key because it will help us authorise the other Government operatives to start ratifying the treaty. It will remove the suspicion that, at times, member states have held against Kenya, particularly when our people cross over the border.

We have a problem because, at times, when our tourist caravans cross to other partner state's side, they do not get the same treatment that we give them from our end. So, ratifying this Protocol will give reassurances with regard to the extent of operations among partner states. It will remove suspicion on trade issues now that it is coming soon after the ratification of the Common Market Protocol.

With those remarks, I beg to support.

Hon. Deputy Speaker: I still insist that kindly let us contribute to the one on the East African Court of Justice. I can even see on the screen there is a little confusion and Members may think they are contributing to the Motion on privileges and immunities. I understand because whenever Members look at the screen, they find that it is the one running, but the Motion we are actually discussing now is on Order No.9, that is, the jurisdiction of East African Court of Justice.

So, let us have the Member for Igembe Central. Did you want to contribute to this one or the one on immunities that is yet to be introduced?

Hon. Kubai Iringo: This one. Thank you, Hon. Deputy Speaker. I stand to contribute to this Motion on approval of the protocol to operationalize the extended jurisdiction of the East African Court of Justice. The confusion came when the Leader of the Majority Party was moving the Motion. He requested the Speaker to allow him to start with Order No.10 and not Order No.9 and the Speaker approved it. That is where the confusion could have started.

This Protocol is one of those that the East African countries have been trying to ratify since the breakup of the East Africa Community many years back. We have been trying to bring our East African brothers together and it has taken a while. All in all, things are moving well. Already, we have succeeded to come up with the Customs Protocol which is already in place. We are now dealing with the issue of the jurisdiction on the East African Court of Justice. There is also the Monetary Protocol which is taking time to be finalized.

Having been a Member of the Committee on Regional Integration, I am aware that there are efforts towards finalizing the Monetary Protocol. However, because of the fluctuation and differences in currencies and, maybe, some of our neighbours being jittery about our strength, especially as far as our shilling is concerned, that one has not been concluded.

I am happy that the matter on the East African Court of Justice is here with us. We are going to approve it because the onus of ratifying it is bestowed on this august House. I believe

my colleagues agree with me. In as much as we are trading with neighbours and brothers and sisters in the East African Community, we also need to harmonise our laws so that if something happens in Rwanda, Uganda or Tanzania and Kenyans are involved, they should be treated as equals to their fellow East Africans. If we approve this Motion, the laws which will govern the East African Court of Justice will be harmonised so that people do not feel mistreated when they are tried in either countries of the EAC.

We have the East African Legislative Assembly (EALA) which comes up with these protocols. They are then distributed to the partner states for harmonization and ratification.

Once they are taken to the mother countries, they are harmonised with the state laws of those countries. Today, we are doing a very noble job of ratifying this one in order to harmonise these laws with our laws. If something has to be decided, we do not have to go and look for the law to apply because these ones will already have been put into place. Equally, we also want to put into place the monetary implications whereby even the National Treasury will be involved so that we make a contribution to the East African Court of Justice (EACJ). We need to put our budget into it so that once we ratify it, we give our contribution because other countries have already done so. We have been lagging behind. We could have done this last year, but it is better late than never.

The stage we have reached is ideal for making sure that we move at the same pace with the other member states of the East Africa Community (EAC). I urge those who will join the Regional Integration Committee to work hand in hand with EALA so that the Monetary Protocol can also be achieved. This one will put us in the map of the world as a community which has started working together, living together and doing business together. Therefore, that is going to harmonise all our things. Even the movement of East Africans within the EAC member states will be smoother. The bottlenecks that we encounter at border points have already been eradicated. We have customs officers in Mombasa from other EAC countries. We also have our officers in their borders. Therefore, the movement and trade in East Africa will be smoother and justice will also follow suit.

Thank you. I support.

Hon. Deputy Speaker: Member for Nakuru Town East.

Hon. Gikaria: Thank you, Hon. Deputy Speaker, for giving me this opportunity. I rise to support the Motion on extended jurisdiction of the EACJ. Hon. Kubai has just mentioned that Kenya is the only country amongst the EAC member states that has not sent its representation to EALA. Even by this approval, we would want to have Kenyans – males or females – to see to it that whatever we are approving in Parliament is followed up as required by law and that Kenya benefits from the approval that we are giving.

The Jubilee Coalition had an opportunity to increase its EALA slots by one more Member. It is important for the Minority side to stop pretending that they care so much about this country and yet, they are the ones who have been putting this country into a lot of pain by raising a lot of unnecessary issues every now and then. Once we are back from the recess, we will ask the Speaker and the House Business Committee (HBC) to try and fast-track the representation of our Members to EALA so that once this ratification is approved, we can also benefit.

Kenya is a signatory to the Protocol and, of course, we are regarded as “Big Brother” in the EAC. We have done so much. These protocols have improved business. As the Leader of the Majority Party has indicated, it is very unfortunate that Kenyans are, sometimes, mistreated. I had an opportunity to visit Tanzania early last year. At some point, Kenyans were not being allowed to do free trade. All the time, they were being exposed to a lot of unnecessary barriers

here and there. It is unfortunate that following his election, President Magufuli introduced a lot of unnecessary barriers and restrictions for Kenyans who do business with businesspeople in that country. He ignored the protocols that had been ratified under the purview of the EAC. However, he slowly realised that it was his citizens who were suffering by not allowing free flow of trade between Kenya and Tanzania.

Hon. Deputy Speaker, even as we approve the extended jurisdiction of the EACJ, we must be careful to ensure this does not interfere with the sovereignty of our country. The extended jurisdiction of the EACJ must also not interfere with our territorial integrity, our political independence and good neighbourliness. This is an important point. In order for us to approve this Motion, we must be certain that our country and all its laws and internal affairs are protected from possible intimidation. For example, the development of the Great North Corridor has brought a lot of issues pitting us against our neighbours. It is important for us to think on how best we can handle it.

