



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT –FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 12, 2025 (AFTERNOON SITTING)

1. The House assembled at Thirty Five Minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker
4. **COMMUNICATION FROM THE CHAIR**

The following Communications were delivered-

a) Reconstitution of the Select Committee on the National Government Constituencies Development Fund

“Honourable Members,

1. You will recall that during yesterday’s sitting on Tuesday, 11th February 2025, I notified the House that the term of **eighteen Committee** had lapsed pursuant to the Standing Orders and they needed to be reconstituted. I wish to further notify the House that, in addition to the eighteen Committees listed in my Communication No. 001 of 2025 of yesterday, the **term of the Select Committee on the National Government Constituencies Development Fund also lapsed yesterday**. This is pursuant to section 50 of the National Government Constituencies Development Fund (Cap. 414A).
2. In this regard, **Honourable Members**, I have since instructed the Clerk to write to the Leader of the Majority Party and the Leader of the Minority Party, notifying them of this fact and requesting them to submit the names of Members to be appointed to this Committee.
3. This will enable the Committee on Selection to consider the reconstitution of all lapsed Committees at once, and thereafter submit its recommendations, including any consequential changes to other Committees, to the House Business Committee for consideration.
4. **Honourable Members**, as you have noticed in today’s Order Paper, the reconstitution of the House Business Committee is listed as Order No. 8. I note that, by way of letters addressed to the Speaker, the Hon. Kimani Ichung’wah, in his capacity as the Leader of the Majority Party and the Hon. Junet Mohamed in his capacity as the Leader of the Minority Party, already submitted names of Members for appointment to the House Business Committee. These names are listed in the Motion under Order No. 8.

- 5. Honourable Members**, now that the Question as to which is the Majority Party and the Minority Party and their respective Leaders in the House is going to be settled, I urge the House to approve membership of the House Business Committee when the business appearing under Order Number 8 is reached. This will enable the Committee to expeditiously embark on preparing and approving the Calendar of the House for the Fourth Session and setting the agenda for the House, starting with the business for tomorrow, Thursday (Afternoon Sitting).
- 6. Honourable Members**, I also urge the Leadership of the Majority and Minority Parties to expedite the reconstitution of the Committees that lapsed in order to facilitate timely consideration of priority business, particularly the business relating to the Budget Cycle for FY 2025/26. Please note that pursuant to section 25 of the Public Finance Management Act, Cap. 412A, the Budget Policy Statement (BPS) must be submitted on or before 15th February, 2025.
- 7.** Further, under section 33(1) of the said Act, the Debt Management Strategy of the National Government over the Medium-Term ought to be submitted to Parliament on or before the 15th February, 2025.
- 8. Honourable Members**, today being the 12th of February, 2025, I direct the Clerk to urgently liaise with the National Treasury to ensure that the 2025 Budget Policy Statement and Debt Management Strategy are submitted to Parliament.
- The two documents ought to be tabled either in the course of today's sitting or during tomorrow's sitting, being the last sitting as per the prescribed timelines.
- 9.** Having said so, **Honourable Members**, strict statutory timelines apply to the consideration of the BPS by the Budget and Appropriation Committee and, indeed, the Departmental Committees. Therefore, the urgent formation of the Budget and Appropriations Committee and the Public Debt and Privatisation Committee to respectively consider the Budget Policy Statement and Debt Management Strategy cannot be overstated.
- 10.** The House is accordingly guided.

I thank you!"

b) Leadership and Continuity of the Business of the House in the Fourth Session of the Thirteenth Parliament

"Honourable Members,

- 1.** During the afternoon sitting of Tuesday, 11th February, 2025, the Member for Suba North, the Hon. Millie Odhiambo-Mabona, MP, rose on a Point of Order in relation to the designation of the Majority and Minority Parties in the House, and their respective leadership.
- 2.** In the Point of Order, the Hon. Millie noted that she had been made aware of a judgment of the High Court in Nairobi HCCHRPET/E202/2023 ***Kenneth Njagi Njiru vs State Law and Jubilee Party of Kenya***, where the Court had declared the ruling contained in the Communication made on 6th October 2022 on the Majority and Minority Parties in the National Assembly as unconstitutional, null and void.

3. In her view, the Judgment declared the Azimio La Umoja One Kenya Coalition Party as the Majority Party.
4. The Hon. Millie further noted that she had submitted a letter to the Speaker seeking the recognition of Azimio La Umoja One Kenya Coalition Party as the Majority Party and conveying the names of the Hon. Junet Mohammed as the Majority Leader and the Hon. Robert Mbui as the Deputy Majority Leader.
5. She concluded by seeking that the Speaker recuse himself from presiding over the proceedings and to allow the Hon. Deputy Speaker to recognize Azimio La Umoja One Kenya Coalition Party as the Majority Party, Hon. Junet Mohammed as the Majority Leader and the Hon. Robert Mbui as the Deputy Majority Leader. Notably, the Hon. Millie seems to have conveniently forgotten the fact that the Hon. Deputy Speaker is also member of a political party and represents a constituency. As such, the Hon. Millie's concerns of impartiality would still have arisen. Indeed, this applies to all Members of the Speaker's Panel.
6. At the beginning of the debate, I gave Hon. Members some general direction in the issues from the judgment as I understood them, including the fact that the judgment did not bar the Speaker from presiding over the House. Indeed, the issue of how a vacancy arises in the Office of the Speaker is expressly provided for in Article 106(2) of the Constitution.

