

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 8<sup>th</sup> November 2018

The House met at 2.30 p.m.

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

### PRAYERS

**Hon. Deputy Speaker:** Hon. Members, we have the required quorum and, therefore, we will begin business.

### MESSAGE

#### PASSAGE OF THE OFFICE OF THE COUNTY PRINTER BILL AND THE DISASTER RISK MANAGEMENT BILL BY THE SENATE

**Hon. Deputy Speaker:** Hon. Members, Standing Order 41(4) requires the Speaker to report to the House any Messages received from the Senate at the first convenient opportunity. In this regard, I wish to report to the House that on Monday, 5<sup>th</sup> November, 2018, I received Messages from the Senate regarding passage of two Bills on Wednesday, 24<sup>th</sup> October, 2018.

The first Message relates to the passage of the Office of the County Printer Bill (Senate Bill No. 7 of 2018). The Bill seeks to establish the Office of the County Printer in each county and to provide for the functions, mandate, management and administration of the office.

The second Message conveys the passage of the Disaster Risk Management Bill (Senate Bill No. 8 of 2018) which seeks to establish the National Disaster Risk Management Authority and County Disaster Risk Management Committees and to provide for a legal framework for the co-ordination of disaster management activities.

Standing Order No.143(1)(a) requires the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of a Message from the Senate referring Bills to the National Assembly. Accordingly, I direct that the two Bills be read a First Time at the next Sitting.

Paragraph (2) of Standing Order No.143 provides that –

“Following the First Reading, the Speaker shall, within reasonable time, pronounce his or her opinion contemplated under Article 114(2) of the Constitution.”

The opinion envisioned under Standing Order No.143(2) is a pronouncement by the Speaker as to whether a Bill originating from the Senate is a ‘money Bill’ in terms of Article 114 of the Constitution. In this regard, I direct that the two Bills be referred to the Parliamentary Budget Office to offer advice that will enable the Speaker to form an opinion contemplated in Standing Order No.143(2). Thereafter, I shall guide the House accordingly on how to proceed with the consideration of the said Bills.

### PETITIONS

## REVIEW OF THE GIRL GUIDES ACT

**Hon. Deputy Speaker:** Hon. Members, Standing Order No.225 (2) (b) requires that the Speaker reports to the House any Petition other than those presented through a Member.

I, therefore, wish to convey to the House that my office is in receipt of a Petition signed by Prof. Faith Nguru and Ms. Jennifer Karina on behalf of the Kenya Girl Guides Association.

Pursuant to Article 119 of the Constitution, the petitioners are requesting the National Assembly to amend the Girl Guides Act, Cap. 220, which establishes and incorporates the Kenya Girl Guides Association to execute its mandate legitimately.

The petitioners state that the association as constituted under the Girl Guides Act is recognised as a branch of the Girl Guide Association incorporated in Great Britain by the Royal Charter.

The petitioners further state that the association as constituted is constrained from fulfilling its core mandate of training and development of character of girls and young women. The petitioners, therefore, pray that the National Assembly review the Girl Guides Act, Cap. 220, to establish the Kenya Girl Guides Association - a body corporate with power to sue and be sued.

This Petition was submitted in the 11<sup>th</sup> Parliament. However, it was not conclusively considered during the Fourth Session by the then Committee of the House. Pursuant to the provisions of Standing Order No.227, the Petition stands committed to the Departmental Committee on Labour and Social Welfare for consideration. I urge the Committee to engage the petitioners and commence the process of drafting a legislation to address the prayers of the Kenya Girl Guides Association.

Let us move to the next Order. We are not through with this particular Order. I, therefore, give an opportunity to Hon. Brighton Yegon, the Member of Parliament for Konoin.

## EXPLOITATION OF SMALL HOLDER TEA FARMERS BY KTDA

**Hon. Leonard Yegon (Konoin, JP):** Thank you very much, Hon. Deputy Speaker. I am presenting a Petition regarding neglect and exploitation of small holder tea farmers by the Kenya Tea Development Agency (KTDA).

I, the undersigned, on behalf of small holder tea farmers, draw the attention of the House to the following:

THAT, since its inception, tea growing in Kenya has expanded rapidly making it a significant contributor to the Kenyan economy through exports with a direct impact on over 3 million small holder tea farmers;

THAT, tea growing in Kenya is regulated by various policies established by the Kenya Tea Directorate under the Agriculture and Food Authority (AFA) Act, 2013;

THAT, KTDA was incorporated in 2000 to liberalise the tea industry and enable tea farmers to exercise control over the management of their factories through board management agents;

THAT, KTDA has given itself additional mandates for instance, acting as a marketing agent for farmers, investing farmers' money in subsidiary companies, taking part in key decision-making processes hence locking farmers out, provision of secretariat services and taking up the ownership of tea factories, among others;

THAT, KTDA has monopolised and taken over the management of the entire small holder tea factory companies and this constitutes a strong strategic barrier against entry of new managing agents;

THAT, the monopoly has occasioned poor service delivery, low farm productivity, low product innovation and high farm costs leading to high indebtedness of the tea factories;

THAT, KTDA charges farmers a management fee of 2.5 per cent yet the factories still pay salaries to the said managers, leading to double payments and misappropriations;

THAT, KTDA sells tea produced by farmers on a quarterly basis but only declares a one-off bonus to farmers;

THAT, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or statutory body.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Agriculture and Livestock:

- (1) Investigates and inquires into all matters raised in the Petition pursuant to Standing Order No.216(5)(a) and makes the relevant recommendations thereof.
- (2) Recommends formulation of policies and regulations to cushion farmers from exploitation by KTDA and formulation of regulations to limit licensing of one agent to undertake multiple functions for purposes of fairness, equity and inclusivity.
- (3) Recommends the establishment of the Small Holder Tea Farmers Association (SHTFA) to look into welfare matters of tea farmers for instance, training and enhancement of farmers' representation at the regional, national and international levels, among others.
- (4) Recommends that proceeds of tea sales be sent directly to factories and the factories to pay KTDA.
- (5) Recommends that once the 2.5 per cent management fee has been paid to KTDA, it should pay their staff.
- (6) Recommends that declaration of second payment (bonuses) be done on a quarterly basis.
- (7) Makes any other order or direction that it deems fit in the circumstance of the matter.

Your Petitioners will ever pray.

**Hon. Deputy Speaker:** That is a very long Petition. Sometimes, Members will get lost somewhere. It is extremely long but you have presented it. I will give an opportunity to a maximum of three Members to speak to this Petition. Let us start with Hon. Murungi Kathuri.

**Hon. Kathuri Murungi** (South Imenti, Independent): Thank you, Hon. Deputy Speaker. I wanted to briefly comment on this Petition presented by my good friend, Hon. Brighton.

Tea issues have become the order of the day in this House. Just yesterday, I asked two Questions regarding tea issues because of what is happening around. Farmers have received very little money this year - an average of Kshs11 per kilogramme in every factory. It is important that we revert back to when we had KTDA and the Government had interest in tea. That is where we are going wrong.

To make sure that this is handled comprehensively, I ask Hon. Brighton to kindly let me know when KTDA will appear before the Departmental Committee on Agriculture and Livestock because many other Members in this House and I have a lot of interest in the matter.

Today, I received a letter from Sen. Cheruiyot Aaron, the Kericho Senator, requesting all Members of Parliament from tea-growing areas to meet on Tuesday. Tea is a very weighty matter. The Committee should handle this with the seriousness it deserves so that our farmers can benefit from their farms.

**Hon. Deputy Speaker:** Very well. Let us have Hon. Onyonka.

**Hon. Richard Onyonka** (Kitutu Chache South, FORD-K): Thank you, Hon. Deputy Speaker. I support my colleague who has just tabled this Petition. At some point, the Departmental Committee on Agriculture and Livestock will have to engage this House.

The tea sector is in a mess. The problem is that even when our farmers are paid the bonus, the bonus paid out in some areas in Kenya is Kshs5 to Kshs8 more than in our areas. Kisii is a tea-growing area. Tea is the only cash crop left for our farmers. It is a very serious problem. I ask the Departmental Committee on Agriculture and Livestock that when they start interrogating this issue, we would like them to, first, get the stakeholders and hold public hearings on the same. That is because our Constitution requires that they do that.

We want to know exactly what we need to do so that we can solve the problems affecting the tea sector. It is a weighty matter. Hon. Deputy Speaker, you will agree with me that in your constituency, money for cess used to be released by the KTDA and it went into fixing roads. Roads have been devolved to the county governments. Some of the counties have not fixed the roads where tea lorries pass through.

Previously, the National Government - Constituencies Development Fund (NG-CDF) used to build tea-buying centres but this has been devolved to the county governments. In my constituency, you will find farmers waiting for 12 hours if not 14 hours for the tea...

**Hon. Deputy Speaker:** A comment will be sufficient, Hon. Onyonka.

**Hon. Richard Onyonka** (Kitutu Chache South, FORD-K): Thank you, Hon. Deputy Speaker. The ball is in the court of the Departmental Committee on Agriculture and Livestock. Let us interrogate this matter as Members of this House and come up with solutions for the problems affecting the tea sector.

**Hon. Deputy Speaker:** That Petition is referred to the Departmental Committee on Agriculture and Livestock.

Let us have Hon. Michael Thuyah Kingi.

#### EVICTION OF SABAKI WARD RESIDENTS FROM ANCESTRAL LAND

**Hon. Michael Kingi** (Magarini, ODM): Thank you, Hon. Deputy Speaker. I am happy to present a Petition regarding dispossession of ancestral land.

I, the undersigned, on behalf of the residents of Sabaki Ward of Magarini Constituency, draw the attention of the House to the following:

THAT, before Independence, residents of Sabaki Ward were forcefully evicted from their ancestral land and relocated by the colonial Government to pave way for the establishment of the Kisima Farm owned by a foreign national;

THAT, the forceful eviction and subsequent relocation was done without any compensation despite the abandoned farms being rich in cash crops like cashew nut trees, coconut trees, mango trees, among others;

THAT, after Independence, the Kenyan Government repossessed Kisima Farm, including the land and vested it to the Agricultural Development Corporation (ADC) - a State corporation - and later renamed it Sabaki Farm;

THAT, with time, the once thriving livestock enterprise started to dwindle under the management of ADC. The local residents felt that this was a deliberate attempt to allow well-connected individuals to get easy access to the prime land;

THAT, the ADC management has illegally allocated the land to well-connected individuals and issued them with title deeds;

THAT, the National Land Commission (NLC), vide a letter dated 13<sup>th</sup> March, 2015 addressed to the Kilifi County Commissioner, confirmed that ADC management was illegally allocating land to individuals;

THAT, residents who were evicted from Sabaki Ward ADC Farm are currently squatters on land which is not arable;

THAT, efforts to resolve the matter with relevant Government agencies have been futile; and,

THAT, the matter in respect of which this Petition is raised is not pending in any court of law, constitutional or legal body.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Lands and the Government, settles the evicted people on the ADC Sabaki Farm which is their ancestral land, and causes the National Land Commission to investigate the allocation of ADC Sabaki Farm land. The National Land Commission to revoke all the title deeds issued to individuals who were illegally allocated the land and makes any other direction it deems fit in the circumstances of this matter.

Your Petitioners will ever pray. Thank you.

**Hon. Deputy Speaker:** Let us have comments starting with Hon. Baya, Member for Kilifi North.

**Hon. Owen Baya** (Kilifi North, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I would like to congratulate Hon. Michael Kingi for bringing this Petition.

Issues of land in Kilifi are huge. There was a season of huge plunder of resources, especially of land in Kilifi. I believe that this Parliament will take the opportunity to resolve those issues and that the people of Sabaki Ward will get justice.

Recently, we had a whole community and a Member of a County (MCA) arrested because they came out to defend their land. ADC has been the biggest culprit. They take community land for livestock and agricultural development, but divide the land among themselves and give it to some people. It is very sad to note that even where the offices of ADC are in Malindi, someone else owns that piece of land. Yet the land belongs to ADC. I look forward to this 12<sup>th</sup> Parliament going on record as having resolved the issues that affect the people of Kilifi County.

Thank you very much.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): On a point of order, Hon. Deputy Speaker.

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

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Hon. Deputy Speaker, we queue and the clerks-at-the-table sometimes rig. Before you allowed me to speak, they had given me...

**Hon. Deputy Speaker:** Do you want to proceed by way of a point of order or you want to contribute?

**Hon. (Dr.) Chris Wamalwa**(Kiminini, FORD-K): Hon. Deputy Speaker, I salute the Hon. Member for bringing the Petition on matters to do with land. Land matters are emotive in this country. We have the National Land Commission provided for in the Constitution. It was

created to resolve historical land injustices. Little did we know that the Commission would only pocket the proceeds from land matters. We had the Ruaraka land issues. We thought Prof. Swazuri was going to do *kitu mzur*, but he only went to enrich himself.

We also have issues to do with land in Trans Nzoia. They are not just confined to the Coast Region alone. People cannot continue being squatters on their own land. We have many squatters in Trans Nzoia. So, we request the Government, through the Ministry of Lands and the relevant departmental Committee, to move with speed to ensure that people get title deeds. Land is a factor of production. Once they are done with the Coast Region, let them come quickly to Trans Nzoia County where we have many squatters who also need title deeds.

Thank you, Hon. Deputy Speaker. We request the Committee to try and finish this matter in two months. Thank you.

**Hon. Deputy Speaker:** Hon. Pukose. Be brief so that I give a chance to one more Member, the Leader of the Minority Party.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Deputy Speaker. I support the Petition by Hon. Kingi. This is basically part of the historical land injustices that occurred in the country. Succeeding Governments have not addressed this issue adequately. It is high time...

*(An Hon. Member consulted loudly)*

**Hon. Deputy Speaker:** Who is this lady Member consulting loudly? She looks like she is ....

**Hon. (Dr.) Robert Pukose** (Endebess, JP): It is Hon. Wanga.

**Hon. Deputy Speaker:** Hon. Wanga is normally very disciplined in the House. I do not think that could be Hon. Wanga. Proceed.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): This borders on historical land injustices. It is high time the Ndung'u Land Report is discussed openly. My only worry is whether the Committees and the Petition we present in House will be addressed adequately. Even in the Departmental Committee on Energy, we have several Petitions, but we are getting sabotaged by the Finance Department.