Therefore, I would want to appeal to the relevant ministries and Government agencies that once we approve the extension of jurisdiction of the EACJ, they move with speed and at the same time take precautions to ensure that we protect our country and also gain from the spirit of the protocol. In 2007, we had a very big issue with our brothers, who wanted to be paid huge sums of money because of losses they incurred as a result of delays that arose from the post-election violence. We had to unnecessarily pay in excess what was destroyed. We expect this extension to handle disputes and help us go a long way in terms of streamlining such matters.

Again, by extension, I hope that with the very peaceful 8th August general elections, we will have a very peaceful election on October 26th. We will not have these kinds of disputes. If they arise, where Kenyan companies are denied an opportunity to do business, then they have a place where they can go and be heard and their issues taken care of.

With those few remarks, I support the extension of the jurisdiction of the EACJ.

Hon. Deputy Speaker: Hon. G.K. Kariuki, Member for Ndia.

Hon. Macharia: Hon. Deputy Speaker, I rise to support the Motion on extended jurisdiction of the EACJ. The EAC is well known for business. Most members of the community are very keen on doing business and this particular Motion will help us. Once we ratify this extended jurisdiction of the court, we will be able to do more business within the EAC member states.

We all know that in business, there are bound to be conflicts and, therefore, extending the jurisdiction of the East African Court of Justice (EACJ) will help enhance and build confidence among member states so that when we do business together, or when we engage, then we will be able to do so with much more confidence and trust.

We all know that we cannot be strong in terms of business without our partner states. We cannot do much if, within ourselves, we are not united and, therefore, moving in the same direction. It is, therefore, very important for us to work together. All of us in this House should work together and ensure that we build a country that will be respected by our partner states.

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

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

The Opposition benches are empty. Our colleagues are not here to participate in this very important Motion. They should be here giving us their contributions on this Motion that will help this country to become a better and stronger member of the East African Community (EAC). My prayer is that as we move to the 26th October election, let us work together. Let us avoid unnecessary suspicions. Let us pull towards the same direction as a country and let us not always look for small reasons and opportunities to be suspicious of each other. We have children to raise. We have citizens who are looking up to us for direction. If we do not support a very important Motion like this one, we would be failing those who have given us a very rare opportunity to represent them.

I support this Motion and ask all Members of Parliament to work together as we build this country and earn respect among the member states of the EAC.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Thank you. I would like to alert Members to be keen on who is on the Chair so that you do not end up addressing the wrong person. Hon. Muthama Muiruri, Member for Lamu West is not in. Hon. Caleb Kositany, Member for Soy is not in as well. Hon. Mariru Kariuki.

Hon. Mariru: Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity. I rise to support this Motion. As you know, the greatest trade partners that Kenya has are the East African countries. I am told the leading trade partner country with Kenya is Uganda. However, there have been a lot of challenges in trade among the three countries, Kenya, Uganda and Tanzania. Therefore, the extension of jurisdiction of this court seeks to address that particular matter.

There have been questions around trade between Kenya and Tanzania where our businesspeople have really complained of lack of a level playing ground between Tanzania and Kenya. Now that the jurisdiction of that court is being extended to include trade and investment, I think it speaks to the heart of the EAC. So, it goes beyond the political federation and many other considerations as to why we came up with the EAC which really has got everything to do with trade and investment. When we extend the jurisdiction of this court, to my mind, we are really giving a platform and an opportunity to our people to do trade. So, when there is a dispute, traders will now have a place to go to be addressed formally. When we extend the jurisdiction of this court to include trade and investment, it gives meaning to the EAC Monetary Union, EAC Customs Union and also the East African Community Common Market. The three are the threads that revolve around the EAC framework.

This is such a critical matter that the new Constitution of Kenya 2010 gives the National Assembly the mandate to approve and ratify such protocols. We have to ask ourselves the implication of these protocols to our people. The Treaty Making and Ratification Act of 2012 under Section 8 gives this House the opportunity to discuss protocols that directly affect our people. I am also keen to note from the Report of the Committee that in accordance with Section 3 of the Treaty Making and Ratification Act, 2012, the Committee itself had an opportunity to engage the general public in Kenya. The public was afforded time to give feedback on the implications of this Protocol to their lives in terms of trade and investments.

Finally, it is also important to know that the ratification of such a protocol is partly the responsibility of the Executive. It is good to note that the Cabinet approved this in the memorandum that is part of the Report. I think this is a very important decision that we are making because it goes to the heart of the East African Community, especially in the area of trade and investment.

I beg to support. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Tum Chebet, Member for Nandi County.

Hon. (Ms.) Tum: Hon. Temporary Deputy Speaker, I beg to support the Motion on the approval of ratification of the protocol to operationalise the extended jurisdiction of East African Court of Justice on one ground: that when there is a dispute, the EACJ has to come in. Article 10 provides for settlement of disputes under the Protocol by mutual understanding. Where partner states are not able to settle such disputes, then they are referred to the East African Court of Justice.

Article 10 provides for settlement of disputes under the protocol by mutual understanding and where partners states are not able to settle disputes, those disputes are referred to the EACJ.

So, if we cannot have the EACJ, the disputes from our operations when we trade in East Africa will not be resolved. So, I beg to support the Motion. We know when there is free movement of trade and there is importation or consignment at single source, there is free movement of goods and there is conducive environment for those who are doing business in our neighbouring countries. I beg to support the Motion on those issues. There are many youth and women who are unemployed and when there is free movement of trade, they can go to Uganda or Tanzania and the economy of the country can be improved.

I beg to support the Motion. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Korir Kiprotich, the Member for Langata. Is he here? Hon. Sofia.