Hon. Members,

7. Arising from the Point raised by the Hon. Millie, no less than fifty-eight (58) other Members contributed to the debate that arose, with a number raising additional Points of Order. This included the Deputy Speaker, Hon. Gladys Boss, Hon. Kimani Ichungwah, the Hon. Junet Mohammed, Hon. Adan Keynan; Hon. Sylvanus Osoro; Hon. Sabina Chege; Hon. Christopher Aseka, Hon. David Ochieng, Hon. George Murugara, Hon. Joseph Makilap, and the Hon. Omboko Milemba.
8. Other Members who contributed on the Point of Order were the Hon. Major (Rtd.) Bashir Abdullahi, Hon. Betty Maina, Hon. John Kiarie, Hon. Timothy Kipchumba, Hon. Raphael Wanjala, Hon. John Chikati, Hon. Zaheer Jhanda, Hon. Robert Mbui, Hon. George Murugara, Hon. Dorice Donya, Hon. Wanami Wamboka, Hon. Otiende Amolo, Hon. Caroli Omondi, Hon. Mwangi Mutuse, Hon. Duncan Mathenge, Hon. Didmus Barasa, Hon. Jane Kagiri, Hon. Emmanuel Wangwe, Hon. Peter Kaluma, Hon. (Dr.) Lillian Gogo and the Hon. Gideon Kimaiyo.
9. Additionally, the Hon. Nabii Nabwera, Hon. Marianne Kitany, Hon. Sakimba Parashina, Hon. Joyce Bensuda, Hon. Capt. (Rtd.) Ruweida Obo, Hon. (Dr.) Makali Mulu, Hon. Chiforomodo Mangale, Hon. Githinji Gichimu, Hon. Majimbo Kalasinga, Hon. (Dr.) Robert Pukose, Hon. Musili Mawathe, Hon. Kassim Tandaza, Hon. Barrow Mohammed, Hon. Alice Ng'ang'a, Hon. TJ Kajwang', Hon. (Dr.) James Nyikal, Hon. Ruth Odinga, Hon. Geoffrey Ruku, Hon. (Dr.) Wilberforce Oundo, Hon. Kakai Bisau, Hon. Titus Lotee, Hon. Ferdinand Wanyonyi, Hon. Kuria Kimani, Hon. John Waluke, Hon. Rahim Dawood, Hon. Gonzi Rai, and the Hon. Moses Kirima contributed to the debate.

Hon. Members,

10. In broad summary, the ensuing debate crystallized the following issues—

- (a) Whether the Court, in its findings, designated any party as the Majority Party or any party as the Minority Party in this House, and if in the affirmative, whether this was an invitation to the whips to invoke the provisions of Standing Order 19A and 20 on submission of freshly elected party leaders;
 - (b) What were the implications of the judgment to the continuity of the business of the House, noting that the Court expressly declined to grant the prayers sought by the Petitioners to declare Azimio La Umoja One Kenya Coalition Party as the Majority Party and Kenya Kwanza as the Minority Party;
 - (c) Whether the judgment rendered the constitution of the House Business Committee, which is the core business at the first sitting of a of the House in a new Session, impossible;
 - (d) Whether the judgment rendered the transaction of the business of the House impracticable, and if in the affirmative, whether any intervention ought to be made so as to facilitate the National Assembly to continue discharging its constitutional responsibilities;
 - (e) What were the specific findings of the Court in the judgment in question and what is the effect on the proceedings and resolutions of the House in the pre-judgment 13th Parliament;
 - (f) Whether the judgment affects other facets of the House that are determined by the relative majorities and coalition arrangements, such as Deputy Party Leaders, Whips, Chairing and membership of all House Committees, membership of the Parliamentary Service Commission; nominations to the IEBC Selection Panel and to the Commission on Revenue Allocation;
 - (g) Whether the Speaker is a Member of the House and how this relates to his political rights and party affiliation and how the role of the Speaker in the House relates to the principle of impartiality;
 - (h) Whether certain aspects of the judgment violate the doctrine of separation of powers by constituting judicial encroachment into—
 - (i) the internal affairs of the legislature contrary to the spirit of Article 124 of the Constitution that empowers each House to regulate its own procedure and any attempt by the Courts to prescribe a procedure for the Houses may stifle the ability of the House to discharge its constitutional mandate; and
 - (ii) the powers, privileges and immunities accorded to the House and its membership by Article 117 of the Constitution if matters done by Parliament officially in furtherance of its constitutional mandate will attract personal liability.
- 11.** While contributing to the debate, the Hon. Mwengi Mutuse tabled a letter dated 30th January 2024 from the Registrar of Political Parties indicating that the Maendeleo Chap Chap (MCCP) had exited the Azimio La Umoja One Kenya Coalition Party with effect from 25th January, 2024.
- 12.** On her part, the Deputy Speaker, the Hon. Gladys Boss submitted that upon receipt of the judgment while discharging the role of the Speaker in the absence of the Speaker who was out of jurisdiction, she instructed the Clerk of the National Assembly to seek information from the Registrar of Political Parties with respect to the status of the membership of the twenty-one (21) parties represented in the

House in any coalition and to request for certified copies of the relevant coalition agreements.