Facilitation of Members has become a very serious issue. Wherever there is a Petition and Members are going on a visit, you find that it is only one or two Members who are willing to attend. It is high time the Parliamentary Service Commission is given notice. If they are not up to the task of making sure that Members are facilitated, then we shall recall and replace them. Members are having a lot of challenges. When we go for any Committee retreat nowadays, we are not facilitated. Members are not given their sitting allowance. This is part of the Petition. How do we address this Petition if we are not facilitated? This is something very serious.

**Hon. Deputy Speaker:** As you have said, that is very serious. Let me give a chance to the Leader of the Minority Party.

**Hon. John Mbadia** (Suba South, ODM): Hon. Deputy Speaker, I know that this country has a number of cases of historical injustices regarding land ownership. But the problem at the Coast is very serious or severe. In the 10<sup>th</sup> Parliament when I was a member of the Public Investments Committee, we went to the Coast. When we listened to the locals talk about historical land injustices, it was very painful. You will get people whom you would think are living comfortably on their land, but you will be told that, that is parastatal land which was taken from them and that they are living there as squatters. I even went with the late Hon. Fondo Gunga to Bahari Constituency which is now represented by my friend who, sometimes,

misbehaves - Hon. Owen Baya who wants me removed as the Leader of the Minority Party. I keep telling him that it is not a very simple matter because it is a constitutional office. If I am removed from office, it will become international news even on CNN.

**Hon. Deputy Speaker:** What is the important thing you are saying about the Petition itself?

**Hon. John Mbadi** (Suba South, ODM): That was just a by the way to let Hon. Baya know that he should be careful with what he is dealing with.

Coming back to the serious matter before us ...

**Hon. Deputy Speaker:** When two minorities fight, it is such a vicious war.

**Hon. John Mbadi** (Suba South, ODM): Some of the constituencies like Hon. Baya's, you might find half of it is composed of squatters. The people could be there illegally. They can be removed in a day and Hon. Owen Baya finds himself without a constituency. So, we need this matter to be addressed.

I agree with Hon. Chris Wamalwa, that as a country, we thought that this matter would be addressed by the National Land Commission. How wrong were we in placing personalities in that Commission! I hope that their term is going to end, we be serious a bit and get individuals who can help address the historical land injustices.

Before then, members of the Departmental Committee on Lands should not just confine themselves to this issue before us, but to go beyond it and look at the legislation we have passed to support the Constitution and address it because the matter is very serious. It actually almost brought this country to the brink of collapse in 2007. It was one of the reasons Kenyans fought much. It was about historical land injustices. That is why it was identified as one of those contentious issues that were addressed during the national reconciliation.

With those many remarks I support the Petition presented before this House by Hon. Kingi. Thank you very much.

**Hon. Deputy Speaker:** The Petition is committed to the Departmental Committee on Lands.

Before we go to the next Order, let me recognize, in the Public Gallery, the presence of members of Endebess Football Club and Endebess Volleyball Team, whose patron is the Member for Endebess, Hon. (Dr.) Pukose. I am informed, though the information is not verified yet, that they played with Bunge F.C. at Kasarani Stadium this morning. So, I am not able to announce the results because I have to verify.

It looks to me like Hon. Pukose has exaggerated the results. He tells me they beat Bunge Football Team by a big margin but once I confirm, I will be able to announce the results. The results that are being peddled around are by one side of the interested parties and they have not declared their interest. So, I am not going to announce those results. It has not been confirmed but I am told, and which information I can confirm, that they beat Bunge Football Team narrowly. Let us proceed.

**Hon. Aden Duale** (Garissa Township, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Leader of the Majority Party? It was your time to present Papers.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, this is a House of facts and truth. The Chair cannot lead the House when he decides to hide the truth. To the knowledge of the Leadership, Bunge F.C. was beaten 8-1. Having done that, we are going to call for the disbandment of Bunge F.C. so that we can choose a new team. Of all the constituencies,

Endebess, a rural constituency, beat Bunge F.C. The server should be opened and the results verified.

**Hon. Deputy Speaker:** Even the confirmation from the Leader of the Majority Party cannot be verified because the leadership which I expect to get the information from is the football team leadership like the captain. In any case, if it is that margin, considering the age of the participants, that would be a narrow defeat.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Cecily Mbarire? Please, let us not talk about Gor Mahia here.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Hon. Deputy Speaker, it is very embarrassing to hear we lost 8-1. I am keen to find out who the Members in that team are. In order to reclaim the glory of this House, please allow us to disband that team and replace it with ladies led by Millie Odhiambo.

*(Laughter)*

**Hon. Deputy Speaker:** Order, Members! As I give the dependable striker of Bunge F.C., Hon. Omboko Milemba, I take legislative notice of the fact that most of the members of Bunge F.C. were participating in a prayer meeting this morning. That is probably what could have created the issue. Let us hear Hon. Omboko Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Deputy Speaker. I want to assert that it is not in order for the leadership to say that we need to disband Bunge F.C. Bunge F.C. has great players including myself who is an ex-international.

*(Laughter)*

Leader of the Majority, I want to put it to your notice that away from working for the teachers, I played for the premier league in Kenya, both AF.C. Leopards and also for the national team. Therefore, Bunge F.C. has the correct players except it has not been given favourable support to play well. For instance, the team does not have a coach and kits. Therefore, we should be appealing to the Commission to fund Bunge F.C. so that the players of great potential like me can produce their maximum.

Thank you.

**Hon. Deputy Speaker:** Hon. Jimmy Angwenyi, I hear you have information. I am not so sure whom you want to inform.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): I want to inform the House.

**Hon. Deputy Speaker:** It will be very difficult for the House to accede to your information because I do not know who will make the decision to accept.

**Hon. Members:** We have allowed.

**Hon. Deputy Speaker:** It will be un-procedural but since you are a very old Member of this House, a great grandfather, let us hear you.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Hon. Deputy Speaker, I want to inform the House that if our team is composed of people with big tummies like Hon. Milemba and I, then we have no reason to complain that we lost 8-1. Therefore, we should disband that team of “stomach” people and replace it with ladies.

*(Laughter)*

**Hon. (Dr.) Robert Pukose** (Endebess, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is it Member for Endebess?

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Deputy Speaker. I am a proud Member of Endebess F.C. which is a constituency team of both football and volleyball. They were happy. Some of them have never come to Nairobi. This is their first time and also playing against honourable Members. It was an honour for them. Just to confirm that Hon. Milemba is the one who scored the lone goal.

*(Laughter)*

My boys are very happy. We are glad that they played against the parliamentary team. It was a good team. They can confirm that Parliament is a good team. My boys run in the hills of Mt. Elgon.

**Hon. Deputy Speaker:** Can you also confirm that they are local boys?

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Yes, they are local boys.

**Hon. Deputy Speaker:** Let us hear Hon. Millie Odhiambo and then we come to the end of that matter.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I am even shocked to learn that they were beaten 8 -1. Why I am shocked is because I applied to be a member of Bunge F.C. but they have refused to admit me telling me that it is all-male, which is unconstitutional. If I had been admitted in that team, we would have been the ones scoring 8 and the other side would have scored 0. Where I come from, Suba North, we have Suba Lakers, which is an all female team that is the best nationally. So, why are you wasting resources here? We are very well endowed. If we cannot use the legs, we know how to deal.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Millie Odhiambo, you probably need to take the Suba Lakers to meet Endebess F.C. What is the Hon. Member 001 interested in saying and we finalise?

**Hon. David ole Sankok** (Nominated, JP): Hon. Deputy Speaker, as we disband the Bunge F.C., let me suggest that I be given the opportunity to be the goalkeeper because persons with disability are given aides by law. So, I will be with my aide at the goalpost and you can be assured that we will not lose.

*(Laughter)*

To massage our ego, we had negative eight and they had one. Thank you.

**Hon. Deputy Speaker:** I do not want to open that too much. Hon. Members, that is enough. We can move to the next Order.

## PAPERS LAID

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

The Beijing Treaty on Audio-Visual performance adopted by the Diplomatic Conference on 24<sup>th</sup> June 2012, and the Explanatory Memoranda.

The House should know that the Beijing Treaty on Audio-visual performance was laid on the Table of the House on June 2017 during the tail-end of the 11<sup>th</sup> Parliament. Therefore, it was never considered by any relevant committee. I urge the Chairperson of the Departmental Committee on Communication, Information and Innovation to ensure that the Treaty is considered and a report tabled for consideration by the House as soon as possible.

**Hon. Deputy Speaker:** Okay, the Hon. Chairperson of the Departmental Committee on Labour and Social Welfare.

**Hon. Ali Wario** (Bura, JP): Thank you, Hon. Deputy Speaker. I beg to lay the following Papers on the Table of the House:

The Global Disability Summit, London United Kingdom, held from 23<sup>rd</sup> to 24<sup>th</sup> July 2018.

The 11<sup>th</sup> Session of Conference on State Parties to the Convention of the Rights of Persons with Disability held at the UN headquarters in New York from 12<sup>th</sup> to 14<sup>th</sup> June 2018.

*(Hon. (Ms.) Odhiambo-Mabona consulted several Hon. Members)*

**Hon. Deputy Speaker:** Order, Hon. Millie Odhiambo. I think you are canvassing in the wrong place. The captain of Bunge Football Team is Hon. Shinali. It is not those two Members you are seated with.

**Hon. Ali Wario** (Bura, JP): Thank you. The other Papers are:  
The 107<sup>th</sup> Session of International Labour Conference held in Geneva Switzerland on 27<sup>th</sup> May to 8<sup>th</sup> June 2018.

The 37<sup>th</sup> Session of Human Rights Council held at the UN headquarters in Geneva from 5<sup>th</sup> to 9<sup>th</sup> March 2018.

**Hon. Deputy Speaker:** Let us have the Chairperson of the Departmental Committee on Education and Research.

**Hon. Amos Kimunya** (Kipipiri, JP): I beg to lay the following Papers on the Table of the House:

A Report of the Departmental Committee on Education and Research on the Petition on Hiring, Posting and Transfers of Primary School Female Teachers.

**Hon. Deputy Speaker:** The next is the Chairperson of the Committee on Members' Services and Facilities.

**Hon. Ezekiel Ombaki** (Nyaribari Masaba, NAPK): Thank you, Hon. Deputy Speaker. I beg to lay the following Paper on the Table of the House:

The Third Report of the Committee on Members' Services and Facilities on a study visit to the New Zealand House of Representatives from 11<sup>th</sup> to 16<sup>th</sup> June 2018.

**Hon. Deputy Speaker:** The Chairperson of the Departmental Committee on Transport, Public Works and Housing.

**Hon. David Pkosing** (Pokot South, JP): I beg to lay the following Papers on the Table of the House:

The Reports of the Departmental Committee on Transport, Public Works and Housing on the Consideration of Public Petitions by:

Residents of the National Housing Corporation Tenants' Welfare Association in Changamwe Constituency, Mombasa County.

The Transport Operators Workers' Union of Kenya on Creation of Regulation of Digital Taxi Cab Operators e-hailing Apps in Kenya.

you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. Next Order.

### NOTICES OF MOTIONS

**Hon. Deputy Speaker:** The Vice Chairperson of Select Committee on National Government-Constituencies Development Fund (NG-CDF) has the Floor. It is Hon. Omar Mohamed Maalim.

#### ADOPTION OF A REPORT ON CONSTITUENCIES' DIGITAL INNOVATION HUBS

**Hon. Omar Mohamed** (Mandera East, EFP): I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on National Government-Constituencies Development Fund on Constituencies' Digital Innovation Hubs, laid on the Table of the House on Thursday, 25<sup>th</sup> October 2018.

Thank you.

**Hon. Deputy Speaker:** Let us have the Chairperson of the Committee on Members' Services and Facilities, Hon. Ezekiel Machogu Ombaki.

#### REPORT ON STUDY VISIT TO THE NEW ZEALAND HOUSE OF REPRESENTATIVES

**Hon. Ezekiel Ombaki** (Nyaribari Masaba, NAPK): Thank you, Hon. Deputy Speaker. I beg to give notice of the following Motion:

THAT, this House notes the Third Report of the Committee on Members' Services and Facilities on a study visit to the New Zealand House of Representatives from 11<sup>th</sup> to 16<sup>th</sup> June 2018, laid on the Table of the House on Thursday, 8<sup>th</sup> November 2018.

**Hon. Deputy Speaker:** Very well. Next Order!

### QUESTIONS

**Hon. Deputy Speaker:** We are starting with the Questions. We will have Hon. Christopher Aseka Wangaya, Member for Khwisero Constituency, having the first shot.

*Question No. 098/2018*

#### PROVISION OF LIST OF EXTERNALLY FUNDED PROJECTS IN COUNTIES

**Hon. Christopher Wangaya** (Khwisero, ANC): Thank you, Hon. Deputy Speaker. I rise to ask Question No. 98 of 2018 to the Cabinet Secretary for Treasury and National Planning.

a) Can the Cabinet Secretary provide the list of all externally funded projects per county for the last three years?

b) What measures has the Government put in place regarding monitoring and evaluation of externally funded projects to ensure value for money and efficient delivery of services to tax payers?

c) Can he confirm if all externally funded projects are subjected to financial analysis before signing of the contracts or agreements?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Next is the Member for Wundanyi, Hon. Danson Mwashako.

*Question No. 111/2018*

NUMBER OF YOUTHS ENGAGED UNDER NATIONAL YOUTH SERVICE

**Hon. Danson Mwashako** (Wundanyi, WDM-K): I rise to ask the Cabinet Secretary for Public Service, Youth and Gender Affairs:

a) What is the actual number of youths who were engaged under the National Youth Service (NYS) clean-up and road repair programme between January and September 2017?

b) How much is owed to those youth in every county and when will the outstanding monies be paid?

c) When will the outstanding monies owed to small scale businesses which offered services to that NYS programme within the same period be paid?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Next is the Member for Funyula Constituency, Hon. (Dr.) Wilberforce Ojiambo Oundo.