Hon. (Ms.) Noor: Thank you, Hon. Temporary Deputy Speaker. First, I would like to take this opportunity to congratulate you for being appointed to the Speaker's Panel and for being elected for a second term in Narok, my second home.

I would like to support the Motion. It is very important to support this Protocol since Kenya is not an island. Kenya is the hub of east and southern Africa. Being the hub, the communities of Kenya do business and invest all over. So, it is always important that we have some mechanism. A protocol like this will be very important and useful for the community.

On compliance with the ratification process of Treaty Making and Ratification Act, the Protocol does not anticipate any amendments to our Constitution. This is in line with the principles of the Constitution. Specifically, it recognises the principles and values of our independence as a country, the good neighbourhood and political independence of each of the partner States. Our Constitution is very clear on its principles, values and particularly on empowering our people to trade, invest and co-operate with other neighbours and beyond.

Kenyan communities are very proactive. They are people who need to be protected. As a House, I feel very privileged today to contribute to this Protocol because we are trying to safeguard the interests of our people: those who invest outside their countries and those who trade with other countries, particularly the East African countries.

Article 2 provides the objects of the Protocol. The extent of the jurisdiction of the court is to cover matters related to trade and investment in relation to the implementation of the following protocols: establishment of EAC Customs Union, establishment of EAC Common Markets and the establishment of EAC Monetary Union.

Article 3 of the same Protocol provides mechanism for dispute resolution. Because it provides for dispute resolution among the member states, it is very important that we are alive to situations that have taken place in our country and beyond the borders of our country when it comes to our people who trade and invest outside this country. I am aware of a friend of mine

who is my neighbour who has invested heavily outside this country. Because of certain problems, they were not able to come out with their monies from some countries that I would not like to mention on the Floor of this House. Putting those dispute resolution mechanisms in place is important. Somebody like my neighbour who has suffered will not suffer because there will be a mechanism in place that will address his needs and the problems he is facing.

We have a global interest. It is not only East Africa. Because this particular Protocol covers EA, I wish to support and say that this is one of the protocols that will safeguard the interests of the people of Kenya, particularly in terms of trade and investment.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): The Member for Bomachoge Borabu, Hon. Ogutu Abel.

Hon. Ogutu: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion on the approval of the ratification of the protocol to operationalise the extended jurisdiction of the EACJ. East Africa as a region interacts differently when it comes to trade and investment. I am very sure that, as Kenyans, we have a lot of investment in the countries that surround us, and even the new country that has been admitted into the community, South Sudan.

I remember situations when there were internal conflicts in South Sudan. Kenyans lost quite a lot of their properties that they had invested. I am sure that as the region continues to grow, more Kenyans are going to be involved in trade, especially by investing in those regional countries.

I am not afraid to support this Motion of approval simply because this Protocol has been developed through a participatory process. It was exposed to public participation where shared views were gathered and have been incorporated into the Protocol. The committee that was involved has made necessary amendments and adjustments based on the information that came from public participation. At the same time, the approval of the Protocol does not in any way anticipate any amendment to the Constitution of Kenya. Therefore, I strongly support that this Protocol should be approved. It stands to foster and maintain the atmosphere that is really required for trade and investment. We know that in trade, there are normally conflicts that emerge between traders and over the commodities that are being traded. So, the approval of this Protocol gives the players in the trade industry and investment a fair ground for them to receive justice in the event of any conflicts. At the same time, approving this Protocol largely enhances the capacity of the region to expand and support trade and investment. I, therefore, want to finish by saying I strongly support this Motion for approval.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): The Member for Ugunja, Hon. Opiyo Wandayi.

Hon. Wandayi: Thank you very much, Hon. Temporary Deputy Speaker. First, I wish to congratulate you on your appointment to the Chairpersons' Committee. Indeed, I must appreciate that throughout the 11th Parliament, you were one of the sober minds on that side of the House. I wish you all the best in your new role.

I have just come in and found this debate going on. I find it very appropriate bearing in mind that the extension of the mandate of the jurisdiction of the EACJ is not something that happens in isolation. It is something that must happen in the context of the wider integration of the EAC.

Hon. Temporary Deputy Speaker, as I say this, I note with a lot of sadness the happenings in our own country which goes a long way in undermining the spirit of the East African Community integration.

This morning, the former Vice President of Kenya, who is also a former Foreign Affairs Minister under whose docket then this integration process started, was essentially mistreated and attempts were made to block his travel to a member State of the East African Community (EAC). This morning, Hon. Kalonzo Musyoka was scheduled to travel to Uganda on a special duty as a chancellor of a very serious university in Uganda. Whenever he goes out, he is an ambassador at large for the country. The manner in which officers acting at the behest of mandarins in State House treated him goes a long way in undermining the spirit of EAC. There is no law which dictates that a Deputy Presidential candidate of a leading movement such as National Super Alliance (NASA) should seek permission from State House while traveling out of the country.

Hon. (Ms.) B.N. Nyaga: On a point of order!

Hon. Wandayi: That Member needs to give me a break. She needs to learn how to listen before she interrupts. The action that was taken today by officers of the Immigration Department that, whenever Hon. Raila Odinga and Hon. Kalonzo Musyoka travel out of the country they must seek clearance from State House goes a long way in undermining the spirit of EAC and also points to a very serious issue in this country. Such actions can only happen under a state of emergency. We are not aware of any state of emergency having been declared in this country.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Nkatha, what is your point of order?

Hon. (Ms.) B.N. Nyaga: On a point of order. Is it in order for the Hon. Member to mislead this House by saying that Hon. Kalonzo Musyoka was prevented from travelling to Uganda? Can he prove and substantiate to this House now?

