

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday 29<sup>th</sup> February, 2012

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

PRAYERS

### COMMUNICATION FROM THE CHAIR

#### PRESIDENT'S MEMORANDUM ON THE COUNTY GOVERNMENTS BILL

**Mr. Speaker:** Order, hon. Members! I have this Communication to make:

You will recall that the House passed the County Governments Bill, 2012 on Thursday 23<sup>rd</sup> February, 2012. However, His Excellency the President, pursuant to Section 46(3) and (4) of the former Constitution as saved under Section 3 of the Sixth Schedule to the Constitution declined to give his assent and submitted on 27<sup>th</sup> February, 2012 a memorandum on the Bill indicating specific provisions of the Bill which should be reconsidered by the National Assembly, including recommendations for deletion and amendments. The memorandum by His Excellency the President reads as follows:

“Now, therefore, in exercise of the powers conferred on me by Section 46(3) and (4) of the former Constitution, I refuse to assent to the County Governments Bill, 2012 for the reasons set out hereunder.

Hon. Members, you will allow me to pause at this point although it is too early in the Communication because I acknowledge and recognize the presence of hon. ole Ntimama at the entrance.

*(Mr. ole Ntimama was applauded as he entered the Chamber)*

Hon. Members, His Excellency the President declined assent for the reasons set out hereunder:

Clause 31(1) of the Bill lists the following amongst the functions of a county Governor:

“Subject to the operational command structure set out in the National Police Service Act or any other national security legislation, chair the county equivalent of the National Security Council as provided for in Article 239(5) of the Constitution.”

This provision is contrary to Chapter 14 of the Constitution which places the National Security Council under the national Government. Further, national security is not amongst the functions of county governments as set out in Part II of the Fourth Schedule to the Constitution. Accordingly there is no county equivalent of the National Security Council.

Recommendation: In view of the foregoing, I recommend that Clause 31(1) of the Bill be deleted.

Clause 54 of the Bill provides that there shall be such further structures of decentralization including locations and sub locations as maybe provided for in county legislation. Until substantive appointments have been made by the County Public Service under this Act, the public officers serving in the system of the administration commonly known as the provincial administration shall upon the final announcement of all the results of the first election of Parliament as contemplated by Section 2 of the Sixth Schedule to the Constitution serve in the county governments as officers of the county governments as follows:

- (a) A District Commissioner as a subcounty administrator;
- (b) A District Officer as a ward administrator; and
- (c) A Chief or Sub-Chief as officers of the further decentralized unit.”

This clause is similarly unconstitutional for the following reasons:

1. Clause 54(1) provides that the further structures of decentralization shall include locations and sublocations. This is inconsistent with Part II of the Fourth Schedule to the Constitution which leaves the creation of these structures to the respective county governments.

2. Contrary to Clause 54(2), the power to restructure the provincial administration is vested in the national Government by virtue of Section 17 of the Sixth Schedule to the Constitution which provides as follows: “Within five years after the effective date, the national Government shall restructure the system of administration commonly known as the provincial administration to accord with and respect the system of devolved Government established under the Constitution.”

Accordingly, the restructuring of the provincial administration can only be properly effected by the national Government after a thorough consultative process to ensure its alignment with the Constitution and other relevant laws. Although the Constitution allows five years for the completion of this process, the necessary consultations are already underway and shall be expedited.

By proposing to transfer a section of the provincial administration which falls under the national Government to the county governments, Clause 54(2) infringes on---

Hon. Members, I will pause for hon. Members at the door to come in.

*(Several hon. Members entered the Chamber)*

Order, hon. Members! The Member for Ndia who is also the Minister for Nairobi Metropolitan Development as well as the Acting Minister for Finance believes that the Speaker is generous this afternoon. However, I think it would take magnanimity on the part of all of us to fully implement the Constitution. So, that has to be the spirit.

By proposing to transfer a section of the provincial administration which falls under the national Government to the county governments, Clause 54(2) infringes on:

(a) Article 6 of the Constitution which provides that the national and county governments shall be distinct and shall conduct their mutual relations on the basis of consultation and co-operation.

(b) Article 187 of the Constitution which requires that the transfer of functions from one level of Government to another be through mutual agreement.

(c) Article 235 of the Constitution which empowers the county governments to employ their own staff.

Further, Clause 54(2)(c) effectively suspends Chiefs and Sub-Chiefs from office after the next general elections pending the enactment by each county government of legislation to establish further structures of decentralization including locations and sub locations which is clearly not contemplated by the Constitution.

Recommendation: For the foregoing reasons, I, the President, recommend that Clause 54 of the Bill be deleted and replaced with the following new Clause 54:

“There shall be such further structures of decentralization as may be provided for in county legislation.”

Hon. Members, Section 46(5) of the former Constitution aforesaid provides as follows: “The National Assembly shall reconsider a Bill referred to it by the President taking into account the comments of the President and shall either: (a) approve the recommendations proposed by the President with or without amendments and resubmit the Bill to the President for assent, or (b) refuse to accept the recommendations and approve the Bill in its original form, by a resolution in that behalf supported by votes of not less than 65 per cent of all the Members of the National Assembly excluding ex officio members in which case the President shall assent to the Bill within 14 days of the passing of the resolution.

Thus, in accordance with Section 54, Sub-section I of the former Constitution as saved by Section 3, Sub-section 2 of the Sixth Schedule of the new Constitution, a majority of the votes of Members present and voting would suffice.

Hon. Members, it is important to note that where under Section 46(5) paragraph (a) of the former Constitution, the recommendations of His Excellency the President are passed with or without amendments by the Committee of the Whole House. This fact, shall, as required under Standing Order No.116, paragraph 12 be reported to the House. Thereafter, Section 46, Sub-section 5 of the former Constitution requires that the Bill be resubmitted to the President for assent. A Third Reading of the Bill is therefore not required. Alternatively, the House could refuse to accept the recommendations of His Excellency the President in total and thus accept the Bill in its original form. In such an instance, a resolution supported by votes of not less than 65 per cent of all Members of the National Assembly, excluding ex officio Members is required.

Hon. Members, Standing Order No.60 paragraph 2 would apply to voting where the House takes this second option. Standing Order No.60 paragraph 2 requires the Speaker to direct a Division to be taken in every instance where the Constitution lays down that a fixed majority is necessary to decide any Question. Section 46, Sub-section 5, paragraph (b) of the former Constitution lays down a fixed majority and thus falls within the ambit of Standing Order No.60, paragraph 2. The procedure for a Division is set out at Standing Orders No.61, 62 and 63. Under Standing Order No.125, paragraph 6, the House is required to consider and deliberate on the memorandum within 21 days upon receipt from His Excellency the President.

In order to address the issues that have been raised in the memorandum, I direct that the memorandum be referred to the Departmental Committee on Local Authorities to study and report to the House within the next seven days. Meanwhile the Clerk of the National Assembly is directed to circulate copies of the memorandum to all Members of the House.

**Mr. Mbadi:** On a point of order, Mr. Speaker, Sir. We appreciate the memorandum from the President but I would like to get your guidance and direction on this particular memorandum. We are all aware that the Constitution of Kenya spells out that this is one of the Bills which had a timeline of 18 months and which lapsed on 26th February, 2012. Given that this House did not extend the timeline for legislating this particular Bill, would it be in order, based on Article 261 of the Constitution, which reads:-

“Parliament shall enact any legislation required by this Constitution to be enacted to govern a particular matter within the period specified in the Fifth Schedule commencing on the effective date.”

The key word here is “shall” This is one of the Bills that are specified in the Sixth Schedule. I know that Clause 2, sub-clause 2 talks about Parliament having the capacity to extend the timeline but the question then I would ask the Chair to rule on is that, are we able to extend time outside time? The deadline for this Bill was supposed to be 27<sup>th</sup> February, 2012 and we are receiving the memorandum on 29<sup>th</sup> February, 2012. Is it going to be Constitutional for this House to debate this Bill outside time?

Mr. Speaker, Sir, the second issue that I would like to raise tied to this---

**Mr. Speaker:** Order, hon. Member for Gwassi! Before you go to the second issue, could you please, kindly repeat the current Article of the Constitution that you referred to with respect to timeline?

**Mr. Mbadi:** That is Article 261, Clause 1, which reads that---

**Mr. Speaker:** That is fine; you may proceed to the next point.

**Mr. Mbadi:** Mr. Speaker, Sir, the other issue that I wanted to raise is with regard to the substance of what His Excellency the President has addressed. I feel that the President has not given us the correct position or the correct interpretation of the Bill that we passed. First of all, it is not true or correct that we are trying to do an illegality by transferring what we call powers from the national government to county governments. His Excellency the President has mentioned security but he has forgotten that he actually assented to a Bill which is now an Act of Parliament. That is, the National Police Service Act. Section 41 of the Act provides for the County Police Authority chaired by the governor---

**Mr. Speaker:** Order, hon. Member for Gwassi! Can you really use the phrase “has forgotten”. May be you want to withdraw that. Apologize to His Excellency the President and use a better word. You might just want to say “he overlooked”. I know I do not have to tutor you on language but unless you are a doctor, you are not able to say or determine when the President forgets or when he remembers.

**Mr. Mbadi:** Mr. Speaker, Sir, my colleagues are advising me to use the word overlooked but I would probably say he was misadvised.

**Mr. Speaker:** Even that would be fine. Proceed! Have you therefore, withdrawn the word “forgotten?”

**Mr. Mbadi:** Mr. Speaker, Sir, I withdraw the word forgotten and replace it with the word His Excellency, the President must have been misadvised because already he had signed the National Police Service Act, which is now an Act of Parliament. Section 41 of that Act provides for the County Police Authority to be chaired by the governor or his/her appointee. Then this negates the very reasoning which His Excellency the President has provided to this House that we are transferring powers. Even on top of that, I do not see anything wrong with this House transferring powers from one level of Government to the other. If you look at Article 200 of the Constitution, it gives Parliament unfettered powers to restructure the Government. I think that was also---

**Mr. Speaker:** Order, hon. Member for Gwassi. You have done well up to some point but beginning from about a minute ago, I think you are overstepping what you ought to do at this stage. You appeared to be going into the merits of the Presidential memorandum. The memorandum is not yet before the House for deliberation.

**Mr. Mbadi:** Mr. Speaker, Sir, I just wanted to raise that issue bearing in mind that you have already referred this issue to the Departmental Committee.

**Mr. Speaker:** Order, hon. Member for Gwassu. Indeed, I have given you latitude. If you are careful in your execution of what you wanted to say, I would not have stopped you, but where you are going, you are obviously overstepping what we are supposed to do now.

**Mr. Mbadi:** Let me conclude by rephrasing and also ask you for a ruling on what would happen if the basis upon which the President has referred the Bill back to us is misrepresentation and misinformation as to the intention of the Bill.

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. My point of order is purely on procedure. This is coming for the first time under the new Constitution. So, the Chair should make it clear to this House so that we know in future if we are faced with a matter that has specific timelines, which has since elapsed, whether Parliament can then proceed in the manner that you have suggested without first of all the House moving a Motion that would renew the timelines. As far as I am concerned, the Departmental Committee to which you have referred the Motion was operating within that timeline. Now that that timeline is over and just before midnight, and you remember we worked up to 11.00 p.m. just before midnight that time went and went for good. Is it procedural that we go the way we are doing without first of all moving and deciding on a Motion whether this House can actually do so? If the answer is yes, would such a Motion be constitutional since such timelines are founded within the Constitution?

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. While noting that the Sixth Schedule indicates and clearly specifies the time limits and Article 261 requires that if we are to operate beyond that particular timeline, we would have to certify that the circumstances do require an extension of time for us to be able to debate that matter, I do not know whether you will be able to consider and probably certify that the conditions require that we extend the time even before we get the Motion. You will recall about a week ago, we were asking the Government to explain why the delay and why they asked us to do legislation within four days but now they themselves require an extension. We had asked for an extension including for this particular Bill but it was resisted by the Government. Now they are asking us, out of time, to continue cleaning – I do not want to call it their mess but it is similar to that, for lack of a better word – nevertheless, I would expect that in the memorandum the President would kindly explain to us what security roles the District Commissioners (DCs) have outside the police force. Are the DCs inspectors in the Administration Police? What are they required to do as security agents? Of course, the Assistant Minister, Ministry of State for Provincial Administration and Internal Security is living in the past but can we be clear on who they are?

**Mr. Speaker:** Order, hon. Member for Chepalungu! The hon. Member for Cherangany, will you kindly withdraw and come back in the House and sit where you ought to properly sit?

*(Mr. Kutuny withdrew and walked back to his seat)*

Proceed, hon. Member for Chepalungu!

**Mr. Ruto:** Mr. Speaker, Sir, I would like to conclude by seeking that clarification from both you and the President himself on those two issues.

**Mr. Midiwo:** On a point of order, Mr. Speaker, Sir. I want to agree with the sentiments of Mr. Mbadi, Dr. Khalwale and Mr. Ruto. I just wanted to add this one thing. We need guidance as to whether we can debate, either through a Committee or in the House, something whose time has passed in law. In the event that the Committee can look at it, I want them to specifically look

at paragraph 17 of the Sixth Schedule which says that the national government has powers to restructure the government or specifically that within five years, the national government would restructure the provincial administration. In the memorandum, there seems to be implication that Parliament is not part of the national government. That needs to be made very clear because by every indication in this Constitution, Parliament is part of the national government which is not the same thing as the executive. It also means other arms of the government.

Mr. Speaker, Sir, I also want the Committee, if they were to look at this, to specifically address the powers of this House in Article 200. That is; what we can do and what we cannot do because my contention is that this Constitution gives every arm of Government specific powers and I think the President is thoroughly misled on this issue. This particular Memorandum, if it was executed in a negating manner, the import is that it kills the whole devolved government as we know it.

I thank you.

*(Applause)*

**Mr. Speaker:** Very well! Hon. Members, we would really like to limit the contributions on this matter. We will just take the hon. Member for Mutito, because he has been picketing for some time!

*(Laughter)*

After that, I want to hear the Attorney-General and I will close any submissions on this matter.

**Mr. K. Kilonzo:** Thank you, Mr. Speaker, Sir. Mine will be very brief. One is the fact that the time which was allocated to us to pass that law has expired. How then do we reopen this debate and by passing it to the Committee concerned, would we not be doing something which is unconstitutional? It is very clear that the interpretation of the Constitution is the province of the courts. So, when we say that we want you to give direction, would we not be, as a House, usurping the powers which are supposed to be with another arm of the Government? That is the issue I want you to consider.

Lastly, when the President returns this Memorandum back to the House, can it be put on record that it is the Government itself which proposed what now the President sees as unconstitutional, and it is not other hon. Members of Parliament? Indeed, it came to the Floor from the Government side!

*(Applause)*

And at that time, there was no Member of the Government---

To be specific, it actually came from the Deputy Prime Minister and Minister for Local Government and nobody stood to correct that position.

I thank you.

**Mr. Speaker:** I want to hear the Attorney-General.

**Mr. Mbadi:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Let me hear the Attorney-General.

**The Attorney-General** (Prof. Muigai): Mr. Speaker, Sir, I thank you for giving me an opportunity to comment on this very important issue. I want to remind my colleagues, through you, that Parliament, as defined in our Constitution constitutes the President of the Republic of Kenya and the National Assembly. And that we make laws in this House subject also to the constitutional intervention of his Excellency the President, which intervention is recognized by the Constitution of the Republic of Kenya. Whether the comments or the proposals by the President would be considered favorably by the House or not, it is a matter that lies squarely in the hands of this House.

However, it is my very humble submission that the right of the President to make those proposals and the right of the President to seek to persuade Parliament to relook at the law that Parliament has made cannot be contested.

Mr. Speaker, Sir, the issues raised by hon. Members are important to the extent that they have drawn our attention to the procedural issue of whether or not we can consider a Motion to reopen a law that we have passed after the mandatory constitutional period has lapsed.

*(Applause)*

In my view, Mr. Speaker, Sir, this is a question among other questions that you have the authority to rule upon, upon hearing representations in this respect. This morning, there were consultations between me, by communication, and the honorable Minister responsible for this Bill. I have also, by letter, communicated with the Leader of Government Business and the Deputy Leader of Government Business and I hope I have communicated to the Government Whips. In this communication, I have myself suggested, subject to your guidance as the final authority on the interpretation of our Standing Orders, that it may be prudent to present another Motion relating to the extension of time. For my part, I entertain no doubt whatsoever that this Parliament is the supreme law making organ of the Republic of Kenya, and neither the Constitution nor any other law can deprive this Parliament of the authority to reopen any question on the basis of time alone!

*(Applause)*

I am satisfied on the perusal of the law that on an appropriate Motion brought before the House, this House can extend time before the passage of any law or, indeed, after the passage of any law. That is the meaning that I derive from Cap. 2 as well as the General Provisions and Interpretation Act.

Therefore,---

*(Mr. Raila consulted the Speaker)*

**Hon. Members:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, hon. Members! I am sorry, Attorney-General. I have to hear you and I had to just listen to the Prime Minister who is also an hon. Member of this House and he is allowed to consult with the Speaker, if need be. Particularly so noting that today, we have the Prime Minister's Time and he was consulting me so that we are able to order the conduct of Business hereafter.

**The Attorney-General** (Prof. Muigai): That is appreciated, Mr. Speaker, Sir, and I thank you.

I want to make one last comment, Mr. Speaker, Sir. Hon. Members have made reference to Article 261. If you look at the tenure and the spirit of Article 261, you will find that, indeed, it is a misnomer to talk about time outside time because Article 261 recognizes that even if Parliament were to fail to enact any legislation for no reason whatsoever, the court can still direct Parliament – meaning long after time had gone – and I draw hon. Members’ attention to Article 261(6). I will start with Article 261(5) which says:-

“If Parliament fails to enact any particular legislation within the specified time, any person may petition the High Court on the matter.”

(6) The High Court in determining a petition under clause (5) may—

(a) make a declaratory order on the matter---

Which is to say that the High Court may declare that Parliament has failed to act on time or as required by law.

(b) transmit an order directing Parliament and the Attorney-General to take steps to ensure that the required legislation is enacted---

We have not run out of time! We are the sovereign Parliament of the Republic of Kenya; we can conduct our Business; we can reopen any Business under Article 261, reconsider it and if we disagree with any Memorandum sent by the President, Parliament can reject it and the law will take its course.

*(Mr. Mbadi stood up in his place)*

**Mr. Speaker:** Order, hon. Member for Gwassi! The hon. Attorney-General is actually on a point of order.

Do you want to conclude the hon. Attorney-General?

**The Attorney-General** (Prof. Muigai): Mr. Speaker, Sir, I would, therefore, like to conclude by saying that the directions that you gave earlier on how this matter should be handled, for the time being are conclusive of the matter. It is for---

**An hon. Member:** No!

**Mr. Speaker:** Order! Attorney-General, you have my protection. Address the House!

**The Attorney-General** (Prof. Muigai): Mr. Speaker, Sir, I was saying before somebody sought to assist me, that in my view, we have the constitutional authority where we pass the appropriate Motions to reopen this question in the manner anticipated by Article 261.

Thank you, Mr. Speaker, Sir.

*(Several hon. Members stood up in their places)*

**Mr. Speaker:** Order! I sense that a number of you want to challenge the Attorney-General.

**Hon. Members:** Yes!

**Mr. Speaker:** Yes, the hon. Member for Rangwe?

**Mr. Ogindo:** Thank you, Mr. Speaker, Sir. I am very surprised that the words coming from the Attorney-General are actually from the Attorney-General of the Republic of Kenya!

*(Applause)*



Mr. Speaker, Sir, in this House, we have the Constitution and the various statutes. We also have the Standing Orders. All these are there to guide the activities of the House. The Attorney-General cannot say that this Parliament has authority to operate outside the law. Article 261 – in which I agree with the Attorney-General – says that Parliament shall enact the law. Parliament means the President and the National Assembly.

Mr. Speaker, Sir, Article 261(2) says:-

“Despite clause (1), the National Assembly may, by resolution supported by the votes of at least two-thirds of all the members of the National Assembly, extend the period prescribed in respect of any particular matter under clause (1)---”

Mr. Speaker, Sir, the process of enacting the laws involves the signature of the President and that has to be done within the law. So, my point of order, in seeking your guidance is; is the President’s Memorandum admissible in this House outside the timeline which has not been extended by this House?

**Mr. Speaker:** Order! Hon. Members, I think we are tending to be repetitive now. The hon. Member for Rangwe made a very valid point with respect to the Attorney-General’s submissions but towards the end, he repeated what has already been very ably canvassed by other hon. Members of Parliament. That being the note at which we are, I am able to give directions, and I give directions as follows.

First, with respect to reference of the President’s Memorandum to the Committee on Local Authorities and, subsequently to the House, it is my finding and direction that, that step taken by me on behalf of the House is lawful and it is within the ambit of the Standing Orders and note, hon. Members, that the Standing Orders are anchored in the Constitution. So, if there is any contradiction at all, I will have to consider a contradiction between two different sections of the Constitution. So, I am satisfied that, that reference is within the law.

With respect as to whether or not the President’s Memorandum is timeous and (b), the second limb of that argument, whether or not the consequences of that Memorandum will be dealt with in a manner that is timely, that is unprecedented. It is a completely new matter and I will want to give considered direction on that, bearing in mind the submissions, of course, by Mr. K. Kilonzo that the purview of the interpretation of the Constitution falls in the province of the High Court. I will exercise my discretion as may be available to me discreetly respecting the doctrine of separation of powers, as I have always, indeed, done. So I will give directions in that regard on Tuesday next week in the afternoon. In the meantime, because I am fully persuaded and convinced that reference to the Committee and subsequently to the House is lawful and constitutional, the Committee of the House shall proceed to do what it ought to do, and must do, on behalf of this House in the meantime.

*(Dr. Eseli stood up in his place)*

Order, Dr. Eseli!

**Dr. Eseli:** This is unrelated!

**Mr. Speaker:** Order! I will not revisit that matter, I am afraid. It is concluded!

**Dr. Eseli:** It is different!

**Mr. Speaker:** Order, Dr. Eseli! If you wish to revisit this matter any further, wait for my direction on Tuesday afternoon at 2.30 p.m. In the meantime, you are at liberty to appear before the Committee because every hon. Member of this House has the right to go to a Committee and make his or her submission.

**Dr. Eseli:** On a point of order, Mr. Speaker, Sir. It is unrelated!

**Mr. Speaker:** Yes, if it is unrelated! Proceed.

**Dr. Eseli:** Thank you, Mr. Speaker, Sir. Several times, we have come up with these issues of timeousness of enactment of legislation. You are the head of this House called Parliament. The Constitution sets out possible penalties for Parliament when it fails to enact certain legislation at certain timelines. When certain sections of Parliament are the cause of the delay, the Judiciary will not be able to look at it that way because Parliament will have failed to enact the legislation; if it ever goes to the court of law. Yet, in this circumstance, we have had several times where, perhaps, the Executive, which is part of Parliament, is the one causing the delay in Parliament in meeting those timelines. I beg you to give us a ruling as to how we will proceed from there, so that we are able to enforce it such that all of us in Parliament are acting within those timelines. So, as you come to give your ruling, please, include that in your ruling.

*(Applause)*

**Mr. Speaker:** Very well, Dr. Eseli! That is legitimate and I will cover it in the directions that I will give on Tuesday afternoon.

**Mr. C. Kilonzo:** Mr. Speaker, Sir, just to bring to your attention, when this particular Bill was being passed by Parliament, with the exception of only Mr. Mudavadi and Mr. Orengo, the entire Government was not here!