*Question No. 125/2018*

STATUS OF CONSTRUCTION OF LOWER SIO AREA 5 IRRIGATION PROJECT

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): I rise to ask Question No. 125/2018. It is directed to Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation.

a) What is the status of the construction of Lower Sio Area 5 Irrigation Project in Funyula Constituency?

b) What was the scope of the project, how much funds were allocated to the project and how much has the contractor been paid to date?

c) What caused the delays in the construction of the project?

d) What steps is the Ministry taking to ensure that the project is completed on time given the delays experienced?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. That Question will be replied to before the Departmental Committee on Agriculture and Livestock. The first Question by the Hon. Member for Khwisero Constituency, Hon. Aseka Wangaya, will be replied before the Departmental Committee on Finance and National Planning. The one by Hon. Danson Mwashako will be replied to before the Departmental Committee on Labour and Social Welfare.

Let us have Hon. John Mburu, MP. He is the Member for Lari.

*Question No. 129/2018*

## STATUS OF CONSTRUCTION OF GICHIENGO-KIJABE ROAD

**Hon. Jonah Mwangi** (Lari, JP): Thank you, Hon. Deputy Speaker. I rise to ask Question No. 129/2018 to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development.

- a) What is the progress of construction of Gichiengo-Kijabe Road?
- b) Was the road constructed to acceptable standards?
- c) Are there plans to ensure the contractor repairs the road before handing it over to the Ministry as stipulated in the standard contracts?
- d) What measures has the Ministry put in place to ensure contractors undertake projects as per set standards, and are there plans to blacklist contractors who fail to implement projects within the set standards?

**Hon. Deputy Speaker:** That one will be answered before the Departmental Committee on Transport, Public Works and Housing.

Next is the Member for Konoin Constituency, Hon. Brighton Leonard Yegon.

*Question No. 131/2018*

## POLICY ON ENGAGEMENT OF NATIONAL YOUTH SERVICE GRADUATES

**Hon. Leonard Yegon** (Konoin, JP): Thank you, Hon. Deputy Speaker. I wish to ask the following Question:

Could the Cabinet Secretary for Public Service, Youth and Gender Affairs consider instituting a policy for all Government ministries, departments and agencies to engage the services of the National Youth Service (NYS) graduates in provision of security and manning of Government offices in addition to employing the services of police and other uniformed officers?

**Hon. Deputy Speaker:** That will be replied to before the Committee on Labour and Social Welfare.

That marks the end of Question Time. We now move to Statements and we have a Statement from Hon. Ali Wario. Are you requesting for a Statement or you want to give a statement?

**Hon. Ali Wario** (Bura, JP): I want to give a statement.

**Hon. Deputy Speaker:** Proceed.

## STATEMENTS

## ADOPTION OF CHILDREN IN KENYA

**Hon. Ali Wario** (Bura, JP): Thank you Hon. Deputy Speaker. In the Sitting of Thursday 28<sup>th</sup> June, 2018, Hon. Catherine Waruguru MP, Member for Laikipia County, requested for a Statement from the Chairperson of the Departmental Committee on Labour and Social Welfare, regarding the adoption of children in Kenya, pursuant to Standing Order No. 44 (2) (c).

At the outset, I wish to take this opportunity to thank Hon. Catherine Waruguru for raising this very important matter in the House. I wish to assure this House that my Committee is concerned with the issues affecting vulnerable persons that fall under the purview of the youth, women, disabled and the children, particularly recognising the fact the fate of children almost lies in the hands of other decision-makers. It is, therefore, incumbent upon us all to protect children at all times. Having said that, allow me to respond to the specific issues raised by Hon. Waruguru.

The first issue is the report on child adoption for the last 10 years. From 2008 to 2017, we had 2,617 local adoptions, 84 foreign residents' adoptions, 472 inter-country adoptions - which give us a total of 3,173 adoptions.

The second issue is on the status of the specific case of Monica Kawira from Nkubu in Meru County. The matter involved two children who had been given out for adoption while their parents and family are available and willing to raise them. The mother had gone to court to stop the adoption process, both local and inter-county, so that she could take her children back and raise them with the other siblings.

The judge gave a ruling dismissing each of the applications and allowed the adoption process to proceed. The matter was appealed and is still pending in court. The family of the children were easily found by the Child Welfare Society of Kenya, a demonstration that adequate tracing had not been carried out in the beginning. This, therefore, implies that, professionally and technically, the family should be given their children back.

The third issue is the mechanism put in place to ensure safety of children adopted locally and internationally. We proposed the operationalisation of the Counter-trafficking in Persons Act 2010 and a clear oversight and monitoring of adoption service by the National Adoption Committee and enhanced stakeholder collaboration to facilitate networking to ensure an increase in prioritisation of adoption by Kenyan families. The list is long and in the interest of time, I will stop there.

Thank you, Hon. Temporary Deputy Speaker.

**Hon. Deputy Speaker:** The next one is Hon. Gladys Atieno Nyasuna Nyasuanga.

#### TEENAGE PREGNANCIES AMONG SCHOOL GOING GIRLS IN KENYA

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Thank you, Hon. Deputy Speaker. Pursuant to Standing Order No. 44(2) (c), I wish to request for a statement from the Chairperson of the Departmental Committee on Education and Research, regarding the increased teenage pregnancies in the country as highlighted during the just concluded Kenya Certificate of Primary Education (KCPE) and the on-going Kenya Certificate of Secondary Education (KCSE) exams. Teenage pregnancies in Kenya among school going girls is worrying to say the least. Teenage pregnancies refer to girls between ages of 15 to 19 years getting pregnant. Those cases of early teenage pregnancies in Kenya have diverse effect not only to the individual, but to the community as a whole.

According to the Kenya Demographic and Health Survey (KDHS) of 2014, early child bearing is highest in some counties. According to KDHS of 2014, teenage pregnancies are highest within the counties of Narok followed by Homa Bay County at 33.3 per cent, followed by Nyamira and other counties within the country. In this regard, I wish to request for a Statement from the Chairperson of the Departmental Committee on Education and Research,

particularly on the increase in teenage pregnancies in the country and, more importantly, the steps being taken to ensure that this very grave problem is addressed conclusively.

What we have seen recently is knee-jerk. We have seen officials in the Ministry talking about arresting parents whose children have been found to be pregnant. This would not be a solution. We have also seen the great concern that it has raised. This is the Statement that I would like to request especially as Member from Homa Bay County, which is second to Narok in terms of teenage pregnancies. The highlight of the examinations that have been concluded and the ones that are on-going is not even cheating or whatever else that has been there in the past. It has been the number of students that are actually doing their exams in hospitals.

That is my request for statement.

**Hon. Deputy Speaker:** Very well. There is a detail you have been asked to produce, but it seems you have overlooked it. I will place that before the Departmental Committee on Education and hope it will be tackled urgently. That is a very serious...

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): *(Off record)*

**Hon. Deputy Speaker:** You do not have the Floor Hon. Wanga. Hon. Kimunya.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, I obviously recognise that the problem that Hon. Wanga has raised is a major problem but, I am lost in terms of whether it is being placed in the right committee. The issue of teenage pregnancy is not an education issue; it is a social issue. It is only that it is manifesting itself and is being found in schools. It is something that we need guidance on, from you. We may be able to look at the teenagers in schools.

**Hon. Deputy Speaker:** What is your point of order, Leader of the Majority Party?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, Hon. Kimunya, the Vice Chair of the Departmental Committee on Education and Research, cannot run away from dealing with this matter. We are not dealing with other pregnancies; we are dealing with pregnancies of school going girls. Those who are getting pregnant out there are not our business and are not the business of Hon. Wanga. For the record, Garissa County has zero pregnancy rate. We have said that the leading county is Narok, followed by Homa Bay. At the bottom there is Garissa County with zero per cent. They should consult me for strategy and advice.

**Hon. Deputy Speaker:** What the Leader of the Majority Party is saying is that we are dealing with student pregnancies and that has nothing to do with Hon. Soipan and the rest.

*(Several Hon. Members rose on points of order)*

**Hon. Deputy Speaker:** You are out of order. Let us proceed. That matter is settled.

*(Loud consultations)*

I have made the decision. Order Member for Suba North. It is not Mbita anymore!

Order Hon. Member for Suba North. Hon. Wanga has made a request for a Statement and it was directed to the Departmental Committee on Education and Research and I agree with her. What is it Hon. Dennittah?

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Hon. Deputy Speaker, this is an issue of national importance. When we put it far away, it may lose the meaning. We want to discuss it now. It is just in order that we discuss it now. It is not a matter of when someone started to engage. It is an issue of national importance. Parents are supposed to be celebrating the results of

their children who are sitting the KCPE, and not the birth of the new ones. So, it is a matter of national importance.

**Hon. Deputy Speaker:** I totally agree with you, Hon. Denittah Ghati. It is a matter of utmost national importance. The only problem is Hon. Wanga when she made a request for a Statement. It is absolutely not possible for us to discuss it now as you would want because there are methods and processes. What I would be asking the Chair of the Departmental Committee on Education and Research is how much time he would require.

*(Hon. (Ms.) Odhiambo-Mabona interjected)*

Hon. Millie, you are out of order.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, I am not sure what the agitation is for. We have listened and undertaken. We shall bring a report to the House within two weeks.

**Hon. Deputy Speaker:** Let us look at it, Hon. Kimunya. I know that you have to go through the normal rigours but two weeks is about the time that we will be going on recess. Is it possible that you can do a little earlier or you think your hands are tied?

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker as you know, the Ministry is already doing some investigations and exams are on. So, getting all those people to come may be a challenge. We do not want to interfere with the exams. I would rather we take our time, get down to the root of this problem and see how we can save for the future.

**Hon. Deputy Speaker:** That is reasonable. You are granted two weeks. What is it Hon. Wanga?

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Deputy Speaker, the matter that was raised by Hon. Kimunya was a critical issue in the sense that this is a multi-stakeholder issue which will not only involve education, but also the security and gender affairs. I hope as the Departmental Committee on Education and Research looks at it, they also bring on board those specific stakeholders.

I had raised this matter as an Adjournment Motion, but it is the advisory from your office that this came as a statement. I, however, thought this was a matter that was of interest that should have come in form of an Adjournment Motion, so that Members would have an opportunity to adequately express themselves on it even as the Departmental Committee on Education and Research looks at it.

**Hon. Deputy Speaker:** I can confirm that the route that you have taken is going to be more useful. This is because if we just discuss it as an Adjournment Motion, there are no resolutions that will be made. It is much better this way because here is a situation where there will be an interaction. You have categorically stated that it is a multi-sectoral issue and so you want all stakeholders to be involved. If it is discussed as an Adjournment Motion, you have been here long enough and you know...

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Much obliged. I am well advised but I wish Hon. Millie could put in a word because she is a senior in these issues.

**Hon. Deputy Speaker:** Proceed, Hon. Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, you have to be very careful on certain issues. This is a very hot matter if that is the route it will take.

BUSINESS FOR THE WEEK COMMENCING ON 13<sup>TH</sup> TO 15<sup>TH</sup> NOVEMBER, 2018

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(a), I rise to give the following statement on behalf of the House Business Committee (HBC). The Committee met on Tuesday this week at the rise of the House to prioritize business for consideration.

On Tuesday next week, the following Bills have been scheduled for debate in Second Reading:

- (i) The Constitution of Kenya (Amendment) Bill (No. 4) of 2018: This is the Bill that is meant to actualise Article 27(8) of the Constitution on the principle of not more than two-thirds of the Members of the elective or appointive bodies shall be of the same gender;
- (ii) The Government Contracts Bill (No. 9) of 2018;
- (iii) The National Flags, Emblems and Names (Amendment) Bill (Senate Bill No. 8 of 2017)
- (iv) The Parliamentary Service Commission Bill, No. 6 of 2018; and,
- (v) The Assumption of Office of the County Governor Bill (Senate Bill No. 1 of 2018).

Hon. Deputy Speaker, the HBC has also scheduled the Twenty-Second Report of the Public Investments Committee (PIC) on State Corporations for consideration by the House on Tuesday next week.

The ratification of the following agreements, treaties and protocols by the National Assembly has been inordinately delayed by the following Committees:

- (i) The Bilateral Air Services Agreements between Kenya & Jordan, Kenya and Jamaica and Kenya & Bahamas, and the Protocol amending the Bilateral Air Services Agreement between Kenya and Turkey, which is before the Departmental Committee on Transport, Public Works and Housing;
- (ii) The Revised Constitution of the African Civil Aviation Commission which is also before the Departmental Committee on Transport, Public Works and Housing;
- (iii) The East African Community Protocol on Information, Communications and Technology (ICT), which is before the Committee on Regional Integration;
- (iv) The Protocol to Eliminate Illicit Trade in Tobacco Products, which is before the Departmental Committee on Health;
- (v) The Inter-Governmental Convention on the International Hydrographic Organization (IHO), which is before the Departmental Committee on Defence and Foreign Relations; and,
- (vi) The Agreement for establishment of the International Anti-Corruption Academy (IACA) as an international organization, which is before the Departmental Committee on Justice and Legal Affairs.

The delay is largely attributable to the fact that the respective Committees are yet to table their reports on the said instruments, which were referred to them. I urge Chairpersons to the five committees to fast track the consideration of the respective instruments and table the reports before the House as soon as possible, to allow the House to consider them. It is the intention of

the HBC to ensure that we conclude with these agreements, treaties and protocols before we proceed on the long recess which is four weeks away.