Hon. Wandayi: Hon. Temporary Deputy Speaker, if the Hon. Member wants to know the truth, she can go and confirm at the airport. Who am I to substantiate? I thought it was an obvious thing. Protect me from the rookie Members.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Wandayi, you also have to conduct yourself with the necessary decorum of this Honourable House. You know there are issues that you must be able to substantiate if you put them on the Floor of this House. I do not think we have rookies in this House. So, you have to be appropriate in the manner in which you are addressing the Members. Proceed.

Hon. Wandayi: Much obliged. What I was trying to put across is that the country seems to be in a state of panic or the temporary leadership of the country seems to be in some state of anxiety that is difficult to explain. The only time that actions that seem to have been taken against Hon. Kalonzo Musyoka today at the airport can happen is only when there is a state of emergency. A state of emergency is only declared with one purpose. When you declare such an emergency in a country, it means you want to do certain unconstitutional things. I am aware that there are desperations on the part of those who happen to be temporarily leading this country at the moment to find mechanisms and systems to ensure that power does not slip through their fingers. There are things you can do with a view of retaining power, but there are other things that if you start doing, then you undermine the spirit of nationhood. You essentially create an impression that this country is no longer governed by the rule of law. A country that has gone the “banana” way! This House must resist and support the public in resisting attempts to reverse or claw back the gains that this country has made under a lot of frustrations and struggles. This House cannot sit back and watch as democracy is undermined. As we sit here debating the

expansion of the jurisdiction of the mandate of the East African Court of Justice, you cannot be doing it while on the other hand, the Executive is creating a situation which goes contrary to what you are trying to advocate for through this legislation or Motion.

Hon. Temporary Deputy Speaker, this country has come a long way. You recall that in 1981, those of us who were of age then, in this very House, one afternoon, a Motion or an Amendment Bill to amend the Constitution was brought before this House and the Bill went through the First, Second and Third Readings. That Bill's intention was to change the country's Constitution by making the country turn away from being a *de facto* to a *de jure* state. That Bill was passed in a record of one day. We have seen attempts as late as today to re-enact the history and take us back to that very dark time where laws are amended and made purposely to serve the interest of a small ruling clique. Those who participated in that amendment that afternoon in the fullness of time ended up being its own victims. The people of this country will resist attempts by the leadership of Jubilee Administration to turn back the clock of change. This country will not for a moment accept. I am hearing a lot of cat-calls from people who need to listen, be educated by myself and learn from a veteran like me. I do not talk in this House anyhow. I am very clear on the rules of the House including the rule of relevance and, therefore, I can teach them a little more on that.

Hon. Temporary Deputy Speaker, what the country is saying is that we shall not accept the democratic gains to be reversed by a clique that if hell-bent on clinging onto power at whatever cost. This is very relevant.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Wandayi, you are an experienced Member of this House. I just want to refer you to Standing Order No.106 which states that you need to confine yourself to the matter before the House. Be relevant in the matter that you are speaking to. You only have one minute to go.

Hon. Wandayi: Hon. Temporary Deputy Speaker, you cannot talk about the East African Court of Justice without talking about the injustices that are happening in the country.

(Applause)

It is common sense. You cannot perpetuate injustice in this country and talk about justice in EAC. Therefore, we must sound out caution to those who want to reverse history. This country will resist. Beginning this week, the resistance has begun. If you doubt our resolve to resist, then you are in for a rude shock.

Thank you.

Hon. Mariru: On a point of order.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Order Hon. Wandayi! I have the discretion on whom to give the Floor. Hon. Mariru is on the Floor.

Hon. Mariru: Thank you, Hon. Temporary Deputy Speaker. That Member said clearly that he knows the rules of this House. However, in my view, it is clear that he does not understand them, because you made a ruling that he should confine himself to the debate in the House. Why was he engaging in irrelevancies? He was taking this House on a tangent, and that is unacceptable.

The issue before the House is extension of the jurisdiction of the EACJ, and not about what is happening in the country right now. It is not about who is travelling or who is not travelling. We have to confine ourselves to the debate as per your ruling.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Let us hear Hon. Gichimu Githinji of Gichugu Constituency.

Hon. Githinji: Thank you, Temporary Deputy Speaker. I support the Motion. I am excited about the Committee's work because they bound themselves by the relevant laws and the Constitution. First, they ensured that the Protocol does not trespass on the Constitution of Kenya.

Secondly, this Protocol seeks to consolidate and bring the EAC countries together in matters of trade and investment. In fact, most of the areas are very beneficial to this country, which appears to be superior to other EAC countries. We have an opportunity to do trade and investments, which will transcend to other countries. In this respect, we see the extension of the jurisdiction of the EACJ in matters trade and investments, as a beneficial opportunity to Kenyans to do transactions that may bring wealth to this country.

A forum for resolution of disputes in matters trade and investments is created by that extension. That makes it very easy for countries which are partners to resolve differences that may arise. The Protocol will build capacity among the EAC countries in all the matters that touch on trade and investments. This ratification is important and urgent as we progress and as we look forward to achieving Vision 2030 in terms of making this country great. This is the most opportune time irrespective of the noises being made from the other side. It is time to make this country move forward by making sure that these ratifications are done in the House. With the quorum which the Hon. Members from Jubilee avails daily, we will make this country move forward by ensuring that such Motions go through and we ratify Protocols.

I beg to support.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Let us have the Hon. Member for Nyamira County.

The Woman Representative for Nyamira County (Hon. (Ms.) Jerusha Mongina Momanyi): Hon. Temporary Deputy Speaker, this is my privileged moment because I am making my maiden speech. I support this Motion.

I also thank the people of Nyamira County for overwhelmingly electing me. That means they trust me. I assure them that I am going to do my best in this honourable House. I support the Motion because Kenya does not live on an island. This Protocol encourages Kenyans to participate in trade. This will eventually improve the economy of our country and make Kenyans have a sense of belonging because the Protocol provides for equal treatment to the citizens of the member states. The Protocol has not gone against the Kenyan Constitution, which states how people are supposed to conduct themselves when it comes to human rights issues. As I support this Motion, I urge my fellow Members to support it. It gives the Kenyan citizens privileges of engaging in trade and the services that create employment equally to any member states.