**The Assistant Minister for Energy** (Eng. M.M. Ali): I was here!

**Mr. C. Kilonzo:** One Assistant Minister! Mr. Speaker, Sir, we saw him state that the House made a mistake. Those are the words of the Assistant Minister; that the House made a mistake and he said what is likely to happen. That Minister in that Ministry was also not here when that amendment came. So, since we, as Parliamentarians, have no way to communicate with His Excellency the President, we would request the Chair that this time round, to prevail upon the Head of State to take action against the Ministers. That is because you can remember and imagine such an important Bill being passed by 20 hon. Members. We had a field day and so, for the Government now to come crying here, it is too late. Even the Attorney-General was not around! The Minister for Justice, National Cohesion and Constitutional Affairs was not around. I do not need to say it! The Government was not here. So, I plead with---

*(Dr. Nuh stood up in his place)*

**Mr. Speaker:** Order, Dr. Nuh! Mr. C. Kilonzo is on a point of order.

**Dr. Nuh:** On a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** Mr. C. Kilonzo, do you want information from Dr. Nuh?

**Mr. C. Kilonzo:** Of course, Mr. Speaker, Sir, he is very active. I do not mind him!

**Dr. Nuh:** Mr. Speaker, Sir. I just want to inform him that apart from absconding duty which they should have been here to execute and which they are paid for, they have purportedly continued to even attempt to mislead this House as they have misled the President on the constitutionality of the clause that we passed.

*(Applause)*

**Mr. Speaker:** Very well! Move to conclude!

**Mr. C. Kilonzo:** Very well put, Mr. Speaker, Sir. So, as a Member of the Constitutional Implementation Oversight Committee (CIOC), we have stated that it appears there is lack of commitment from the Government to implement the Constitution. That is because when Ministers fail to come to the House when we are discussing various Bills for the implementation of the Constitution, what is this House expected to do? So, my plea to the Chair is to communicate with the appointing authority to ensure that the Executive takes the implementation of the Constitution as a serious matter.

**Mr. Ruto:** On a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Mr. C. Kilonzo has concluded and he will, therefore, not benefit from that point of information.

*(Several hon. Members stood up in their places)*

Order, hon. Members! The sentiments by Mr. C. Kilonzo are, of course, noted. But before I make any directions as to what I will do or not do, I will want to hear the Leader of Government Business on those concerns as expressed by Mr. C. Kilonzo, Dr. Eseli as well as Dr. Nuh.

Leader of Government Business, do you have any response at all to those sentiments?

*(Mr. Ruto stood up in his place)*

Order, Mr. Ruto!

*(Loud consultations)*

Order, hon. Members! Will the Deputy Prime Minister and Minister for Local Government hold brief for the Government?

**Mr. K. Kilonzo:** But he was here!

**Mr. Speaker:** Order, Mr. K. Kilonzo!

*(Mr. Mbadi stood up in his place)*

Order, Mr. Mbadi!

**The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi):** Mr. Speaker, Sir, I just want to state that, in view of the ruling that you have made, that this matter be referred to the relevant Committee, I believe that, that would be the right forum so that these issues can be thrashed out and a clear decision be made by Parliament on the way forward. That is because the County Governments Bill is extremely important and I want to state here that we had very serious discussions with hon. Members. I would like to correct---

*(Messrs. Mbadi, Duale and Ogindo stood up in their places)*

**Mr. Speaker:** Order, Messrs. Mbadi, Duale and Ogindo!

**The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi):** Mr. Speaker, Sir, so, I would just want to state that on the part of the Government and whether there was sufficient attendance from the Bench or not, this is a statement that I have noted and we will bring it up very clearly at the Cabinet level so that it can be discussed.

*(Applause)*

**Mr. Speaker:** Order, hon. Members! I have heard and listened to the point of order as prosecuted by Dr. Eseli and supplemented by Mr. C. Kilonzo and Dr. Nuh. I am satisfied that those sentiments are critical and I will be giving directions on that, alongside the Communication which I will deliver on the main subject on Tuesday afternoon. In the meantime, I would want to say this to the Front Bench: That where it really counts; where you must make your views made, your contributions to legislation, your contributions to Motions, your contributions to Questions is in this House.

*(Applause)*

The fora that you choose to express yourself at, reasonable as you may appear, does not count.

**Hon. Members:** Yes! At funerals!

**Mr. Speaker:** We hear you at funerals! We hear you in FM stations! We hear you in all manner of discreet television stations! That is not good enough!

*(Applause)*

If you are man enough or are woman enough to have been elected by Kenyans to represent your constituency, come and say it here. Please, note and I will cover this further in my directions on Tuesday afternoon.

*(Applause)*

Let us move on to the next Order!

### **QUESTIONS BY PRIVATE NOTICE**

**Mr. Speaker:** Order, hon. Members! I am sorry I was engaged by the hon. Member for Garsen and he got me off balance for a moment. I want to direct as follows. Because of where we are in terms of time, we will take only two Questions. We will cover the Questions by Private Notice and then move on to the Prime Minister's Time.

Let us start with Question No.1 by Private Notice by the Member for Kigumo!

#### **PROVISION OF BURSARY MONEY TO CONSTITUENCIES**

**Mr. Jamleck Kamau:** Mr. Speaker, Sir I beg to ask the Minister for Education the following Question by Private Notice.

(a) Can the Minister confirm that there was a provision for bursary allocation of Kshs.20,000 to 200 students in every constituency in the Financial Year 2011/2012 Budget?

(b) Why has the Ministry not released the funds, considering that students continue to lose out on studies as they await the release of the money?

(c) When will the Ministry release the funds?

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, I beg to reply.

(a) Yes, according to the Budget Statement read by the hon. Minister for Finance on 8<sup>th</sup> June, 2011 for the 2011/2012 Financial Year, an additional Kshs840 million was promised to scale up the bursary programme in order to cater for Kshs20,000 annual bursary fees for additional 42,000 orphans and children from poor households in secondary schools throughout the country. However, following a meeting at the Treasury between the Ministry of Education and the Ministry of Finance, it was agreed that the Ministry of Education reallocates some of the money to cater for drought mitigation in the country. Out of Kshs1.34 billion meant for bursary, Kshs400 million was reallocated towards that purpose.

(b) The Ministry has already disbursed Kshs462, 495, 852 to the 210 constituencies using the existing constituency bursary disbursement formula and is preparing to disburse the second batch of the remaining amount in April 2012.

(c) Considering my answers parts “a” and “b” above, part “c” of the Question has already been addressed.

**Mr. Jamleck Kamau:** Thank you very much, Mr. Speaker, Sir. You have heard what the Assistant Minister has just talked about. He has said that the Ministry of Education and the Treasury agreed that some money to the tune of Kshs400 million be reallocated. I just want to find out from the Assistant Minister. Did he seek parliamentary approval to reallocate these funds?

**Prof. Olweny:** Mr. Speaker, Sir, the issue came from the Cabinet and the House Budget Committee also authorized that or allowed for the reallocation. We discussed with the Committee and it allowed for the reallocation.

**Mr. Mbadi:** On a point of order, Mr. Speaker, Sir. There is an allegation from the Assistant Minister for Education that the House Committee on Budget reallocated money from bursary to drought mitigation. I sit in that Committee and I cannot remember any time that we made such a recommendation and approval for any money to be reallocated.

Could he substantiate and provide minutes of the Budget Committee meeting or a communication from the Committee which reallocated that money?

**Mr. Duale:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, the Member for Dujis! Mr. Assistant Minister, would you like to respond to that challenge? It is legitimate. Please, substantiate.

**Prof. Olweny:** Mr. Speaker, Sir, we are dealing with an issue which came from the Cabinet. I have all the correspondences from the Government regarding this issue here and I will table them.

*(Prof. Olweny laid the document on the Table)*

With regard to the Committee authorizing the reallocation, that is the information I got from the Ministry officials who appeared before the Committee. Maybe, that issue was discussed when our officers met the Committee.

**Mr. Duale:** On a point of order, Mr. Speaker, Sir. I think the Assistant Minister is taking the nation and this House for a ride. Ministers must stand up for what they say in this House pertaining to policy and budget. We would like the Assistant Minister to table the Budget Committee recommendations or minutes giving orders. Is he in order?

**Mr. Speaker:** Order! The Member for Dujis, the fact that you concluded what you were saying by asking whether or not it is in order does not make it a point of order! The way you

prosecuted that matter, I am afraid it was just a matter of argument. You did not really bring that within the ambit of a point of order.

**Mr. Jamleck Kamau:** On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister not to answer the Question I have asked? I asked whether he got parliamentary approval and not Cabinet approval. Those are two totally different things.

**Mr. Speaker:** That is legitimate. Mr. Assistant Minister, the claim there is that you have not answered the Question. Did you get parliamentary approval?

**Prof. Olweny:** Mr. Speaker, Sir, let me put it this way. Since I do not have proof for that; let me withdraw that aspect of my answer.

**Mr. Speaker:** Fair enough!

**Mr. C. Kilonzo:** Mr. Speaker, Sir, the Minister's answer is: "The Ministry of Education reallocates money to cater for drought mitigation in the country." In the first place, bursary is meant to cater for drought mitigation in the areas that are affected. So, what rationale was there that money meant to mitigate for drought was transferred from bursary to other activities?

**Prof. Olweny:** Mr. Speaker, Sir, the Ministry of Education is just part of the Government and issues relating to money are discussed, debated and resolutions made by the whole Government. It is not only the bursary money from the Ministry of Education that was reallocated. That was part of the money that the Ministry of Education gave out for drought mitigation. In fact, the Ministry of Education gave out Kshs1.075 billion and it came from other votes and bursary is one of them.

**Mr. Mwangi:** Thank you, Mr. Speaker, Sir. It is surprising that the Ministry of Education can negotiate with the Treasury to reallocate money for children in hardship areas to another Ministry instead of catering for our children's education. Could the Assistant Minister clearly tell us who received the Kshs400 for drought mitigation whereas the Ministry of Education has nothing to do with agriculture?

**Prof. Olweny:** Mr. Speaker, Sir, the Ministry of Education does not allocate it. The money was reallocated back to the Treasury and it was spent on drought mitigation. In fact, it did not come to the Ministry. Before the money came, the resolutions were made by the Government.

**Mr. Kiptanui:** Mr. Speaker, Sir, the Kshs840 million was to be additional bursary that was to be added to the normal bursary that we get every year. Could the Assistant Minister clarify whether the Kshs462 million which has been allocated to constituencies is part of the normal bursary or it is the new bursary for the 200 students per constituency?

**The Minister for Nairobi Metropolitan Development (Mr. Githae):** On a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Member for Ndia, do you want to inform the Member for Keiyo South or the Assistant Minister?

**The Minister for Nairobi Metropolitan Development (Mr. Githae):** Mr. Speaker, Sir, I want to inform the Assistant Minister.

**Mr. Speaker:** The Assistant Minister has not yet responded to the question.

Mr. Assistant Minister, proceed!

**Prof. Olweny:** Mr. Speaker, Sir, when the Ministry of Finance said that it had allocated some money for additional bursary, the Ministry was to get Kshs1.34 billion for bursary. But out of that amount, Kshs400 million went to drought mitigation and we are left with only about Kshs900 million. So, the Ministry has decided to give out that amount using the usual formula that we use for disbursing bursary funds.

**Mr. Speaker:** Member for Vihiga

**Mr. Ruto:** Mr. Speaker, Sir,---

**Mr. Speaker:** Order, Member for Chepalungu!

*(Mr. Ruto gestured at the Chair)*

Member for Chepalungu, why are you gesticulating at me? If you want to rise on a point of order, just stand in the position you are and say: "Point of order!" You do not gesticulate at me!

Proceed, Member for Vihiga!

**Mr. Chanzu:** Mr. Speaker, Sir, I want to ask the Assistant Minister to tell this House and Kenyans, now that the Government had indicated that it was going to pay those bursaries and the money had to be reallocated, what did the Ministry do in good time to inform Kenyans that the money was not going to be available?

**Prof. Olweny:** Mr. Speaker, Sir, the money that was reallocated actually was to be spent on the school feeding programme in drought affected areas.

**Hon. Members:** Uwongo! Uwongo!

**Mr. Speaker:** Order, hon. Members! Let us hear the Assistant Minister!

**Prof. Olweny:** Mr. Speaker, Sir, there is drought in various parts of the country.

**Mr. Keter:** On a point of order, Mr. Speaker, Sir. Since the Assistant Minister does not seem to know the answers, will I be in order to request that this Question be directed to the relevant Committee, so that it can come and report to this House?

**Mr. Speaker:** Order! Order! The Assistant Minister appears to be faltering. There are certain things that he is not so sure about. So, what I would rather do for the moment, so that I can give him the benefit of the doubt, is to defer this Question for ten days from today. Mr. Assistant Minister, please, come back with a satisfactory answer ten days from today. In the meantime, if you have any information which is required very urgently, please, supply it to the Member for Kigumo. Otherwise, I am giving you ten days strictly from this afternoon.

Member for Yatta!

#### LACK OF SECURITY IN YATTA CONSTITUENCY

**Mr. C. Kilonzo:** Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) What action has the Government taken to apprehend the killers of Messrs Mutuku Mbuvi (a watchman at Katulani Primary School), Phillip Mumenyi (a watchman at Kithendu Primary School), Stephen Kithuma (a pastor at Matuu Full Gospel Church) and Ms. Christina Syong'ombe (a vegetable vendor) in Matuu town?

(b) What action is the Government taking to improve security in Yatta Constituency?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, I beg to reply.

(a) Three incidences are pending under investigations vide Matuu Criminal Case No.449/22/2012 involving the death resulting from a robbery at Katulani Primary and Kivandini Secondary where one Mr. Mutuku Mbuvi, a watchman at Katulani Primary School died, Yatta Criminal Case No.446/10/2012 where gangsters robbed Kithendu Primary School and killed a watchman, a Mr. Phillip Mumenyi and, Criminal Case No.449/34/2012 where a gang attacked

the home of Mr. Stephen Kithuma and robbed him off money and other valuables before hitting him with a crude weapon which led to his death.

The Police have not received any reports as concerns the death of Mrs. Christina Syong'ombe in Matuu Town and, therefore, I would want to appeal to any person with such information to report to the nearest police station.

(b) To forestall the upsurge of crime wave, the following measures have been put in place:-

(i) Enhancing mobile and foot patrols in Yatta;

(ii) Holding frequent *barazas* to sensitize the community on the need to help the police with information on suspected criminals;

(iii) Boosting of community policing initiatives in the constituency. The police have been visiting several institutions to sensitize them on the need to put proper security measures in their institutions and liaise with the police where there is need;

(iv) Enhancing collection of crime intelligence to help track down criminals within Yatta.

**Mr. C. Kilonzo:** Mr. Speaker, Sir, the situation we are faced with in Yatta is a little bit very serious. My own parliamentary office has been robbed twice. Next door is a water company which has been robbed three times. On the other side, there is a hospital which has been robbed three times. Those primary schools are in a radius of less than five kilometres in one sub-location. Only last night, in my village where I go to buy salt, a watchman is fighting for his life. He was attacked last night at Ndalani Market. Only last year, my own mum was attacked and was in hospital for three months. What is the Government doing to apprehend those criminals because it appears like nothing is being done?

**Mr. Ojode:** Mr. Speaker, Sir, I beg to differ with the Questioner. He has said that nothing is working properly. I want to say the following: The police are getting very good leads regarding those incidences in order to arrest those people. Since we are yet to arrest those fellows, I do not want to divulge the names of those suspects. But I want to assure this House that we are going to arrest those people and, if need be, I will dispatch the Flying Squad--- That is because I know that is what they fear. I will dispatch the Flying Squad to run around, get those suspects and take them to court.

**Mr. Mwangi:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to tell the House that he is going to dispatch the police to go and harass people in the area? The Flying Squad does nothing else---

**Mr. Speaker:** Order! Order, Member for Kiharu! That is your own word. I did not hear the Assistant Minister use the words "dispatch police to harass."

Member for Isiolo South!

**Mr. Bahari:** Mr. Speaker, Sir, this is a very sensitive matter. It is important for the police to take preventive action. In those several instances, it looks like there is a lapse of security in the area. Could the Assistant Minister review the security arrangement in the area to ensure that the security personnel in that area are effectively carrying out their duties?

**Mr. Ojode:** Mr. Speaker, Sir, we are going to review the security arrangement. I want to assure my colleagues here that if we do not apprehend the suspects within two weeks from now, I will involve the Flying Squad. This is so sensitive an issue that we cannot play around with it. It involves the lives of innocent Kenyans. I want to assure my colleagues that if need be I will do all that it takes to apprehend the suspects. I know that they are hearing me talk from the Dispatch Box. Some of them will go underground but even if they do so, I will have them apprehended.



**Mr. Kioni:** Mr. Speaker, Sir, what the Member for Yatta has asked the Assistant Minister is a pattern that is evident in other places like Ndaragua, in a place called “Shamata”. The killings happened more than three weeks ago. The assurance that the Assistant Minister is giving – that arrests will be made within two weeks – is not satisfactory, because it has taken more than three weeks in my area. Could he inform this House what the Government is doing comprehensively to ensure that these killings are not repeated across the country?

**Mr. Ojode:** Mr. Speaker, Sir, we have enhanced police patrols, both foot and mobile, not just in Yatta but countrywide. Once we receive the vehicles from wherever we bought them, you will start seeing new cars patrolling in areas where you do not see police patrol cars. I want to assure my colleagues that we are not going to treat this matter casually. The security of Kenyans must be given priority. So, we are going to dispatch police officers to all corners of this country. If need be, I would want Kenyans to report any suspicious looking person in order for the security team to take immediate action.

**Mr. Mbuvi:** Mr. Speaker, Sir, this is a very sad case involving my name sake, a Mr. Mbuvi, who was a watchman at Katoloni Primary School. Can the Assistant Minister explain why the police have been reluctant all this time in apprehending the murderers? Why have they not responded as they normally do when they apprehend dangerous suspects? When police officers are sent to arrest Members of Parliament, they come in full force, with teargas canisters, AK47 rifles and even with pliers to pinch our private parts with. This used to happen to some hon. Members of this House at Nyayo House during the Nyayo era.

**Mr. Ojode:** Mr. Speaker, Sir, I am at a loss because I do not know of any of my colleagues who has been mistreated by the police, but I want to say this---

**Mr. Speaker:** Order! Order, Member for Makadara!

Assistant Minister, the Member for Makadara actually asked a question in two parts. What I want you to respond to is what is relevant to this Question, and it is in the first part of his supplementary question.

**Mr. Ojode:** Mr. Speaker, Sir, I want to say that the police in Matuu are doing a good job. They are not reluctant. They are trying to get the suspect. It is only that I avoid giving out the names of those whom we are pursuing, but I commend what the police are doing in Matuu and all over the country. If there is anybody who has not been treated well by the police, I am here. Let me know it.

**Mr. C. Kilonzo:** Mr. Speaker, Sir, these two watchmen were murdered. As we speak, another one is fighting for his life. This is a vegetable vendor who was murdered. This is a pastor who was murdered. All these murders happened in one month. Surely, can he say that the police are doing a good job with all these murders happening in one month and without anybody being arrested? Can he give this House an assurance that we are going to see action, and the murderers will be arrested forthwith?

**Mr. Ojode:** Mr. Speaker, Sir, let me assure this House that we are zeroing in on the murderers. We are going to arrest the suspects and charge them in a court of law. The law is very clear.

**Mr. Mureithi:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead this House, considering the fact that my watchman was killed six months ago following which I called the Assistant Minister in his house at night, but up to today nobody has been arrested? Is he in order to mislead the House that he is going to arrest the criminals who are killing people?

**Mr. Ojode:** Mr. Speaker, Sir, when we got information that some thugs had invaded his house, we dispatched some Flying Squad officers to his area. It is not possible to handle issues of murder casually. In a case of murder, you have to go for the person who did it. Let me assure this House that we are going to arrest those suspects.

**Mr. Mututho:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to continuously refer to homicide detectives as “flying squad” whereas it is public knowledge that Flying Squad officers themselves do a lot of killings? Are they detectives sent to check out who killed people or detectives sent out to kill suspects?

**Mr. Speaker:** Order! Order! That is a good question, Member for Naivasha, but, certainly, it is not a point of order that we deal with at this time while on this particular Question.

**Mr. Lessonet:** On a point of order, Mr. Speaker, Sir. The Assistant Minister has kept referring to “Flying Squad”. As the Member of Parliament for Eldama Ravine, I am only aware of the Kenya Police, the Administration Police, the Criminal Investigations Department (CID) and the General Service Unit. To the best of my knowledge, “Flying Squad” does not exist in the Kenya Police force. Can he, therefore, stop misleading the House or prove the existence of “Flying Squad to this House?

**Mr. Speaker:** Order! Order! Again, that is just a matter of argument. I am afraid, I will not allow it either.

Hon. Members, that brings us to the end of Order No.6. The Questions after this one are all deferred and we will spread them out, so that the first half is deferred to tomorrow afternoon and the second half is deferred to Tuesday morning.

*Question No. 1187*

POSTING OF DO TO MWALA DIVISION

*(Question deferred)*

*Question No.1100*

COMMERCIAL VALUE OF GRANITE  
ROCKS IN WESTERN KENYA

*(Question deferred)*

*Question No.1267*

CONSTRUCTION OF SEWERAGE  
SYSTEM IN MANDERA TOWN

*(Question deferred)*

*Question No.1109*

LIST OF ACCOUNTING /ENGINEERING  
STAFF WORKING IN GOVERNMENT

*(Question deferred)*

*Question No.1116*

DELAYS IN REMITTING PENSION DUES

*(Question deferred)*

*Question No.1447*

DELAY IN RECRUITMENT OF NEMA DIRECTOR-GENERAL

*(Question deferred)*

**Mr. Speaker:** Order! Order, hon. Members! We are still on Question Time! Apparently, there is a Question to the Prime Minister.

Yes, Member for Ikolomani.

**PRIME MINISTER'S TIME**

*QPM/002*

MATTERS SURROUNDING OUTLAWED MRC

**Dr. Khalwale** asked the Prime Minister whether he could address the House on the matter of the outlawed Mombasa Republican Council (MRC).

**The Prime Minister** (Mr. Odinga): Mr. Speaker, Sir, I said that I would deal with this, but I want to address the House substantively on this matter next week. Today I want to address the issue of food security.

**Mr. Speaker:** The Hon. Prime Minister, why are you unable to address the House today? You know, you need to give your reasons to the House, so that the House becomes aware of them.

**The Prime Minister** (Mr. Odinga): Mr. Speaker, Sir, there are some consultations that are necessary on this subject by we people in Government. Therefore, I request that I address the House substantively on that matter next week.

**Mr. Speaker:** Yes, Member for Ikolomani.

**Dr. Khalwale:** Mr. Speaker, Sir, I would like to agree to that, but this matter is so dynamic. Prime Minister, when you come next week, could you also make part of your presentation the interference by the Government of Great Britain, who are today entertaining this militia group by allowing them access to their embassy and to the Queen?

**Mr. Speaker:** The Rt. Hon. Prime Minister, please, include that in your answer when you come next week.

*(Question deferred)*

*(Mr. C. Kilonzo stood up in his place)*

**Mr. Speaker:** What is it, Member for Yatta? Is it on the same matter?

**Mr. C. Kilonzo:** Mr. Speaker, Sir, mine is a plea to the Chair and also to the Right Hon. Prime Minister that due to the nature of business that we have and the time restriction we have, even the subject he wants to address us on, does come next week on Wednesday, so that we can move to the next Order.