Hon. Deputy Speaker, in accordance with the provisions of Standing Order 42A (5) relating to Questions, I wish to convey that having consulted with the Chairpersons of the Departmental Committees on Labour and Social Welfare, Environment and Natural Resources, Energy, Sports Culture and Tourism, Transport, Public Works and Housing and Administration and National Security, the following Questions are scheduled for reply by the specified Cabinet Secretaries (CSs)

1. The Cabinet Secretary for Labour and Social Protection will appear before the Departmental Committee on Labour and Social Welfare on Tuesday, 13<sup>th</sup> November 2018 to answer Question No. 040/2018 from the Hon. David ole Sankok, Question No. 052/2018 from the Hon. Bernard Shinali, Question No. 053/2018 from the Hon. David Gikaria.
2. The Cabinet Secretary for Water and Sanitation will appear before the Departmental Committee on Environment and Natural Resources on Tuesday, 13<sup>th</sup> November 2018 to answer Question No. 056/2018 from the Hon. Zuleikha Hassan.
3. The Cabinet Secretary for Tourism and Wildlife will appear before the Departmental Committee on Environment and Natural Resources on Thursday, 15<sup>th</sup> November, 2018 to answer Question No. 088/2018 from the Hon. Adan Haji Ali, Question No. 109/2018 from the Hon. George Gitonga and Question No. 112/2018 from Hon. Marwa Maisori.
4. The Cabinet Secretary for Culture and Arts will appear before the Departmental Committee on Sports, Culture and Tourism on Tuesday, 13<sup>th</sup> November to answer Question No. 085/2018 from Hon. Joseph Tonui.
5. The Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development will appear before the Departmental Committee on Transport, Public Works and Housing on Tuesday, 13<sup>th</sup> November to answer Question No. 019/2018 from Hon. Mishi Mboko, Question No. 037/2018 from Hon. Ruweida Mohamed, Question No. 065/2018 from Hon. Vincent Mogaka and Question No. 084/2018 from Hon. Godfrey Osotsi.
6. The Cabinet Secretary for Interior and Coordination of National Government will appear before the Departmental Committee on Administration and National Security on Thursday, 15<sup>th</sup> November to answer questions from the following Members:
  - (a) Question No. 046/2018 from Hon. Jeremiah Lomorukai.
  - (b) Question No. 058/2018 from Hon. John Oroo.
  - (c) Question No. 070/2018 from Hon. Sabina Chege.
  - (d) Question No. 089/2018 from Hon. Rehema Dida Jaldesa.
  - (e) Question No. 124/2018 from Hon. Charles Njagua.
  - (f) Question No. 126/2018 from Hon. Benjamin Mwangi.

As I conclude, may I thank chairpersons of committees for the zeal in facilitating the new Question process and ensuring that the Questions are actually replied to in committees. Moving forward in accordance with the provisions of Standing Order No. 42(f), it is my hope that you will be tabling progress reports in the House on the status of Questions before committees.

Finally, the HBC will reconvene on Tuesday, 13<sup>th</sup> November 2018, at the rise of the House to consider business for the coming week.

**Hon. Deputy Speaker:** Whereas I would say all the statements given on the Floor of the House should be taken very seriously, this one particularly should be taken extremely seriously because if the Questions are before certain committees, it does not matter whether the Members will be there or not. The Questions will be answered anyway. For Members who will not be available, probably they will have a written statement and, therefore, they will not have a good opportunity to interrogate. So, Members should take that very seriously.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Deputy Speaker!

**Hon. Deputy Speaker:** What is your point of order, Hon. Millie Odhiambo?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Deputy Speaker. I thank the Leader of the Majority Party for the order of business next week. I would just like him to clarify why it is not in the interest of the House for the HBC to prioritise amendments to the Sexual Offences Act, given the high number of cases of girl pregnancies in schools, especially touching on Homa Bay as number two. Why have they not prioritised amendments by Hon. Florence that touch on sexual offences? This is because the issues of girl pregnancies are a sexual offence matter. It is not just an education issue. We need our police to come in, arrest and jail the people who are making school girls pregnant. Perhaps, the Leader of the Majority Party was saying, in terms of learning, that he would want to teach us. I know in Islamic culture they do not tolerate people who joke with school girls.

I think that standard and measure that is put in the Islamic faith must be put in our laws and implementation so that even in cases like that, we must deal with them very seriously. I did not like the first time when Hon. Njoki proposed castration. Perhaps, this is the time to castrate people who are joking with our girls.

My question is why the HBC has not prioritised the Bill that is being sponsored by Hon. Florence Mutua that touches on cases of sexual violence, especially touching on girls.

**Hon. Deputy Speaker:** Let me hear from the Leader of the Majority Party. What is it?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, the HBC, which I can authoritatively speak on its behalf, deals with matters that are alive and Bills that are mature and published. If Hon. Florence wrote to the Speaker and there is a letter saying that there is a Bill on sexual offences, the only private member's Bill which the HBC prioritised – and Hon. Kimunya will agree with me – is the one by Hon. Njagagua on retirement benefits. So, I will check. Maybe, it is somewhere in the pipeline.

Once it is published, we will give it priority. I agree with you. Homa Bay cannot be number one and you are coming from there. You are a serious activist. So, Homa Bay cannot lead in girl pregnancy. I am a very proud Member for Garissa Township, which has zero tolerance. Murang'a is somewhere at number 15.

**Hon. Deputy Speaker:** Do I see any other Member who wants to comment on the Statement by Hon. Duale before we close? We will probably have to go the next Order. Let us take one more minute. Who is the Member who wanted to speak on this particular one so that we can finalise some of these things? That is Hon. Dennitah Ghati. You have the Floor.

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Hon. Deputy Speaker, allow me time to organise myself. Thank you.

**Hon. Deputy Speaker:** What did you say? You are now ready. Carry on.

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Thank you, Hon. Deputy Speaker. Allow me to actually say that the issue that is touching this country as of now, as you are aware, is an issue that also touches on sexual reproductive health of our young girls and children. For

me, it is an issue that has never been really taken as a serious one. I think it is high time that this country recognises and knows that issues of sexual reproductive health and issues of our girls are things that really need to be addressed as human rights issues. As we speak now, you have seen the number of young girls who are in this scenario. In every school, as our young girls are doing their exams, there are so many young girls sitting their KCPE papers in the wards. This is extremely wrong at a time when our parents and communities are expecting results in January. Babies are good to be celebrated. They are gifts from God to be celebrated. But they are not to be celebrated at this time when parents are supposed to be celebrating the results of their children who have sat for their exams.

So, I support Hon. Millie Odhiambo. Even when we are talking about sexual offenders, we need to address...

**Hon. Deputy Speaker:** Order, Hon. Dennitah Ghati. I think we have gone back to Hon. Wanga's statement and yet we were discussing the one from the Leader of the Majority Party. Let us have something from the Chair of the Departmental Committee on Finance and National Planning, Hon. Limo. You should be brief.

**Hon. Joseph Limo** (Kipkellion East, JP): Thank you, Hon. Deputy Speaker. I wanted to speak to a Question which was asked by Hon. Junet.

**Hon. Deputy Speaker:** Go straight to the point.

**Hon. Joseph Limo** (Kipkellion East, JP): It was concerning the implementation status of what we passed in this House in the Finance Bill, which were actually regulations governing banking issues in this country. As the Departmental Committee on Finance and National Planning, we were unable to meet the Governor of the Central Bank of Kenya (CBK), together with the members of the Kenya Bankers Association (KBA). This is because the Governor is away. Therefore, I ask for more time so that we can respond to this Question next week on 15<sup>th</sup> November.

**Hon. Deputy Speaker:** How much more time do you require?

**Hon. Joseph Limo** (Kipkellion East, JP): We can respond next Thursday.

**Hon. Deputy Speaker:** Granted. Next Order!

## BILL

### *Second Reading*

#### THE SACCO SOCIETIES (AMENDMENT) BILL

*(Hon. Aden Duale on 7.11.2018)*

*(Debate concluded on 7.11.2018)*

**Hon. Deputy Speaker:** Hon. Members, what remained on this Bill was putting of the Question. I confirm that we have the required numbers. Therefore, I put the Question.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

## MOTION

REPORT ON AUDITED FINANCIAL STATEMENTS  
FOR THE POLITICAL PARTIES FUND

THAT, this House adopts the First Report of the Special Funds Accounts Committee on Audited Financial Statements of the Political Parties Fund for the year ended June, 2017, laid on the Table of the House on Wednesday, 29<sup>th</sup> August 2018.

*(Hon. Kathuri Murungi on 7.11.2018)*

*(Resumption of Debate interrupted  
on 7.11.2018 – Morning Sitting)*

**Hon. Deputy Speaker:** Hon. Members, we are resuming debate which was interrupted on Wednesday, 7<sup>th</sup> November 2018, Morning Sitting. I will give the Floor to Hon. Rindikiri Murwithania, Member for Buuri. He is not interested. Hon. Bunyasi, you had contributed for three minutes. So, you have a balance of seven minutes.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you very much, Hon. Deputy Speaker. Let me pick up from where I left.

My comments were on the utility of this Fund and how it is important to support priority ventures that require a long time to develop like affirmative action, embracing of the gender dimension in politics, lack of political experience by young men and young women and civic education for party members.

We are not yet at a point where people choose the political parties to support entirely on the bases of ideology. It may be based on many factors. As we admire the older democracies, we are saying that irrespective of the diversity that exists in countries like India, ideologies play a big role. Funding of political parties will help us to change the way we choose political parties with time. We will eventually get to a point where we will be differing on issues that affect us. Then we can collectively be a minority or majority in our setups.

There are also other more mundane issues at home. For instance, in 2017, we had a big political party and a major coalition. The law organises this principle through parties. Even though the major coalition had deposited its instruments with the Registrar of Political Parties and, therefore, binding it legally and giving it a legal persona, the process brought down from the aggregate party allocations seems not to flow smoothly. I hope that first and foremost, a party should, within themselves, negotiate as strongly as they can. If they have issues that they disagree with on, they can go back to the Political Parties Fund. This is certainly one of the most important things.

We hope that through these kinds of funds, they would not just go on bureaucracies or campaigns around the country but they will also be used for capacity building and training. As I said, my desire would be that we end up with a situation where we have issue-oriented political parties rather than the things that seem to drive us at the moment. The Political Parties Fund is extremely useful.

Thank you, Hon. Deputy Speaker. I give the remainder of my time to somebody else.

**Hon. Deputy Speaker:** Let us have Hon. Joyce Chepkoech. Hon. Nyoro Ndindi.

**Hon. Ndindi Nyoro** (Kiharu, JP): Thank you, Hon. Deputy Speaker for giving me a chance to contribute to the debate on the Report of Special Funds Accounts Committee, led by Hon. Kathuri. I have gone through the Report. Before I come to the specifics, we are talking about political parties which are our vehicles of democracy. I am sure that even the Report we are discussing now is geared to strengthening the content. The monies that we give to political parties are in line with strengthening our democracy.

Sir Winston Churchill said that democracy is the worst form of government except for any other. In a way, I tend to side with him because I always tend to go through history so that I know where we are, the status we are in as a society and even the best way we can move forward as a democracy, nation and an economy.

There are so many examples that support that quote by Sir Winston Churchill because there is a very clear correlation between a strengthened democracy, liberalism, pluralism, growth in the society, improved livelihoods and standards of life. I say so because if you study mature democracies like the United States of America (USA), you will very clearly appreciate that the society that became more liberal, that is the southern part of USA, became more advanced and grew faster even in terms of per capita income and Gross Domestic Product (GDP) than the upper side.

I tend to believe that the opposite of what we have in terms of democracy is where we have strong men and classes like nobility taking the role of leading others. Democracy and liberalism always open up space for every person to participate.

*(Loud consultations)*

Therefore, it brings about all talents and minds in the growth of the society because democracy enhances meritocracy.

Hon. Deputy Speaker, the consultations are too high but I am trying to cope.

**Hon. Deputy Speaker:** Order members! Kindly, lower your decibels for the Member to concentrate.  
Proceed.

**Hon. Ndindi Nyoro** (Kiharu, JP): Hon. Deputy Speaker, when we open the arena for everyone, unlike when we have nobilities and certain classes, we are able to get the best from many other people. The opposite is the case when we have a closed system where the leadership can only be chosen from a certain class or family, as it was before the advent of democracy. There are so many examples to cite.

If you go through the history of Europe, real growth in Europe, especially in the United Kingdom (UK), came about after the glorious revolution, where a new set of laws advanced people to choose their leaders. The revolution paved way for liberalism, and people were able to propel talented people into the leadership of the nation. That was when the world started witnessing real development in the UK. A notable example in Africa is Botswana, which grew because people there embraced solid democracy.

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

*(The Temporary Deputy Speaker  
(Hon. Christopher Omulele) took the Chair]*

Hon. Temporary Deputy Speaker, this is a small country in Africa that embraced democracy ahead of other African countries. I believe that it is not a coincidence that the same country is doing much better economically, socially and in all other areas of life as a nation.

One of the other solid examples is the restoration of Japan. Before 1860, Japan was ruled by iron-fisted strong emperors. But, after emperor Meiji took the reign of power and instituted some set of rules one of which advanced democracy by making sure that serious societal issues were made by an assembly, within a span of 42 years, Japan became a superpower from an isolationist country before and a country that was wallowing in poverty.

Going through this Report and looking at the Kenyan situation now, we need to do much on voter education. After five years, we go to the ballot. We need to ask ourselves this critical question: When we go to the ballot, what do the voters vote for? I am talking about this as far as the presidency is concerned. We will be lying to ourselves by thinking that because we have the Independent Electoral and Boundaries Commission (IEBC) that is allocated a huge budget, our democracy functions properly. In a country like ours that is grossly divided into ethnic lines, and into tribal lines, I do not think we have a functional democracy.

The current voter goes to the ballot not to elect a leader of merit or quality, this is the truth especially in reference to the presidency, but to elect their tribesmen. When we advance that in this Republic, most times we will err and we will not get the best people because when we put tribe before merit, we are bound not to elect the best leadership for our country. I may not be talking about the current situation because we have one of the best presidents. If we give a level playing ground that guarantees everyone, no matter where they come from, that they can be elected to the highest office, and when we consider merit to go before our other subjective thoughts, we will get the best and our country will ultimately grow.

There is a narrative propagated by the West and in a way it works. In our country now, I dare say that perfect democracy is from the seat of the governor downwards. It is upon us as leadership to be aware that even if we have the IEBC and even if we go to the ballot after every five years...Every time we go to elections, the president's seat, the results are always contested. That means that we give the IEBC billions of shillings but we do not accept the outcome of the results. This may not be a problem of personalities.

We need to determine whether we need to have a homegrown version of democracy like the one China has embraced or the one Morocco, a quasi-democracy and quasi-nobility led by kings has so that we do not continue holding elections in futility. We need to have a homegrown way of electing our president. The current way of doing it does not work.