13. At the conclusion of the debate, the Deputy Speaker tabled a response from the Registrar of Political Parties referenced “*REQUEST FOR INFORMATION ON COALITION AGREEMENTS*” dated 11th February, 2025. Annexed to the response were Certified Copies of Coalition Agreements relating to—
- (a) the Azimio La Umoja One Kenya Coalition Party;
 - (b) the Kenya Kwanza Alliance Coalition;
 - (c) the Kenya Kwanza Alliance Coalition and the Democratic Party;
 - (d) Kenya Kwanza Alliance Coalition and the Grand Dream Development Party (GDDP);
 - (e) Kenya Kwanza Alliance Coalition and the National Agenda Party of Kenya (NAP-K);
 - (f) Kenya Kwanza Alliance Coalition and Chama Cha Mashinani (CCM); and
 - (g) the Taifa Democratic Coalition.
14. Consequently, **Hon. Members**, I undertook to consider the concerns raised by Members and the documents tabled by the Hon. Mutuse and the Deputy Speaker and guide the House at this sitting.

Hon. Members,

15. At the very outset, I wish to note that the judgment seems to have created an element of unprecedented confusion in the affairs of the House. This has affected the manner in which I have now been called upon to guide the House in light of the patent contradictions I have noted in the letter submitted by the Hon. Millie.
16. In communicating confirmation of Members of the Azimio Coalition as the Majority, the Hon. Millie signs off as the “**Majority Party Whip, NA**” against a letterhead that also designates her as the “**Minority Chief Whip**”. The letter also fails to attach any records of any meeting at which the alleged decision of the coalition was made as required by the very Standing Orders 19A and 20 that she claimed to invoke. Viewed in isolation, the letter is, incurably defective. Nevertheless, I will allow the Hon. Member some latitude in light of the prevailing confusion.

Hon. Members,

17. I have read the judgment and it has been explained to me at length by our very able legal team. I find it quite unfortunate that misleading assertions have been made with respect to the findings of the Court.
18. Majority of the reporting has failed to note that the matter before the court related to a mixed bag of prayers sought by petitioners touching on the pending disputes in the Jubilee Party; the Finance Bill, 2023; requests for a section of Kenyans not to pay taxes; and deeming of certain Members to have resigned from their political parties; among others.
19. A reading of the judgment reveals glaring factual and legal contradictions. I instructed that an appeal be lodged against the judgment forthwith. My guidance to the House should not be construed as a review of the findings and orders of the Court, as that remains within the province of the Judiciary.

20. With respect to the issues raised by Members, I can only pronounce myself on matters that are necessary to facilitate the continuity of the business of the House. Consequently, the guidance I am about to give shall strictly confine itself within those parameters.

Hon. Members,

21. I wish to note that out of 34 prayers expressly sought by the Petitioners, the High Court in its findings only granted 3 prayers and expressly declined the other 31 prayers. **Paragraph 508 of the Judgment** reads, and I quote—

In the ultimate, we allow the petition to the following extent:

(i) It is hereby declared that the question as to which party or coalition of parties is the majority in the National Assembly in the 13th Parliament was determined by the sovereign will of the Kenyan voters during the 9 August 2022 General Elections.

*(ii) It is hereby declared that the Honourable Speaker's ruling or determination contained in his communication from the chair made on 6 October, 2022 on the Majority and Minority in the National Assembly violated article 108 of the Constitution and, therefore, **it is null and void.***

(iii) It is hereby declared that the Honourable Speaker's ruling or determination from the chair on 6 October 2022 with respect to leadership of the National Assembly on account of his determination of the Majority Party and Minority Party in the National Assembly is contrary to and violated Article 108 of the Constitution and, to that extent, it is null and void.

(iii) An order of certiorari is hereby issued quashing the Honourable Speaker's ruling or determination contained in his communication from the chair made on 6 October, 2022 on the Majority and Minority in the National Assembly.

(iv). Subject to the forgoing orders, the rest of the prayers in the Petition are declined. (Emphasis is mine)

(v). Parties will bear their respective costs.

Hon. Members,

22. **Finding No. (iv), in which the Court declined to grant the rest of the prayers sought by the Petitioners, is quite instructive.** To put it in its proper perspective, I note that at **paragraph 33 appearing on page 6 of the judgment**, the Petitioners had expressly sought from the court the following prayers, amongst others—

d) That a declaration be issued to declare that the Azimio La Umoja-One Kenya Coalition is the majority party in the National Assembly of Kenya based on the outcome of the election of members of the National Assembly held on 9th August 2022.

e) That a declaration be issued to declare that the Kenya Kwanza alliance is the minority party in the National Assembly of Kenya based on the outcome of the elections of members of the National Assembly held on 9th August 2022.