**Mr. Speaker:** Order. We will only deal with that when we get to that Order.

**Mr. Duale:** Mr. Speaker, Sir, on the same question by Dr. Khalwale which the Prime Minister will address next week, this is a matter of great national importance knowing that MRC is among the 33 illegal gangs banned by the Government. In his Statement, I want him to relate to how the Government dealt with secession groups in the past and the present. I would like him also to state to the nation whether what we see in the media that he will negotiate and talk to MRC is a Government and/or a party position.

**Mr. Mbuvi:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Member for Makadara, is your point of order on the same matter?

**Mr. Mbuvi:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Okay, let us hear it.

**Mr. Mbuvi:** Bw. Spika, kwa sababu hii Mombasa Republican Council inahusu Wapwani, utaniruhusu nitumie lugha ya Pwani ya Unguja, Pwani ya Tanganyika na Pwani ya Kenya.

Bw. Spika, Waziri Mkuu amekuwa shoga wangu kwa miaka mingi sana. Hata hivyo, ningalipenda anapojibu swali hii ajishughulisha sana na swala la mashamba linalowakera wafuasi wa MRC.

**Dr. Khalwale:** Jambo la nidhamu, Bw. Spika. Neno “shoga” linaweza kuwa na maana tofauti na ile mhe. Mbuvi amekusudia, hasa kwa wale watu ambao hawazungumzi Kiswahili sanifu. Wanaweza kufikiria pengine Mhe. Waziri Mkuu na Mbunge wa Makadara wako na tabia nyingine. Ninamuomba mhe. Mbuvi kulitumia neno lingine badala ya neno “shoga”.

**Mr. Speaker:** Order! Mhe. Mbunge wa Makadara, mhe. Mbunge wa Ikolomani anakuuliza aidha ufafanue au ueleze sawasawa maana ya kutumia hilo neno “shoga”.

**Mr. Mbuvi:** Bw. Spika, nimesema natumia Kiswahili cha Unguja, Tanganyika na Mombasa kwa sababu swala hili linahusu Wapwani wote. Hiki ni Kiswahili kinachotumika katika Afrika ya Mashariki. Neno “shoga” lina maana mbili; moja inamaanisha matusi. Mimi sikumaanisha matusi---

**Mr. Speaker:** Mhe. Mbuvi, ninajaribu kukusaidia. Je, unaweza kuendeleza neno hilo?

**Mr. Mbuvi:** Ndio, Bw. Spika.

**Mr. Speaker:** Endelea.

**Mr. Mbuvi:** Ni S-H-O-G-A.

**Hon. Members:** Ahh!

**Mr. Kutuny:** Bw. Spika, ukienda Zanzibari kuna Kiswahili ambacho kinatumika huko. Pia kuna Kiswahili cha Dar-es-Salaam na cha Mombasa. Neno “shoga” kama alivyokusudia mhe. Mbuvi lina maana ya rafiki kule Unguja na Pemba. Wao humuita rafiki “shoga.” Kwa hivyo, ni Kiswahili sanifu kutumia neno “shoga” katika muktadha huu.

**Hon. Members:** Jambo la nidhamu, Bw. Spika!

**Mr. Speaker:** Order, hon. Members. The Member for Makadara has explained in what context he used that word. It is supplemented by the very good effort of the Member for

Cherangany. I am satisfied that the Member for Makadara does not intend, impute or imply that he has had any relationship with the Prime Minister. So, that must really rest the matter.

Next Order!

## MINISTERIAL STATEMENT

### FOOD SITUATION IN THE COUNTRY

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I would like to dedicate today's Statement to the memory of the late Minister for Environment, hon. John Njoroge Michuki.

Mr. Speaker, Sir, I want to believe that we all agree that sound environment is a requirement for a bumper harvest for our farmers and to harness the economic well-being of our nation.

With that in mind, I rise to update this House on the food situation in the country. I wish to pay tribute to our departed colleague, the late John Njoroge Michuki.

Mr. Speaker, Sir, we have eulogized and honoured Mr. Michuki in church and in other public places. However, it is important we voice this recognition in this very House from which our late Minister served our country.

With our voice, our recognition of services of the late Minister to our nation will stay on record. Environmental conservation is not for the faint hearted. It is for the brave, daring, bold and the visionary. Mr. Michuki was all these. We have lost a real foot soldier in the march towards a sound environment, food sufficiency and economic stability.

Mr. Speaker, Sir, since Mr. Michuki moved to the Ministry of Environment and Mineral Resources in 2008, we saw substantial progress in the environment and climate change sphere. In addition, the programme on water catchment that he spearheaded will forever remain a living testimony of his desire to ensure a food secure country. Let us demonstrate that we genuinely share the values and patience in fighting climate change and restoration of forest and water towers. I have already called on all Kenyans to plant and grow at least one tree. We have directed the Ministry of Environment and Mineral Resources to scale up this tree planting programmes to make it well above the current target of 5 million trees per year.

But of course the Government cannot do it alone. We need to plant 400 million trees per year if we were to achieve the target of 7.6 billion trees by the year 2030 that hon. Michuki set. This may appear unachievable but I assure you it is achievable.

Mr. Speaker, Sir, over the last few years, Kenya as a nation has been planting nearly 200 million trees per year. We need only to double this. With our collective resolve and your support we can do it.

Lakes, rivers and other waterways too are our national treasure. They are also invaluable assets for food security. We have made laudable progress in cleaning up Nairobi River. The Government will complete cleaning up Nairobi River. We will extend this exercise to Mathare and Ngong' rivers.

Mr. Speaker, Sir, Nairobi River is a clear testimony that *Kazi kwa Vijana* (KKV) programme, when implemented properly and effectively, can work and produce results. The Ministry of Environment and Mineral Resources will continue to employ 1,900 youths for cleaning up the Nairobi River. In addition, the Ministry will spend Kshs10 million to begin cleaning up Mathare River and Ngong' River. The Ministry has also been directed to complete its plan to clean up Nairobi Dam and embark on this very important task very soon.

The Government proposes to create a recreational park in the area adjacent to the globe cinema which we shall call the John Michuki Memorial Park---

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** What is it, Member of Ikolomani?

**Dr. Khalwale:** Mr. Speaker, Sir, with all due respect to the Prime Minister, on the Order Paper he moved to address the House on matters of food security. For the last ten minutes he has been talking about the environment.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I wish the hon. Member was patient. He needs to know that the environment is very much interlinked with food security. What I am talking about is a very serious matter indeed.

Mr. Speaker, Sir, in addition, the Government proposes to create a recreational park in the area adjacent to the globe cinema which we shall call "the John Michuki Memorial Park". This will be an undertaking by the private sector to express its gratitude to the late John Michuki.

We have called on several prominent members of the Kenyan business community to establish a committee that will oversee the preparation of the park and spearhead a drive to establish a fund to finance this project. We are pleased that the following individuals have agreed to volunteer to serve in this committee:-

1. Dr. James Mwangi - Chief Executive Officer, Equity Bank.
2. Mr. Naushad N. Merali - Chairman, Sameer Group.
3. Mr. Martin Oduor-Otieno - Chief Executive KCB.
4. Mr. Muhoho Kenyatta.
5. Mr. Nick Jesbit - Chief Executive Officer, Kenco.
6. Ms. Wanja Yvonne Michuki.

Mr. Speaker, Sir, Mr. Ali D. Mohammed, the Permanent Secretary Ministry of Environment and Mineral Resources will serve as an ex-officio member to provide all the necessary assistance.

**Mr. Mungatana:** On a point of order, Mr. Speaker, Sir. With due respect to the Prime Minister, sincerely I am trying to connect the globe roundabout committee with food security but I am not getting this. In food security you tell us how much there is in the grain reserve right now. What is the situation? Are there people suffering? What is the Government doing? What has all these got to do with anything?

Mr. Speaker, Sir, this could be a subject of a simple press release from the Prime Minister's office. It cannot take Parliament's time to announce a committee. Can we get to the relevancy of this Statement?

**A hon. Member:** On a point of order! On a point of order!

**Mr. Speaker:** Order! Let the hon. Prime Minister respond to that challenge.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, either the hon. Member wants to make my Statement or I make my Statement. I need to be given time to finish my Statement! What I have said is of national importance. I am coming to relate it to food security. Hon. Members should just be patient. I have just taken five minutes and I need five more minutes.

We encourage all Kenyans regardless of their income to contribute to the development of the memorial park. For its part, the Government will devote Kshs5 million to this cause.

Mr. Speaker, Sir, allow me now to turn to the subject of the food situation in the country.

**Hon. Members:** Ok! Ok!

**The Prime Minister** (Mr. Raila): Yes, ok. I know what I am doing. I can be accused of many things but not of being irrelevant.

Mr. Speaker, Sir, overall the situation is not as good as we would have wished. The arid and semi arid regions are yet to recover fully from the severe drought of last year. Central, Coast and Eastern regions experienced lower yields with some regions of lower Eastern and Coast experiencing total crop failure. Recent low temperatures resulted in frost in Nyandarua and Nakuru counties. This led to low production of potatoes. The frost also affected parts of Nyeri and its environs. Moreover, floods in Western Kenya, Coast and Upper Eastern regions also affected food production.

The country's maize stocks currently stand at nine million bags. This includes 13.4 million bags that farmers are holding. We must ensure that these stocks are urgently brought to the NCPB and private millers; otherwise, it will be exported as happened last year. We also need to increase the Strategic Grain Reserves (SGR) from 2.3 million bags at present to at least 4 million bags by the end of this financial year. Plans are underway to purchase 1.7 million bags from local farmers. Even if all the current maize stocks are made available to Kenyan consumers with a national consumption of 3 million bags per month these stocks will last only up to the end of July 2012. We need therefore, to open up imports to the private sector.

Mr. Speaker, Sir, again because what is available is not sufficient for total local consumption, we are yet to receive the final forecast for the long rain season. Nevertheless, the likelihood of water scarcity is high especially in parts of northern Kenya and south-eastern Kenya. In spite of the good discharge of surface water, the current high heat waves have increased the evaporation. To forestall any disaster the Government is rehabilitating a number of water sources and is procuring 30 water bowsers and storage receptacles. We are reviving the collapsed irrigation schemes. These schemes are projected to produce 673,000 bags of maize and 640,000 bags of rice in the next six months.

We are also undertaking the restocking, vaccination, culture rehabilitation and provision of feed supplement to livestock. The Government is continuing with the relief seeds and subsidized fertilizers to the vulnerable households. We are also scaling up provisions of appropriate health and nutrition services to vulnerable groups.

Mr. Speaker, Sir, the Government has been distributing food to 4.8 million vulnerable people. This number is unlikely to decline. In order to sustain the food relief programme for the next five months, the Government still needs to acquire 561,356 bags of maize, 33,000 bags of rice, 91,000 bags of beans and 5,000 bales of food supplements. We are making provisions to do so.

Mr. Speaker, Sir, finally, the Government has instructed the Ministry of State for Special Programmes to provide equipment and resources necessary to alleviate the impact of drought and food insecurity. The Ministry must consistently monitor developments in close contact with the State and local officials in all drought prone areas to ensure that should the situation deteriorate, they will have the resources they need.

Mr. Speaker, Sir, finally, I wish to make an announcement to the House, that this coming Friday 2<sup>nd</sup> of March, we will be launching the construction of Lamu Port. We have invited the Prime Minister of Ethiopia and the President of Southern Sudan to that function. It is a major infrastructural development in our country. It involves construction of a railway line from Lamu to Addis Ababa and also from Lamu to Juba in Southern Sudan together with the road network and pipeline project. It is a major project.

Therefore, all Members of Parliament are invited to attend. Arrangements for transportation for those Members who want to attend will be made. Thank you.

**Mr. Speaker:** Hon. Members, we want to take clarifications on this matter beginning with hon. Mohamud.

**Mr. M. M. Ali:** Mr. Speaker, Sir, thank you for giving me this opportunity. I have listened very carefully to the hon. Prime Minister.

We appreciate those short term efforts you have put in place and the good news of launching the construction of the Lamu Port on Friday, which is a very good idea. I commend the Government for that effort. This country has been grappling with this menace of fighting drought, year in, year out. However, its efforts have always been seen as if they are some fire fighting measures. I am yet to be convinced that the Government has put in place sound policies of combating this nuisance.

What long term sound policies does the Government intend to put in place, so that the arid and semi arid areas of northern parts of the country, which are highly affected by drought have food security?

**Mr. Speaker:** Rt. Hon. Prime Minister, please, take notes. Hon. Professor Kaloki!

**Prof. Kaloki:** Thank you, Mr. Speaker. First of all, I would like to thank the Prime Minister for his comprehensive answer to the situation.

At the moment, the situation in Kibwezi Constituency and the larger Makueni County is very severe. For the last five years, rains have failed. Livestock and people in this area have been severely affected. Since we have surplus food in Kitale, is the Government planning to buy it and feed people in Makueni County and other parts of Ukambani? Could he also tell the House whether he has plans to construct large scale dams in this particular area, so that our people can use this water for irrigation purposes? We have large rivers such as Athi River and others major rivers in Makueni Constituency where we can tap water to assist our people.

**Mr. Kiuna:** Mr. Speaker, Sir, while I appreciate the answer given by the Prime Minister, what measures will the Government take to make sure that we do not import food now and in the future?

We have enough land and plenty of food, especially in Nakuru County and the Rift Valley at large. What measures will the Government put in place to make sure that we have food security in this country?

**Mr. Lekuton:** Mr. Speaker, Sir, I would like to thank the hon. Prime Minister for a job well done. However, I have a concern on global bio-fuel production in the world.

Mr. Speaker, Sir, the last ten years, bio-fuel production has tripled, thus creating a serious shortage in food in the world. As much we cannot support ourselves, we tend to get food from outside. What will he do to make sure this country will not be at a loss of food production, while the rest of the world is taking care of itself? What action will the Government take to make sure that the food shortage caused by bio-fuel development in the rest of world will not affect us?

**Mr. Kathuri:** Mr. Speaker, Sir, let me take this opportunity to thank the Prime Minister for that good answer. However, I would want to hear what the Government has in store to offer guaranteed minimum returns for the main food crops, which form the staple foods of this nation. I would want to hear what he has to say, not only on maize, but even beans, so that when farmers do their farming, they can be sure of what prices they expect when they harvest their crop.

It is very sad to remember the other year the Government came up with the story aflotoxin. It was just a creation so that they could lower the prices of maize. We should hear from you, what you intend to do about the Guaranteed Minimum Returns (GMR) scheme.



**Mr. Nyambati:** Mr. Speaker, Sir, I also want to join my colleagues in thanking the Prime Minister for the answer that he has given. We all know that there is nothing as important as having food sufficiency in the country.

Mr. Speaker, Sir, the Prime Minister has just told us that our store of Strategic Grain Reserves has 2.3 million bags of maize and that it should be boosted to four million bags.

He has also said that there is maize outside there with farmers, about 13.4 million bags. I want to know from the Prime Minister, what the Government is doing to compel the NCPB to ensure that it encourages farmers to do more farming by buying this maize at good prices.

**Mr. Speaker:** Hon. Prime Minister, please respond to those, and we will see if we can take another five.

Proceed, hon. Prime Minister.

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, the hon. Member for Moyale asked about sound policy to ensure food security – a very good question, indeed. I want to inform him that this is a matter that has been addressed very comprehensively by the Government to ensure that the country becomes food self sufficient. I only want to inform the hon. Member that some of the measures which are being undertaken by the Government are medium and long-term. We have appreciated that with the climate change, there is a kind of disaster that we live in and it is going to be a permanent feature of our lives. It means that, for example, pastoralism as has been practised traditionally has become an unsustainable way of life, because pasture disappears when the drought comes; water also disappears and animals die. Therefore, we are moving to irrigated agriculture. To do so requires heavy capital investment to build large dams that can be used to harvest rainwater when it rains. As we are talking, there are a number of dams which are under construction in different parts of the country. It is going to take time for some of these dams to come on stream for harvesting the rainwater, but this is a programme that is ongoing. Hon. Members will notice that in this year alone, quite a substantial amount of money has been allocated in the Budget for irrigation purposes. This is the sure route to making this country self sufficient in terms of food production and, therefore, there is a commitment in that direction. This also includes Arid and Semi Arid Lands (ASALs), because our peasants suffer a lot during the drought period; their animals become emaciated and they finally die. So, we need to wean part of our population from overdependence on livestock, so that they can also begin some sedentary way of live.

Mr. Speaker, Sir, hon. Kaloki asked about a question which I have already answered; it is about construction of large scale dams. A part of the question talked about the abundance of food in some parts of the country and scarcity in other areas. For example, in Kitale there is sufficient maize and in other areas we do not have it. That is the essence of what I am talking about; we need to stock the National Cereals and Produce Board (NCPB) silos by buying maize from the farmers and then making it available to areas where there is a shortage. That is part of this policy statement which I making here today.

Hon. Kiuna says that we should not import food, and I want to be understood very clearly on this. I have given the statistics here, first of the amount of grain or maize that is available in the country today. If we take that amount and also take the consumption of it in the country, which is 3 million bags a month, that comes to 36 million bags per annum, yet what is available in the country, if we take what is in the silos of the NCPB together with all the stock which is being kept by farmers, it is only 23 million bags. There is still a shortage of 13 million bags. So, if we do not import food, it means that we are going to reach a stage where there will

be completely nothing to consume. Therefore, I want to plead with the hon. Kiuna to believe the statistics which I am giving here.

**Mr. Lessonett:** On a point of order, Mr. Speaker, Sir. The Prime Minister has not done his calculations very well; in essence he is misleading the House. When he says that there is a total of available maize of 23 million bags, he has failed to factor in the harvest which will come on board very soon in Trans Mara and parts of Bomet. Prime Minister, could you factor in that before you order the imports?

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, I want the hon. Member to rely on the statistics provided by the experts unless he wants to say that he is an expert himself. That has already been taken into consideration, because I am talking about consumption up to July this year.

Mr. Speaker, Sir, the hon. Member for Laisamis has talked about production of biofuel, which is creating shortage of food on the international market. I agree with him that, that can also be one of the factors which are responsible for the high cost of food. But I know that the real reason for the very high cost of food on the international market right now is the increased consumption in what you call the emerging economies, which are becoming more and more affluent; examples are China, Indonesia, India and so on. This is the major reason why there is an increase in terms of food prices on the international market, but we ourselves here have not promoted production of biofuel at the expense of food products. We have on the other hand promoted the production of biofuels in areas which are marginal and which do not affect the food production in high yield areas.

The hon. Member for Manyatta has talked about the guaranteed minimum returns for maize, beans and other cereals. Where the Government buys, it will buy always at a reasonable price. Sometimes, the Government does not buy when the NCPB runs out of funding to buy from the farmers; but when the Government buys, it usually buys at a reasonable price from farmers.

Mr. Speaker, Sir, hon. Nyambati wanted the NCPB to buy. Yes, the NCPB is always ready to buy when it is given sufficient money with which to buy; I have already said that we want to increase our strategic grain reserves from what it is today, which is about 2 million to 4 million bags, finally to eight million bags. This is a commitment in terms of policy. So, we hope that if this done we are going to move towards making this country self sufficient in terms of food.

Thank you.

**Mr. Speaker:** Order, hon. Members! We will just take three more clarifications, because the Rt. Hon. Prime Minister is required at another Government function. We know that this is also Government but that other function is tight. Eng Maina.

**Eng. Maina:** Mr. Speaker, Sir, it is evident that our country Kenya has been sliding into a country of importing and borrowing food year after year, and the number of people joining that bracket is increasing. One of the ways that this Government can use to achieve faster food security is by encouraging small irrigation schemes that are community-based like in my area of Nyeri.

There are many small scale community based irrigation schemes but unfortunately, the Government wants to go into areas where sometimes it is even difficult to grow food. Could the Prime Minister tell us what the Government is doing to encourage the people who have been growing food year in, year out? Could it assist them through these small irrigation schemes? The small irrigation schemes have done tremendous wonders in Malawi. We are already importing food from a small country like Malawi. Therefore, I urge the Prime Minister to adopt this policy

and confirm that it will be a Government policy, so that we can have a budget to revive the small community based irrigation schemes for them to work much better.

**Dr. Munyaka:** Mr. Speaker, Sir, in fact, I had the privilege to accompany the Committee on Agriculture, Livestock and Co-operatives on a tour of Ukambani to assess the situation of food insecurity. One of the major reasons why the people there are starving is that the Government gave them relief seeds which could not grow in that particular area. The seeds grew and never yielded any harvest. We got this information from the District Agricultural Officers, the public and the District Commissioners in that region. Despite having six weeks of rains which are usually enough for the right variety of seeds to be harvested, is the Prime Minister aware about Article 46 of the Constitution on consumer rights, which states that:-

“Every consumer has a right to goods and services of reasonable quality and;  
(d) compensation for loss or injury arising from defects in goods or services---“?

Will the Government compensate the people of lower Eastern for the loss occasioned by supplying them with the wrong seeds?

**Mr. Mbadi:** On a point of order, Mr. Speaker, Sir. The Member has read part of the Constitution, but he failed to read part (2) which states that:-

“Parliament shall enact legislation to provide for consumer protection and for fair, honest and decent advertising”.

This House has a Bill relating to this which has not been debated. Is it in order for the Member to ask the Prime Minister for compensation yet he has not legislated to provide for Government compensation?

**Mr. Speaker:** Order! Member for Machakos Town, do you want to respond to that challenge?

**Dr. Munyaka:** Mr. Speaker, Sir, hon. Mbadi should not purport to answer on behalf of the Prime Minister.

**Mr. Speaker:** Order, Member for Machakos Town! That is a legitimate challenge. The Member for Gwassi is making this claim that you are misleading the House by reading the Constitution selectively. Have you read the Constitution selectively or you think you have read it fully? So, that is legitimate challenge.

**Dr. Munyaka:** Mr. Speaker, Sir, Kenyans passed this Constitution entirely and it was promulgated. If it is the reason of legislation, what is the Government going to do after we legislate, so that these people can be compensated for the loss? I believe we are working under this Constitution which guarantees consumer rights. The people of Ukambani were given poor seeds and that is why they did not harvest anything.

**Mr. Speaker:** Very well! You have explained yourself adequately. Proceed, hon. Kombo!

**Mr. Kombo:** Mr. Speaker, Sir, the surest way to ensure food security is to have a strong and thriving farming community. To have a strong and thriving farming community, we must ensure that farming is profitable. In this country, the farmer has no friend in the Government. The farmer has to pay dearly for farming inputs when they are available. Sometimes, even those inputs are not available. Only the other day, farmers went on strike in Narok asking for farming inputs. It is not about importation and all that, but we should ensure that we produce locally. That is why some countries subsidize their farmers to ensure that farming is profitable. What is the Prime Minister or the Government going to do to ensure that farming is profitable in this country?

**Mr. Chepkitony:** Thank you, Mr. Speaker, Sir, for giving this opportunity. I want to thank the Prime Minister for the good answer. The Prime Minister has not mentioned how much money was given to the National Cereals and Produce Board for this financial year. Currently, the NCPB is not buying maize from the farmers because it does not have money. How much does the Government intend to give to the NCPB between now and the end of the financial year in order to buy the 13 million bags of maize which the farmers still have? The South Rift region produces maize from July. Is the Government taking that into consideration when it is calculating the maize? If we rush to import maize, the farmers will lack somewhere to sell their maize because normally, the traders over import. For example, at the moment, the wheat farmers cannot get any market because of over importation of wheat. That discourages farmers from producing.