Going through this Report, I have seen that my party got about Kshs240 million to run our affairs. I believe that the beneficiaries of democracy are not necessarily the elected leaders but the population; the general Wanjiku. I plead with the House to re-look at how we fund our political parties. I believe that the money that is given - my party was given Kshs240 million - is enough to run our affairs without having us ....

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Member for Kiharu, you only have so much time. Had you finished making your contribution? I will add you just one minute. But the rest of the Members should remember that you have 10 minutes to contribute.

**Hon. Ndindi Nyoro** (Kiharu, JP): Hon. Temporary Deputy Speaker, my point is that because major political parties are already receiving so much funding from the Government of Kenya or taxpayers, they need not go ahead and make us contribute more funds because they

have sufficient funding from the Government in advancement of our democracy. We are not the only beneficiaries of democracy as elected leaders, but the entire nation is. Because we are part of the taxpayers, we need not be taxed twice, here in the House and when we fund political parties using public funds.

Thank you. I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mwashako, Member for Wundanyi. He has left. Let us have Hon. Wamalwa.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. First and foremost I thank the Special Funds Accounts Committee under the chairmanship of Hon. Kathuri for the work well done. This is the last born Committee as far as our Parliamentary Committees are concerned. To date, this is the second report they have tabled on the Floor of the House.

In the last Parliament, I had brought a Bill to amend the Political Parties Act. It touched on the Political Parties Fund to lower the threshold. There was another Bill from the Senate by Hon. Senator Khalwale and we went for mediation. It is very unfortunate that all the benefits we had in that Bill disappeared. We call upon the clerks to take care of the records. At times we make amendments in the Committee of the whole House but when a report comes out, you realise that attention was not paid and things are going differently. That is why we sometimes waste time in recommitment. That is something our committee clerks must take seriously.

We know that the Constitution has provided 0.3 per cent of the national revenue to be allocated to political parties for purposes of strengthening democracy. It is very unfortunate that since the promulgation of the Constitution, the 0.3 per cent has never been allocated to political parties. We call upon the Cabinet Secretary for National Treasury to listen. He is my good friend. Where does the money go? The Constitution is very clear that 0.3 per cent must be allocated to political parties. When you calculate you find that the money allocated to political parties does not reach the 0.3 per cent of the national revenue. As a matter of fact, some people went to court and judgment was given. The National Treasury is in contempt of court because they have never allocated the percentage prescribed by the Constitution.

Article 95 of the Constitution is very clear that the National Assembly provides oversight of all the revenues and expenditures. The subsequent Article 229 of the Constitution says that if the Report of the Auditor-General has been tabled in Parliament, within a period of three months, Parliament is supposed to debate and consider the recommendations.

The report by the Auditor-General on the Political Parties Fund was tabled around March. So, this Committee has done a good work. It has brought us a very good report though they can make improvement on it.

I have gone through the Report and one thing I have noted is that the Jubilee Party has got the lion share of the allocation. The second largest share as per the Report is ODM. The Political Parties Act has a provision for memorandum of understanding (MOU). When we went for the elections, we had the Jubilee side and the NASA side. As per the MOU that was deposited at the Registrar of Political Parties, NASA is composed of ODM, FORD-K – the one I belong to - Wiper Party and ANC. I know the tabulation is based on the presidential votes. In this case, the tabulation based on our presidential candidate who was Raila Amollo Odinga should give a higher percentage than the allocated amount. It is, indeed, important that this matter be revisited.

In this case, it is only ODM that is getting 30 per cent that comes to Kshs112 million. Jubilee has got Kshs240 million. We are questioning this. The coalition was done officially in

line the Political Parties Act and deposited at the Registrar of Political Parties. So, the allocation that is coming here under ODM should have been higher. Ordinarily, this money is supposed to come through ODM and then ODM will share with its siblings. In this case, where has the other money gone to? These are questions we are asking. This matter must be revisited.

The Registrar of Political Parties, and I know she must be listening wherever she is, is the officer who is accountable when it comes to Political Parties Fund. We do not want this issue to continue. At a later stage, we must revisit this matter so that this huge amount going to Jubilee can be reversed and be given to ODM so that the other siblings can also benefit.

The import of Political Parties Fund was to strengthen democracy because in this country, it had been known that political parties belong to some individuals. If a political party belongs to an individual, it will go contrary to the principles of democracy. You will find that some people will be given certificates without following the due process of nomination. Why political parties are given public funds is so that they can be run in a professional manner like a public entity and bring in the issue of accountability. The Auditor-General should audit so that we can see whether the funds were used for the intended purpose.

As we move forward, I am calling upon the honourable Members to amend this Political Parties Fund so that it can help other parties. Before a political party is registered, one of the requirements is to have at least 24 offices in all the 47 counties. Where are you going to get the money to run these offices in at least 24 counties? You need some money. For a political party to be registered, the requirement is that you must have membership of at least 1000 in the minimum of 24 counties. All this requires money.

So, we must create a framework whereby these political parties funds can also be advanced to other parties for purposes of strengthening democracy. We are in the era of multiparty democracy. If we fund some few parties, other parties are likely to die. We are calling upon the honourable Members who are here to revisit the amendment of this Political Parties Fund because the success of the political parties today relies on this Political Parties Act.

Having said that, let me mention briefly the issue of time value of money. When it comes to allocation of these funds, I know once appropriation has been done, money is given but money to the Registrar of Political Parties always takes forever. In fact, it is the last one. In finance, there is time value for money. A shilling today is not the same as a shilling tomorrow. So, there must be a way to get a model. If the political parties funds are going to delay before they are disbursed the way it has been happening, they must be attracting some interest because political parties have programmes that must continue. They give out their plans. So, for their plans to move on, this money must be disbursed on time, but since the promulgation of this Constitution, the political parties funds are normally released at the last minute, at times with so much pressure. The Cabinet Secretary at times does not seem willing to release this money to the political parties. So, it is important that when it comes to disbursement, it must be done within the timeframe.

I want to go back again to the Political Parties Act. In the Act, there is a provision for pre and post MOU. This is a message to the Registrar of Political Parties. In a given situation, where there is a coalition because the law requires that the MOU must be deposited at the Registrar of Political Parties... So, if that MOU has been deposited with the Registrar of Political Parties, that is a legal document. When it comes to disbursement, the Registrar of Political Parties should disburse the funds directly to those political parties based on the Political Parties Fund because the Auditor-General has no issue. I had raised this matter with Lucy, the Registrar of Political

Parties. She had mentioned that is going to bring audit queries. When I spoke to the Auditor-General he said it cannot bring a query so long as you disclose that...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very passionate, Hon. Chris Wamalwa. Hon. Gichimu Githinji, Member for Gichugu.

**Hon. Gichimu Githinji** (Gichugu, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity. I rise to support. Before I support, I congratulate the Committee on Special Funds led by the Hon. Member for South Imenti for the good work they have done. The Political Parties Fund is supposed to enhance democracy and provide civic education in the entire country. When this money is given out, let it not be given without any guidelines. Once the money lands in these offices, we do not know exactly what happens thereafter. So, much as it is a good thing to do in order to enhance democracy and civic education, it should be given with guidelines so that people at the local level can also have civic education spilled down to the villages.

The other thing is the adherence to Section 24 of the Political Parties Act which requires that 0.3 per cent of the national Government revenue be shared amongst the political parties after meeting the threshold. I believe instead of wasting government money by political parties tribunal going to court to defend what is already in law as it was witnessed previously, it should comply right from the word go. What we know is that there is no free money in this country. Even if this money is channelled through the political parties, accountability is key.

I believe it is also high time, instead of the Special Funds Accounts Committee looking at whether this money was made available to the Registrar of Political Parties for distribution, they went farther to find out whether this money that was disbursed to the political parties was utilised for the purpose it was intended.

Looking at the Report which I have gone through, it seems to give the Registrar of Political Parties a clean bill of health. But, at the same time and it was indicated by my colleague, Hon. Member for Kiharu, if money has already been disbursed to political parties in the tune of hundreds of millions, it would be prudent that people who have already contributed indirectly by putting leadership of the political party in that office for us to be able to enjoy... That kind of an allocation should also give the contributors a breathing space so that they can also attend to other things.

I believe this is a good Report. I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Leader of the Majority Party, do you have something to say to this? Hon. Millie Odhiambo, you will be next. I do not see her in the House.

**Hon. Aden Duale** (Garissa Township, JP): She has left. Thank you, Hon. Temporary Deputy Speaker. I stand to support this Report by the Special Funds Accounts Committee. It is a Select Committee established pursuant to Standing Order No. 205A. This Committee looks into the accounts of the Equalisation Fund, the Political Parties Fund, the Judiciary, the National Government-Constituencies Development Fund and such other funds establishment by law as the Speaker may direct.

The gist of this matter is on the Office of the Registrar of Political Parties which is established under Section 33 of the Political Parties Act (No. 11 of 2011). This office's function is on the formation, registration and funding of political parties in accordance with the Constitution. It is very clear in Article 226(5) of the Constitution. It says: "If the holder of a public office, including a political office, directs or approves the use of public funds contrary to

the law or instructions, the person is liable for any loss arising from the use and shall make good the loss, whether the person remains the holder of the office or not”.

So, the people who run our political parties must be held accountable within the reading of that Article in the Constitution. In Section 68(1) of the Public Finance Management Act, 2012, *inter alia*, it also provides that an accounting officer for a national Government entity, the Parliamentary Service Commission and the Judiciary shall be accountable to the National Assembly. That is for ensuring that resources of the respective entity for which that officer is the accounting officer are used well. So, the Registrar of Political Parties is the accounting officer in as far as the political fund usage is concerned. Of course, the various accounting officers in political parties also account to the Registrar of Political Parties.

The threshold on who can access political parties fund is well stated in the Political Parties Act. I am happy that there are only two parties that can access these resources in this 12<sup>th</sup> Parliament. They are the Jubilee Party and the Orange Democratic Party. I am very sorry to say that the rest have to fund operations of their small briefcase parties, whether you call it the Wiper Democratic Movement – Kenya (WDM-K), FORD-K, the Amani National Congress (ANC), KANU or PDR. The URP is now part of the bigger JP. We have not signed any coalition agreement with these small briefcase parties which are ethnically oriented and regionally compliant. The only two parties that cut across the political, regional, ethnic and religious divide are the JP and the ODM. I am not campaigning for them. I am just stating the facts as they are so that you have a choice to either join an ethnic-led party or the ODM and JP which are national parties. That should be the truth.

The other option left is that of an independent. Those who want to be members of small parties, you have to pay the price. The Exchequer will not fund your activities; you must be a parliamentary party. Hon. Osoro is not even from a small party, he is from a small of the small party. He is the only one representing his party in this House. The party leader of that party has left. Peter Kenneth has left. So, your party leader has joined the JP. It is very unfortunate. You cannot be a party leader of one MP. You cannot be, unless you are not a serious leader. If you read Article 95(4)(c) of the Constitution, it provides the role of the National Assembly. It includes oversight on national revenue and expenditure.

It is upon this House to make sure that the amount of money we get is accounted for. That is why the JP has serious offices with staff at our national office here. We have over 12 directors working with staff 24/7 for the party. Nobody, including the President who is our party leader, pays a coin. It is this fund that pays. It is the same for the ODM. The ODM had a small agreement with these small parties. It depends with if the ODM is magnanimous. The law is not saying it is a must for the ODM to give some little pennies to the WDM-K, FORD-K or the ANC. It is out of goodwill, ODM can say “*naweza kuwapa hii bakshishi*”. For us, the ones who have joined us have no choice. We had no agreement with them. We have 175 Members. That is enough.

Let us look at what happened when it comes to underfunding. It is good to say it here. The ODM filed a judicial review application against the National Treasury, the National Assembly and the Registrar of Political Parties seeking payment of funds due to the party for three financial years though statutory allocation provisions of 0.3 per cent of national revenue. This is where I want to tell the CS for the National Treasury that he cannot play around with resources given to political parties. That judicial review by the ODM was right. You have no discretion. It is the law or the Constitution that gave us this money.

This Committee must invite the National Treasury, the Attorney-General and the Registrar of Political parties. The way we fund NG-CDF, other national and county projects and the Judiciary, the 0.3 per cent of the national revenue is a statutory allocation and must be given. I am sure the Committee looked at that judicial review allocation by ODM and observed that although the subject matter specifically relating to the judicial review No.483 of 2016 filed by ODM was *sub judice*, the matter of underfunding political parties is a matter of concern and they have put it in their recommendation that the National Treasury Cabinet Secretary has no powers to deny political parties that qualify under law their money or resources. The Committee also observed that the Registrar of Political Parties had taken administrative measure aimed at resolving some of the concerns which were raised by the Auditor-General. When you look at the books of political parties, they have taken administrative measures in dealing with how political parties manage their funds.

When it comes to fund allocation criteria and I support them, the Committee observed that the revenue allocated to political parties fund is based on the criteria adopted by the National Treasury where out of the total revenue received and audited, allocations are first made on the public debt which we have no problem with, made on pensions, constitutional salaries, county government, Parliament, Judiciary, constitutional commissions and the balance is used to determine allocation to political parties. This often results to underfunding of political parties. Kenya is a political party democracy.

You cannot have this House inaugurated without political parties doing their nominations and then on the basis of their nominations on a list submitted to IEBC, the citizens elect leaders who will sit in this House. So, why do you make the payment to political parties at the bottom of your list? It is not fair. I am sure we will agree and the Cabinet Secretary, National Treasury will listen to the recommendation of the Committee.

The Committee made a number of observations and one of them which is important is the implementation of the information conformity and their disaster recovery plan. They recommended that the Registrar of Political Parties must ensure the implementation of the information conformity and disaster recovery plan during this Financial Year 2018/2019.

Finally, in compliance with the provisions on the funding, the Committee further recommended that the Cabinet Secretary, National Treasury and Planning comply with the provisions of Section 24(1)(a) of the Political Parties Act which requires that the sources of the fund shall not be less than 0.3 per cent of the revenue collected by the national Government as may be provided by Parliament. Parliament is under obligation. Parliament through its Public Accounts Committee has failed by not submitting and approving the latest audited accounts provided by the Auditor-General.