23. I reiterate that in its final orders, and in particular, **at paragraph 508(iv) of the judgment**, the Court expressly declined to grant these orders. Therefore, in quashing the Communication issued on 6th October, 2022 on *Leadership of the*

National Assembly in the Thirteenth Parliament, the court did not declare any party or coalition of parties as the Majority or Minority party and neither did it declare any Member of this House as the Leader of the Majority Party nor the Leader of the Minority Party. This addresses the First and Second Issues.

Hon. Members,

24. Moving on, in its first finding, the High Court cryptically held that *the question as to which party or coalition of parties is the majority in the National Assembly in the 13th Parliament was determined by the sovereign will of the Kenyan voters during the 9 August 2022 General Elections.*
25. Whereas the finding of the Court is a statement of fact and of law as prevailing on the 9th of August, 2022, the nagging question as raised by a number of Members is whether the law contemplates this determination of the majority and minority parties to be static throughout the subsequent days of a term of Parliament. **The Constitution itself enumerates several avenues in which the number of parliamentary seats secured by a party or coalition at a general election can be subsequently varied.**
26. **First**, Article 103 of the Constitution spells out **seven** instances in which a vacancy can arise in the office of a member of Parliament (including death and resignation) and this can drastically affect the numbers/Members of a particular party.
27. **Secondly**, Article 104 of the Constitution provides for the manner in which a member of Parliament can be recalled by the electorate with the resultant effect on the parliamentary seats secured by any political party.
28. **Thirdly**, Article 105 of the Constitution provides for the manner in which the High Court can nullify the election of a member of Parliament with the resultant effect on the parliamentary seats by any political party.
29. **Fourth**, Article 108 of the Constitution, as further expounded in the Political Parties Act, acknowledges the formation and existence of coalitions which, when varied through post-election agreements, have a resultant effect on the **parliamentary seats associated** with a political party or coalition.
30. For instance, apart from the dynamic complexities that we have witnessed around the composition of coalitions since the last general election, **Hon. Members** are also aware of the current existence of three vacancies in the offices of Members of Parliament with respect to **Banissa Constituency, Magarini Constituency and Ugunja Constituency**. A further fourth vacancy exists with respect to the **nomination slot vacated by the Hon. John Mbadi**. How is the House meant to treat a change in its relative majorities arising from the currently existing 4 vacancies?

Hon. Members,

31. To my mind, all the cited scenarios create avenues for the exercise of the sovereign will of the people to determine the majority and minority in the House. By quashing the guidance that I gave for purposes of ensuring the continuity of the business of the House, **the Court recreated the very same question that arose at the commencement of this 13th Parliament as to which party or coalition is the majority or minority in the House.**

Hon. Members,

- 32. The Third Schedule to the Constitution** prescribes the Oath that I took pursuant to Article 74 of the Constitution before assuming office as your Speaker. Having been elected by yourselves on 8th September, 2022, I swore to bear true faith and allegiance to the people and the Republic of Kenya. I undertook to faithfully and conscientiously discharge my duties as Speaker and to obey respect, preserve, protect and defend the Constitution.
- 33.** Critically, I also committed to do right to all manner of persons **in accordance with the Constitution and the laws and conventions of Parliament without fear or favour, affection or ill will**. I did ask the almighty God to help me in this crucial role and appended my signature to the physical version of that Oath. With that in mind, whenever I am invited to render guidance to the House **it remains my solemn and singular duty to provide that guidance and a way forward**.
- 34.** My predecessors have previously upheld the significance of safeguarding the independence, powers and privileges of this House and the doctrine of exclusive cognizance. Article 124 of the Constitution empowers the House to regulate its own procedure and the other arms of government have a duty to refrain from interfering with this privilege. A question such as the one referring to the majority and minority party falls within this privilege and must, as of necessity, be guarded jealously and only resolved within Parliament.
- 35.** The Constitution and the laws and conventions of Parliament do not grant me the option of declining jurisdiction or issuing any guidance that effectively halts the operations of the House. **My oath obligates me to ensure the uninterrupted functioning of the House**.

Hon. Members,

- 36. In its finding No. (iii), the court held that the Communication was “null and void”.** Debate arose as to whether this finding affected the propriety of all the business that the House has transacted since it was inaugurated on 8th September, 2022. There were perceptions and assertions that the legislation so far passed by the House may have been voided.
- 37.** It should be beyond doubt that there was no order of the Court in this regard to precipitate this kind of thinking and there cannot have been such a blanket order as the issues placed before the court by the litigants did not question legality and competence of Parliament to legislate on matters before it save for the prayers relating to the Finance Act, 2023 and the Appropriations Act, 2023. And these prayers were expressly dismissed by the Court.
- 38.** As ably noted by the Hon. Member for Kikuyu, the decisions which arise from the business transacted by the House has no relation to which party is designated as the majority or minority. They are decisions of the House as a whole. From where I sit, **no debate can arise as to the legality of the actions taken by the House prior to the invalidation of the Communication**. I need not belabor this point.