This is one of the best protocols that we can approve in this House. I support this Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Let us have Hon. Member for Wajir North. Hon. Ibrahim Abdisalam.

The Member for Wajir North (Hon. Abdisalan Ahmed Ibrahim): Thank you, Hon. Temporary Deputy Speaker. Before I make my contribution on ratification of the East African Protocol, I take this opportunity to make my maiden speech.

First, I congratulate you for having been elected to that position. I have no doubt you have what it takes to perform. I listened to your contribution and, with no doubt, it was full of wisdom. I agree you are up to the task. Let me thank the people of Wajir North Constituency for having given me an opportunity to represent them in this House. They overwhelmingly

supported me and they expect a lot from me. I will deliver to the best of my ability and to their satisfaction.

My constituency is faced with severe drought and loss of livestock. We are all aware that the livelihood of the population in northern Kenya is livestock and their products. The women and children happen to be the most affected, but unfortunately most of our attention is on the upcoming elections. Northern Kenyan seems to be totally forgotten with regard to interventions concerning drought. The latest report by the Kenya Food Security Steering Group depicts that most of the counties are facing one of the worst droughts with a high mortality rate of livestock, high level of malnutrition and conflicts related to resources.

It is high time we shifted our attention from the election to issues which our constituents are facing. Our role is not only legislation and oversight but also solving serious problems facing our constituents. I believe the Steering Committee tasked with coming up with the Supplementary Budget will look into this considering the high vulnerability level of counties in northern Kenya. They should set aside funds to carry out immediate intervention for the drought stricken population. I am also aware that most Ministries in the national Government are not undertaking the necessary interventions and the few non-state actors conducting intervention are, of course, very low, un-coordinated, sparsely distributed and most affected parts have not been reached up to date.

It is my believe that the Steering Committee will look into this issue and at least give a budget for drought invention for northern Kenya, particularly Wajir County and more so Wajir North Constituency. I am also congisant of the fact that this is an extraordinary time which requires extraordinary contribution and leadership from Members in this House. No doubt it is the first time in history that we are doing repeat elections. As representatives of the people we are expected to carry ourselves with a high level of maturity, act as arbitrators and most times be involved in issues of negotiation as we look for ways to bring the people together. We should not engage in issues that will divide this House. If we are divided, there is no doubt that we will be divided out there.

I do not believe that the review of the election laws will be a solution to the unique challenges this country is facing. I believe that better negotiations and a negotiated settlement are the solution to the unique problems this country is facing. I hope and believe that Members, during recess, will come together to see how best they can unite this country. I also believe that the leadership of this House will act as a symbol of unity which brings us together so as to forge unity for this country. With that, I strongly support the ratification of the East African Community Protocol before us.

East Africa has a lot in common and we are one community, hence any actions meant to bridge the gap between the partner states is acceptable. I believe this Protocol is in compliance with Section 8 and the treaty is definitely consistent with our Constitution and values. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuyu): Let us have the Member for Lafey, Hon. Ibrahim Mude.

The Member for Lafey (Hon. Abdi Mude Ibrahim): Thank you, Hon. Temporary Deputy Speaker. First let me congratulate you for being appointed in the Speaker's Panel. Secondly, I take this opportunity to give my maiden speech and thank the people of Lafey for electing me to this House. For sure I will speak on their behalf.

I support this Motion. Section 8 says that it provides for the privileges and immunities of persons employed in the service of the community with respect to immunity of the civil servants.

There are many people from this county working or doing business in the neighbouring East African countries who are facing various problems. This Protocol will handle these issues and therefore it is in order. I also support it because it will enhance trade and investment, which are important. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): I can see an intervention from Hon. Naomi Shaban.

Hon. (Dr.) Shaban: I rise on Standing Order No.95. Considering the mood of the House, I request the Mover to be called upon to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Clearly, the mood is right. The Mover, Majority Chief Whip.

Hon. (Ms.) Mbarire: Thank you, Hon. Temporary Deputy Speaker. I want to begin by thanking all the Members who have supported this Motion. Truly, it is timely. We recognise the previous Committee on Regional Integration for considering this Protocol and reporting to this House. This particular Report was actually done by a committee in the previous Parliament and we thank them. This Protocol aims to extend the jurisdiction of the EACJ to include trade and investment that was lacking in the previous Protocol. The previous Protocol only focussed on matters of human rights and general rules of international law. However, with this new Protocol, it obligates the member states to contain, prevent and peacefully resolve any conflicts and disputes that arise from trade and investment matters and also to observe and encourage the implementation of the protocols on the EAC customs union, monetary union and common markets.

I thank the honourable members that have contributed to this important Motion which actually aims at ensuring that the true spirit of the EAC does actually continue to be and that the trade resolutions and trade matters around the Community can be resolved amicably when they do arise.

With those few remarks, I beg to reply.

The Temporary Deputy Chairlady (Hon. (Ms.) Tuya): Hon. Members, seeing the number of members present in the House, we are not able to put the Question on this Motion. We will defer it to the next sitting.

COMMUNICATION FROM THE CHAIR

DETERMINATION ON ELECTION LAWS (AMENDMENT) BILL

Hon. Members, I have a Communication to make with regard to the Election Laws (Amendment) Bill. Hon. Members, a question has been raised this afternoon in my office with regard to whether the Election Laws (Amendment) Bill 2017 (National Assembly Bill No. 39 of 2017) is a Bill concerning county governments and whether the Bill will be transmitted to the Senate for concurrence, if passed by this House.