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, the Member for Mathira was concerned about the small scale irrigation schemes. The small scale irrigation schemes help farmers. Some of them can be introduced by the farmers themselves because there are a number of areas where we have rivers or streams and they only need a pumping unit to pump water out of the river and irrigate. You do not even need the Government. We are going to a stage where we are asking the Government to do virtually everything for everybody. We have extension services where we have officers who can teach the farmers to use water more effectively and efficiently. So, this is something that is being promoted through what we call smart agriculture. We are now promoting the use of greenhouses for farming purposes for food production. If you go to a country like Israel which is a desert, you find that Israel is actually self-sufficient in food production. They desalinate sea water and use it for production of things like vegetables, potatoes and fruits through irrigation.

Hon. Munyaka was concerned about the wrong seeds that were supplied. That is news to me. I am not aware. He has said that he was informed by the Agricultural Officers. That information should be directed to the relevant Ministry. If that did happen, then I would support an effort to try to compensate the farmers who lost. I would encourage the Member to bring that matter to the attention of the relevant Ministry.

Hon. Kombo talked about a friend of the farmer in the Government. I want to tell him that there is one here. He was also once upon a time in the Government and I do not know whether he was then a friend of the farmers. We are friends of the farmer and that is why we have said that the farmers should be provided with quality seeds and also fertilizers at subsidized prices. We must now move away from being a fertilizer importing country because agriculture is the mainstay of this economy. Therefore, we want to move towards manufacturing fertilizers.

**Mr. Kutuny:** Jambo la nidhamu, Bw. Spika. Waziri Mkuu amezungumzia hatua za Serikali kutoa mbolea ya kutosha kwa wakulima na akasema hio ndiyo juhudi ya Serikali. Sijui ikiwa Waziri Mkuu ana habari kwamba anaposema Serikali itatoa mbolea ya kutosha, tayari kuna kesi kortini. Kampuni moja kwa jina la Mea Limited imepeleka kesi kortini Halmashauri ya Nafaka isiuzie wakulima mbolea kwa bei rahisi ambayo ilikuwa imetangazwa na Serikali.

*(Mr. Konchella stood up in his place)*

**Mr. Speaker:** Member for Kilgoris, you will notice that I have really bend backwards just to accommodate you. But let me hear you.

**Mr. Konchella:** Thank you, Mr. Speaker, Sir. I wonder whether the Prime Minister is aware that there were some demonstrations in Narok yesterday. The demonstrators blocked the

road for hours because farmers were complaining about the lack of fertilizers and seeds. Those inputs are not there and yet, you are telling us that there are plenty. The rains are on and we should have received those things by now. We are harvesting maize in Kilgoris but nobody is going to buy because there is no money. So, what is the long term policy of the Government to address this matter because there is no point of us coming here to talk and yet, the Government does not want to do anything?

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I did not quite get the question that Mr. Kutuny was asking. Did he say that Mea Limited has been taken to court? I do not know who has taken Mea Limited to court.

**Mr. Speaker:** Order, Right Hon. Prime Minister! The hon. Member said that Mea Limited has gone to court to stop the sale of fertilizers at low prices that the Government has, in fact, recommended and given out fertilizers to be sold at. So, you can do something about that case so that you can proceed to sell fertilizer at subsidized prices.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I understand now. But we must understand that we do not direct courts. If the matter is before the court, then it is *sub judice*. We only hope that the court will deal with it expeditiously. But, as a Government, we are committed to ensure that fertilizers are made available to farmers at lower prices. That answers the concerns of Mr. Konchella that---

*(Applause)*

**Mr. Speaker:** Order, Right Hon. Prime Minister! Perhaps, what you need to say is that, so far, the Government has not been served with any injunctive order. So, until such a time that there will be such an order, you will continue to sell fertilizer at the subsidized price. That is what we need on record!

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, exactly! That, in fact, is the point I was going to make. I would like to say that until the Government is injuncted, we will ensure that farmers receive fertilizers at a subsidized price.

Mr. Chepkitony wanted to know how much---

**Mr. Mbuvi:** On a point of order, Mr. Speaker, Sir. I think we must respect the Prime Minister's Time. There is a football match going on. Our national team, Harambee Stars, is playing Togo and we are heading there with the Prime Minister. You had indicated that you will take only three clarifications, but you have taken over five! We want to go and watch football.

*(Applause)*

*(Laughter)*

**Mr. Speaker:** Order, Mr. Mbuvi! Hon. Members, much as every hon. Member has a right to be heard, that is why it is subject to compliance with our Standing Orders. I am afraid I rule that to be out of order.

Mr. Right Hon. Prime Minister, please, proceed!

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, Mr. Mbuvi was basically concerned because he knew that I was supposed to be the guest of honour to flag off the football match this afternoon. But I have already delegated the Leader of Government Business to do so in the event that this matter took longer. That is because I consider this to be a very important matter, indeed.

*(Applause)*

Having said that, Mr. Chepkitony wanted to know how much money has been set aside. I said there is already Kshs1.7 billion available at the moment. As the Treasury makes more money available to the National Cereals and Produce Board (NCPB), they will continue to use it to buy maize from farmers in the country.

**Mr. Mututho:** On a point of order, Mr. Speaker, Sir. Is the Prime Minister in order to continue assuring Kenyans that there is Kshs1.7 billion available to buy maize whereas from 2007 to date, they have not bought any commercial maize that an ordinary farmer would go to NCPB and buy?

*(Mr. Koech stood up in his place)*

**Mr. Speaker:** Order, Mr. Koech!

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, the hon. Member is probably not aware that the NCPB was buying maize from farmers at Kshs3,000 per bag sometime last year, until they ran out of the money that they had been given. That is when they stopped and the private sector then moved in and brought down the prices. So, what we are saying is that money is now being made available again to NCPB to buy maize from farmers at a higher price. That is the situation as I know it! Those are facts!

Thank you!

**Mr. Speaker:** Very well! That matter must now end there! We have Mr. C. Kilonzo!

## **POINTS OF ORDER**

### **STRIKE BY KBC EMPLOYEES**

**Mr. C. Kilonzo:** Mr. Speaker, Sir, yesterday I requested for a Ministerial Statement from the Minister for Information and Communications regarding the ongoing strike by the Kenya Broadcasting Corporation (KBC) employees who are going round with the slogan “Kazi Bila Chakula” (KBC).

**The Assistant Minister for Information and Communications (Mr. Khaniri):** Mr. Speaker, Sir, I fully understand the urgency of this matter and I am aware that the Chair yesterday ruled that I make a Statement on this matter today. But I stand up to beg for the indulgence of this House so that I can address this matter comprehensively. I should be given time until Tuesday next week because, at the moment, I am still doing consultations between both the employees and the management of the corporation. Therefore, for me to give a comprehensive Statement, I want to beg for your indulgence so that we can address this matter on Tuesday next week.

**Dr. Nuh:** Mr. Speaker, Sir, we would have no problem as a House that the Assistant Minister addresses the issue comprehensively on Tuesday next week, but only on the assurance that KBC workers would not go on strike. By that I mean KBC Radio, Television and every other aspect of KBC should be up and running until Tuesday when he delivers the Statement. So, if he can give this House and Kenyans an assurance that KBC will not be interrupted because of the strike, then the House might consider giving an indulgence.

*(Several hon. Members stood up in their places)*

**Mr. Speaker:** Order! Mr. Khaniri, can you just be patient? Maybe, you want to take down notes because I believe that all these hon. members standing have related issues!

**Mr. C. Kilonzo:** Mr. Speaker, Sir, as the Assistant Minister prepares to bring the Statement on Tuesday, the workers are already on strike. We would want the House to get an assurance that between now and Tuesday, the proceedings of this House are not switched off. Secondly, since 2002, when the NARC Government took over and the Grand Coalition Government came into being, KBC has been ignored. We want an assurance that they are not being punished for having not covered those who are in power today, and for having covered those who were in the former regime. We are already aware that those who are in power today have already gone to bed with the private radio stations and some of them have already started their own stations. It appears this could be a conspiracy to kill our own national broadcasting station, KBC.

**Mr. Ochieng:** Mr. Speaker, Sir, maybe in his answer on Tuesday, the Assistant Minister should also tell us how much profits KBC, as a station, has been making for the last three years versus the losses.

**Mr. Wambugu:** Mr. Speaker, Sir, I request the Assistant Minister, in his statement for Tuesday, to indicate why majority of members of staff in the KBC have been working there as casuals for almost 10 years without confirmation. Could he also tell us what action he will take to make sure that all those staff members who have been working as such are put on the payroll on permanent basis?

**Mr. Mbadi:** Mr. Speaker, Sir, as we wait for the Ministerial Statement on Tuesday, we would like to have an assurance from the Assistant Minister that the employees who have been exercising their democratic rights will not be victimized between now and Tuesday like they have done to one, Mr. Nyakundi.

**Mr. Hassan:** Thank you, Mr. Speaker, Sir. Given the fact that the KBC is the national broadcaster and that a large population of our country are dependent for their news information on the television and radio stations of this broadcaster, what action has the Assistant Minister taken to ensure that normal broadcasts are not interrupted during the strike because in most national broadcasters, alternative arrangements are made? Strikes are normal and they can take place. It is the right of the workers to go on strike. However, what contingency plans does the Ministry have to ensure that broadcasts reach the populations that depend on the KBC for information?

**Mr. Speaker:** Yes, the Member for Ndaragwa, and that must be the last point of order!

**Mr. Kioni:** Mr. Speaker, Sir, could the Assistant Minister also convince this House that he requires time up to next week because this matter came to the Floor of this House sometimes last year when there was a disquiet within the KBC? Secondly, there was a letter that was sent and received by the Minister on 25<sup>th</sup> January on this issue. Given that it has now taken more than three weeks, he should have addressed the issues raised then because the issues we are asking about are the same issues that had been raised by the employees three weeks ago.

**Mr. Speaker:** Does the House know what letter you are referring to?

**Mr. Kioni:** Mr. Speaker, Sir, I can table this letter that was received by the Ministry of Information and Communications on 25<sup>th</sup> January, 2011. It was addressed to the Managing Director and a copy received by the State Law Office on 25<sup>th</sup> January, 2011, meaning that they had adequate time to address the issues and they should not have asked for more time.

**The Assistant Minister for Information and Communications** (Mr. Khaniri): Thank you very much, Mr. Speaker, Sir. I would like to thank all the Members who have sought for further clarifications when I bring the statement on Tuesday.

Dr. Nuh, hon. C. Kilonzo and the hon. Member for Kamukunji are all asking that they be given assurance that as we are still working on this matter, the KBC will be up and running. I want to give the assurance that we are trying our level best to ensure that the normal broadcasting is going on. Members will know that even the Proceedings of this House this afternoon were covered live and both the television and radio stations are up and running. We will endeavour to see that this continues until this matter is resolved.

Hon. Polyns Ochieng wants to know the profit that the Corporation has been made in the last three years. I will also ensure that is included in the statement that I will give on Tuesday. The Member for Mathioya wants to know why there are some staff who are working on casual basis. This was part of the original statement that was sought by hon. C. Kilonzo. Therefore, I want to assure the hon. Member for Mathioya that this information will be contained in the statement. The Member for Gwassi wants me to give the House an assurance that the members of staff who participated in the strike will not be victimized. I would like to give that assurance on the Floor of the House that no member of staff will be victimized until this matter is resolved. I believe those were the issues.

**Mr. Speaker:** Very well! The statement will be issued on Tuesday afternoon. You will, perhaps, want to take home with you, even as you go to prepare, the letter which has been tabled because it will help you.

*(Mr. C. Kilonzo passed on a document to  
Mr. Khaniri across the Dispatch Box)*

**Mr. Speaker:** Order, the Member for Yatta! You can still access the Member for Hamisi even in his capacity as an Assistant Minister. He is still your colleague. That must rest the matter on statements that were due. Are there requests for Ministerial Statements?

Are there any Members looking for statements?

#### DEMOLITIONS IN NAIROBI

**Mr. Hassan:** On a point of order, Mr. Speaker, Sir. I am asking for your guidance because for quite a number of months, I have been trying to get a statement from the Government on the demolitions that had taken place in Nairobi. This matter has been postponed and, in fact, it appears as if the Government is not interested in responding to that particular question. I wanted to find out what the position on that is. The Attorney-General was expected to give us a statement on the Government's policy and decision to demolish houses in Nairobi in November. I asked that question in November and I am still waiting for an answer.

**Mr. Speaker:** Order! Hon. Members, I do not see the Leader of Government Business but I can see the Minister for Justice, National Cohesion and Constitutional Affairs. If I do my ranking perhaps from the Chair, you are the one who is closest to those demolitions.

*(Laughter)*

When can that statement come?



**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. M. Kilonzo): Mr. Speaker, Sir, I am close to many things but not demolitions. Nevertheless, I undertake to communicate this command. Could I ask that the Statement be made on Tuesday afternoon?

**Mr. Speaker:** Very well! Try and make sure that it is made then. This matter has been pending for a long time.

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. M. Kilonzo): Mr. Speaker, Sir, I will certainly do that. I am aware.

#### STATUS OF REVENUE ALLOCATION

**Mr. Mbadi:** On a point of order, Mr. Speaker, Sir. Ten months ago, I had requested for a Statement from the Ministry of Finance regarding the status of revenue accounts. All this time I have been waiting for this Statement and the Chair promised to make a ruling on the same. I am concerned because the Commission on Revenue Allocation is in the process of determining how revenue should be shared between the counties and the National Government. How will this be possible if this country does not even know how much revenue we collect? My plea to the Chair is to kindly consider directing the Minister to issue that Statement or to act depending on what the Chair will rule.

**Mr. Speaker:** Very well! I was not reminded that there was any such Communication pending. In fact, you have caught me by complete surprise. I thought that I always keep time on these matters. But I will be informed from institutional memory. If it is true that there is such a Communication pending, then I will give it next week on Wednesday afternoon.

Hon. Mwadeghu!

#### SKIRMISHES BETWEEN NORTHERN KENYA PASTORALISTS AND VOI RESIDENTS

**Mr. Mwadeghu:** Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security regarding the skirmishes between the pastoralists from northern part of Kenya and the residents of Voi which took place last week on Friday. Six Taitas were hurt while trying to drive camels out of their farms, which were grazing carelessly. We need to know from the Minister what action is being taken against those persons and their camels.

**Mr. Speaker:** Mr. Assistant Minister, you are here. When will you make that Statement available?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, let me issue the Statement next week on Wednesday morning.

**Mr. Speaker:** Very well! It is so directed; Wednesday morning! That brings us to the end of Order No.7.

Next Order!

#### PROCEDURAL MOTION

#### REDUCTION OF PUBLICATION PERIOD OF

THE PUBLIC FINANCIAL MANAGEMENT BILL

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, pursuant to the Provisions of Standing Order No. 107, this House orders that the publication period of the Public Financial Management Bill (Bill No. 7 of 2012) be reduced from 14 to 6 days.

Mr. Speaker, Sir, the reason for this is that the Bill has just been published and it has taken a lot of time for all the stakeholders to agree. The two versions done by the Ministry of Finance and the Ministry of Local Government have now been harmonized. The Bill has gone through the Constitution Implementation Commission (CIC) and has been approved. It has also gone through the Attorney-General and the accountants and it has been approved. If the House approves this Procedural Motion, it will enable us to debate the Bill and enact it.

Mr. Speaker, Sir, I beg to move and ask the Minister for Planning, National Development and Vision 2030, Mr. Oparanya, to second.

**The Minister for Planning, National Development and Vision 2030** (Mr. Oparanya) seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Mr. Speaker:** Next Order!

**BILL**

*First Reading*

THE PUBLIC FINANCIAL MANAGEMENT BILL

*(Order for First Reading read – Read the First Time and ordered to be referred to the relevant Departmental Committee)*

**MOTION**

ADOPTION OF REPORT ON PROPOSED BOUNDARIES  
OF CONSTITUENCIES AND WARDS BY IEBC

THAT, this House adopts the Report of the Departmental Committee on Justice & Legal Affairs on the Revised Preliminary Report of the proposed boundaries of constituencies and wards by the Independent Electoral and Boundaries Commission (IEBC) laid on the Table of the House on Wednesday 22nd February, 2012.

*(Mr. Baiya on 29.2.2012)*

*(Resumption of Debate interrupted on 29.2.2012)*

## COMMUNICATION FROM THE CHAIR

### LEGALITY OF MOTION ON BOUNDARIES AND WARDS

**Mr. Speaker:** Hon. Members, before we proceed with the business at Order No.10, I wish to make the following brief Communication.

Hon. Members will recall at the Sitting of this House held this morning, that the Chair undertook to make a Communication this afternoon on the point of order raised by hon. Danson Mungatana, the Member for Garsen, questioning whether the Motion for the adoption of the Report of the Justice and Legal Affairs Committee on the Report of IEBC is in keeping with our Standing Orders. The essence of hon. Mungatana's point of order is that this House, having passed the County Governments Bill 2012, one of the provisions whereof has put the maximum number of wards at 1,450, it is not in order for this House to proceed on a Motion for the adoption of the Report of the Justice and Legal Affairs Committee on the revised preliminary report published by IEBC, whose effect is to vary the number of the wards already determined by the House.

My Communication is to the effect that in a nutshell, this House can still proceed with business at Order No.10, but it must have the presence of mind to remember that it passed, by a resolution, a Bill which restricted the wards to 1,450. It is up to this House, therefore, to examine its conscience and determine whether or not it changes its mind over a span of five days.

Hon. Members, it is up to you and you know how that plays out. Otherwise, I want to bring to the attention of the hon. Members the provisions which govern the effect of the report that will emanate from the House, in Section 3(1) of the First Schedule to the Independent Electoral and Boundaries Commission Act of 2011, which was assented to and took effect from 5<sup>th</sup> July, 2011. Section 3 of that Schedule, as I have referred to, in particular Sub-sections 4, 5, 6 and 7, tell you the effect of what comes out of this House. So, we may proceed accordingly!

Member for Belgut!

**The Minister of State for Immigration and Registration of Persons (Mr. Kajwang):** On a point of order, Mr. Speaker, Sir. Arising from your ruling, it would seem like there should actually be a Motion either to amend the Report, even before we debate it, to suggest that any of the resolutions of the Committee that suggest an increase in the number of wards beyond the ones that are provided for in the Devolution Act, should be struck out. That is the first thing that we should do, so that we then deal with the remainder of the Report.

Mr. Speaker, Sir, secondly, the House does not just change its mind. The House can only change its mind by another resolution. There is no proposal on the Table for a resolution of change of mind. So, can we proceed by way of striking out any part of this Report that purports to increase the number of the wards beyond what is provided for in the Devolution Act, so that we deal with the other sections that have nothing to do with those numbers?

**Mr. Speaker:** Order, hon. Members! I do not see that we should spend any more time on this because my mind is clear. I want to persuade you also to be as clear as I am. To this effect, a Motion merely urges a position and persuades. As to whether or not action is taken in accordance with the resolution in a Motion is a different matter, and you all know it. If an hon. Member wishes to move an amendment to a Motion, our Standing Orders are clear. Simple! You can do so provided that you live within the Standing Orders. So, as far as I am concerned, it is perfectly in order for the House to proceed to transact business at Order No.10. You have various options

open, including amendments that are procedurally correct. That includes to say “yes” or “no”. It is up to you. So, as far as I am concerned, you can proceed!

Member for Belgut!

**Mr. Keter:** Thank you, Mr. Speaker, Sir, for giving me the chance to contribute to this Motion.

The import of this Report is based on the National Census Report of 2009, which was taken into consideration when the constituencies were being divided and when the wards were allocated to the respective constituencies. In that case, I will not be objecting to any of the additional 60 wards. What I want to ask is that if the formula be given to warrant a constituency like Belgut to have 10 wards, let it be. If the formula is being applied to warrant Ijara Constituency to have 10 constituencies, let it be.

Mr. Temporary Deputy Speaker, Sir, if you go through the Report of the Committee, you will see that they have just mentioned the 60 wards without explaining the formula that they used to arrive at that number. So, after we debate this Motion, this Report will go to the IEBC. It will be gazetted and anybody can go to court to challenge it. Therefore, the Members of the Committee should have given the basis for giving the 60 wards.

I am saying this having in mind the fact that when the Commissioners went round the country, they got views from the public. I was personally in Kericho. There were no serious issues that were raised. We had an additional constituency called Sigawet. The name of the constituency is Sigawet, but there was a proposed amendment for it to be called “Sigawet/Soii”. With a population of 105,000, it had four wards but when the Report came from the IEBC, the five wards had been reduced to four.

Mr. Speaker, Sir, a ward like Kiptere had a population of 23,652 but to my surprise, when the Report was published, it emerged that this ward was divided. Some sub-locations of this ward were relocated to other wards. A sub-location like Kiptere, with 10,400 people, was subdivided and merged with another ward called “Kaplenatet” with a population of 18,500. If you add 10,000, the population becomes 28,000 people. The balance of 13,000 people went to another ward that had 25,000 people, taking the figure of the latter ward to 38,000 people.

I am saying this because if the formula is not given, the people will oppose this arrangement. Therefore, the Committee has proposed that Kiptere Ward should be retained under Sigawet Ward. It should be clear that we are not begging for this ward. It is our constitutional right to have it, because it has adequate population and the appropriate land mass. Therefore, this should be considered, based on the figures of the National Population Census Report of 2009.

Mr. Speaker, Sir, therefore, the new constituency should have the following wards: Kibenet, Kiptere, Soini, Soliadi and Kaplelatet. The large constituency of Belgut will remain with five wards because it has a population of 134,000 people. It should remain with Waldai. In my submission, there was an omission of a location called Mobebo. I have seen in this Report that the Committee has not captured this. This ward has about 35,000 people but they have removed one location called “Mobebo”. I believe that it should be included. Next are Chaii, Chipkoiyang and Cheptorriet, making them five wards.

We had requested additional two wards to make them seven, but the Committee, in their Report, said that it could not grant our request. They have not given reasons as to why Belgut cannot be given more wards. If Belgut deserves to be given five wards, as par the formula that is being applied, let it be. We do not want anybody’s wards. We want the ones that we deserve.

Secondly, so that I conclude – I am bearing in mind that I need to give an opportunity to my colleagues - there is an issue that was raised concerning the boundary between Kericho and

Bomet. When Commissioner Mohamed Ali was in Kericho, this issue was not raised. Even in the Report that they published, Chaii, which is under my jurisdiction, has three sub-locations, namely Chepchembe, Chemogondai and Kipkenden. As we speak, all the chiefs report to Kericho County. The Chief of Chaii Location reports to Kericho County.

Mr. Speaker, Sir, in the Report on the realignment of boundaries, they have said that some part of this location should go to Bomet. I want to say that we have never had any issues. People are peaceful. I thought that the mandate of the Committee was to only make recommendations, so that the IEBC, which has the expertise, can come up with that. It has not been an issue.

Therefore, I want to say that the boundaries that exist must be respected. Belgut has 134,000 people and about 18 locations. It should remain that way.

With those few remarks, I beg to end my contribution.

**Mr. Chachu:** Mr. Speaker, Sir, I thank you for giving me the opportunity to contribute to this Motion.

I am one of the Members of this House who are highly affected by this particular Report. This is a very important exercise. We have divided this country into 290 constituencies as per the Constitution. It may take another 100 years before we address this issue, if we change our Constitution. For that reason, this issue must be addressed effectively and fully for all Kenyans to appreciate it, whether they lose or win in this process.

Mr. Speaker, Sir, the reason given by the Committee for the creation of the 60 new wards is that the IEBC did not take into consideration all other factors, except demographic trends. Other considerable criteria were said not to have been considered in creation of the wards. The other criteria are geographical features, urban areas, community of interest; historical, economic and cultural ties and means of communication, among others. It was imperative that these criteria were considered, according to the Committee.

The Committee failed to look into the whole issue of 80 constituencies. Even in the creation of the 80 constituencies, none of those constitutional criteria were considered, except population. It would have been wise for the Committee to have considered these other constitutional criteria. For sure, they should have challenged the work of the IEBC in the creation of the 80 constituencies.