We are dealing with accounts of 2013/2014 Financial Year. It is based on how this House approves those accounts that will be used in the sharing of revenue between the two levels of Government. It makes a determination on how much is allocated to the NG-CDF, it makes a determination on how much is allocated to political parties and I think, Parliament and the PAC must work overnight and make sure that in the next Session next year, at least we approve the audited accounts by the Auditor-General for 2016/2017 if not 2017/2018 once they are tabled.

Hon. Temporary Deputy Speaker, I am proud that I am a Member of a party that receive these resources. Hon. Osoro, you know I am a pastoralist. In the pastoralists communities, being a decision-maker depends on how many camels you have. So, if you have two camels, your business is to be part of the implementing agency. The decision is made by those who have over 100 camels. Be part of a bigger party. I am sure you will start with Jubilee and see

whether ODM has something better than Jubilee. I am sure by the time you are in Jubilee you will be at home. I know that even now you are at home with Jubilee. Next election we will make sure that you get the required nomination and people will vote for you.

The gist of this matter is that political parties are no longer the property of individuals. They are no longer the properties of a community or a region. Political parties now belong to the people and there is no conflict of interest. They will be funded by taxpayers. So, I really want to support this Report and support the Committee for a job well done.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well, Leader of the Majority Party. That is as it should be. The Cabinet Secretary in charge of National Treasury has no wiggle room when it comes to this fund. This is a fund that has been created by the Constitution and it is the duty of every Kenyan to uphold the Constitution. Hon. Odhiambo, Member for Suba North.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I want to thank the Committee for this Report. My comments will be very few because most of what I wanted to say is in tandem with what other Members have said. One, it is incumbent upon the Government to ensure that we follow the Constitution so that the stipulated amount that should go to political parties goes to political parties. It is true that the direction we are taking as a country is to institutionalise political parties so that they are at the level that countries that have gone through proper democracy are. I am putting a precaution because I have been observing the elections of the United States of America that have just been concluded recently.

There is something that they can learn from struggling democracies like us. We do not want them to learn the negative things. For the first time we are seeing that they were having kits that were failing, others were alleging rigging. I was looking and wondering whether it was Kenya or the United States of America. That aside, we have always emulated countries like the United States of America. Kenya has had its problems but if we give money to the political parties the way they should, then our political parties will get an opportunity to institutionalise and that would depersonalise political parties, as members have been saying. We will not be having things like the ones we are seeing now.

Today in the newspapers, we saw that KANU offices are going to be sold because they are not able to service electricity bills that have accumulated over years. If we want to rely on the good charity of founder members of the party to be the ones that are paying bills, then definitely if I am the one paying the bills, I will become the owner of the party. But if the Government is paying for the parties, then we depersonalise those parties. I have also heard Hon. Chris Wamalwa pleading so that the siblings of ODM can get a little money from ODM. It is in order, but ODM will only be able to give money to the siblings if the Government gives ODM its due money under the Political Parties Act.

I know it is something that has come before the Budget and Appropriations Committee. We strongly pushed for it because it is not good for Parliament to set some bad trends by violating the law that we enacted. One way of ensuring that political parties in this country mature is to give them money for their operations and even for them to practise internal democracy. Part of that would be to ensure that they undertake civic education, put structures and systems in place that would ensure inclusivity of women or persons with disabilities and also to bring people from areas where there are minorities that without support of parties would not

come in. It would also ensure a fair playing field for most parties. When Hon. Duale was speaking... Nowadays, because of the handshake, we are not hitting each other very hard. However, I am sure that if it was before the handshake, he would have really hit us on the issue of party primaries. The Jubilee tried to some level because they gained over and above more resources than other parties because of where they were placed by history; that they were at a place at a time where they got resources and fair share when other parties did not get.

If every party can get their fair share, then they should conduct their nominations fairly and freely. Sometimes what we expect political parties to do is almost impossible. Look at the way national elections are conducted; the electoral commission is unable to undertake a process that people feel even 60 per cent comfortable with. Therefore, we expect political parties to undertake party primaries that are even more contested than national elections. With the little resources, we should not expect to get good results. If we want our political parties to mature, to perform and be inclusive, then we must ensure that we give them enough resources. That will help them to professionalise and undertake the mandate that political parties should be taking by law.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wambugu Ngunjiri, Member for Nyeri Town.

**Hon. Ngunjiri Wambugu** (Nyeri Town, JP): Thank you very much. I support this Report. I would like to speak about the context in which a decision was made to constitutionalise the amount of money that is supposed to be given to political parties. Kenya is a growing democracy and we are pushing ourselves to be a party democracy. We are coming from a background of trying to make political parties bigger than the individuals who control them, run or fund them.

When we start having challenges of funding political parties, or when we leave it to the National Treasury to decide how much money they can allocate to political parties, we will be doing a disservice to this country. It is important to understand that when public funds are used to fund a political establishment then you are allowing for public scrutiny of the operations of that institution. It is important for the Government to understand that for purposes of transparency, we need to get this money going into political parties as it has been constitutionally mandated. We need the percentage that is in the Constitution to be going to political parties. We are not going to grow our democracy as a country if we do not fund political parties. We are not going to create institutions beyond political parties if we do not learn how to institutionalise the political processes of our country.

I listened to some of my colleagues' experiences in the party primaries. We expect political parties to generate political candidates who then go to the Independent Electoral and Boundaries Commission (IEBC). If we do not fund the structure of how political parties generate candidates, we will end up blaming the IEBC for doing the wrong things while the mistakes were made at the political parties' stage. I want to appeal to the Registrar of Political Parties to learn how to lobby and keep talking to Parliament for us to ensure that every year the amount of money that is supposed to go to the political parties goes there. This is so that our parties can be strong. It would be nice if Kenya had the kind of political structures that developed countries have – where we know that I am a member of Jubilee because of the following policies and things that we stand for. The only way we are going to get there is if we get the kind of funding that we need from the Government. We need to be funded by the public so that our parties can stand out and start competing on the basis of ideologies rather than on personality politics.

Therefore, I strongly recommend the adoption of this Report but I also ask the people who make decisions of how to allocate funds to the political parties, or those who prioritise how these funds get to the political parties, to realise that the Members of this House represent political parties. We are the ones making decisions on how funds are to be shared out. It is important for them to understand that we need parties funded so that they can also create secretariats that support the work that we do in this House. If we have secretariats in our parties pushing agendas of the parties, be it Minority or Majority, we will have more robust political debate and progress in this country.

With those remarks, I support the Report and pray that the decision that we make in terms of the amount of money to be allocated to political parties is done constitutionally.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well spoken. Let us have Hon. Osoro.

**Hon. Silvanus Onyiego** (South Mugirango, KNC): Thank you, Hon. Temporary Deputy Speaker. I wanted to speak earlier on because my name was being used as an example of the Members of Parliament who happen to be in this House courtesy of the purported small parties. At the outset, I support the Report because in my view this is a step towards the right direction, however we are not yet there. What Hon. Members call ‘bigger political parties’, in my view, are not. I wish we could be honest to ourselves. Political parties in this country are personal properties. Some of the political parties that people call ‘briefcase parties’ happen to be much bigger than the purported bigger parties. We have personalised our political parties such that if the party leader decides to fold that briefcase, there will be no party. I will give an example. Hon. Duale used my name, and I need to remind him that he was in a political party where the party leader decided to fold his briefcase. That was the briefcase party called the United Republican Party (URP). The party leader decided to fold the briefcase and opened another briefcase with His Excellency President Uhuru Kenyatta. Most of the Members here are following that brief case party.

The party that brought me to this House, the Kenya National Congress (KNC), even upon the exit of the party leader, Mr. Peter Kenneth, still stands. That is why there are MPs in this House under that party. We have about 40 Members of County Assemblies (MCAs) across the country. If in 2022 the briefcase parties called Jubilee or ODM are rebranded in other names, the persons holding those briefcases will have so many followers. So, in my view...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Osoro, is the KNC you are referring to the one that was founded by the late Hon. Anyona?

**Hon. Silvanus Onyiego** (South Mugirango, KNC): No, that is Kenya Social Congress (KSC). The KNC is one of the oldest parties. It was registered in 1982. If you ask if there is any Member of this House who is in a party that was registered in the 1990s, you will find one. This is the biggest party, and it is not a briefcase party as they purport. The party has had several leaders but even upon their exit, we still have people getting to this House through it.

Even as we keep talking about funding major political parties as they call them, which I dispute, we also need to live by the true fact that the Political Parties Act gives guidelines on registration of political parties. One condition is that the political party must open a minimum of 24 active offices across the country. That means that they spend. It is actually capital intensive. Also, you must have 1,000 registered members for you to be registered. Clearly, there is a person spending to have that party registered. The funding of political parties should be commensurate with the number of Members of Parliament or the Members of County Assemblies in different assemblies and try, perhaps, to amend the Political Parties Act that any party that has sponsored

at least one member to the House should be funded. This is because we have offices to run as political parties.

As you have seen, the purported major parties come to the purported small parties during the campaigns. That time they use all manner of terms to convince them to support them. I have seen Hon. Duale dismiss the small parties and I saw their party running up and down seeking the support of those small parties for them to retain the presidency. I saw ODM running up and down looking for the purported smaller parties and right now they are dismissing them and terming them smaller parties after the money has come. In my view, we are not very honest to ourselves.

The political parties in this country are personalised. They go on personal level. If we have to grow as a country, we need to institutionalise them. We need to come up with structures that even upon the exit of any party leader, the party still stands. As it is right now, even the parties which say they have staff in the office, those staff are simple flower girls. They just sit in the office. They cannot give any instructions. Even in this House, whipping is done by the party leaders. The party leaders call the members and give them direction. It is never a round table discussion. It is never a discussion of Members of Parliament. They are actually not major parties.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Osoro, Hon. Washiali has a point of order. Is it a point of order, Hon. Washiali?

**Hon. Benjamin Washiali** (Mumias East, JP): Yes. Thank you, Hon. Temporary Deputy Speaker. I have been listening keenly to my brother, Hon. Osoro, as he is giving his contribution. I was wondering whether he is contributing to a Bill that is before this House or he is meant to be responding to what the Leader of the Majority Party said. In the course of his contribution, he touched on a live wire when he mentioned about whipping.

I am the Whip of the majority side of this House and I assure this House that when it comes to whipping, it is none other than Hon. Benjamin Jomo Washiali who is the Whip of the Majority Party. There is no time the leadership, in this case the party leader, his deputy and whoever he is talking about whipping from outside, has ever done the work of a whip unless my colleague does not know what whipping is all about. I advise him that I am the whip. Is he in order to mislead this House that the whipping in this House is done by the party leadership?

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Osoro.

**. Silvanus Onyiego** (South Mugirango, KNC): Thank you very much, Hon. Temporary Deputy Speaker. I need to be very clear. I really wish that Hon. Washiali was honest at least once. He knows Hon. Washiali cannot whip Members by himself. He cannot actually wake up in the morning and decide to whip. He will have to get instructions from the party leader and that is the truth.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Osoro, I think you are going beyond.

**Hon. Silvanus Onyiego** (South Mugirango, KNC): Okay, I withdraw that statement. As I conclude, I want to say that in as much as we are supporting the Report, we need to now go an extra mile. I was actually giving a challenge to the relevant committee and even this House that we need to go an extra mile. For democracy to grow, we need to stop personalising political parties and allow expansion of various parties. We need to support even those purported small parties by giving them funding. Let a person vie from whichever party they wish to vie from because at the end of the day, people do not vote parties but they vote ideas when one is campaigning. We need to stop personalising political parties.

Finally, these purported major parties should be honest. They have received money from the Political Parties Fund. They need to be honest with themselves and share. If it is NASA, share with the other political parties that were with you. Do not say: “Now that we were short-changed, we will also short-change you.” They should share this money with the other parties that were with them. If it is the Jubilee Party, we saw His Excellency the President wearing caps of different small parties. The Jubilee Party should equally share the money with the other smaller parties so that they can also grow.

If we support this political funding by the State, we also need to look at ourselves in the House. I heard my colleague yesterday say that we need to continue giving out contributions every month to the political parties. In my view, if the Government is supporting the political parties, we need now to restructure that political parties should also not be taking money from Members of Parliament to run their affairs. What are you running? This is because the money is already given by the Government. Why should you make Members contribute on the already-paid-for bill? This money is meant for the bills like wages for the staff members and it is enough to settle everything.

As I said, these are personalised parties. So, it is actually enough. It is about four people working in those parties. The other offices that you see around are actually just for image purposes. So, I oppose the contribution made by Hon. Members every month because it is actually unnecessary. The Government settles that and that should be what we should actually be supporting.

With that, I support this Motion but we need to review. All political parties that have Members of Parliament in the House should be funded.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very good contribution. Hon. Osoro, you might want to put your head together with Hon. Chris Wamalwa. He had made some proposals in the direction that you seem to be suggesting in the last Parliament and from his contribution, I think he is still keen to go in that direction so that we might have a vibrant political party culture in our country. Nevertheless, those are very good contributions. Next is Hon. Oluoch, the Member for Mathare. You will be followed by Hon. Kaunya Oku. So, Hon. Kaunya Oku, prepare your thoughts. You will be having the microphone after Hon. Oluoch.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Temporary Deputy Speaker. Allow me to add my voice and support this Report by the Special Funds Accounts Committee. I wanted to add a little context to what my friend, Hon. Ngunjiri, had said and which context is within the confines of the Constitution. The Constitution has, indeed, entrenched the position and the place of political parties in the current dispensation. So, that can no longer be overemphasised or gainsaid.

The second point that I want to say is that in deciding whether or not to fund political parties, the question is not if. This is because a decision of the High Court in 2015 and which I placed before the Chambers, indeed, stated that Parliament and Treasury do not have the discretion. When you read the wordings of Sections 24 to 25 – and it talks about 0.3 – it says: “Every year, at least...” That word has been interpreted by our High Court to mean that this House has discretion to allocate money above the 0.3. We do not have the discretion to decide to go below.