Hon. Members, Article 110 of the Constitution defines a Bill concerning county governments and outlines the procedure applicable whenever a question arises as to whether the Bill concerns county governments. Under Article 110(1) of the Constitution, a Bill concerning county governments is defined as follows:

“In this Constitution, “a Bill concerning county government” means:

(a) a Bill containing provisions affecting the functions and powers of the county governments set out in the Fourth Schedule;

(b) a Bill relating to the election of members of a county assembly or a county executive; and,

(c) a Bill referred to in Chapter Twelve affecting the finances of county governments.”

Further, Hon. Members, Article 110(3) of the Constitution provides as follows with regards to any question on the issue:-

“Before either House considers a Bill, the Speakers of the National Assembly and Senate shall jointly resolve any question as to whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill.”

Hon. Members, consideration of a Bill happens at any Second Reading onwards and the question may arise at any time. In this regard, I wish to inform the House that I have, this afternoon, consulted with the Speaker of the Senate on the question raised with regard to the Election Laws (Amendment) Bill 2017. Accordingly, there are so many similarities between a start-up venture and a political campaign, the rhythm and the tempo, the hours and the intensity, pursuant to the provisions of Article 110(3) of the Constitution and in answer to the question raised, the Speaker of the Senate and I have jointly determined that the Election Laws (Amendment) Bill 2017 (National Assembly Bill No. 39 of 2017) is a Bill concerning county governments. Members will note that the Bill seeks to amend several statutes among them the Elections Act 2011, which makes the Bill fall squarely within the definition set out at Article 110(1)(b) of the Constitution to the extent that it relates “to the election of members of a county assembly”. If passed by this House, the Bill shall be forwarded to the Senate for consideration.

The House is guided accordingly. I thank you.

Next Order!

MOTION

RATIFICATION OF EAST AFRICAN COMMUNITY PROTOCOL ON PRIVILEGES AND IMMUNITIES

The Temporary Deputy Chairlady (Hon. (Ms.) Tuya): Let us have the Deputy Whip of the Majority Party.

Hon. (Ms.) Mbarire: Hon. Temporary Deputy Chairlady, we wish to defer that Motion.

The Temporary Deputy Chairlady (Hon. (Ms.) Tuya): That is okay. The Motion is deferred.

(Motion deferred)

Next Order! Let us have the Deputy Whip of the Majority Party to now move the Motion for Adjournment.

MOTION FOR ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

Hon. (Ms.) Mbarire: Hon. Temporary Deputy Chairlady, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order 28 on the Calendar of the Assembly (Regular Sessions), this House adjourns until Tuesday, October 10, 2017 at 2.30 p.m.

Hon. Temporary Deputy Chairlady, the recess is indeed timely noting that fresh elections are just around the corner scheduled for 26th October 2017. There is no doubt that the campaigns for the presidential elections are about to reach fever pitch. With less than 28 days to go, our tempo for elections is about to change.

To use the words of Mike McCurry, a former White House press secretary in the Bill Clinton Administration, he best describes the campaign period that we are about to get to. To quote him, he states:

“There are so many similarities between a startup venture and a political campaign - the rhythm, the tempo, the hours, the intensity.”

Certainly, as the date of the elections nears by, we expect that the rhythm, the tempo and the hours and the intensity required in campaigning will become more immense. In this regard, the recess is certainly welcome as it will give members an opportunity to go out there and campaign for their preferred presidential candidate in the forthcoming elections.

As we do so, may I take this opportunity to urge all the members that will be out there campaigning to make sure that they use this opportunity to encourage Kenyans in their constituencies and from all corners of the country to not only remain peaceful but united despite our divergent political views. I also add that it will be important that at this point in time we also ensure that what we say are words that will heal this nation and not further cause division in the country and that we will not be found to have used hate speech in our speeches outside there as we campaign.

The recess will also give opportunity to the select committees that have been formed today on matters of elections and the other one on the Supplementary Budget a chance to review the matters that are before them, review the Bill on Election Laws and also give a chance for Kenyans to participate as is stated in the Constitution so that they can give their views, especially on the election laws that have been proposed.

Hon. Temporary Deputy Speaker, we look forward to come back on Tuesday, 10th October. We will get the reports from these two important Committees which will ensure first, we have free and fair elections that are free of any challenges. They will also ensure that we have given the Independent Electoral and Boundaries Commission (IEBC) the necessary budgetary allocation, so that they can do their work as per the Constitution, and deliver a truly free and fair election which we are all looking forward to.

With those few remarks, I wish to move. I would like to call upon Hon. Naomi Shaban to second.

Hon. (Dr.) Shaban: Seconded.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Members, each one of you will have five minutes to contribute. Member for Tiaty, I have not given you the Floor. I will do that at the appropriate time. Kindly take your seat.

Hon. Hassan Rehema, Member for Tana River, do you want to contribute to this Motion?

Hon. (Ms.) Rehema Hassan: Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute. First of all, I would like to congratulate you for being appointed to

sit in the Chairperson's Panel. I would like to support the Motion for Adjournment. Most of us know that the elections are just around the corner. The voters down there depend on what we will tell them. Hon. Members are the ones who can cause commotion in this country, bearing in mind what we have been seeing in our country. Those people who demonstrate on the streets are led by their Members.

I would like to urge every one of us to preach peace out there so that we do not put Kenya in trouble. I beg to support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Kassait Kamket.

Hon. Kamket: I thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion. I support the Motion for Adjournment. As we proceed on this very brief adjournment period, I want to say that this is an opportune moment for Members to go to campaign as indicated by the Mover. Even as we do that, I am happy my friend, Hon. Wamalwa, is seated in front of me. I want to remind him and his group that what they are doing is simply postponing the victory of this Government. They are dealing with what I would describe as a notorious retiree who does not want to go home quietly. I am happy to state that indeed, within the next three days, this animal called the National Super Alliance (NASA) will crumble. I am aware that the former Vice-President Kalonzo Musyoka is on his way to Jubilee. I am equally aware that Hon. Musalia Mudavadi is on his way back to the Kenya African National Union (KANU) where he belongs.