Hon. Members,

- 39.** To the critical matter at hand, Article 108 of the Constitution establishes the offices of Party Leaders in Parliament and outlines the order of precedence to be observed in the National Assembly as follows—

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

- (2) *The leader of the majority party shall be the person who is the leader in the National Assembly of the largest party or coalition of parties.*
- (3) *The leader of the minority party shall be the person who is the leader in the National Assembly of the second largest party or coalition of parties.*
- (4) *The following order of precedence shall be observed in the National Assembly—*
- (a) *the Speaker of the National Assembly;*
- (b) *the leader of the majority party; and*
- (c) *the leader of the minority party.*

Hon. Members,

- 40.** In determining which party or coalition of parties is the Majority Party and Minority Party, primary reference has to be made to the results of the last General Election. As noted in previous guidance on the designation of the leadership of the House, the exercise **must be informed by reference to formal records of the membership of the political parties represented in the House and their affiliations, if any, with each other through pre and post-election coalition agreements.**
- 41.** It will be noted that the Independent Electoral and Boundaries Commission (IEBC), vide Gazette Notices No. 9950 and 9951 of 2022 both dated 23rd August, 2022; Gazette Notice No. 10535 of 2022 dated 5th September, 2022; Gazette Notice No. 10537 of 2022 dated 7th September, 2022; and Gazette Notice No. 10710 of 2022 dated 9th September, 2022, declared all the persons duly elected and nominated as Members of this House and their respective parties at the last General Election.

Hon. Members,

- 42.** With respect to the affiliation between the parties currently represented in the National Assembly, Standing Order 2B requires the Clerk of the National Assembly to obtain a certified copy of any coalition agreement entered into between two or more political parties.
- 43. As guided in previous rulings by the Speakers of this House, Standing Order 2B was intended to allow the House to determine its relative majorities and resolve, among others, any disputes between constitutive parties of coalitions to the membership of the Parliamentary Service Commission; nominations to the Commission on Revenue Allocation; and positions in the East Africa Legislative Assembly.**

Hon. Members,

- 44.** Indeed, and as noted by Members in their contributions to the debate herein, the continuity of the business of the House and consideration of the orders of the Court under finding (i) of the Judgment would be significantly impeded without access to the most current information on any coalitions formed or dissolved by the parties represented in the House today; and any variation in the membership of those coalitions and parties.
- 45. This information must be juxtaposed against the current membership of the House.** Indeed, several Hon. Members, Hon. Millie Odhiambo, Hon. Junet Mohammed, Hon. Peter Kaluma, Hon. Omboko Milemba, Hon. David Ochieng', Hon. Sabina Chege, Hon. Mwengi Mutuse, Hon. Major (Rtd.) Bashir Abdullahi and others referred to as **“changed circumstances”** in the composition of the respective coalitions and parties with representation in the House.

46. Allow me to take you, **Hon. Members**, down memory lane, just but for illustration. **During the 7th Parliament**, there arose a leadership dispute between Ford-Asili and Ford-Kenya as to which party was the Official Opposition. Each party had thirty-one seats, leading to dramatic and humorous incidents where the late Hon. Martin Shikuku and Hon. Jaramogi Odinga alternately claimed the seat reserved for the Leader of the Opposition in the House on a first come-first occupy basis.
47. The dispute was finally resolved following the defection of Hon. Njuguna Njoroge from Ford-Asili the then Member for Makuyu Constituency. Thereafter, Ford-Kenya became the de-facto Official Opposition Party with Hon. Jaramogi Oginga Odinga as the Leader of the Official Opposition.
48. It would, therefore, be beyond absurd for your Speaker to blindly designate the Leadership of the House without reference to formal communication of the membership of various coalitions and the relative majorities of the House as at today. **That designation must take into account any changes in the various coalitions, vacancies in the membership of the House and other relevant realities.**