I am saying that because of the second point which is in page 816 of the Report. This was also touched on by the courts. The courts noted that this House has occasioned arrears in the funding of political parties to the extent that parties are almost crippled. The court in its own

wisdom indicated that it froze money from 2013 up to 2015 but stated in that decision, which is a matter of record in this House, that from 2016 to date, the arrears are due and payable.

I have looked at this Report on page 16. I support it because it indicates that this House not only has to find the way of plugging in the more than 2.4 billion for the Financial Year 2018/2019, but we also have to go back to 2016. About Kshs367 million was allocated in 2016. That means that Kshs2.2 or Kshs2.3 billion is due and owing. When you go to the Financial Year 2016/2017, Kshs370 million was allocated to be shared among the political parties. That means that together with the arrears in the current financial year, Parliament must find a way of plugging in the Supplementary Budget, which I hope will come in January, something close to about Kshs7 billion to Ksh8 billion. I want us to find ourselves in the position that Hon. Millie Odhiambo said that we should not, as Members of Parliament, be the first ones to breach the very laws that we helped to create.

I want to join those Members who have supported this Report. I also want to indicate that the Committee on Implementation must now move, so that this House does not appear to be speaking in vain. I am saying this because of a similar report. A decision of this House endorsed a report that stated that the NG-CDF is not obligated at the constituency level to build Information, Communication Technology (ICT) laboratories. I spoke to my funds manager today and he told me that the Chief Executive Officer (CEO) of NG-CDF Board has insisted that I must construct ICT hubs in my constituency, irrespective of the fact that these are not my priorities.

So, this House must also follow through the decisions that we make. Otherwise, we will have made a very good report, the courts have said that there are arrears and that this House has no discretion, but this will gather dust unless our committees, especially the Committee on Implementation together with the Budget and Appropriations Committee, join hands to ensure that we do not speak in vain.

With those few remarks, I support the Motion. I want the Committee through my good friend, Hon. Kimani Ichung'wah, to move with speed, so that they begin to have a conversation with the Cabinet Secretary for the National Treasury. When I raised the issue by way of a Statement last time, I was told that the National Treasury did not place that in its Policy Statement. The National Treasury should be put on notice that come the next financial year, we do not expect things that are statutory to wait until you come on the Floor of the House and Members try to ask how their political parties will survive.

With those few remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well spoken, Hon. Oluoch. Hon. Oku.

**Hon. Oku Kaunya** (Teso North, ANC): Thank you very much, Hon. Temporary Deputy Speaker. I also rise to support this Report on the audited financial statements for the political parties fund for the year ending June 2017. I want to point out that political parties in Africa are personalised and they do not have funding. The main problem with lack of institutionalisation of these political parties is lack of funding. Therefore, most of the politicians or individuals who register political parties become the main source of funding of these political parties. Therefore, the decision, especially the passage of the Political Parties Act and the provision of those funds to the parties that qualify, was a welcome move. However, we need to support and strengthen more in terms of continued funding within the 0.3 per cent requirement. At the same time, it would be important to increase this funding, especially for those parties that meet the requirements.

For our democracy to thrive, the political parties are the main tools through which the elected representatives are selected. Democracy, as a Government of the people, thrives through representative leaders who are elected by the people. For the elected leaders are elected to thrive, then these political parties through which they are selected must be strong enough and should have a good foundation. They must have branches and offices, so that they are able to serve the Members. They must also be able to carry out the nominations. If we are to succeed in ensuring that those branches and offices are strong, then these parties need to have adequate funding. Therefore, as we build our democracy which is still young, we really need to strengthen not only the funding but also the institutional capacity of these parties that exist, so that they are run properly.

*[The Temporary Deputy Speaker  
(Hon. Christopher Omulele) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. Patrick Mariru) took the Chair]*

At the same time, I wish to emphasise that it is not only important to give funds. When parties are given funds to be managed, it is quite critical that they manage them properly. Many of the parties' members make contributions. With enhanced funding, we believe that members do not need to spend quite a lot to strengthen the parties. There should be very transparent and proper use of the funds that are allocated to those parties, so that they can be strong. If funds that are provided by the National Treasury are not properly managed and do not reach the ground where they are supposed to serve citizens, it will defeat the purpose.

I support this Report. I believe that is the way our success of democracy in this country will get strengthened. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Shall we have Hon. Mwashako, Member for Wundanyi? That particular Member took leave. Hon. (Dr.) Otiende Amollo, Member for Rarieda. That Member has also taken leave. Hon. Wetangula Wanyonyi, at least, I can see you.

**Hon. Tim Wanyonyi** (Westlands, ODM): Yes, Hon. Temporary Deputy Speaker. I am present.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You have the Floor.

**Hon. Tim Wanyonyi** (Westlands, ODM): Thank you, Hon. Temporary Deputy Speaker. I also want to support this Report. Political parties are in existence as a constitutional requirement because Kenya is a multiparty democracy as recognised by the Constitution. Political parties cannot run on the whims of individuals. They must be given proper funding which is allocated from the National Treasury.

This Report indicates that the political parties have not been given money for several financial years. The Committee is recommending that the Cabinet Secretary should comply. I agree with them. When it comes to matters of political parties, the money is only given after allocation to several other agencies.

Money is only given to political parties after allocation to several other agencies has been done. They should also be given direct funding. The Registrar of Political Parties made a presentation to the Departmental Committee on Justice and Legal Affairs indicating that money

for political parties was way above what justice, governance, law and order can handle, so that the money can be drawn directly from the Consolidated Fund.

This is something that we need to look at carefully. The Budget and Appropriations Committee should make sure that political parties are not starved because they will not function. Some political parties are formed around election time and after elections, most of them exit. For political parties to remain focused and develop democracy, they need to be stable and not rely on contributions from individuals. Even though Members are supposed to contribute as a show of membership and loyalty to the party through subscription, that should not only be the source of funding because parties cannot survive with that kind of money as it comes around election time.

We need to have consistency in allocation. All the money that has not been given to political parties should be released. This is strangling political parties. They have overheads they need to deal with. When they are not funded, some of them wind up. Political parties have offices and staff. For them to prepare for nominations, party membership around election time, they require funding.

The ODM is supposed to be one of the beneficiaries of this allocation. It is supposed to be given Kshs112 million or 30.24 per cent of the allocation. This indicates that it is a political party with a national outlook and has drawn members from all over the country. It is not an outfit you can describe as a briefcase party. It is one of oldest political parties apart from KANU. The KANU has disappeared although they had said it would rule for 100 years. It seems it is no longer in the picture. The ODM and the Jubilee Party are the largest political parties and are beneficiaries of this funding. In a coalition, sharing of the funds has to be through a local agreement. The coalition partners cannot make unnecessary noises that they want allocation, but when they agree within the coalition, they can be given a share of what is allocated to the bigger brother.

I support the Report and agree that the Cabinet Secretary for the National Treasury should move quickly and release the funds to the political parties to enable them to remain focused. This will also enhance democracy in our country.

Thank you for giving me a chance.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. David Gikaria.

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you Hon. Temporary Deputy Speaker for giving me the opportunity to support this Report. This country has had a lot of history regarding political parties. The new law requires serious political parties to be funded to operate. I remember one time I was a member of Martha Karua's National Rainbow Coalition Kenya (NARC-K) Party and we used to be forced to fund the party from our pockets. Sometimes you find a political party has few Members in Parliament. I was here when we passed this law in the 10<sup>th</sup> Parliament and it is important as we encourage serious and strong political parties to also look at the small parties. As my brother, Hon. Wanyonyi, has indicated, a coalition can agree on how much can be given to a political party that has not attained the threshold of the number of Members of Parliament to be funded.

The former President Kibaki was elected twice on different political parties. Later we have President Uhuru Muigai Kenyatta elected on The National Alliance (TNA) Party ticket and later on a Jubilee Party ticket. It is important for us to start strengthening policies and ideologies of parties to support them and not because they belong to particular regions or individuals. I thank my party which aspires to be more national rather than regional. I am happy that the Jubilee Party has, at least, a Member of Parliament, from half of the 47 counties. I think we have

Members of Parliament from more than 30 counties. The Jubilee Party, according to its manifesto, intends to exist for quite some time.

Doctor Patrick Lumumba, a scholar whom we thought was a good person when he was at the Ethics and Anti-Corruption Commission (EACC), once made a very disturbing comment that the Jubilee Party will die before life members like me. Most political parties die before their life members. He had a very strong sentiment. What he said is true. For example, TNA, where I was a life member, died. I thank the members of KANU who have strongly believed in it.

The Jubilee Party has gone international. We have sent party officials to China to go and understand how to strengthen a political party. That is important and that cannot happen without funding.

As a member of the Jubilee Party, I have subscribed to the party and make monthly contributions. We ask the party to start taking its work seriously and strengthen its belief. It is very unfortunate what is happening in the county assemblies where speakers are being ejected. It is very shameful. The members of county assemblies are members of political parties. It is high time political parties took some stern action against these members to curb the unfortunate events happening in county assemblies all over the country. The rules are very clear. I hope the MCAs understand what it means to be a speaker. The law is clear that you cannot be an MCA and be a speaker of a county assembly.

It is important that political parties start taking serious action against the MCAs, so that they can stop their rogue behaviour of bringing impeachment motions every time their speakers fail to fall into their traps.

The audit of financial statement for political parties for the year ended June 2017 is an eye opener. As Hon. Wanyonyi has just indicated, it is high time the Cabinet Secretary for the National Treasury acted with immediate effect. We should not be begging for the National Treasury to release this money to political parties. Political parties have offices. Today, I have read in newspapers that a court has ruled that KANU will be losing their only house and office in Nakuru because of unpaid electricity bills. It is very unfortunate that a whole party can lose such a huge investment because they cannot pay their electricity bills.

It is important that National Treasury releases money so that political parties can do their business.

With those few remarks, I support the Report.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Owino.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. I appreciate this time. Many things have been said about this Report. I want to add my voice as I support it. This is the highest law-making House. When we pass an Act, we should not be begging anybody to follow it. The recommendation of this Committee asks the Cabinet Secretary to comply with the resolution that is made in the Act especially Section 24(1)(a) of the Political Parties Act, 2011. Just like the National Government Constituencies Development Fund (NG-CDF), we do not need to beg anybody. It is not only what pertains to the Members of Parliament that should be implemented, but all that which is in the Act must be followed.

Let me also add that the functional structure of every party is what is making the quality of the House. What do I mean by this? The vetting procedures are done with the capacities of political parties. If they are well funded, then you will have quality Members coming to the House and that will improve deliberations of the House.

I support the Report. The 0.3 per cent that was agreed on, as one Member said here, should be in the Supplementary Estimates II. It ought to have been in the first one or in the approved budget.

I want to refute some of the words that have been used here. There is nothing like personal parties. Talk of the ODM, this is the largest party with very brilliant Members. For a Member to lump them as personal property it is a disgrace. The same applies to Jubilee. The word “briefcase” was used here. Maybe some Members do not know what a briefcase is. This is where you fold all the documents and walk with them. Even small parties should not be lumped as briefcase parties if they are operating within the law. It is this House that pass laws. Sometimes we have to consider what we say and how we say it. What is right is that larger parties cannot have equal share with smaller parties, but smaller parties have the opportunity to grow and become larger parties. That is why how smaller parties should be helped has to be reviewed. The bottom line should be how to grow to mature democracy. The functional structures of political parties need some resources to grow.

I support the Report. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, I shall now call the Chairperson, Special Funds Accounts Committee, to reply considering there is no further interest on this particular one. To reply, you must get specific, express and direct instruction from the Mover. Hon. Kivasu.

**Hon. Erastus Nzioka** (Mbooni, Independent): Thank you, Hon. Temporary Deputy Speaker. I got that express understanding to reply to this Report. I thank the Members for the contributions they have given us on this Report.

On the 0.3 per cent, Section 24(1) of the Political Parties Act states that, at least, 0.3 per cent of the revenue collected should be released to political parties. This money is very necessary especially to enhance democracy and strengthen political parties. The political parties should ensure that structures are in place and the parties are properly managed. Political parties, with proper financing, will be able to conduct trainings and civic education so that they can grow.

Equally, I am looking at the manifestos of parties with proper financing. They would be able to share their manifestos with their constituents, so that they can understand what the parties stand for. With proper financing, we are most likely to have, at the very most, three strong and stable parties that the constituents will be relying on during elections.

At the same time, we have heard about NASA and the ODM issue. During our deliberations with the Registrar of Political Parties, it came out clearly that Jubilee and ODM are the ones registered as per the Act. Some of the statements that are coming should be in-house and need to be checked within NASA and ODM.

This Committee will look at the audit reports from the Auditor-General on political parties, so that we can table the understanding based on the issues raised to this House. The Members can debate and see how the money that has been allocated from the Political Parties Fund is used.

Based on the deliberations, we are looking at how much of the 0.3 per cent of the revenue collected has been released and what has not been released. That money will be crucial for political parties.

With that, I beg to reply.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, I will pend putting the Question on that item to a subsequent time.

*(Putting of the Question deferred)*

## BILL

*Second reading*

### THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Temporary Deputy Speaker, I beg to move that the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No.13 of 2018) be now read a Second Time.

The Bill was published on 10<sup>th</sup> April 2018 and was read the First Time on 18<sup>th</sup> April 2018 pursuant to Standing Order No.126.

The Bill contains amendments to 15 different statutes. It seeks to affect minor issues. They are minor, in various Acts that do not warrant the publication of separate Bills. For the information of the membership of this House, this was also done during induction. Whenever we have minor amendments to statute laws, we usually come up with an amendment Bill. This is the second one. There was an earlier one. This is to help or otherwise, reduce the number of Bills that are flowing on the Floor some of which can be corrected in a miscellaneous form. This approach is usually meant to improve the functionality of particular Acts. Sometimes, it is also used to align current Acts to the Constitution. That is why we have this approach.

Therefore, allow me to give a summary of the amendments of the proposed Bills. I will be mentioning the particular Acts before I go to the specific areas that have been amended by this miscellaneous Bill, so that Members can follow the exact areas the Bill touches.