An hon. Member: On a point of order.

Hon. Kamket: Very soon, Hon. Raila Odinga will be left on his own to retire in peace and grace. There are members of staff who fill leave forms, and when they are granted leave, they do not go home. You see them hovering around the office and you wonder why they were seeking for the leave. This is the kind of leadership we are dealing with. I want to remind them that however long they seek to prolong... They have now begun to cry. They have been abusing everybody left, right and centre and when it is time for them to face the music, they begin crying like small babies.

Hon. Members: On a point of order!

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Members, there cannot be anything out of order on a Motion for Adjournment. Hon. Kassait, can you confine yourself to the relevance of the matters you are addressing?

Hon. Kamket: Thank you for that guidance. Hon. Temporary Deputy Speaker. There is a Kiswahili saying that says "*nyege ni kunyegezana.*" Our colleagues have been looking for that. They must have a taste of their own medicine because you cannot be a master in destroying institutions. You must destroy institutions because you did not win the elections. It is not right. I know the communist policy that *Mhe.* Raila Odinga went to study in Germany. He is an expert in disorganisation and reorganisation of organised organisations. That is what he went to study in Russia. I want to tell him that his time is up and he must know that within the next three weeks, he will be one famous retiree in the Republic of Kenya.

I thank you. I beg to support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Your time is up, Hon. Kassait. I give the opportunity to Member for Magarini, Hon. Kingi Thoyah.

The Member for Magarini (Hon. Michael Thoyah Kingi): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this wonderful opportunity to speak before the House for the first time. First and foremost, let me thank the great people of Magarini for giving me this wonderful opportunity to serve in the 12th Parliament.

Magarini Constituency is where owning a parcel of land is a mirage. This is where indigenous people have been considered as squatters for so many years. It is my belief that this 12th Parliament will give solution to this problem that the people of not only Magarini but also the people of Coast are facing. The problem that is in this country... I know some Hon. Members were here in the last Parliament and others have been here for many years. I have been watching them on television as they contribute to issues in this House. However, there are times when there are divisions in the House. Some Members, instead of coming here to represent the people they come here to represent their masters, especially those in the Executive. It is high time we realized that our task is to contribute towards the wellbeing of our people in this great nation. Whatever is currently happening in this nation is not healthy - It is to the detriment of us all. That is why in Magarini Constituency a two-kilogramme packet of maize flour is going for Kshs300. I mean, that is unbearable! All these things are happening because there is a lot of division. Instead of coming here to contribute to issues that will benefit our people, some of us are keen on making sure that their party leaders are happy. They do that at the expense of our people. It is high time Members realized that we are not here to oversee and encourage corruption in this country. We should hold the Executive accountable. We should make it work for the people of this country. Whatever we do in this House, we should ensure that it is of substance and that it is geared to benefiting Kenyans.

We have now been given 11 days to go home to be with our people. It is also time for us to campaign. I urge Members to be very peaceful and make sure that in our campaigns there is a lot of ...

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Kingi, you have one minute.

The Member for Magarini (Hon. Michael Thoyah Kingi): In our campaigns we should make sure that whatever we utter does not bring about violence.

With those few remarks, thank you very much.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Member for Taveta, Naomi Shaban.

Hon. (Dr.) Shaban: Ahsante sana Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii ya kuzungumzia likizo hii tuliyopatiwa. Tumetoka hivi juzi kwenye kinyaganyiro cha uchaguzi na bado uchaguzi wa urais upo ambao utaendelea tarehe 26 mwezi ujao. La muhimu ni kwamba tunatakiwa kuzungumzia amani. Twende makwetu kujulisha wananchi umuhimu wa kupiga kampeni bila kupigana wala kugombana. Watu watofautiane kiseru lakini sio kwa ngumi. Kuna umuhimu sote **twende tukazungumze na wananchi tuwaeleze yaliyojiri na yatakayotufikisha wakati wa uchaguzi.**

Vile vile kwa wenzetu ambao wamechaguliwa kwa mara ya kwanza, watumie fursa hii kuwaeleza wananchi waliowachagua mipangilio yao haswa. Mimi ninaona tutakuwa katika pilkapilka za kutafuta ni nani atakayeshikilia Serikali yetu ya Kenya.

Ningependa tu kuwajulisha wenzangu katika Bunge hili la Kumi na Mbili kwamba tumekuja hapa kwa sababu tumetumwa na wale waliotuchagua. Hilo ni jukumu na nafasi kubwa sana. Tusiisahau kuwa wengi tuliowashinda wangali wana uwezo wa kuja hapa na kupigania yaliyotuleta hapa. Lakini la muhimu ni kukumbuka lilituleta hapa. Tunapoelekea kwenya kinyaganyiro kijacho, tukumbuke kuwa Kenya ni muhimu kutuliko sisi sote. Kwa hiyo tudumishe amani. Tusiwapiganishe wananchi kwa misingi ya kisiasa ama kwa misingi ya kikabila ila tuwaunganishe.

Naunga mkono hii Hoja. Ahsante sana.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Member for Nyando.

The Member for Nyando (Jared Okelo Odoyo): Thank you, Hon. Temporary Deputy Speaker. Thank you. This is also my very first time to address this Assembly. First, let me congratulate you for ascending to where you are and on the same breath thank my God for enabling me to be here today in such a historic moment for this country. I would also want to thank the great people of Nyando for exhibiting the highest degree of confidence in me and my capability. I assure them that with the love of God and his care we will achieve all the objectives that we set for ourselves and for the entire region.