Hon. Members,

49. As was stated by the Deputy Speaker, in order to establish the existence and status of coalition agreements affecting the affairs of the National Assembly, she instructed the Clerk to write to the Office of the Registrar of Political Parties on the evening of 7th February, 2025 seeking information on—
- (a) membership of the 21 parties represented in the National Assembly in any coalition, including coalition political parties, and the dates relevant to the membership;
 - (b) any variations in the membership of the coalitions and coalition political parties, and the dates of the variations; and
 - (c) certified copies of pre-election and post-election coalition agreements relating to the parties and the status of the agreements.
50. The Registrar responded by a letter dated 11th February, 2025 that was tabled by the Deputy Speaker yesterday. The contents of the letter indicate as follows—
- (a) **That a pre-election Coalition** known as the the Azimio La Umoja One Kenya Coalition Party (Azimio) was registered on 21st April, 2022 and comprised 21 parties, namely, Jubilee Party, Orange Democratic Movement, Wiper Democratic Movement, Kenya African National Union, National Rainbow Coalition, Muungano Party, Democratic Action Party Kenya, United Party of Independent Alliance, United Progressive Alliance, Kenya Union Party, United Democratic Party, Movement for Democracy and Growth, Kenya Reform Party, Chama Cha Uzalendo, Party for Peace and Democracy, National Liberal Party, People's Trust Party, Ubuntu People's Forum, Party of National Unity, Labour Party of Kenya, and the Party for Growth and Prosperity;
 - (b) **That a pre-election Coalition** known as the the Kenya Kwanza Alliance (KKA) was registered on 3rd June 2022 and comprised 11 political parties, namely, United Democratic Alliance, Amani National Congress, Forum for Restoration of Democracy-Kenya, Chama Cha Kazi, Communist Party of Kenya, The Service Party, Tujibebe Wakenya Party, Farmers Party, Devolution Party of Kenya, Economic Freedom Party, and the Umoja na Maendeleo Party; and

(c) That a post-election Coalition Agreement was entered into on 5th September 2022 between the Kenya Kwanza Alliance and four additional parties, namely, the Democratic Party of Kenya, National Agenda Party of Kenya, Grand Dream Development Party, and Chama Cha Mashinani.

Hon. Members,

51. The letter from the Registrar of Political Parties did also convey—

(a) That 5 parties had exited the Azimio La Umoja One Kenya Coalition Party, namely—

- (i) People’s Liberation Party (formerly the National Rainbow Coalition-Kenya) on 6th December 2024;
- (ii) Maendeleo Chap Chap Party on 25th January, 2024;
- (iii) Devolution Empowerment Party on 11th April, 2023;
- (iv) United Democratic Movement on 22nd November, 2023; and
- (v) Pamoja African Alliance on 27th February, 2023.

(b) That the Amani National Congress (ANC) was in the process of dissolving the party to collaborate with the United Democratic Alliance;

(c) That the Movement for Development and Growth (MDG) had initiated a process of exiting the Azimio La Umoja One Kenya Coalition **but was yet to finalize its exit from the Coalition Political Party**; and

(d) That as at 11th February 2025, the Pamoja African Alliance (PAA), Maendeleo Chap Chap Party (MCCP), United Democratic Movement (UDM) and the National Ordinary People Empowerment Union (NOPEU) are not members of any registered coalition or coalition political party.

Hon. Members,

52. I put emphasis on the information provided by the Registrar of Political Parties that the said four (4) political parties are not members of any registered coalition or coalition political party.

Hon. Members,

53. By reference to the Gazette Notices relating to the election of Members at the last General Election; and the current vacancies with respect to **Banissa, Magarini, and Ugunja and the resignation of the Hon. John Mbadi**, the current composition of the National Assembly by individual political parties in alphabetical order is as follows—

PARTY	MEMBERS
Amani National Congress (ANC)	8
Chama Cha Mashinani (CCM)	1
Democratic Alliance Party of Kenya (DAP-K)	5
Democratic Party (DP)	1
FORD-Kenya (FORD-K)	6
Grand Dream Development Party (GDDP)	1
Jubilee Party (JP)	28
Kenya African National Union (KANU)	6
Kenya Union Party (KUP)	3
Maendeleo Chap Chap Party (MCCP)	2
Movement for Democracy and Growth (MDG)	1

PARTY	MEMBERS
National Alliance Party of Kenya (NAP-K)	1
National Ordinary People Empowerment Union (NOPEU)	1
Orange Democratic Movement (ODM)	83
Pamoja African Alliance (PAA)	3
The Service Party (TSP)	2
United Democratic Alliance (UDA)	145
United Democratic Movement (UDM)	7
United Party of Independent Alliance (UPIA)	2
United Progressive Alliance (UPA)	1
Wiper Democratic Movement (WDM)	26

54. A simple calculation of the cited numbers with reference to the communication and coalition agreements received from the Registrar of Political Parties indicates the cumulative number of the Members of the constituent parties of the **Azimio La Umoja One Kenya Coalition Party** and the **Kenya Kwanza Alliance** as follows—

- (1) **Azimio La Umoja One Kenya Coalition Party consists of 154 Members** computed by adding the Membership of the Orange Democratic Movement (83); Jubilee Party (28); Wiper Democratic Movement (26); Kenya African National Union (6); the Democratic Alliance Party of Kenya (5); the Kenya Union Party (3) the United Party of Independent Alliance (2) and the Movement for Democracy and Growth (1).
- (2) **The Kenya Kwanza Alliance consists of 165 Members** computed by adding the Membership of the United Democratic Alliance (145); the Amani National Congress (8); FORD-Kenya (6); The Service Party (2); the National Agenda Party of Kenya (1); the Grand Dream Development Party (1); the Democratic Party (1) and Chama Cha Mashinani (1).