The first is the Betting, Lotteries and Gaming Act, Cap. 131. This amendment Bill proposes to amend the Act to enhance penalties provided in Sections 5(4), 8(3), 10(2), 11(4) 59(2) and 61 of the Act. The penalties as currently prescribed in the Act are very low. They have been there since the inception of this Act. The Bill also seeks to amend the Act to reduce the amount of betting and lottery tax payable by betting, lottery and gaming operators.

The second Act this miscellaneous amendment Bill seeks to amend is the Dairy Industry Act, Cap 336. The dairy industry is very important in this nation. The Bill proposes to amend the Act to enlarge the definition of “milk” to include goat and camel milk. It is very surprising that the original Act had not considered goat and camel milk as milk yet it is used in the country. If you went in some supermarkets, you will find camel milk on shelves. Goat milk has been recommended to some patients who suffer from HIV and AIDS.

Therefore, it is important for this House to recognise this milk so that we can enhance the contribution of this milk to the economy. It also seeks to enhance penalties under the regulations on standards and manner of installation and operation of milk dispensers. Therefore, it is very important that the House agrees with these amendment proposals, so that we can take care of the operations of milk dispensers.

The third Act that these amendments touch is the Cooperatives Societies Act, Cap 490. For the Members who would want to know the opinion of the Committee, most of these amendments are under the Departmental Committee on Trade, Industry and Cooperatives. I am sure this Committee under the leadership of Hon. Kanini Kega, has done a report to this effect. Any Member who may not be in the picture of what the Committee has done should go to Room 8, so that they can share their opinion. The Bill proposes to amend the Cooperatives Societies

Act, Cap 490 by creating a new class of members of cooperative societies targeted towards social impact investments. The Bill seeks to safeguard members' rights in the cooperative societies by giving the Cabinet Secretary supervisory powers to prevent oppression of members by creation of such new classes.

Further, the Bill seeks to limit the voting powers of social impact members to specific resolutions, maintenance and operation of the proposed special fund, an investments committee, remuneration of the special fund trustees and similar affairs. Members will be limited to resolutions that are on special funds, investment committee, remuneration of the special fund trustee and similar affairs.

The fourth is the National Hospital Insurance Fund (NHIF) Act, No.9 of 1998. This is to enable the Fund to receive contributions from the national Government, county governments and employers for the administration of employee benefits. That was not the case before. We did not have county governments when this Act was introduced in 1998. Therefore, this is majorly to align it to the current two levels of Government and allow for the administration of employee benefits. The Bill also proposes to expand the scope of the Fund by providing health insurance to the indigent in our society.

Finally, the Bill seeks to change the name of the Fund from the NHIF to the National Health Insurance Fund as well as change the membership of the board of the Fund.

Given that the Government is committed to universal health, the Fund will go a long way in supporting this policy of the Government. That is why the framer of this amendment thought it wise that instead of limiting it to 'hospital', we should allow it to take care of all other health aspects so that the mandate of this Fund takes care of quite a number of health aspects.

The fifth Act that the Bill touches is the Statistical Act, No.4 of 2006. The amendment here is to streamline the membership of the Board of Directors of the Bureau and clarify the functions of the board. It also seeks to include the office of the corporation's secretary. The Bill also amends the First Schedule of the Act to clarify the role of the national Government and county governments. It proposes to include a new schedule which sets out the fundamental principles relating to statistics. This is self-explanatory. I am sure Members looking at the Bill will see why it is very necessary for this amendment to be considered.

The sixth is the Energy Act, No.12 of 2006. These amendments will give additional function to the Rural Electrification Authority (REA). The function is to collaborate with county governments and other agencies in facilitating the supply of electricity in order to promote development of appropriate local capacity in manufacturing. This is also self-explanatory. We are aware, as Members of this Parliament, what REA has done, especially in powering public institutions, villages, hospitals and schools.

As I speak, they have resorted to providing electricity to villages. We do not just want to limit the role of REA in the provision of electricity. We also want them to go a step further to provide capacity for manufacturing. Power supplied by REA is specifically for lighting. With these amendments, we will need to increase the capacity, so that it is able to run the big motors that end up supporting the manufacturing sector especially now that the Government has introduced the Big Four Agenda. It is necessary to amend the Energy Act 2006, so that REA can be involved in manufacturing.

The seventh Act is the SACCO Societies Act, No.14 of 2008. This amendment is to create an exception to the restricted investments that SACCO society is permitted to make. The Bill seeks to provide the establishment of a special fund by SACCO societies. It also provides for the establishment of an investment committee to monitor and supervise the special fund and the

appointment of a special fund trustee, who shall be responsible of receiving and investing the special fund. This is trying to expand and I am sure Members looking at the Bill can see how the amendments will improve the SACCO Society Act, No.14 of 2008.

The eighth Act is the Urban Areas and Cities Act, No.13 of 2011. The amendment in this Bill is to introduce a new subsection to Section 3 that requires counties to comply with the National Urban Development Policy. As you are aware, county governments are key stakeholders in urban development. In the initial Act, it was unfair to have left out the involvement of county governments. Some county governments like the one of Nairobi are just city throughout and it is important that the National Urban Development Policy is all inclusive. The amendment also introduces a new provision to empower the Cabinet Secretary to establish and set out the functions of a directorate of urban planning and management within the Ministry.

The Ninth Act is the Micro and Small Enterprise Act, No.55 of 2012. The amendments here include the small micro enterprise sector as the largest provider. Of course, it is the largest provider of employment in most countries including Kenya and is a major source of technological innovations and new products. They are essential for the competitive and efficient market. The Bill seeks to amend the Micro and Small Enterprise Act to create a conducive environment for investors. Actually, this is just to improve on the previous Act so that the environment created out of this amendment can also include investors.

The tenth Act whose amendment has been proposed is the Public Private Partnerships (PPP) Act, No.15 of 2013. The Bill proposes to amend the Public Private Partnership Act to remove the provisions relating to the Public Private Partnership Committee and to give its functions to the Cabinet Secretary. It is removing the functions from the Committee to the Cabinet Secretary. I think this is an improvement because the role the Committee used to play would now be taken over by the Cabinet Secretary.

The amendment also seeks to expand the functions of the unit as well as to empower the Cabinet Secretary to impose a success fee to be paid by a successful bidder on transaction. The Bill also proposes to amend Section 45 to remove the requirement of consultation with the PPP and the approval of the Committee where a contradicting authority chooses to conduct a competitive dialogue with bidders. It also seeks to amend Section 54 and sets out the procedures for submission of memorandum to Cabinet Secretaries and presentation of proposals to the National Assembly for approval.

It also proposes to amend Section 64 to provide for the recognition of both national and county level projects. When they are removing the functions of the Committee to the Cabinet Secretary, the additional amendments are to align the changing of the roles from the Committee to the Cabinet Secretary. That is why the other sections have been amended.

The eleventh is the Crops Act 2013, No.16 of 2013. The Bill seeks to amend this Act to provide for the benefit of value addition to agricultural produce in relation to export. Again, this is similar to the ones I talked about earlier. It is part of the Jubilee policy of value addition and also enhancing manufacturing to create employment. That is why the President, in his wisdom, thought that he should allow value addition so that as we export our goods, we export them in an already value-added form that is completely manufactured. This will attract more revenue for the country and investors and in the process create employment.

The twelfth one is the Kenya Medical Supplies Authority Act, No.20 of 2013. The Bill seeks to amend this Act to provide for the mode of appointment of the chairperson of the Kenya Medical Supplies Authority (KEMSA). It also seeks to provide for the involvement of county governments in the board of the Authority. The Bill also seeks to provide for the appointment of

the corporation secretary of the Authority in accordance with the *Mwongozo* guidelines for the management of State corporations.

The first amendment is also very clear such. Yesterday when we were dealing with the Health Laws (Amendment) Bill, this issue came out on how we should involve county governments. At the end of the day, three quarters of health functions are devolved to county governments. Other than the higher levels of medical institutions, most other institutions are under the management of county governments. So, it is in order for this amendment to go through. I want to convince the Members listening to me to support this amendment, so that county governments are involved in the management of KEMSA.

The thirteenth one is the Technical and Vocational Education and Training Act, No.29 of 2013. This Bill has proposed to include the Principal Secretary to the National Treasury as a member of the Certification Council. The TVET is one of the major programmes that this Government is running. I am sure you are aware that right now, over 136 technical training institutes are being developed across the country. Most of the funds come from the National Treasury and this is a way of recognising the Principal Secretary because he is the one in charge of the funds to TVETs. He should be a member of the certification council, so that on behalf of the National Treasury, he can confirm that the institutions are developed using funds from the Treasury and guide the report of the Treasury from the source.

The fourteenth one is the Public Procurement and Assets Disposal Act, No.33 of 2015. This proposed amendment is to make provision in relation to the board and the process of procurement by public entities.

Hon. Temporary Deputy Speaker, this is an area that has cost both the Government and even this Parliament much headache. I am sure you are aware that at one point, procurement officers were asked to stay away to pave way for investigations and lifestyle audits. They want to expand so that more players can be involved in the board. This will ensure that whatever has been happening in procurement especially in public institutions does not reoccur.

The fifteenth one is the Fisheries Management and Development Act, No.35 of 2016. The amendments proposed in this Bill are to harmonise various definitions in the Act. It also seeks to introduce a new provision which empowers the Cabinet Secretary to make regulations with regard to the conduct of affairs of the standing and technical committees. It will also prescribe the minimum standards for crew working on fishing vessels.

This is an issue that has been there for long. Much of our water in the ocean has been raided. This amendment is to ensure that we can deal with crew of some specific standards. That should be done when our team is visiting vessels. Finally, the Bill seeks to introduce new provisions to streamline the issue of licensing for fisheries activities.

As I conclude, permit me to observe that the Bill is certainly one of the most important Bills in this country. With it comes a framework for regulating various sectors in a manner that will ensure economic development in this country.

Hon. Temporary Deputy Speaker, I beg to move and call upon my friend... Even though he is a new Member of Parliament and has just done one year, I want to appreciate that, as a Whip, I have been recognising these new Members. Some of them are exemplary like my brother, Hon. Omboko Milemba, who has done very well. He will always sit on that chair. I want to just appreciate the new Members especially those who are catching up.

I am hearing *mheshimiwa* saying that he should be preferred because he is senior, but I think it is also very important that we give opportunity to new Members, so that they can learn on their feet.

Therefore, I request Hon. Thuku Kwenya, Member for Kinangop, to second this Bill. I thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Thuku.

**Hon. Zachary Thuku** (Kinangop, JP): Thank you, Hon. Temporary Deputy Speaker. I thank the Whip of the Majority Party for giving me this opportunity to second this very important Statute Law (Miscellaneous Amendments) (No.2) Bill of 2018. I must say it is an honour to really be seconding this Bill when we have seniors here. In fact, I was sandwiched between two senior Members, the father of the House, Hon. Jimmy Angwenyi and Hon. Washiali.

In seconding this Bill, I want to touch on three things as I support the amendments to all the 15 statutes that are under review. However, I want to single out three statutes that are very dear to me as much as the rest are also important. The first one is Dairy Industry Act, Cap 336, where we are trying to bring about standards and recognition of milk. There is a whole new definition of milk because we are now recognising camel and goat milk. On the same, we are also trying to bring about a levy for the Kenya Dairy Board (KDB) for purposes of standardisation. Going forward, as much as I second and support, maybe once we get to the Committee stage, we will see the kind of amendments we are going to introduce to the same. The levy that is proposed of 1 per centum per kilogramme could be punitive to the farmer. Definitely, processors are going to push back the burden of paying the 1 per cent to the KDB to our farmers. That could be discriminatory. The begging question is whether the same levies are charged on other produce like coffee, tea and sugarcane. Going forward, we are going to look at that and I think this is going to elicit very many questions and interests from different players and representatives of constituencies where dairy farming is done.

The other issue is on the Crop Act, where we are trying to introduce standards and also encouraging the same so that then, we can realise one of the Big Four Agenda of manufacturing. There is the issue of value addition. I come from Kinangop Constituency where we do a lot of farming, but we do things the traditional way. We produce and sell our produce in raw form. So, the issue of value addition that is going to be supported by this Act is important. I feel that it is going to get massive support from this House.

The other issue that I want to speak on is the National Health Insurance Fund, which we are transitioning from the National Hospital Insurance Fund. It is important. I know there are some sections that are talking of having an employer match the amount that is paid by the employee. This is going to bring about social support and help us in the realisation of universal health coverage. In fact, there are senior members of our society who cannot pay this. We have issues of retired teachers and civil servants who cannot afford to even sustain paying their obligation to the NHIF. Therefore, if employers are going to match up the amount that is paid by the employees, then we are going to have a Fund that is able to cater for those who are not able to pay like. We have the same provisions in the NSSF Act.

Finally, as I second, I want to touch on the issue of the Public Procurement and Asset Disposal Act. We have seen some challenges in procurement because of the law. Those issues are going to be addressed with the amendment to the Public Procurement and Asset Disposal Act 2015. I take this opportunity to second and to support the Bill.

Thank you, Hon. Temporary Deputy Speaker.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is your point of order, Hon. Mwathi?

**Hon. Peter Mwathi** (Limuru, JP): Thank you, Hon. Temporary Deputy Speaker. I appreciate the moving and seconding of this very important Statute Law (Miscellaneous Amendments) Bill. However, at the same time, I see we are dealing with 15 different statutes, which touch on very key areas. I expect the Members of this National Assembly to be present in enough numbers, especially when I contribute. I really want to touch on several of these.

So, given the fact that my eyes are telling me that we do not have quorum, I rise on Standing Order No.95 to bring to your attention the fact that we do not have quorum. I thank you, Hon. Temporary Deputy Speaker.

**Hon. David Gikaria** (Nakuru Town East, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Gikaria, you cannot have another point of order before I have spoken to that one. Hon. Gikaria, I may not entertain your point of order at this time because there can be no further business until I have established that. I order that the Division Bell be rung for 10 minutes. There is no quorum.

*(Quorum Bell was rung)*

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order! Ten minutes are over. Hon. Members, we still do not have quorum. Therefore, in the circumstances, we have to adjourn business.

Hon. Members, the time being 6.20 p.m., this House stands adjourned until Tuesday, 13<sup>th</sup> November 2018 at 2.30 p.m.

The House rose at 6.20 p.m.