Mr. Speaker, Sir, the Constitution does not necessarily cap the number of wards in this country. The population quota applies to both the constituencies and the wards. Other constitutional criteria such as geographical features, community of interest, historical, economic, cultural ties and means of communication should have been considered so as to ensure that deserving areas get additional constituencies.

Mr. Speaker, Sir, let me just mention a few issues about North Horr. This is the largest constituency in the Republic of Kenya. It has 38,953 square kilometres out of Kenya's total of 581,770 square kilometres. That is 6.7 per cent of Kenya's land mass.

Mr. Speaker, Sir, North Horr is 505,565 times the smallest constituency in Kenya which is Mvita. Kibera is being proposed. I am told it is 2 times one and a half square kilometres. In that case, North Horr might even be more than 10 times larger than the proposed constituency called Kibera.

North Horr is 86 times larger than the smallest country in Africa called Seychelles which is only about 450 square kilometres. North Horr is larger than four Kenyan provinces; the whole of Western, Nyanza, Central and Nairobi provinces by 542 square kilometres. These four provinces are represented in this Parliament by 93 MPs. That is 44 per cent of hon. Members of

the Kenya National Assembly that represent those four provinces. However, only one hon. Member represents the entire North Horr Constituency which is that vast in terms of land mass. North Horr is not divided due to population quota. However, if all other constitutional criteria that the Committee argued were critical in creating those 60 wards, then for sure, North Horr would have been considered. If those criteria were also equally weighed just like population, then North Horr would have been divided.

The other issue I want to address is the issue of population quota. We derive population quota in Article 89 of the Constitution from the National Census. That national census, the Government officially accepted that it was inconsistent and irregular. More than that, just the other day on the Floor of this House, the Minister for Planning, National Development and Vision 2030 did mention that that census is irregular and that they reduced it by more than 900,000 people. I want to know which population quota is being used. From which census exercise? That is the heart of the matter because both the IEBC and the Ligale Commission were basing the entire exercise on purely population quota; purely on national census. I want to know exactly which national census we are talking about because the Government has challenged and has actually officially reduced the number by more than 900,000 people. We need to have a new criteria in terms of what exactly they mean by population quota because that is how we decide the number of votes and the number of constituencies in this Republic.

Unless that is addressed, even the resolution of this House will not be of much value because most likely Kenyans will go to court and make sure it is determined effectively by the court of law.

We passed in this House on 31<sup>st</sup>, August, 2011, the Urban Areas and Cities Act of 2011. Effectively, both Kisumu and Mombasa became cities. This IEBC Report only subjected Nairobi to the city parameters because it was the only one which was said to have a charter. Legally, since August of last year, both Kisumu and Mombasa are cities and they must be subjected to the parameters in the Constitution of 40 per cent above the national quota and Article 89 also provides for those cities. That is the only way to be fair.

Mr. Speaker, Sir, we told the IEBC not to use the new definition of cities, urban areas and structural places and stick to what was in the Ligale Report. What if Ligale was wrong? Why must we force the IEBC to use the report of another commission which could be flawed? Why are we tying our hands?

In addition, the IEBC under Article 49 of the Constitution is an independent body which should not be directed by anybody including Parliament, State House or any authority in this land. As a result, directing and in some way tying the hands of the IEBC is unconstitutional. This Report, going by that argument, actually has some serious constitutional flaws.

I do appreciate the Committee for recommending North Horr to be reconsidered for representation under Article 100 of the Constitution. That I do appreciate. I also do appreciate the Committee's proposal to create three wards in North Horr, which I do not think will see the light of the day, because the Bill that we passed is now before the House.

For this reason, with all those proposals from the Committee, I strongly oppose this Bill. I will oppose it even if I am the only hon. Member in this August House to oppose this Bill.

I oppose.

**Mr. Speaker:** Order, hon. Chachu. You are opposing the Motion.

**Mr. Chachu:** Yes. I am opposing the Motion, Mr. Speaker, Sir. If I am the only one in this House---

**Mr. Speaker:** Order. We just wanted the record correct. There is no Bill at Order No.10.

## PROCEDURAL MOTION

### EXTENSION OF HOUSE SITTING

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Speaker, Sir, I stand to move a Procedural Motion that pursuant to provisions of Standing Order No.23 this House resolves to extend today's sitting until the conclusion of business appearing at Order No.10 in the Order Paper.

This is to enable us to conclude this matter because today is the deadline and we have no alternative, but to finalize.

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

**Mr. Speaker:** Order, hon. Members! We intend to proceed in the following manner that we will continue with the general debate until 6.00 p.m. After 6.00 p.m. we will then begin to take contributions from those hon. Members who may have amendments to move. That is what we will do. I want to encourage you to share the time that is left. I know each hon. Member has a maximum of 20 minutes but try and live within five to 10 minutes, so that we can share the time.

**The Minister for Public Works** (Mr. Obure): Thank you, Mr. Speaker, Sir, for giving me the opportunity to make a few remarks on this Motion.

Issues to do with delimitation of constituencies and wards are of grave importance because they touch on representation of people, issues of governance and on matters to do with the well-being of the citizens. These issues are of a political nature and can be very emotive.

Mr. Speaker, Sir, we must take very seriously discussions relating to these issues. We must be prepared at all times to give full energies and attention to matters of this nature. The approach of the Members of the Committee on Justice and Legal Affairs has been extremely casual, in my view. This committee has done a shoddy job. This Committee has been arbitrary in its decisions.

If you look at the minutes of the Committee you will see that they have not even told us what issues they were discussing. They have not even told us the basis on which their decisions were taken. This so called corrigenda; we do not know whether it was done by one man or by the Committee. It is very difficult to say how these decisions were reached.

Mr. Speaker, Sir, the Committee has not bothered at all to respond to the various issues raised by *wananchi*. Therefore, the hopes of *wananchi* have been shattered because they have not been given justice by this Committee. From my own constituency, delegations of leaders travelled all the way to Nairobi to submit their memoranda. Indeed, memoranda were received in this Parliament. They did so because they felt that the Independent Electoral and Boundaries Commission (IEBC) had ignored their views. Therefore, they expected to get justice from this Committee. They, however, have been inflicted with additional pain.

Several petitions were made by members of my own constituency. One of those contained a petition signed by 4,000 people; aggrieved Kenyans who appended their signatures,

identities and contacts. The memoranda they presented were raising fundamental questions relating to possible violations of the provisions of the Constitution, in particular Article 89(5) and (6) which sets out the population threshold which must be observed in curving out constituencies and wards.

Mr. Speaker, Sir, in this Report there is absolutely no reference, mention or acknowledgment whatsoever of those issues that were raised by members of my constituency. Is it by default or by design that the Committee has not made reference to these submissions? Is it possible for the Committee members to have travelled all the way to Mombasa at the expense of the taxpayer and not deliberated on petitions made to it? These are serious matters. The only option is to reject this Committee---

**Mr. Speaker:** Order, Member for Bobasi! Your time is up!

Ms. Amina Abdalla, please, proceed!

**Ms. A. Abdalla:** Mr. Speaker, Sir, thank you for giving me this opportunity to comment on this Report. This is one time that I thank God for the new Constitution.

Mr. Speaker, Sir, ---

**An hon. Member:** Do you support? Do you support?

**Ms. A. Abdalla:** I said I am commenting on the Report. You do not force me to support or oppose.

Mr. Speaker, Sir, the reason I thank the new Constitution is that if this matter had not been given parameters or limits in terms of formulas and it was left to us politicians, given my experience in the last one week, we would have given our sitting rooms constituencies.

**Mr. Midiwo:** On a point of order, Mr. Speaker, Sir. Just a quick one; Ms. Amina is a Member of the Departmental Committee on Justice and Legal Affairs. Would she declare whether she is supporting or rejecting the Report?

**Ms. A. Abdalla:** Mr. Speaker, Sir, unlike the normal points of order raised by Mr. Jakoyo Midiwo, he is not intimidating me. I know my Standing Orders. As a Member of the Committee, I cannot openly say that I oppose the Report. However, there are issues that are in the Report that have been overtaken by events.

Having said that, I want to thank the new Constitution because without it, we would be talking of major gerrymandering at the constituency level. At this point---

**Mr. Keter:** On a point of order, Mr. Speaker, Sir.

**Ms. A. Abdalla:** You guys, I want to go home!

**Mr. Keter:** Mr. Speaker, Sir, would I be in order to ask, of course, with due respect; Amina, you know I respect you so much. Will I be in order to ask you to declare your interest as a Member of that Committee?

**Ms. A. Abdalla:** Mr. Speaker, Sir, the interest of a Member of Parliament is to present views. It is in your job description to represent interest. Therefore, I am not going to declare my interest on anything.

Mr. Speaker, Sir, having said that, the new Constitution has reduced gerrymandering to the ward level. That is why you are seeing those who have missed constituencies despite their numbers such as Kinangop, Malava, Malindi and the rest, have no remedy because we have legislated in addition to the limits that have been placed in the Constitution.

This Report deals with some errors and those errors must be dealt with. There are wards that are a duplicate; they have the same size and number of people. There are also errors between volume II and volume III. I want to give you an example, in volume II a sub-location in a



constituency in North Eastern Province is placed in one ward called Waberi and in the maps it is shown to be in another constituency. Those kinds of errors must be corrected.

Mr. Speaker, Sir, additionally the Report shows that there are some requests that have been adhered to and recommendations have been made on and others not. I want to give an example of the same constituency where the community signed a memorandum and said they wanted to go to the urban side of the constituency but they are stuck in the rural side. That example, which is in Dujis Constituency, can only be dealt with if we give the ideas we have. We intend to amend so that those ideas can be dealt with in terms of the urban nature and the community of interest.

The other error that can be found in this Report is where administrative boundaries are not respected. In the process there are constituencies that have been divided into two and have two district headquarters. Those are errors that the IEBC must look into.

Finally, the contentious issue here now is the proposal to increase wards. The IEBC shared with the Committee that if they were given about 30 wards to 50 wards to use discretionally, they would be able to give to the really needy cases that are not in this Report. Those needy cases are so small and so minute they would never have an opportunity to ever represent any group. For that, I want to mention the issues of the Ogiek of Kuresoi, the Sakuyes in Moyale Constituency and those other small communities that if we sit here in this House and dish out wards or recommend the dishing out of wards, their issues will not be raised.

Mr. Speaker, Sir, I have an amendment that I will be moving so that Madina Ward, an urban sub-location, can be moved from Mbalambala to Dujis. I know that it is not a finality. It is the IEBC to choose to approve or not. It is a request we have left out in the Report which I beg to move that it be included.

**Mr. Speaker:** Order! Ms. Amina, we will come to that phase a little later!

Member for North Imenti, please, proceed!

**Mr. Ruteere:** Mr. Speaker, Sir, I stand here to support the Report in as far as the allocation of wards in Meru County is concerned. There was a memorandum that was presented to the Committee that Kibirichia Ward moves from Central Imenti and goes to Buri. I appreciate that the Committee did consider all the facts that Buri as it stands is twice the size of Central Imenti and, therefore, Central Imenti did not have the basis of annexing part of its constituency to Buri. Buri is 981 square kilometers and Central Imenti is 438 square kilometers. Therefore, removing part of Central Imenti to Buri would have made Buri to have 1,088 square kilometers and Central Imenti to be left with 331.8 square kilometers. The population of Buri meets the threshold of the population quota necessary. It has 399,000 people. Central Imenti has 441,000 people. If they removed Kibirichia from there, it would have made Central Imenti to have less number of people compared to Buri.

Mr. Speaker, Sir, North Imenti has always been big enough to be divided into two. The way the IEBC suggested that North Imenti be divided into two, with five wards in North Imenti Constituency and four wards in Buuri Constituency is what the Committee has upheld. I support their position. We do not want to have unnecessary tensions by bringing Kibirichia to Buuri.

Mr. Speaker, Sir, I want to say, North Imenti as it is divided, should remain as it is. We should not consider the memorandum from Kibirichia or Central Imenti, because North Imenti people are satisfied with what the IEBC has done.

**The Minister for Nairobi Metropolitan Development (Mr. Githae):** Mr. Speaker, Sir, it is import from the outset to say that the purpose of going through the IEBC Report is to enable

us to enrich it. That is exactly what we are doing. We want to finetune it. We want to improve it, so that when it goes to the IEBC they can do the final job.

Mr. Speaker, Sir, instead of saying we are going to reject the report, what we need to do is to make amendments so as to improve the work of the IEBC.

*[Mr. Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. Affey) took the Chair]*

Why am I saying so? If you look at the IEBC Report, there are errors. Even names of constituencies and wards are misspelt. There are typographical errors in the report. It is like it was done in a hurry somewhere in a room. It is now our time to improve it. What I have in mind is my own Ndia Constituency. The IEBC simply forget one location known as Mwerua. They just forget that it exists. They have not said that it is abolished or it is there. If you look in the map, it is there. If you look at Volume 1, it is not there. So, we do not know what is really happening. So, it is important that we enrich this report. That is exactly what I will do.

Mr. Temporary Deputy Speaker, Sir, in Kirinyaga County, we met and prepared our memorandum. I agreed that Mwea Constituency be subdivided into two. Now, if you look at the IEBC Report, there is no mention of that. Instead, what they have tried to do in order to reduce the pressure of Mwea Constituency, which has almost 200,000 inhabitants is to remove the biggest location from Mwea, Mutithi and bring it to Ndia, so that the population of Mwea goes down from 200,000 people to 150,000 people. We rejected this.

However, I am glad that they listened to one thing. We told them that if they were not going to give us any new constituency in Kirinyaga County to leave us the way we are. We do not want any change in constituency and ward boundaries. That is what we said. However, surprisingly, as I said, when the report came Mwerua Location was nowhere. So, we are asking the IEBC, please, correct that error. Do it as a matter of urgency.

Mr. Temporary Deputy Speaker, Sir, coming to the number of wards, in my view, if we approve the number 60, automatically, the 1,450 is amended accordingly. So, it is not a big issue. This will be the effect. If there is need, we can amend it. That is not a big issue.

**Mr. Mbadi:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Mbadi, I said we will amend the Motion. So, do not worry once we agree on the number. However, this is the point the Members are missing; ours is to enrich this report. We need to point out the errors committed by the IEBC. For example, when they were doing the original report, they forgot that we have more than three cities. In their view, we have only one city. They forgot that we have no provinces. But in their report, they worked on provinces. We are now telling them to work with the counties. This is what we have in the Constitution.

In the report, some constituencies were given while others were not given. So, let us improve.

With those remarks, I support.

**Mr. M.M. Ali:** Thank you, Mr. Temporary Deputy Speaker, Sir. Allow me to say from the outset that this boundaries report we are discussing today is a tragedy that has befallen this country. I want to add that where the rain started beating us is when we put the formula in the Constitution. It has really put us in a confused state.

Mr. Temporary Deputy Speaker, Sir, the Constitution clearly states that a few parameters such as population, geography, community of interest and means of communication are supposed to be followed. Unfortunately, both the Ligale Commission and the IEBC disregarded all the other parameters provided for in the Constitution. They concentrated on the population which in effect rendered all the other factors useless.

Mr. Temporary Deputy Speaker, Sir, it is a tragedy. For example, the whole of Upper Eastern region, Marsabit and Isiolo counties which constitute 33 per cent of this country's land mass, none of them got even one extra constituency. This is a tragedy.

Mr. Temporary Deputy Speaker, Sir, if they were to consider only population to determine this national exercise, why did we need a bloated Commission? The Clerk's office has enough manpower to enter the data into the computers to determine which constituency has more or less population. We would be having so many constituencies based on the population which can easily be determined from the computers from the heart of Parliament here. We do not need to waste a lot of money going to Moyale, North Horr or anywhere else to determine which constituency has more population than other.

*[The Temporary Deputy Speaker  
(Mr. Affey) left the Chair]*

*[Mr. Speaker resumed the Chair]*

Mr. Speaker, Sir, where your counterpart comes from, India, for example, their Constitution is very clear. It gives a lot of weight also to population just like what we have done. However, they used their wisdom to create a constituency where the Speaker comes from, even though it is the lowest in terms of population and does not fit that national parameter. Why do we fail---

**Mr. Duale:** On a point of order, Mr. Speaker, Sir. You have heard the Member for Moyale insinuating that the Speaker of the National Assembly of Kenya is a recipient of a constituency illegally, could he substantiate?

**Hon. Members:** No! No!

**Mr. M.M. Ali:** Mr. Speaker, Sir, I want to urge my brother, hon. Duale, to listen attentively when Members are contributing. I said "where your counterpart from India comes from" that is the phrase I used.

**Mr. Speaker:** Order! Order, Member for Moyale! In fact, I heard that clearly. You were giving the parallel of India and Member for Dujis really should have followed.

*(Several hon. Members stood up in their places)*

**Mr. M.M. Ali:** Mr. Speaker, Sir, thank you for that contribution.

My time is not yet up! Please, protect me! I am going to conclude in a minute.

Mr. Speaker, Sir, there is no way you will expect, or anybody will expect northern parts of the country to measure at par population wise when it has been kept in a condition of perpetual underdevelopment by successive regimes since colonial times. We saw this with Kenyatta regime and Moi regime. However, we thank His Excellency the President because it is the first time we are seeing tarmac in that region.

Mr. Speaker, Sir, we cannot measure. It is a tragedy. The mortality rate in urban centres and in those areas is 40 per cent of all the children born every year. I will give a copy of this report to the House. Forty per cent of children born in northern Kenya pass away, while the mortality rate in urban centres is only 3 per cent. How do we compete populationwise? In this House are men and women of honour who are here to serve and care for the whole nation, and not just from the point of interest in their constituencies. This is why I say this is a tragedy.

Mr. Speaker, Sir, when it comes to the wards, I thank the Committee. At least they made last minute effort to know that there is a community called “Sakuye” in Dabet in Moyale; this is in the corrigenda but in their previous work they could not include our submission. Even in Saku, Laisamis---

Mr. Speaker, Sir, I think I oppose this Motion. Thank you.

**The Assistant Minister for Public Works** (Mr. Kiunjuri): Mr. Speaker, Sir, I stand to support this Motion, but this House must also be aware that we came up with a Constitution that we must respect; there is no way we shall have shortcuts in this one. If you look at the way the constituencies are delimited today, and you look at Article 89, which gives clear guidance, I am wondering why a mistake should be made by the Ligale Commission. It handed over its report to this Parliament; Parliament looked at it and it did not correct it. In fact, it did not conclude anything.

Two, the IEBC has given recommendations which are already tabled in this House; it is very clear that if today we approve the constituencies by the Commission the way they are, their report will be challenged in a court of law. In Laikipia they created one constituency called Laikipia North, but left Laikipia West with a population of 208,000 people. That one in itself is an illegality because the law is very clear that even if we go by 30 per cent upwards, that constituency will not be in existence because we shall go to courts of law; we shall be challenging the validity of the Constitution. It is true that it is not only in Laikipia. You get other areas like Ndia Constituency where a whole ward is omitted. You go to Igwamiti Ward of Laikipia West Constituency where one ward has 69,000---

**Mr. Mbadi:** On a point of order, Mr. Speaker, Sir. I do not know whether I heard the hon. Member right, but I heard him talk of challenging the validity of the Constitution. Is it in order for the hon. Member to say that he will challenge the validity of the Constitution, yet he took an oath to protect the same Constitution?

**The Assistant Minister for Public Works** (Mr. Kiunjuri): Mr. Speaker, Sir, any Kenyan is allowed to go to court and challenge the Constitution. It is very clear; this is a matter of representation; it is why we are here today. We cannot wait for Parliament to legislate an illegality and we do not challenge it in a court of law.

Mr. Speaker, Sir, we have counties that were willing to sit down with their leadership and agree, because their population allows them to have a county or two; they can go ahead and redraw their counties like Nyeri. That was never allowed because we are being forced to adopt a report that we did not agree to originally. Today we are discussing the same report that Parliament never agreed on.

Mr. Speaker, Sir, there is this ward called Igwamiti in Laikipia West Constituency. It has a population of over 69,900, and Laikipia North Constituency itself has the same population. Why should we have one constituency within the same county which has even fewer people than one ward in the same county? These are facts because there are figures. We have another ward with 42,000 people and another ward in the same county with only 17,500 people. What are you

trying to tell us? Even though we would like to continue with this process and to support it, it is good that we do the balancing.

**The Assistant Minister for Industrialisation** (Mr. Muriithi): On a point of information, Mr. Speaker, Sir. Even if you were to assume that Laikipia is a city, which obviously it is not, then the upper limit for population would be 188,875 people, according to the Constitution.

**The Assistant Minister for Public Works** (Mr. Kiunjuri): Thank you for the information. We also have cities in this country and they are recognized. Mombasa itself is a city.

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): On a point of order, Mr. Speaker, Sir. Is it in order for hon. Kiunjuri to challenge the creation of Laikipia North, when it takes into consideration the interests of the marginalised communities like the Mukogodos and the rest? Is he in order to promote majoritarian dictatorship in the Constitution? You cannot do that!

**Mr. Speaker:** Order! That to me does not amount to a point of order. You are only expressing a different opinion from the hon. Kiunjuri.

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): On a point of order, Mr. Speaker, Sir. Of all the towns in this country, it is only one which is a city, and that is none other than Nairobi.

**Hon. Members:** There are also Kisumu and Mombasa!

**Mr. Speaker;** Order, hon. Members! Let us listen to hon. Kajembe.

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Mr. Speaker, Sir, yes, it is written somewhere but we have not received charters of these cities.

*(Laughter)*

**Mr. Speaker:** Order, hon. Kajembe! I rule that, that is not a valid point of order. It is a red herring at the point at which it is raised. It is not hinging on anything.

Proceed, hon. Kiunjuri.

**The Assistant Minister for Public Works** (Mr. Kiunjuri): Mr. Speaker, Sir, people must realize that much as they have their rights, their rights end where my rights start. Every community and person in this country has a right to be represented properly. The fact that you have received a constituency does not take away the right of the people of Laikipia to have four constituencies. Yes, we have Laikipia North, but we are saying that we deserve another constituency by the name of Rumuruti Constituency.

**Dr. Otichilo:** Thank you, Mr. Speaker, Sir.

**Mr. K. Kilonzo:** On a point of order, Mr. Speaker, Sir. You made a ruling that at 6.00 p.m., you will be calling upon the amendments. I just want to remind you of what you had ruled.

**Mr. Speaker:** Indeed, I remember and it is possible that the Member for Emuhaya will contribute and move an amendment. It is possible. I do not know. I cannot anticipate what he is going to do.

**Dr. Otichilo:** Mr. Speaker, Sir, I rise to support this Motion. One of the reasons why I am supporting this report is that there are many mistakes in the reports that have been given by the IEBC and it is important that this House makes those corrections. That is very important. Secondly, we have certain areas where, when you look at the population and how the wards were created, there is a lot of imbalance. So, it will be very important if this House can propose a certain number of wards that can be given to the IEBC to see how to increase and take care of

those people who have highly been marginalized. That is one of the reasons why I am supporting this report.

As regards Emuhaya, I am very grateful to the IEBC for, at least, creating two constituencies for Emuhaya, namely, Luanda and Emuhaya. The only problem is the way they carried out the delimitation. The people of Emuhaya want to use the previous boundaries of East and West, which will then make the former Luanda Division become the Luanda Constituency and the former Emuhaya Division become Emuhaya Constituency.