Hon. Members,

55. It is notable that the numbers relating to the Azimio La Umoja One Kenya Coalition Party are tinged by a slight element of doubt with respect to membership of the Movement for Democracy and Growth (MDG). You will recall the express sentiments made by the sole Member and party leader of MDG yesterday in the House dissociating both himself and the party from Azimio La Umoja One Kenya Coalition Party. However, I decline to engage in this controversy.

56. It is further notable that, even if it was to be assumed that the 4 vacancies were to be filled in favour of the parties under which the former members were elected or nominated; and their number added to the computation of the numbers of the two coalitions, the Azimio La Umoja One Kenya Coalition Party would still not attain a majority of the Members in the House.

Hon. Members,

57. Arising from the foregoing, the Kenya Kwanza Coalition is the Majority Party, and the Azimio La Umoja One Kenya Coalition Party is the Minority Party in the House.

58. I have not received any further communication from the Kenya Kwanza Coalition replacing the Member for Kikuyu, the Member for Kilifi North, the Member for South Mugirango and the Member for Marsabit County as their preferred leadership in the House.

59. Similarly, I have also not received any communication from the Azimio La Umoja One Kenya Coalition Party replacing the Member for Suna East; the Member for Kathiani, the Member for Suba North, and the Member for Embakasi West as their

preferred leadership in the House. **Consequently, the leadership of the House remains unchanged.**

Hon. Members,

60. Permit me at this stage to address the fate of the 14 Members who, as per the letter from the Registrar of Political Parties, belong to parties other than parliamentary parties that are not affiliated with the two identified coalitions in the House. I wish to reiterate that these 14 Members and all Independent Members shall be treated equally in nomination to the Committees of the House and access to any other attendant entitlements.
61. The Speaker shall under Standing Order 174(2B) decline to approve any list of Members nominated to serve in committees that does not take into account the interests of these Members.

Hon. Members,

62. Under Standing Order 172, the Committee on Selection is responsible for nominating Members to serve in all Committees, including all the remaining 17 Sessional Committees that I listed yesterday in the Communication on *Resumption of Sittings for the Fourth Session and Lapse and Re-Introduction of Business*. I urge the Committee to prioritize the constitution of the Budget and Appropriations Committee in light of the imminent deadline for the submission of the Budget Policy Statement.
63. In summary therefore, Honourable Members, I guide as follows—
 - (1) **THAT**, the Kenya Kwanza Coalition is the Majority Party while the Azimio La Umoja One Kenya Coalition Party is the Minority Party.
 - (2) **THAT**, to the extent that I have not received any communication from the Azimio La Umoja One Kenya Coalition Party or the Kenya Kwanza Coalition replacing their leadership in the House, **the existing leadership of the House remains unchanged.**

I thank you!”

5. MESSAGE FROM THE SENATE

The Honourable Speaker conveyed the following Message from the Senate-

Passage of Eight (8) Bills by the Senate

Honourable Members,

1. Pursuant to the provisions of Standing Order 41(5), I wish to report to the House that I have received eight (8) Messages from the Senate regarding the passage of the following Bills—
 - (1) The Houses of Parliament (Bicameral Relations) Bill (National Assembly Bill No. 44 of 2023);
 - (2) The Cotton Industry Development Bill (Senate Bill No. 5 of 2023);
 - (3) The Public Transport (Motorcycle Regulation) Bill (Senate Bill No. 38 of 2023);
 - (4) The Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2023);
 - (5) The Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023);
 - (6) The Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024);
 - (7) The Political Parties (Amendment) (No.2) Bill (Senate Bill No. 26 of 2024); and
 - (8) The Elections (Amendment) (No.2) Bill (Senate Bill No. 29 of 2024).

2. **Honourable Members**, the **first Message** conveys that on Thursday, 5th December 2024, the Senate considered and passed the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bill No. 44 of 2023) **with amendments**. In this regard, **the Senate now seeks the National Assembly's reconsideration of the Bill in accordance with the provisions of Article 112 of the Constitution**.
3. The **second Message** relates to the passage of the Cotton Industry Development Bill (Senate Bill No. 5 of 2023). The Message conveys that the Senate considered and passed, the National Assembly's amendments to the Bill on Wednesday, 4th December 2024. Members will recall that in accordance with the provisions of Article 112 of the Constitution, the National Assembly considered, and passed the Bill with amendments on 14th August 2024 and referred them to the Senate for consideration. The passage of the Bill by the Senate in the form passed by the National Assembly, therefore, concludes the bicameral consideration of the Bill.
4. **Honourable Members**, the **third Message** relates to the passage of the Public Transport (Motorcycle Regulation) Bill (Senate Bill No. 38 of 2023). The Message conveys that the Senate considered, and passed the Bill **with amendments** on Thursday, 5th December 2024. The Bill seeks to provide for the regulation of the *boda boda* industry and for connected purposes.
5. **Honourable Members**, the **Fourth Message** relates to the passage of the Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2023), published *vide Kenya Gazette Supplement No. 160* dated 1st September 2023.
6. The Bill seeks to amend the Public Finance Management Act, CAP 412A, to *inter alia*, require county governments to develop and implement a county revenue collection system, and to provide for the process of funding functions that have been transferred from one level of government to another under Article 187 of the Constitution. The Message conveys that on Thursday, 5th December 2024, the Senate considered and passed the Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2023) **with amendments**.
7. **Honourable Members**, the **Fifth Message** relates to the passage of the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023). The Message conveys that the Senate considered and passed the Bill with amendments on Thursday, 5th December, 2024. The Bill seeks to provide for the establishment, administration, powers, and functions of the Fire and Rescue Services Professionals Board, the examination, training, registration, and licensing of fire and rescue services professionals, and for connected purposes.
8. The **sixth Message** relates to the passage of the Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024). This Bill seeks to amend the Intergovernmental Relations Act, CAP 265F to establish a structured framework for intergovernmental relations to enhance relations amongst the national government, county executive and county assemblies. The Message conveys that the Senate considered, and passed the Bill **with amendments** on Thursday, 5th December 2024.
9. **Honourable Members**, the **Seventh and eighth Messages** relate to the passage of the Political Parties (Amendment) (No.2) Bill (Senate Bill No. 26 of 2024) and the Elections (Amendment) (No.2) Bill (Senate Bill No. 29 of 2024).