I am aware that the past regimes have consistently extended mercy and grace to particular farmers within this country in regard to coffee and tea. Many loans have been vacated before, but where I come from, rice and sugarcane are the cash crops we rely on and not even a single day have we received such grace. I hope as we move forward as a country particularly with the next NASA Government coming into office in the next elections that my region will be adequately considered.

We have clawed back on the several gains we had made as a country. We have done so because of parochial and partisan interests. As we move, let the 12th Parliament seize the moment and do all those things that are in sync with the wishes and aspirations of the Kenyan people. This is because they have given us the onerous responsibility to champion their interests here. As we speak, there is palpable tension out there, courtesy of many changes we would want to bring at this late hour with regard to the re-election. Those issues will continue bringing a lot of tension in this country. In the 10th Parliament, such things existed, but it called for the wisdom and intervention of the then Speaker, Hon. Marende. He brought sanity into our politics. I hope and believe that, Hon. Temporary Deputy Speaker, you will also seize the moment and discard everything that is not in tandem with the wishes of the Kenyan people because together we perish and together we can rise. So, it is something that is very key to me. It behoves all of us in this House to bring sanity and order to this country. As people used to say, in the American period during the segregation time, we would rather die standing than live on our knees. We would not wish to push Kenyans to the wall; they will, in one unity, pronounce that very statement.

I support the Motion for Adjournment so that we go out there to talk to our people as they exercise their cardinal responsibilities as espoused in the Constitution. I heard about castigations when people talk about Article 37 of the Constitution, protecting the right to picket, demonstrate and even to file petitions.

The Temporary Deputy Speaker (Hon. (Ms.) Tuyu): Hon. Member, you have one minute to go.

The Member for Nyando (Hon. Jared Odoyo Okelo): Well, this is my maiden speech, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Tuyu): It is still being timed?

The Member for Nyando (Hon. Jared Odoyo Okelo): Most obliged. Even as Kenyans will be exercising both their constitutional and democratic rights, there will not be any interference from any quarters, particularly those that injure and create harm to our people. Article 239(3) of Kenya's Constitution behoves police officers to act with great impartiality but what are we seeing in the recent past? Members from this side of the political divide have consistently been harassed by the security system, lately.

The Temporary Deputy Speaker (Hon. (Ms.) Tuyu): Hon. Maina Kamanda.

Hon. Kamanda: Thank you, Hon. Temporary Deputy Speaker. First, let me congratulate you for having been given this position to be on the Speaker's Panel. Again, this is a very

important Motion. It has come at a time when we are in this House, and mostly the side of Jubilee, as elected Members of Parliament and our victory was snatched from us. So, we have a duty as a coalition to go out there. I would plead to our side that we incorporate all other players. Let us not be selfish. That just because we have been elected, we fail to incorporate those we were competing together because by doing that, people would not come out to support our President. We need each and everybody especially those people who also participated at nomination to come out and support the President. I have friends on the other side of the Floor. We interact and I am not there to blame anybody.

My friend, Minority Party Deputy Whip, Hon. Wamalwa, escaped death narrowly the other day at Westgate. We do not want to go that path again. You are young people. You are even not like us. We have been here long enough not like you. You need to be here four or five times. The country is at turmoil just because of one particular person, who even before you were born that has been his nature. You follow him blindly, and this country burns. The person who wants to burn this country has reached his time of going home. When you are 72 years, that is a bonus. He has even reached a bonus. You have not. You have young children. He is a grandfather yet he wants to bring problems into this country. We need to appeal to all of us that we have a nation. We have a nation we need to protect. This country belongs to all of us. Let us not use this country for demonstrations. There are people who think that by demonstrating, they have monopoly. Nobody has monopoly for demonstration here. Let those people not awake the majority because for some of us, I am sorry to say, our fathers died during the time of *Mau Mau*. We had no chance of even seeing our fathers for a year or less. There is the notion out there by people that there are certain people who are rich and who have everything that they do not mind. Once you push them, these people would give in. I am telling you, far from it, I am ready. I am a grandfather now but I am ready to go to the forest and fight. So, let nobody think---

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Your time is up, Hon. Kamanda. Hon. Chrisantus Wamalwa.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Speaker. As I support this Motion for Adjournment, first and foremost, allow me to congratulate you for your nomination to be on the Chairperson's Panel. I served with you in the Departmental Committee on Defence and Foreign Relations and I know you did very well. You were very objective in your contributions. So, I am assuming that as you sit on that seat, you will continue exercising that objectivity without any bias. I have no doubt you can manage that.

As I speak on this Motion for Adjournment, I want to quote the Bible, Matthew Chapter 5 Verse 9 says: "Blessed are the peacemakers for they shall be called the Children of God". As we are here today, we know we are going back for the presidential campaigns. The *Mungikis* and the *Chinkororos*, wherever they are, we want to condemn them. We are peaceful Kenyans and we want to salute the Supreme Court for whatever it did. We want to go back to the elections and we want IEBC to ensure that the elections for presidency are going to be free, fair and credible. We know the court ruling was as a result of the issues of illegality and irregularity. If you allow me to speak Kiswahili, there is a saying that "*kufanya kosa si kosa lakini kurudia kosa ndiyo kosa.*" We are telling IEBC not to repeat that mistake. We do not want to have issues of illegality and irregularities; they must go through the reforms. They must bring those electoral reforms. If you read Article 86 of the Constitution, it is clear that IEBC shall put measures, structures and mechanisms in place.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Wamalwa, you have a few seconds because we have to finish at 5:30 p.m.

Hon. Wakhungu: To ensure that the elections are going to be free and fair, we are calling for electoral reforms before we go for elections. No reforms, no elections. I thank you and I support.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Tuyu): Hon. Members, the time being 5.30 p.m., the House stands adjourned until Tuesday, 10th October 2017 at 2.30 pm.

The House rose at 5.30 p.m.