**Mr. Speaker:** Order, hon. Members! I want to give further directions. You will notice that at the time I said we will move and concentrate on amendments, the Motion moved by the Minister for Nairobi Metropolitan Development and the Acting Minister for Finance, had not yet been resolved by the House. Now that it has been resolved, if the House feels that it wants more time to debate, I will allow it because that Motion was actually carried. But then you will have to restrict yourselves to not more than five minutes hereafter.

**The Minister of State for Immigration and Registration of Persons (Mr. Kajwang):** Mr. Speaker, Sir, this Committee of the House that has brought this report arrogated to itself certain powers that unfortunately it does not have. You can only exercise those powers that you have by law, but you do not go and arrogate to yourself the power to apportion or hive certain enclaves to yourselves and then bring them to this House and suppose that we may, by some misfortune, support you.

If you looked at the 60 or so called wards that are additional, some maybe deserving and some may not, but the truth of the matter is that the beneficiaries are Members of that Committee. If you know that you have an interest in the matter which you are dealing with as a Committee, you declare that interest. You even withdraw from that Committee because you cannot sit to be a judge in your own case. This thing has made us look at the Committee with a lot of suspicion, that any time now that you are given the privilege to serve in some Committee, you use it for the benefit of your own people. This is shameful. That is why, first of all, I oppose.

I am glad that a direction has already been made and an amendment probably is coming to suggest that the additional wards that were given unto ourselves, the 60 wards shall be struck off.

**Mr. Baiya:** On a point of order, Mr. Speaker, Sir. The Minister has repeatedly accused the Committee of acting pursuant to personal interests. This is first and foremost an attempt to impute improper motive to the Members of the Committee. Could he substantiate? I am the Chairperson. Could he substantiate that allegation or withdraw?

**The Minister of State for Immigration and Registration of Persons (Mr. Kajwang’):** Mr. Speaker, Sir, that is really their report. I do not have to substantiate anything. Just read your report and look at every ward that has been created of the so-called 60 wards and see who has benefited from them.

**Mr. Mbadi:** On a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Hon. Kajwang, do you want to accept information from the Member for Gwassi?

**The Minister of State for Immigration and Registration of Persons (Mr. Kajwang’):** Yes, Mr. Speaker, Sir.

**Mr. Mbadi:** Mr. Speaker, Sir, I wanted to inform my colleague and neighbour that what he is saying is true. He is the Member for Mbita and I am the Member for Gwassi, the only two Suba Members elected, and this Committee purports to make changes in Suba without consulting both of us because there is a nominated Member who sits in that Committee, who goes to them

and tells them to change boundaries without consulting the two elected Members of Parliament. Is that not giving yourself constituencies through the back door?

**The Minister of State for Immigration and Registration of Persons (Mr. Kajwang):** Mr. Speaker, Sir, I thank hon. Mbadi for the information. Let me go to one other matter. It is not our job to enrich the report of the IEBC; it is our job to check whether the IEBC acted within the law. If they acted within the law, we accept and if they acted outside the law, we reject. That is our job. It is not our job to come here and become another IEBC. Why did we even create that independent Commission if our intention was to actually do it here?

Now that the report is here, let me say one little thing that made me stand up. They went to Homa Bay County, Mbita Constituency, which had no problem. We accepted the wards, the boundaries, we love the name, we have had the name for the last 48 years and all of a sudden they just suggested that now Mbita Constituency will hence be known as Suba North, from nowhere. Then when I check where the Suba North comes from, I find that it is actually an ethnic name; a tribal name that sits very badly with more than two thirds of Mbita Constituency, which is cosmopolitan. Then I ask: Where did we get this idea that constituencies must have tribal names? Actually, tribal names in constituencies which are cosmopolitan suggest that certain clans or certain ethnic groups oppress others who may be minorities. I urge that an amendment be made to return the name to Mbita Constituency. We are proud of that name, it is unifying us, it has been there since Independence and we did not suggest a change.

I support.

**Mr. Abdikadir:** On a point of order, Mr. Speaker, Sir. Is it in order for the Member on the one hand to say that the IEBC is independent and nobody should say anything about them and on the other hand say that the name that they proposed should be changed? Could he tell us what his position is?

**The Minister of State for Immigration and Registration of Persons (Mr. Kajwang):** Mr. Speaker, Sir, my position is that we can say they acted outside the law because they are not supposed to even interfere with names. The Ligale Report had already given the names. There was no power in their part to change those names.

**Mr. Nyambati:** Thank you, Mr. Speaker, Sir. From the outset, I want to oppose this Motion. I am a very bitter man. From the Ligale Commission, they erred in Kitutu Masaba. Kitutu Masaba was one of the constituencies which were supposed to be given an extra constituency. Since Independence, it has never got that.

Mr. Speaker, Sir, I want to say that the work that the Committee has done is shoddy. It is not the responsibility of the Committee to award wards to different areas. I think the recommendation that the Committee should have made is whether we want an extra 60 or 100 wards in the country, so that we can give that job to the IEBC to award those wards to different parts of the country. That is because the Commission is mandated to ensure equity in the nation. I know that in Kitutu Masaba, there are some wards which have more than 50,000 people. There are others in the same area with less than 30,000 people and have been given an extra ward. Is that fair? That is very unfair! It not right for this country. It is not right for our people. We are not being fair. This House is trying to legalize an illegality. So, I want to urge that this House should not support this report. We must amend it to the point where we do not allocate - in this House - different wards in the country. What would then be the work of IEBC if we do that? We would be unfair in what we are doing because, as Members of Parliament, each one of us would want to have an extra ward in his or her own constituency.

*(Applause)*

There would not be any fairness if we do that. But if we allow IEBC to allocate those wards in the country, then we will have some resemblance of fairness. There is no time when a politician will sit and allocate a ward to another constituency and leave his own.

*(Applause)*

So, this is not fair and I oppose it!

**The Assistant Minister for Roads** (Dr. Machage): Mr. Speaker, Sir, I request the House to be sober and thoughtful as we deliberate on this issue. It will affect some communities. Maybe, the excitement that may have arisen from the previous report has spoiled the mood of hon. Members to look and decide positively or negatively. The IEBC does not work in a vacuum. There is an Act that governs its work and, indeed, I may not agree with Mr. Kajwang that we are not supposed to enrich their report. If you look at Schedule V of the Act, Part 6, it says: “The Commission shall take into account the resolutions of the National Assembly to prepare the final report.” It means that we have to enrich the report for it to be taken. Let us not abdicate our duty as a House. We will be registered in bad history that a report came from IEBC and we had a constitutional mandate to look at it, correct the mistakes and send a report to them to consider. By approving the report that has been laid on the table today by the relevant Committee, we are not ordering anybody to adopt it. The IEBC will have the mandate to adopt that report. Let us not be governed by emotions but look at this. If you look keenly, the Act clearly indicates that we are supposed to do that. It orders IEBC to listen to us. Section 26 of the Act says: “Except as provided by the Constitution, the Commission shall observe the principle of public participation and requirement for the consultation with stakeholders.” We are a major stakeholder! We have to give issues so that they can be taken into consideration by the Commission. I may not really share the views of those people who are saying that we have no mandate to change the number of wards. If you look at Section 89(3), it creates the number of constituencies. But the number of wards is governed by Section 89(3) of our Constitution which says: “The review of the same can be done any time periodically.” They did not give us the timeframe! The period can even be the five days as suggested in this House. Let us be mindful of the resolutions and make amendments that may be raised in this House, so that we can make this report as perfect as possible to be accepted by the people. If somebody has a view, please submit an amendment instead of opposing the report in total.

Thank you!

**Mr. K. Kilonzo:** Mr. Speaker, Sir, I rise to express the concerns of the people of Kitui County and mainly people of a constituency that seems to have disappeared now called Mwingi Central Constituency.

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): On a point of order, Mr. Speaker, Sir. It is not the tradition of this House for a Member of Parliament to raise issues concerning another constituency, when the sitting Member is there. I say that because Mr. K. Kilonzo, as hon. Members are aware, brought people in buses to this Parliament to demonstrate for my constituency. I would like you to rule it out of order.

**Mr. Speaker:** Mr. K. Kilonzo, would you want to respond to that challenge?

**Mr. K. Kilonzo:** Certainly not, Mr. Speaker, Sir. I would like to concentrate on what I am saying because it is in the interest of the people of Kenya whom we represent here.



On 27<sup>th</sup> November, 2010, Mr. Ligale came to this Parliament and presented this report to you. In this report, in Kitui County, he had given us eight constituencies. The new ones were Mwingi Central and Kitui Rural. I would like to table the Ligale Report.

*(Mr. K. Kilonzo laid the document on the Table)*

Subsequently, the Ligale Commission published the 290 constituencies, including Mwingi Central.

**Mr. Speaker:** Order, Mr. K. Kilonzo! I am not going to be necessarily adverse to you. But the tradition of this House has been this: That where a constituency is represented by a given Member, another hon. Member does not raise issues that relate to that hon. Member's constituency but, as much as possible, that they would consult each other so that there is no conflict. But it is not such as it is a written rule or it is in the Standing Orders, it is just a matter of amicable co-existence.

Proceed!

*(Applause)*

**Mr. K. Kilonzo:** Mr. Speaker, Sir, I have taken that into account. Thereafter, the people of Mwingi Central celebrated and rejoiced after they received the new constituency. On 18<sup>th</sup> and 19<sup>th</sup>, IEBC came to Kitui County and I was present. My colleague---

**The Assistant Minister, Ministry of State for Defence (Mr. Musila):** On a point of order, Mr. Speaker, Sir. Mr. K. Kilonzo is inciting my constituents! He has been inciting my constituents against me. After that day, he took them to Uhuru Park where he feted them and gave them money. As far as I am aware, my constituents have no problem. I am a popularly elected Member of Parliament with more votes than Mr. K. Kilonzo and he cannot claim to represent my people in this House, when they elected me. Therefore, if you look at page 23, you will see that there are issues concerning Mutito Constituency. Why can he not address them? Why can he not address the issues of Mutito Constituency which are here, and leave my constituency because I am here?

*(Applause)*

**Mr. Speaker:** Order, hon. Members! I really want this matter to rest where it is with the directions that I have given. However, if there are any other grievances or concerns, hon. David Musila, I would like you to address them to Mr. Speaker in his capacity as the Chairman of the Powers and Privileges Committee and then we will address those concerns with the seriousness they deserve, away from the plenary.

Hon. Kiema Kilonzo, please, refrain yourself. Do not say anything that is unnecessarily prejudicial against your colleague.

**Mr. K. Kilonzo:** Absolutely, Mr. Speaker, Sir, I stand guided. On the 18<sup>th</sup> and 19<sup>th</sup> of January, 2012, IEBC came to Kitui County where we were all presenting views. With me here is the memorandum signed by 12,000 people from Mwingi Central who presented their views to the IEBC in Kitui.

I lay on the Table this report.

*(Mr. K. Kilonzo laid the document on the Table)*

Their grievances did not touch on the new constituency called “Mwingi Central”. They were talking about how the boundaries will be done and the delimitations of the wards. Subsequently, thereafter, a report was issued where Mwingi Central was erased from the report. Again, the people of Mwingi Central were given a window like any other members of the public in this country. They came here in seven buses. They wrote this memorandum that has 12,000 signatures to the Clerk to present to this Committee. They talked about the constituency which was there but had been erased.

**Mr. Speaker:** Order, hon. Kiema! You have said something that is not regular.

**Mr. K. Kilonzo:** Yes.

**Mr. Speaker:** That the people of Mwingi central came and presented a petition signed by 12,000 people to the Clerk and to the Speaker to present to the Committee. The Speaker or the Clerk do not present any documents to committees.

**Mr. K. Kilonzo:** Thank you, Mr. Speaker, Sir. I stand guided. The report which was presented by the Mwingi Stakeholders Consultation Forum was to the Chairman of the Departmental Committee on Justice and Legal Affairs through the Clerk. To my utter surprise and to the surprise of Mwingi central people, their interests about the constituency which they had been given and had been erased was not captured.

**Dr. Nuh:** On a point of order, Mr. Speaker, Sir. I am just lost because according to the records we have in this House there is no constituency known as Mwingi central. Such a constituency has never been there.

**Mr. Speaker:** Order, the Member for Bura! Please, let us use our time optimally. Hon. K. Kilonzo has talked about a geographical location. He has not said that a constituency exists as we speak today. He talked about people from an area which is described as Mwingi central. That is what he has said.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, therefore, the people of Mwingi central brought their report which they wanted the Parliamentary Committee to look into because they had made their cries to the IEBC. They now wanted the representatives of the people to listen. That has not been done.

Mr. Speaker, Sir, therefore, I oppose.

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Cheptumo): Thank you, Mr. Speaker, Sir. Article 1 of the Constitution says that the sovereign power belongs to the people of Kenya.

When it comes to the creation of new wards and constituencies and the elimination of the same, the IEBC should rely on the will of the Kenyan people. When the Kenyan people passed the new Constitution, they wanted to determine their destiny. When it came to the creation of the new wards and new constituencies, the public view or comments are very important.

Baringo North which is my constituency was given five wards. We had very exhaustive consultations right from the sub-locations, locations to the divisions and subsequently we held a district or constituency consultative meeting.

Looking at the various legal requirements set out in the Constitution, we recommended to the IEBC to amend and propose names which were neutral and acceptable to people. We also proposed that they realign the boundaries for our wards. This was done by the people through consensus. When the IEBC produced the report on 9<sup>th</sup> February, it came as a shock that the people’s view were not taken into account. We made appropriate appeal to the Committee of the House. I am happy to say that the Committee took into account our proposals, we are happy and

I support this Motion. The wards in my constituency will read as Bartabwa, Loruk, Saimo Kipsaraman and Kabartonjo. My appeal to the IEBC through the House is that those names as proposed be adopted because they represent the will and the wish of the people of Baringo North.

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): On a point of order, Mr. Speaker, Sir. What hon. Cheptumo has just raised can lead to communal configuration within Baringo County. When he mentions Loruk--- Hon. Cheptumo has a sub- location called “Loruk” and I have a location called “Loruk”. He has raised this several times to the extent that he purports to push the people of Baringo East nine kilometers into my place. I want to warn hon. Cheptumo that he will not succeed in pushing my people. We want the *status quo* to remain and the IEBC has actually given us direction on this matter, that it is illegal to create Loruk Ward in that place. If he is a land monger, please, advise him not to do this.

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Kamama! You need to have some respect for your colleague. We must also conduct business here with decorum. You have warned your friend. As if that is not bad enough - I tolerated it because “warn” is an English word; you just caution somebody to be careful. But now, you are proceeding to describe him as a monger. That is not friendly. So, you have to withdraw the word “monger”.

**Hon. Members:** Is it war monger or what?

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): Mr. Speaker, Sir, a land monger and not a war monger.

Mr. Speaker, Sir, he has stated it severally! Even when the Commission came to Baringo County, actually I had to save this guy because he was almost being beaten by the people.

**Mr. Speaker:** Order! Order! You had to save your honourable colleague or this guy?

*(Mr. Cheptumo stood up in his place)*

Order, Mr. Kamama!

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): My honourable colleague, Mr. Speaker, Sir.

*(Laughter)*

**Mr. Speaker:** Very well!

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Cheptumo): Mr. Speaker, Sir, let me say this: What my colleague has done in this honourable House is to demonstrate his true colours. That is because---

**Mr. Speaker:** Order, hon. Cheptumo! Can we move away from that?

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Cheptumo): Mr. Speaker, Sir, I want to finish because I have been interrupted.

**Mr. Speaker:** I will allow you one and a half minutes to conclude.

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Cheptumo): Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, the decision to create wards is not for my colleague or myself, but for IEBC. The people of Baringo North are part of the sovereign people of Kenya and will exercise their rights through the sovereign power. We live in peace with our neighbours. During the presentation, they only said: "Do not use the name." But we said that the usage of that name is proper. We would like this process to be concluded and I am happy that the Committee was able to approve our names as proposed to the IEBC on 20<sup>th</sup> January.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Order, hon. Members! I am afraid that, as at where we are now, we have to begin to deal with amendments. Those of you who have not contributed can speak to amendments and carry your views. Just find an amendment that is suitable for you and peg your contribution on it, as may be proposed. We want to take the first one as circulated.

Member for Rangwe!

**Mr. Ogindo:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the full stop at the end and inserting the following words after the figure 2012:

(i) "Subject to deletion of any recommendation whose effect is to add a new Ward beyond the 1,450 Wards proposed by the IEBC in their Reviewed Interim Report presented to the Committee"

(ii) "Subject to further recommendation that the Revised Preliminary Report published by the Independent Electoral and Boundaries Commission be rationalized in respect of the description of all constituencies and wards and the maps accompanying those descriptions so as to correct any inconsistencies and contradictions"

Mr. Speaker, Sir, I want to support this amendment by referring to the IEBC Act. We have been given a noble job here to do by the Act. It would be very unfortunate if we do not seize this opportunity to exercise our role.

Mr. Speaker, Sir, Article 89 of the Constitution says that we shall be reviewing boundaries of constituencies and wards after a period of eight and 12 years. We realize how emotive this issue is and I appreciate the search for equity in this process. But we all realize that equity can never be achieved at once. The pursuit for equity is iterative.

Mr. Speaker, Sir, I want to persuade hon. Members that we support this amendment so that, in the subsequent reviews, these new recommendations are taken.

Mr. Speaker, Sir, I beg to move and ask hon. Mbadi to second.

**Mr. Mbadi:** Mr. Speaker, Sir, I second.

*(Question, that the word to be left out be left out, proposed)*

**Mr. Speaker:** Hon. Members, I would want to take a few views, more so, those which may be different. Member for Ndaragwa!

**Mr. Kioni:** Mr. Speaker, Sir, I want to thank you for the opportunity to speak to this Motion. I want to oppose that amendment to the Motion.

Mr. Speaker, Sir, many things have been said by my colleagues on what the Committee did and should not have done. But it is now apparent that the drafters of the Constitution had foreseen what is likely to continue happening. At any given time, if Members of Parliament were to be entrusted with the work of delimitation of boundaries, we will never agree or do any service to this country. It is important that we appreciate what the Committee has done. The Committee has brought on board issues of historical injustices and geographical features. It has

also given an opportunity to IEBC to address the issues that were more of typographical errors. It is important that we also give respect to the Committee for what they have done. The fact that we passed the Bill capping the wards at 1,450 still does not mean that we do not point out to IEBC areas that require attention. One of the hon. Members, the Member for North Horr, made a contribution opposing the report. But the report actually proposes that his constituency be re-looked into because of more than just one factor of population. This report helps to inform the IEBC of many other issues that they left out.

Mr. Speaker, Sir, this report by the Committee had even the suggestion of 60 extra wards, to help diffuse the tension that is there in the country. We already have some flare-ups between communities because of issues of boundaries. So, if we do not look at these issues beyond winning elections, we could end up with a very acrimonious process. I think it is important that we allow this report to go to the IEBC as it is. Even with the hindsight that we have 1,450 wards, let the IEBC look at it. Nothing is binding on the IEBC. In fact, if we do not do anything, the IEBC will continue doing what is expected of them tomorrow. But the report informs the whole process and it is part of public participation. It is for that reason that I oppose that intended amendment.

Mr. Speaker, Sir, it also does not talk about the re-distribution which is also very important. It is not just the issue of distribution, but there is also the need to redistribute those wards as we go forward.

Thank you, Mr. Speaker, Sir.

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Speaker, Sir, I wish to say the following: The question of representation is at the heart of representative democracy. In medieval Europe in the year 1215, when the Magna Carta was signed - I was not there, Mr. Kilonzo, but this is a historical fact - there was the question of representation and the issue of taxation, for example that if you must be taxed, then you must be represented. So, the question of representation has, in fact, been at the heart of many revolutions in the history of the world. We must treat it with utmost care, in my view.

I also want to say that we accept--- Those Kenyans who voted for the Constitution created independence of commissions, but it is presumed that those independent commissions also respect and protect the Constitution. I want to cite the constituency that was proposed by the very contentious report of the Commission that was led by Mr. Ligale. The Ligale Commission proposed the creation of a constituency in Laikipia West that was quite clearly not in line with the provisions of the Constitution. Thereafter, in their preliminary report, the IEBC did the same. So, to argue that the Committee should not point out this it would, in my view, be incorrect.

Mr. Speaker, Sir, we spent yesterday and today in a lot of filibustering, attempting to stop debate or stall debate, on this particular matter, yet we have a timeline. I feel that this report has made some improvement. I am sure that the Committee could have done better, but it is my view that this report has made some improvement to the circumstance that was there. The process should move forward.

Therefore, I oppose the proposed amendment.

**Mr. Speaker:** Yes, hon. Nyamweya. This could be the last contribution on this particular amendment.

**Mr. George Nyamweya:** Thank you, Mr. Speaker, Sir. The effect of that proposed amendment is to negate the entire report.

Therefore, I oppose it.

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! Order, Member for Eldama Ravine! Hon. Members, I will now proceed to put the Question, and I will put it in two parts. We will take the vote in two parts.

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted be inserted, proposed)*

*(Question, that the words to be inserted be inserted,  
put and negatived)*

*(Question, that the words to be inserted be  
inserted, put and agreed to)*

**Mr. Speaker:** Order, hon. Members! We will take the next amendment.

Yes, hon. Wilfred Machage!

**The Assistant Minister for Roads (Dr. Machage):** Mr. Speaker, Sir, I beg to move that the report be amended by deleting the full stop at the end and inserting the following new paragraph on page 40 under Migori County---

**Mr. Speaker:** Order! Order, hon. Machage! If this is circulated, then just say "as circulated on the Order Paper".

**The Assistant Minister for Roads (Dr. Machage):** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the full stop at the end and inserting the following new paragraph in page 40 under Migori County:

Kuria West	Moving Gokeharaka/Getambega wards to Kuria East Constituency should be reversed  Constituency Boundaries to adopt the existing District Boundaries, i.e., Kuria East District be designated Kuria East Constituency and Kuria West District be designated Kuria West Constituency.  Request for realignment of wards.	IEBC to consider moving Gokeharaka/Getambega wards to Kuria West Constituency.  IEBC to consider splitting Bukira Central /Ikerege into Ikerege Ward and Bukira Central Wards.
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**Mr. Speaker:** Okay! Do you want to say anything more?

**The Assistant Minister for Roads (Dr. Machage):** Yes, Mr. Speaker, Sir.

Mr. Speaker, Sir, the Ligale Commission had, indeed, made this correction effectively and there were no complaints. When the new Commission came in, they never considered the report of the leaders' meeting that was presented to them. Instead, they went ahead to change arbitrarily those boundaries that were supposed to run along administrative boundaries. What I

am requesting the House to do is to enhance cohesion and peace among the different communities in my constituency.

I beg to support.

**Mr. Speaker:** Who is seconding your amendment?

**The Assistant Minister for Roads** (Dr. Machage): Mr. Speaker, Sir, I request that the Acting Minister for Finance seconds me.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Speaker, Sir, I beg to second. This shows why it is important for us to enrich the IEBC Report.

I beg to second.

*(Question, that the word to be left out be left out, proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted be inserted, proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

**Mr. Speaker:** Hon. Members, we will take the amendment by hon. Mohamed Sirat. Mr. Ogari, I notice that we have not touched your amendment but I will get back to it.

**Mr. Sirat:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

(i) deleting recommendations 1(b) for Wajir South on page 18 and replacing them with “Burder Ward: Burder, Gullet Dere, Rababala, Abaq Dere and Welgaras locations”;

(ii) deleting recommendations 1(c) for Wajir South on page 18 and replacing them with “Leheley Ward: Leheley, Kulaaley, Elado, Hubsoy, Sukela, Qoqar, Billilburbur, Eyrip, Lagboghhol South, Kursin, Macheza, Ali Dumal and Tesore locations;

(iii) deleting recommendations 2 for Wajir South on page 18 and replacing with “This Constituency deserves special attention for fair representation and “IEBC should create additional 3 wards in this Constituency known as Sabuli Ward, Abakore Ward and Lagboghhol South Ward in consideration of the size of the Constituency;

(iv) deleting recommendation 1 (one) No. for Wajir South on page (42, second column) and replacing with 3 (three) No.