10. The Bills seek to amend the Political Parties Act, CAP 7D, and the Elections Act, CAP 7, to actualize some of the recommendations and views of the public submitted to the National Dialogue Committee (NADCO) during the national dialogue discourse on issues of electoral justice and related matters. The Messages convey that the Senate considered and passed the two (2) Bills **with amendments** on Thursday, 5th December 2024.
11. **Honourable Members**, with regards to the Senate Amendments to the Houses of Parliament (Bicameral Relations) Bill, 2023, the Schedule of amendments is hereby referred to **the Departmental Committee on Justice and Legal Affairs** for consideration and reporting.
12. With regard to the Senate Bills, Members will note that the Standing Orders require the Speaker to cause a Bill received from the Senate to be read a First time upon conveyance of its Message. In view of this, and in order for the House to commence consideration of the Senate Bills, I hereby direct the Clerk to schedule the Bills in the Order Paper for First Reading in the next sitting.
13. Thereafter, the Bills stand committed to the following **Departmental Committees—**
 1. The Public Transport (Motorcycle Regulation) Bill (Senate Bill No. 38 of 2023) to the **Departmental Committee on Transport and Infrastructure;**
 2. The Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2023) to the **Departmental Committee on Finance & National Planning;**
 3. The Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023) to the **Departmental Committee on Regional Development;**
 4. Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024) to the **Departmental Committee on Administration & National Security;** and
 5. The Political Parties (Amendment) (No.2) Bill (Senate Bill No. 26 of 2024); and The Elections (Amendment) (No.2) Bill (Senate Bill No. 29 of 2024) to the **Departmental Committee on Justice & Legal Affairs.**
14. The House is accordingly guided.

I thank you.”

6. STATEMENTS

Pursuant to Standing Order 44(2)(e), the Members for Kisumu Town East (Hon. Shakeel Shabbir, MP, North Imenti (Hon. Abdul Rahim Dawood, MP) and Nairobi County (Hon. Esther Passaris, MP) gave tribute in honour of the late His Highness Prince Karim Aga Khan IV.

Subsequently, and upon direction from the Honourable Speaker, Members of the National Assembly stood for a moment's silence of respect.

7. MOTION -APPOINTMENT OF MEMBERS TO THE HOUSE BUSINESS COMMITTEE

Motion made and Question Proposed-

THAT, pursuant to the provisions of Standing Order 171(1)(f), this House approves the appointment of the following Members to the House Business Committee in addition to those specified under paragraphs (a), (b), (c), (d) and (e) –

- i. The Hon. Omboko Milemba, CBS, M.P.
- ii. The Hon. Robert Mbui, CBS, M.P.
- iii. The Hon. Faith Wairimu Gitau, CBS, M.P.
- iv. The Hon. Samuel K. Chepkonga, CBS, M.P.
- v. The Hon. Adan Wehliye Keynan, CBS, M.P.
- vi. The Hon. Tom Joseph Francis Kajwang', CBS, M.P.
- vii. The Hon. Sarah Paulata Korere, M.P.
- viii. The Hon. Joshua Mbithi Mwalyo, M.P.
- ix. The Hon. Umul Ker Kassim Sheikh, M.P.

(The Leader of the Majority Party)

Debate arising;

[Point of Order by the Leader of the Minority Party to withdraw various names from the Motion ruled by the Honourable Speaker as a breach of Standing Order 58 of the National Assembly Standing Orders.]

Debate concluded;

Mover Replied;

Question put and agreed to.

And the time being fifteen minutes past Four O'clock, the Honourable Speaker adjourned the House without Question put pursuant to the Standing Orders.

8. HOUSE ROSE - at fifteen minutes past Four O'clock

MEMORANDUM

The Speaker will take the Chair on,
Thursday, February 13, 2025 at 02.30 p.m.