(v) and inserting the words “This Constituency should receive consideration under Article 100 of the Constitution”

**Mr. Speaker:** Member for Wajir South, do you have any ground for your amendment? Say it quickly.

**Mr. Sirat:** Mr. Speaker, Sir, Wajir South is the second largest constituency in the country. Unfortunately, it has not been divided or split into two constituencies. It is the largest constituency in the North Eastern Province. It has never been divided or split since Independence. We, therefore, require to be given more wards.

With those remarks, I beg to move.

Hon. Farah Maalim will second the amendment.

**Mr. Farah:** Mr. Speaker, Sir, I second the amendment. As a matter of fact, one of the biggest tragedies we have in the North Eastern Province is the failure to split Wajir South into two constituencies. This reminds me when there was a drought and most of the people went to other parts of the country. So, I fully second hon. Sirat on this amendment and hope that the House will carry it.

*(Question of the first part of the amendment, that the words to be left out be left out, proposed)*

*(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)*

**Mr. Speaker:** Hon. Members, we will now take the amendment by the Member for Bomachoge.

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** What is it, Mr. Kamama?

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): Mr. Speaker, Sir, if my memory serves me right, I remember you giving us the latitude to contribute on these amendments, especially for those who did not have time to speak. However, it looks like now we are just proposing and finishing at that stage. Could the Chair allow us to make one or two contributions?

**Mr. C. Kilonzo:** Mr. Speaker, Sir, obviously, the hon. Member purports that the Chair does not understand what is happening in the House. The Chair is in a position to decide when to put the Question. The hon. Member has not stood up and been denied an opportunity to talk. The whole idea is to save time.

**Mr. Speaker:** Indeed, that is so! The hon. Member did not seek for space to contribute.

**The Assistant Minister for Trade** (Mr. Ogari): Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

- (i) By deleting the full stop at the end and inserting the following new paragraph in page 41 under Kisii County;

Bomachoge Chache (265)	Request for an extra ward population warrants an extra ward Request for renaming of the wards	IEBC to create an extra ward IEBC to effect the required changes and rename the wards as: Mesesi/ Kanyimbo Central
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	Request to move Bosoti ward to Bomachoge Borabu Constituency	Sengera Bosoti  IEBC should regard this request as unconstitutional since the population of Bomachoge Chache Constituency will be reduced and fall below the population quota lower limit of 93,197 people
Bomachoge Borabu (263)	Request for realignment and renaming of the wards in conformity with the existing administrative boundaries and community interests	IEBC to effect the required changes and required and rename the wards as: 1. Boochi Borabu 4. Bombaba Borabu 5. Kenyena 6. Magenche

- (ii) deleting the words “Bomachoge Borabu” appearing under the Kisii County on page 43 and substituting therefor the words “Bomachoge Chache”

Mr. Speaker, Sir, as you may note, what we are asking for in Bomachoge Chache basically is the realignment of the boundaries of the wards. Secondly, we are asking for the renaming. We are also asking for one extra ward. This is based on the calculations that we submitted to the Committee. Our quota justifies one extra ward in Bomachoge Chache.

Mr. Speaker, Sir, we also note that names mean a lot in most of rural Kenya including my two proposed constituencies. So, I am urging the House and IEBC to consider renaming and realigning the boundaries as required. In Bomachoge Borabu, we are not asking for anything new apart from just new names and realignment.

I beg to move and ask Mr. Onyancha to second.

**Mr. Onyancha:** Mr. Speaker, Sir, I second.

*(Question, that the word to be left out  
be left out, proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted  
be inserted, proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**Mr. Speaker:** We will take the amendment by the Member for Msambweni.

**Mr. Zonga:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-  
By deleting the full stop at the end and inserting the following words:-

“subject to inclusion of the recommendation that Kingwede and Shirazi Sublocation of Kwale County that are proposed in volume 2 of the IEBC Revised Preliminary Report page 3 to comprise Msambweni Constituency be transferred to the proposed Lunga Lunga Constituency to be under Kikoneni-Pongwe Ward”

Mr. Speaker, Sir, I believe life would be easy if we followed traditions and culture. I want Mr. Mwaita to second.

**Mr. Mwaita:** Mr. Speaker, Sir, I stand to second the amendment as it goes a long way in maintaining harmony and peaceful co-existence among the people of Kwale.

Thank you.

*(Question, that the word to be left out be left out, proposed)*

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Speaker, Sir, I want to support that amendment and say that this is what should apply all over. You will realize that in the draft IEBC Report, no proper consultations were done with communities concerned. They ended up shifting wards without consulting the people involved. This is particularly so in Turkana where two wards mainly Kalapata and Letea have been moved from where they are easily accessible to other areas, which has even created conflict to a point where communities and some leaders blame me as if I am IEBC.

Lastly is the fact that Article 89 of the Constitution gives IEBC the population quota that it is supposed to have abided by. What the Committee of this House should have done is to look at the wards that are outside the population quota and they are many. That means that those wards that may have been outside the population quota are actually unconstitutional. I want to give one example. Lokori Kochobin Ward in Turkana East has a population of 44,045. The population quota is 26,680. To make matters worse, this particular ward is 8,185 square kilometres. How do you imagine a ward representative will represent the people in 8,000 square kilometers?

With those many remarks, I support.

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): Mr. Speaker, Sir, I beg to support the amendment moved by my friend from Msambweni. In addition to that I want to thank the Committee for actually recommending for an additional ward for Baringo East. This ward is called Akoret which is a whole division.

Secondly, I want to oppose the creation of Loruk Ward which is on a security hot spot. Everybody knows this. We have recommended even to our big bosses in the Government to investigate and identify the issues in Loruk. Since it is shared by two communities, we want it to remain neutral.

I want to propose that the initial name “Bartum” which had issues with the Njemps Community be retained. We do not want that problem to be pushed to our side because we want to remain in peace.

With those few remarks, I beg to support.

*Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
be inserted, proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**Mr. Mbadi:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the full stop at the end and inserting the following words:-

“subject to deletion of all the words after the word “consideration” under the column issues relating to “constituency Mbita” and delete all the words under the column recommendation relating to the “Constituency Mbita” on page 39 of the Report.

Mr. Speaker, Sir, I just want to give a brief explanation of what I intend to achieve. When the Ligale Commission went to Mbita to listen to the residents of both Gwassi and Mbita constituencies there was no issue at all about the boundary between Gwassi and Mbita. When the report was released and the IEBC went to Homa Bay to listen to the people of Gwassi and Mbita, among other constituencies there was no issue. For some reason the Justice and legal Affairs Committee has made a recommendation which has the effect of transferring a location from Gwassi to Mbita Constituency.

In doing that, they will even move the entire Ruma National Park from Gwassi Constituency to Mbita Constituency. The Member of Parliament for Mbita did not propose this and he has no clue about this. They relied on some memorandum in some fullscap which came from a group called Lambwe Settlement Scheme. I do not know where that group is found. My constituents have never asked to be moved to another constituency and I do not understand why this Committee could go to the extent of creating conflict where there is none.

Mr. Speaker, Sir, I would urge this House to revoke this recommendation by the Committee and allow us to revert back to peace that has been prevailing in Suba.

I ask Mr. Githae to second my amendment.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Speaker, Sir, I second. The people of Mbita and the people of Gwassi must be listened to. They never recommended and they do not know where it came from.

I therefore, second.

*(Question, that the word to be left out  
be left out, proposed)*

*Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
be inserted, proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**Mr. Ochieng:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the full stop at the end and inserting the following words:-

”subject to inclusion of the recommendation that Kandaria,, Michura, Agoro East, Agoro West, Awach, Atoyieng’o and Jimo East of Kisumu County which are proposed in volume 2 of the IEBC Revised Preliminary Report page 114 are to comprise “North Nyakach Ward” should constitute a ward of its own to be named “North East Nyakach Ward” within Nyakach Constituency as initially proposed by the people; that the proposed “South East Nyakach” be renamed “South Nyakach Ward” and that Lisana and Rarienda sub locations be transferred to “Central Nyakach”

Mr. Speaker, Sir, I have very brief reasons for this; number one, because of the Nyakach terrain which is very ragged and also the population density and demographic reasons. That is why we decided to have one more unit.

If you read through the amendment you will also realize there is some omission of some sub-locations which have not been covered in the preliminary Report of the IEBC. There is also a typographical error there where a ward has been printed as “South East Nyakach” instead of “South Nyakach”.

I beg to move and ask Mr. Yinda to second.

**Mr. Yinda:** Mr. Speaker, Sir, I second.

**Mr. Speaker:** Order, Member for Alego-Usonga! You are seconding facing away from the House?

**Mr. Yinda:** My apologies, Mr. Speaker, Sir.

I wish to second.

*(Question, that the word to be left out  
be left out, proposed)*

*Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted be  
inserted,proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**The Assistant Minister for Energy** (Eng. M.M. Mahamud): Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the full stop at the end and inserting the following words:-

“subject to the deletion of all the words appearing in the third column of the matrix on pages 19 and 20 of the Report in respect of, “Banissa Constituency” and substitution therefor in respect of that constituency the words “The ward names and boundaries as appear in the Revised Preliminary Report of the Independent Electoral and Boundaries Commission be retained”

Mr. Speaker, Sir, the proposed Banissa which is curved out of my constituency, we have proposed five wards and the people in the constituency have participated in the last review by the IEBC. We agree that the wards be named as they are proposed by the IEBC. The Committee in its own way brought some amendments purporting that they got a memoranda from some constituents. I am not aware of the memo and that is why I am asking for this amendment.

While having a microphone I would also like to make general comments on the Committee Report. Generally, I oppose the Report because the Committee made a lot of changes without any reasons. In fact, if you look at the rest of the Report of the Committee there are a lot of general statements. There is no criterion used in that. I would urge that should this Report be taken to the IEBC, they should ensure that the criteria as put in the Constitution is respected so that we do not have any flawed recommendations.

With those few remarks, I beg to move. I will ask Maj. Sugow to second my amendment.

**The Assistant Ministry, Ministry of State for Public Service (Maj. Sugow):** Mr. Speaker, Sir, I second.

*(Question, that the word to be left out  
be left out, proposed)*

*Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
be inserted, proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**Mr. Washiali:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

“subject to inclusion of the recommendation that “Mumias West Constituency” as proposed in Volume 2 of the IEBC Revised Preliminary Report page 96 be renamed “Mumias South Constituency”.

Mr. Speaker, Sir, this is generally a harmless amendment. Long ago Mumias Constituency was divided into four divisions; Mumias West, Mumias North, Mumias East and Mumias South. When the constituency was split in 1996 which created Matungu Constituency, it went with Mumias North and Mumias West. What is left for Mumias Constituency which I have been representing was Mumias South and Mumias East. Unfortunately, when they were writing the report, they indicated Mumias West which had already gone with Matungu Constituency. So, it is my request that this is amended to read “Mumias South” as opposed to what is indicated in the report, “Mumias West”.

I move and request my brother Mr. Yusuf Chanzu to second.

**Mr. Chanzu:** Mr. Speaker, Sir, I second the wishes of the people from Mumias.

*(Question, that the word to be left out  
be left out, proposed)*

*Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
be inserted, proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**Mr. Githunguri:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the full stop at the end and inserting the following words after the figure 2012:-

“subject to deletion of the proposed recommendation with respect to Kiambaa Constituency of Kiambu County on page 2 of the corrigendum”

Mr. Speaker, Sir, I do so for the following two reasons; one, we should not create problems where there are no problems. The two sub-locations have historically been part of Kiambaa Division and the people of these areas have invested heavily in Kiambaa side of the county. They are opposed to the moving of their investment to the other constituency.

Two, the reason given that the sub-locations are nearer Kiambu Town than Kiambaa are not factual. Karuri Town is the proposed headquarters for the new Kiambaa Constituency. It is nearer the two sub-locations than Kiambu Town. Being the area Member of Parliament I know what I am talking about.

Mr. Speaker, Sir, I would wish my brother Mr. Nelson Gaichuhia to second me.

**Mr. Gaichuhia:** Mr. Speaker, Sir, I beg to second.

*(Question, that the word to be left out  
be left out, proposed)*

*Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted be  
inserted, proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**Mr. Keynan:** Mr. Speaker, Sir, after through consultations, I wish to withdraw this particular amendment.

**Mr. Speaker:** Very well, the Motion stands withdrawn.

*(Proposed amendment by Mr. Kenyan withdrawn)*

**Mr. Kigen:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the full stop at the end and inserting the following words:-

“subject to the deletion of the recommendation no (ii) in the third column of the corrigendum to the Report of the Committee at page 5 in respect of “Rongai Constituency” of “Nakuru County” and substituting therefor the following recommendation:“(ii) IEBC to retain Simboiyon Sub location and Wiyumeririe Sub location in Rongai Constituency”.

**Hon. Members:** Amendment!

**Mr. Kigen:** Mr. Speaker, Sir, the amendment I am proposing is occasioned by an ambiguity that was supposed to have been corrected by the IEBC. It was carried in the report as an error as opposed to the proposal that was made by the residents and the occupants of these two locations; the locations of Wiyumeririe and Simboiyon. We did propose the same and many memoranda were actually forwarded to the Committee on Justice and Legal Affairs. However, they were able to address only one problem and left out this particular one.

Mr. Speaker, Sir, if this amendment is not carried, these two locations will continue to remain in two different constituencies, Subukia Constituency and Rongai Constituency. To avoid this, we have proposed this amendment so that this problem can be addressed. Thank you.

**Mr. Speaker:** Who is seconding?

**Mr. Kigen:** Mr. Chepkitony to second.

**Mr. Speaker:** Proceed, Lucas!

**Mr. Chepkitony:** Mr. Speaker, Sir, I beg to second.

*Question, that the word to be left out  
be left out, proposed)*

*Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
be inserted, proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**Mr. James Maina Kamau:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the full stop at the end and inserting the following words:-

“subject to the inclusion of the recommendation that Kibage Ward be retained in Kandara Constituency, instead of being transferred to Kigumo Constituency as proposed in the IEBC Revised Preliminary Report”.

Mr. Speaker, Sir, in doing so, I wish to state that in this country anything that touches on land and boundary issues is usually a very emotive issue.

Mr. Speaker, Sir, on 20<sup>th</sup> January, people from my county met in Murang’a. We agreed that not a single inch of Kandara would be taken out of Kandara. We also agreed that not a single inch should be added to Kandara. I am surprised to see this thing called Volume 111 showing that this area called “Kibage” is still in Kigumo. This will cause a lot of stress. I would urge that Kibage Ward be retained in Kandara Constituency. That is the wish of the people of Kandara and that is the wish of all the stakeholders in Kandara.

Mr. Speaker, Sir, with those few remarks, I request the Member for Kigumo, Jamleck Kamau to second.

**Mr. Jamleck Kamau:** Mr. Speaker, Sir, I want to second the Member for Kandara. Indeed, that must have been some kind of omission because, indeed, the people of Muranga

County sat and agreed on the way forward, and Kibage was supposed to be in Kandara. Those were the wishes of the people of Kibage, which had to be respected.

So, I second.

*Question, that the word to be left out  
be left out, proposed)*

*Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted be  
inserted, proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**Mr. Lessonet:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

(a) (i) By deleting the schedules showing distribution of wards in the various counties and constituencies on pages 42, 43, 44 and 45;

(ii) Paragraph marked l and i) on page 44 and Clause marked 22 on page 42,

(b) By inserting the following words on page 44:

That the House recommends the increase of wards from 1450 to 1550 and the IEBC redistributes the additional 100 wards according to the constitutional criteria.

The effect of this amendment is to enable IEBC to distribute, if there are any wards. If this Parliament is going to agree to increase the wards from 1450 to 1550, those wards can only be redistributed by IEBC and not the Committee.

So, I move the amendment and request, hon. C. Kilonzo to second.

**Mr. C. Kilonzo:** Mr. Speaker, Sir, I wish to second. The rational is, in as much as you want to create new wards, we may not be the experts in creating them. We propose to create additional 100 wards instead of 60 proposed, but we leave the issue of distribution to IEBC.

With those few remarks, I beg to second.

*Question, that the word to be left out  
be left out, proposed)*

**Mr. Baiya:** Mr. Speaker, Sir, I rise to oppose this amendment. The amendment goes materially against the report. If it is carried, the same effect would be achieved by the Member by voting against the Motion.

Mr. Speaker, Sir, Members are making amendments to this Motion on the understanding that they are trying to refine and improve the report. However, this amendment will wholly negate the entire Motion and the work of the report.

I, therefore, oppose.

**Mr. Mungatana:** Mr. Speaker, Sir, I also want to oppose, like what the Chairman has said. However, my point is different. The fact of the matter is: The counties will bear the salaries, emoluments and all the monies that need to be paid to the county representatives. Already, we are



talking about an account that is not going to be that healthy. Then, let us not forget about the one-third principle. If, for example, we have a county that has 30 county representatives, elected men, we will need to add more so that we reach the one-third principle. All these people have to be paid salaries.

Mr. Speaker, Sir, if we have to deal with extra counties, let them be less than this 100. Let them be what the Committee has said. So, I am asking Members to negate this proposed amendment so that we remain with as few as possible.

I beg to oppose.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. Gabbow): Mr. Speaker, Sir, the purpose of bringing the Committee report to Parliament is to ventilate and add value, or reject it. So, we are here doing so. There are issues we are discussing which have not been captured by the Committee or by the IEBC. This is what we are trying to do through amending parts of the report. However, by accommodating our views, you will give us time to support it. By not doing so, then, maybe, you will be forcing us to throw out the report.

**The Assistant Minister for Energy** (Mr. Magerer): Mr. Speaker, Sir, I stand to support the amendment. In doing so, I want to give opportunity to those Members of Parliament and members of this country who have not been able to have their interest taken care of in the 60 proposed wards that have been increased. It is interesting in the way I find the Chairman of the Committee trying to oppose the same thing that he is trying to advance in this report.

I think by him opposing, he is actually confirming that the increment of the wards that were awarded were specifically for some individuals who were targeted. I thought when a window like this comes, we give bigger opportunity to other Members of this House who have not been able to benefit before. I want to say it is going to be important for us to have the IEBC do the redistribution of the wards. This will remove the suspicion and what hon. Members are feeling that the Members of the Committee are there to reward themselves in the opportunity that we are giving them in this House.

I want to say that Kipkelion will benefit in the whole thing and I think I will be doing my people a disservice if I stood here and said that I oppose. The creation of Kapseger Ward in my constituency is the thing that we need to be able to settle down in the new constituency.

So, I support.

**Mr. C. Onyancha:** Mr. Speaker, Sir, I wish to oppose part “a” of this proposal and support Part “b;” the reason is exactly what hon. Amina Abdalla said earlier. This will give to the IEBC, whose independence hon. Members have been demanding, a free hand to satisfy certain needs in representation that cannot be satisfied by population.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Order, hon. Members! I want to proceed to put the Question. In the light of the contributions which have been made, I will put the Question in two parts, “a” and “a”.

*(Question, that the word to be left out be left out,  
put and negatived)*

*(Question, that the words to be inserted be  
Inserted, proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**Mr. Speaker:** We will take the amendment by hon. Mungatana.

**Mr. Mungatana:** Mr. Speaker, Sir, the amendment that I propose to move here is similar to the amendment that hon. Dr. Nuh, the Member of Parliament for Bura, is proposing to move at No.22. I like the wording that he has used there. So, I want to cede my bid subject to Dr. Nuh's amendment being moved.

**Mr. Speaker:** Very well. Hon. Members, in view of what hon. Mungatana has had to say, the amendment at No. 18 on the list of amendments stands withdrawn, and I will take the amendment listed as No.22 by Dr. Nuh.

*(Proposed amendment by Mr. Mungatana withdrawn)*

**Dr. Nuh:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the full stop at the end and inserting the following words:-

“subject to the deletion of the words ‘3 the Western border of Ijara Constituency shall be the Tana River appearing on the third column of the schedule on page 16 of the Report.”

Mr. Speaker, Sir, in the report it was shown that Ijara's boundary should be shifted from the three mile strip that is colonially set for the boundaries between the former Coast Province and North Eastern. I understand the issues that might have arisen to have such a recommendation put; the fears of hon. Noor that there are problems even with watering points and the like. I have also convinced her that even for us who are in Tana River District, and who have the river within our borders, we still have problems with watering points. It is because of the agrarian and livestock conflict because sometimes land belongs to individuals. I have convinced her that these are issues that will be taken care of by the riparian laws that will be put in place. Water is a natural asset that has to be consumed and accessed by all Kenyans regardless of where you are. This will now bring harmony between the people of Tana River and North Eastern Province. Although the border will still be the three-mile strip, people of North Eastern Province will still have access to the water. They will still have plots within the three-mile strip, but this happens to be part of Tana River and it cannot be taken away. I call upon hon. Mungatana to second.

**Mr. Mungatana:** Mr. Speaker, Sir, I will not say much except that just as hon. Dr. Nuh has said there are historical issues around; we have discussed it with hon. Noor. So, I beg to second.

*Question, that the word to be left out  
be left out, proposed)*

**The Minister of State for Defence (Mr. Haji):** On a point of order, Mr. Speaker, Sir. From the outset I want to support the Motion but I want to object to the amendment moved by hon. Dr. Nuh.

**Mr. Speaker:** Order, hon. Yusuf Haji! In that case, then you will say you rise to oppose the amendment moved by hon. Nuh. Is that what you are doing?

**The Minister of State for Defence (Mr. Haji):** Yes; thank you, Mr. Speaker, Sir. I want this august House to listen to me very attentively, because I am going to make a very passionate appeal. We are all Kenyans and we know the history of this country. At one point people in North Eastern Province decided to secede from Kenya and join Somalia. My father was the first person to object to us going to Somalia. What he said is known by every Somali, that the only

good thing from the east where Somalia is, is the sun and we did not want to join Somalia. Yet at the Lancaster House, people like the late Mzee Kenyatta, Oginga Odinga and Ngala, all those late people, who were very strong leaders of this country, decided to shift the boundary of Garissa including Ijara, to three kilometers away from the river. Everywhere in the world, physical features like rivers, mountains, rocks and other well known things--- This river belongs to the---

**The Assistant Minister for Information and Communications** (Mr. Godhana): On a point of order, Mr. Speaker, Sir. Is hon. Haji, being a Minister of Government, in order to mislead this House that the boundary between the riparian community and the Cushitic tribes of North Eastern Province was adjusted from the river eastwards, when we know that the initial boundary between the riparian communities and the Cushitic boundaries was, in fact, five kilometers away from the river? The adjustment was done to favour the Cushites; it was moved from five to three kilometers away. Even the areas that he is talking about, Ijara, Fafi, Hulugho, Jarajira, are not even names that are known to Somalis. These are names which belong to Ormas. He needs to go back and revise his history. What he is telling this House is totally misleading and unacceptable.

**The Minister of State for Defence** (Mr. Haji): Mr. Speaker, Sir, I am not going to argue with somebody who does not know history.

**Mr. Speaker:** Order, hon. Haji! Before I take another point of order, hon. Godhana is your colleague. He is not just somebody. He is not a stranger. Maybe you should address him in a manner that is respectful, and that acknowledges his position. So, you do not say that I am not going to argue with somebody. He is not just somebody; he is a Member of Parliament, representing Galole.

**The Minister of State for Defence** (Mr. Haji): Mr. Speaker, Sir, out of respect of the Chair, I withdraw and apologise.

**Mr. Speaker:** Thank you and proceed.

**The Minister of State for Defence** (Mr. Haji): Mr. Speaker, Sir, I have not finished. I have said that all over the world, boundaries are features. It is a fact that the boundary of Garissa, and hon. Farah and hon. Noor is here---

**Mr. Farah:** On a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** Do you want to get some information from hon. Farah?

**Mr. Farah:** Mr. Speaker, Sir, I wish to inform hon. Haji that contrary to the presumption that hon. Godana is trying to advance in this House, Cushitic is not riverine. Cushitic is the Orma, the Somali, the Rendille, the Gabra and the Boran. So, when he talks about those names as having Cushitic names, they are, indeed, Cushitic names and that is all these communities. So, Somalis are Cushitic also.

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to attempt to change the boundaries of a county? If you have not noticed, they are attempting to change the boundary between Garissa County and Tana River County. Obviously, the mandate of the IEBC did not include changing the boundaries of counties. Therefore, I request that we find that he is out of order and allow the Motion to stand because it is respecting the counties unless he wants to carry out a constitutional amendment.

**The Minister of State for Defence** (Mr. Haji): Mr. Speaker, Sir, the name "Independent Electoral and Boundaries Commission" (IEBC) suggests that this Commission deals with boundaries. There is nowhere in the Constitution where it says that their mandate is only limited to the counties. They deal with all the boundaries. On this premise, all I am asking is that justice

should be done. We should be treated like Kenyans and be allowed to have access to the river just like the people of Tana River have, so that the boundary becomes the river. I rest my case.

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. This matter should not be allowed to fly because it is going contrary to Article 188 which shows clearly how you can change the boundary of a county. If we allow this one incident to fly, then you will also allow me to come with an amendment to move that Maseno comes back to Vihiga County, but we have decided to live with this.

**Mr. Speaker:** Order! What Article did you refer to, Dr. Khalwale?

**Dr. Khalwale:** Mr. Speaker, Sir, I referred to Article 188 of the Constitution, boundaries of counties. This is in sub-section (1). If you may allow me, it reads that:-

“The boundaries of a county may be altered only by a resolution (a) recommended by an independent commission set up for that purpose by Parliament and (b) passed by (i) the National Assembly, with the support of at least two-thirds of all the members of the Assembly and (ii) the Senate, with the support of at least two-thirds of all the county delegations”.

It then goes on to say other issues.

**Mr. Speaker:** Let us get this clear. Dr. Khalwale, are you suggesting that the amendment which is being moved or which has been moved by the Member for Bura seeks to alter a county boundary? I just want to be clear on this and even the House has to be clear.

**Dr. Khalwale:** Mr. Speaker, Sir, there is the Tana River. The Member who is opposing what hon. Noor has proposed wants to purport to move the boundary from a strip of three miles to the river.

**Mr. Speaker:** Order, hon. Members! This is a very sensitive matter and it is important. Can I hear Dr. Nuh?

**Mrs. Noor:** On a point of order, Mr. Speaker, Sir.

**Dr. Nuh:** Mr. Speaker, Sir, if I may clarify, there is a recommendation in the report of the Committee that the border between Tana River County and Garissa County at the point where we border with Ijara be moved from the original colonial border to the river. As it stands now, the border between Tana River and Garissa is a three mile strip across the river to the west. But there is a recommendation in the report requesting that the borders be shifted to the river. The gist of my amendment is to just take back the borders to where they were originally; to respect the county boundaries that were there originally, laid down by the colonial Government.

**Mr. Kivuti:** On a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** Do you want information from the hon. Member?

**Dr. Nuh:** Mr. Speaker, Sir, he can still inform me because if he misinforms the House, I have the right to stand up and correct the position that he gives to the House.

**Mr. Speaker:** Continue, Mr. Kivuti.

**Mr. Kivuti:** Mr. Speaker, Sir, I would like to bring to the attention of the House the fact that I have looked at the boundaries which are depicted by the IEBC in the maps and most of them are not correct. Actually, if you look at the sub-location boundaries, almost all of them are what you call generalization. They do not follow the features which are expected to be geographical as expressed by the boundaries under the Survey of Kenya. As such, the generalization may bring issues which are not real in this House. I propose that the IEBC be compelled to prepare accurate boundaries both for counties and for all other administrative units.

**Dr. Nuh:** Mr. Speaker, Sir, he has just given an opinion.

**Mr. Speaker:** Order! He has given information whatever it is worth.

**Mrs. Noor:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, hon. Sophia! You know sometimes you queue as hon. Nanok was up on a point of order three persons away.

**The Assistant Minister for Forestry and Wildlife (Mr. Nanok):** On a point of order, Mr. Speaker, Sir. I have been a keen follower of the IEBC consultations with communities around the 47 counties and one of the key things that came up, not only in Turkana but in about 17 to 20 counties, which represents more than 40 per cent, are problems with county boundaries. I am surprised that even in the Report of the IEBC, including from our own House Committee, that has been ignored. In line with what hon. Khalwale has said with regard to Article 188, I made a memorandum to the Justice and Legal Affairs Committee asking them to recommend that this House sets up that special Commission as per Article 188 to re-look at these county boundaries, so that we do not enter into devolved governments with problems that we already know are going to bring communities into much conflict than they are now.

**Mr. Speaker:** Member for Sirisia, are you standing on a point of order or you want to contribute to the debate?

**The Minister for Foreign Affairs (Mr. Wetangula):** On a point of order, Mr. Speaker, Sir. I want to laud hon. Khalwale for pointing out the constitutional provision. You may recall that we have been accused out there by the media for sometimes passing laws without exercising due care. I know, right from Naivasha, that the philosophy behind the 47 counties was based on a historical fact that the districts that were there at a certain period in time will form the counties. There was never an intention to alter any of those boundaries and we should not, in any amendments in this Parliament, alter even an inch of the county boundaries as they were at the 47 period.

Any direction of that nature will have to follow the constitutional provisions which we cannot do even now because we do not have a Senate in place to do what they are empowered to do by the Constitution. So, if the amendment is seeking to alter a boundary of a county, then it is incompetent to the extent that it violates the provisions of the Constitution.

*(Several hon. Members stood up in their places)*

**Mr. Speaker:** Order! We will hear Mrs. Noor!

**Mrs. Noor:** Mr. Speaker, Sir, it is true that I, Mr. Mungatana and Dr. Nuh had talked over this matter. But we did not agree on anything because I do not have that capacity myself. It is the people who wrote the petition. It is the people of Ijara, Garissa and all over us who wrote those petitions and, on their behalf, I cannot negotiate with individuals. Having said that, I want to say that I have letters with me here. That is a long outstanding problem. Those are colonial communications between administrators of North Eastern Province and Coast Province. There is a letter here dated 21<sup>st</sup> December, 1963 written by the Civic Secretary, Coast region and he says – I will quote part of it because I do not want to take more time – “Regional boundary troubles. It reads:-

“I fail to understand why there should be any bitterness in the Coast region over the existing boundaries.” Then he says: “The facts of the situation are as follows: The three mile strip is not administered by the Coast region and policed by the Coast region.” I am just quoting part of that and I table it here. It is a letter written in 1963!

*(Ms. Noor laid the document on the Table)*

In 1964. Again---

*(Mr. Mungatana stood up in his place)*

**Mr. Speaker:** Order! Mrs. Noor is on a point of order and, as I said hon. Members, please, let us be careful about this particular matter. It is so sensitive; it is very volatile and I want us to appreciate it and address it correctly. So, let us proceed in that manner.

**Mrs. Noor:** Thank you, Mr. Speaker, Sir. Then, there is a letter written by the Civic Leader of North Eastern in Garissa then and he talks of the regional boundary discussions. He says: "Thank you for your prompt action on my letter reference number that. After consultation with the President of Coast Regional Assembly, I am asked to postpone the discussion because I felt inter-tribal bitterness is so sharp at present that negotiations could not be conducted on the negotiation basis." So, these are two letters that were communicated. After that, there has not been any demarcation of any boundary between the Coast and North Eastern provinces on any paper. There have been "macho" agreements and I have a map here---

*(Mr. Mungatana stood up in his place)*

Mr. Speaker, Sir, I am on a point of order. Please, protect me!

**Mr. Speaker:** Order, Mr. Mungatana! Proceed and conclude!

**Mrs. Noor:** I am concluding, Mr. Speaker, Sir. There has been an agreement between tribal clan leaders between the Coast Province; the Ormas and the Abdalla community in particular, and they have agreed on Malkas. You can see there is a map here where they agreed on it and they signed a memorandum between them. They signed and agreed on Malkas until Malkas became a corridor for watering the animals. They have agreed to the cultivation of the Pokomo people. But what happened is that the Malkas are not there. Nothing is there and yet, that was an agreement between the two communities. What is happening is that there has been a long outstanding conflict between those two communities. There have been many deaths and what we want to do as the people of North Eastern and, in particular, the people of Ijara who are a peace loving community, is to solve that by putting this issue to the rightful place so that those people can look at that and give us a solution to that problem.

*(Several hon. Members stood up in their places)*

**Mr. Speaker:** Order, hon. Members! Because I do not want to go back to Mrs. Noor later on, I want to ask her the following: Mrs. Noor, is there any recommendation in the Committee's report which, perhaps, moves a boundary between two counties?

**Mrs. Noor:** Mr. Speaker, Sir, there has never been any boundary demarcation. I have just given you the history and there is nothing that is moving.

**Mr. Speaker:** Order, hon. Members!

**Mr. Mungatana:** Mr. Speaker, Sir, I want us to understand. The genesis of the discussion that we are having today is the attempt on this Committee Report to try and shift the original boundaries. Dr. Nuh's amendment is correcting. So, if we carry that amendment, we will go to the original boundaries. What hon. Dr. Khalwale has raised is a very serious constitutional issue. That Article 188 cannot be amended on the basis of letters that are not even authenticated. Can those letters be superior to the provisions of the new Constitution?

Secondly, we are saying a very simple thing; there are existing county boundaries. Let them be respected.

**Dr. Nuh:** On a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** The Member for Garsen, do you want to be informed?

**Mr. Mungatana:** Yes, I can be informed.

**Dr. Nuh:** Mr. Speaker, Sir, as you have said, for hon. Members who do not come from these regions, it is very important for them to get the gist of the historical background for them to make an informed decision. I would even accept even the letters which have been tabled by hon. Sophia Noor on the face value. However, we have to state that even Tana River District as a county was originally administered from North Eastern. This is not a matter that we are also contesting. However, when provinces were demarcated, Tana River District was not part of North Eastern Province. It was placed under the Coast Province. Although Tana River District was administered from Garissa then, the boundaries of Tana River District went beyond the three miles strip. That is why hon. Sophia has stated that there are pre-colonial or even colonial agreements between the communities that although the three mile strip across the river is still riverine and is still within Tana River County, the communities in North Eastern Province be allowed access to water and that is what she has been calling the Malkas. She has been calling them the watering points, the Malkas or access to the river. That is what I was trying to explain; that, even we, who are in Tana River District sometimes have problems with hon. Godhana's community because of the riverine. We have problems with hon. Mungatana's communities because of their riverine. However, issues of access to the river can be sorted out by the law that will govern the rivers and the natural resources.

The Committee report is trying to amend the boundary of Tana River County to bring it from the three miles strip to the river which is in essence amending Article 188 of the Constitution. So, my amendment tries to bring back sanity and to re-draw the original boundaries as they were.

**Mr. Speaker:** Yes, the Member for Yatta, and that is the last one I will hear.

**Mr. Mungatana:** Mr. Speaker, Sir, Dr. Nuh was informing me and I had not finished.

**Mr. Speaker:** Yes, you may proceed!

**Mr. Mungatana:** Mr. Speaker, Sir, when we were passing the County Governments Bill, we created a very----

**Mr. Speaker:** Proceed, Member for Garsen!

**Mr. Mungatana:** Mr. Speaker, Sir, I want to make this point and sit down.

**The Assistant Minister for Lands (Mr. Rai):** On a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Proceed, hon. Mungatana!

**Mr. Mungatana:** Mr. Speaker, Sir, I want to make this point and sit down. When we were passing the County Governments Bill---

*(Mr. Speaker consulted with an hon. Member)*

**Mr. Mungatana:** Mr. Speaker, Sir, I wish they can give us the--- You will have to rule and so, I want you to listen.

**Mr. Speaker:** Proceed!

**Mr. Mungatana:** Mr. Speaker, Sir, the point that I am trying to make, apart from the elaborate constitutional procedure that was set up under 188, the County Governments Bill itself

has set up a very elaborate process, including the technical committees that must be there to determine any disputes as far as boundaries are concerned. They cannot be determined by way of two letters and a map that have been brought here by a politician.

Mr. Speaker, Sir, I urge that we approve this amendment.

**The Assistant Minister for Lands** (Mr. Rai): On a point of information, Mr. Speaker, Sir.

**Mr. Mungatana:** I accept to be informed, Mr. Speaker, Sir.

**Mr. Speaker:** Proceed, Member for Galole!

**The Assistant Minister for Lands** (Mr. Rai): Mr. Speaker, Sir, I just want to inform hon. Mungatana that, first of all, the letter that hon. Noor is trying to show you are documents that I gave her, myself, while in this House just some two hours ago. When we were discussing about this issue, I gave her that map to show her that there were those traditional arrangements for the Cushitic communities to access the river.

Mr. Speaker, Sir, secondly, the letter that she has shown you is just one among many. But there are those letters that confirm that there were agreements between the riverine communities and the Cushitic communities.

Mr. Speaker, Sir, again, with me here is the Provincial and District Boundaries---

**Mr. Duale:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Order! The Member for Galole is informing the Member for Garsen. So, you really cannot challenge him on a point of order until he delivers that information.

**The Assistant Minister for Lands** (Mr. Rai): Mr. Speaker, Sir, this is a copy of the Provinces and District Boundaries Act of 1992, passed by this House. So, for somebody to claim that there has never been anything to show that there is a boundary between Tana---

**Mr. Speaker:** Order, Member for Galole! I did appeal to the hon. Members to address each other with decorum. That direction applies to you just as much as it applied to hon. Yusuf Haji.

**The Assistant Minister for Lands** (Mr. Rai): Mr. Speaker, Sir, I apologize. Mr. Speaker, Sir, this is just to show that this issue was discussed in this Parliament. In fact, the one of 1992 was an amendment to allow for the curving of that boundary of Garissa Town, so that the expanding Garissa Town can be accommodated within North Eastern Province. But the rest of the boundary remained intact at the 4.8 kilometres which is three miles.

Mr. Speaker, Sir, again, just to remind you---

**Mr. Speaker:** Order! Order! Information has got to be concise and precise!

**The Assistant Minister for Lands** (Mr. Rai): Mr. Speaker, Sir, I also want to remind hon. Mungatana that the reason why the three-mile strip was given--- This argument was done during the colonial time between communities. During those deliberations, the identity of the Pokomo was given as riverine. "Pokomo" is a political term, but "riverine" relates to the way of life of a community.

**Mr. Speaker:** Order! Order, Member for Galole! You caught my eye to inform the Member for Garsen. You did not catch my eye to give us the thesis that would go towards a PhD degree. You may want to stop there.

**The Assistant Minister for Information and Communications** (Mr. Godhana): Mr. Speaker, Sir, I wish to stop there. I think he has been informed.

Mr. Speaker, Sir, I beg to table this copy of The Provinces and Boundaries Act of 1992 for future reference by the House.



*(Mr. Godhana laid the document on the Table)*

**Mr. Speaker:** I will look at it and see if it passes the test for admission.

Proceed, hon. Mungatana!

**Mr. Mungatana:** Mr. Speaker, Sir, I appreciate all the information I have received.

Just to conclude, I am just saying that the import of Dr. Nuh's amendment is to make sure that we do not interfere with county boundaries. I am, therefore, urging this House that we carry that amendment, so that we do not have unnecessary arguments. If there are those issues, they will be discussed at a later stage when the governors and the county governments are in place.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** The Member for Yatta had caught my eye. You should proceed.

**Mr. C. Kilonzo:** Mr. Speaker, Sir, what we are made to understand, the proposed amendment by Dr. Nuh proposes basically to correct an error because the Departmental Committee on Justice and Legal Affairs tried to change some county boundaries. We are not saying that these are the boundaries. We are not saying that the riverine communities are right or wrong. What we are saying is that, that is outside our mandate because Section 188 is very clear. I would also plead with both groups. If my colleague and friend, hon. Nkaiserry learned about this, of course, Nairobi will be part of Kajiado and, maybe, part of Kiambu too. So, in as much as we want to debate county boundaries, it is a can of bad worms. So, the amendment is not in bad intention. All is not lost. Come the next Parliament, this matter can be revisited and the issue dealt with.

**Mr. Speaker:** Yes, Member for Fafi. That has to be the last one, I am afraid.

**The Assistant Minister, Ministry of State for Public Service** (Maj. Sugow): Thank you, Mr. Speaker, Sir.

As much as I agree with hon. Members on the issue of constitutionality about this amendment, I would like to put across what the report of the Committee was actually trying to address when it came up with that recommendation.

From Masalani down to Bura East, which is the headquarters of my constituency, which is along River Tana, to Garissa and all the way to Mbalambala; all the towns that are along the river in the Garissa County are technically in Tana River County. That is exactly what the scenario is. Now, we are going into a transition period where we are giving more autonomy to counties. If we do not address the issue at the national level, I do not think we will be able to address it at the county level. I agree with what hon. Members are raising regarding the constitutionality of the matter, but this being the National Assembly and considering there are many problems that exist over county boundaries in this country, that cannot be ignored. That is what I wanted to register.

Thank you.

**Mr. Speaker:** Order! Order, hon. Members! So, I put the Question.

*(Question, that the word to be left  
out be left out, put and agreed to)*

*(Question, that the words to be inserted  
be inserted, proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

**Mr. Speaker:** Yes, Member for Nyatike! I will go back to the Member for Vihiga. I am aware.

**Mr. Anyanga:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-  
By deleting the full stop at the end and inserting the following words:-

“subject to the inclusion of Migingo Island in Mihuru Ward as part of Nyatike Constituency in Migori County”

Mr. Speaker, Sir, just to brief you about this particular amendment, the Migingo Island falls within Nyatike Constituency. Currently, it is a sub-location within Mihuru Ward. It is a sub-location with a sub-chief under Mihuru Ward. I consider that to have been an omission. My wish is to request the omission to be corrected as proposed in this particular amendment.

I wish to call upon, Dr. Khalwale to second.

**Mr. Baiya:** On a point of order, Mr. Speaker, Sir. That amendment is already taken care of on page 9 of the corrigenda. We have said under Nyatike “omission of Migingo Island as a sub-location of Mihuru Ward.” We had recommended that the IEBC to restore Migingo Island as part of Mihuru Ward of Nyatike Constituency. I am not sure whether there is anything else the Member is really trying to push.

**Mr. Anyanga:** Mr. Speaker, Sir, I am happy that it has already been captured and therefore, I withdraw the amendment.

Thank you.

**Mr. Speaker:** Are you satisfied?

**Mr. Anyanga:** I am fully satisfied because it is well taken care of. Thank you.

**Mr. Speaker:** Very well. The amendment, for the reasons given by the Member for Githunguri which the Member for Nyatike concurs with, stands withdrawn.

*(Mr. Anyanga’s proposed amendment withdrawn)*

**Mr. Yinda:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-  
THAT, the Report be amended on page 8 of the corrigendum:

“subject to inclusion of a recommendation for realignment of wards on Alego Usonga Constituency as per the petition submitted by Alego Usonga stakeholders forum which prayed for the creation of North Alego Ward, restructuring of Siaya Township Ward and merging of East Alego and South East Alego Wards into “ East Alego Ward”

Mr. Speaker, Sir, I would like to thank the IEBC for having listened to the cries of people of Alego, especially in line with the fact that a whole location was initially hived off and lumped together with a new constituency in Ugunja. However, this has since then been corrected.

With our proposed amendment, we are only asking for the realignment of the wards which are seven. We are not asking for any new wards, but just the realignment. I will ask Mr. Pollyns Ochieng to second.

**Mr. Ochieng:** Mr. Speaker, Sir, I do second.

*Question, that the words to be inserted be  
inserted, proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**Mr. M.M. Ali:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the full stop at the end and inserting the following words:-

“Subject to insertion of the following recommendation on page 2 of the Corrigendum, in respect of Moyale Constituency of Marsabit County that the IEBC creates a new ward to be named Walda Ward comprising Walda, Rawaaand Elle-Bor sublocations in view of their vastness and populations therein”

Mr. Speaker, Sir, this simply attempts to uphold the position of the Moyale people as submitted to the IEBC on the 19<sup>th</sup> when they visited the county and further the memorandum submitted to the Committee concerned. As you know this constituency has been disadvantaged following the rule that population must be considered and that ward which was proposed is too vast. It was the view of the Commission that time that this will be granted.

I call upon Mr. Kiptanui to second.

**Mr. Kiptanui:** Mr. Speaker, Sir, I stand to second the amendment.

*(Question, that the word to be left out be left  
out, proposed)*

*(Question, that the word to be left  
out be left out, put and agreed to)*

*(Question, that the words to be inserted be  
inserted, proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

**Mr. Speaker:** Member for Vihiga, please, proceed!

**Mr. Chanzu:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the full stop at the end and inserting the following words:-

“Subject to the addition on the Report of the Committee at Page 36 under the heading “Vihiga County” and immediately after the recommendations on Emuhaya, the following further recommendations:

CONSTITUENCY	ISSUES	RECOMMENDATIONS
Vihiga	Wamuluma and Lugaga wards have been proposed to be merged in to a single ward. This goes against the historical, economic, cultural and administrative diversities and community of interests.	Wamuluma and Lugaga to be retained as separate wards

Mr. Speaker, Sir, in addition to what is listed here, Wamuluma is a township ward where Mbale is and we are likely to have all the facilities in case we have the Governor for the county. Lugaga is a rural ward. That is the reason I would like them to remain separate.

I would like the Deputy Prime Minister and Minister for Local Government, Mr. Mudavadi to second.

**Mr. Speaker:** Proceed, Member for Sabatia!

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): I second, Mr. Speaker, Sir.

*(Question, that the word to be left out be left out, proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted be inserted, proposed)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

**Mr. Speaker:** We move to the amendment by the Member for Kisumu Town East because I think we are done with amendment No.23. Member for Nyatike will you confirm that 23 is done?

Very well!

**Mr. Chanzu:** On a point of order, Mr. Speaker, Sir. There is an oversight, they have written here the Member for Moyale. I am the Member for Vihiga.

**Mr. Speaker:** Order, Member for Vihiga! I have called you the Member for Vihiga, why are you taking us back?

Mr. Shakeel, proceed!

Order, hon. Members! I will want to give the Member for Kisumu Town East some benefit of the doubt. If he is not here as we move towards the end, then I am afraid we will have to drop that amendment.

Member for Nyakach, please, proceed!

**Mr. Ochieng:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the full stop at the end and inserting the following words:-

“The boundaries of the East Kadiang’a sub location be as was provided in the colonial map demarcating Nyanza and Rift Valley Provinces”

Mr. Speaker, Sir, the reasons are very simple but they could also be weighty. In the year 1997 the former President stopped at Sondu Market and decided to move the boundary just by a roadside pronouncement that shifted the boundary verbally from where it was during the colonial times, a few kilometers inside the Kisumu County Council territory. From there on, the County Council of Kipsigis has been collecting revenue right inside Sondu Market or right inside the territory of Kisumu County Council. This is what this amendment wants to correct.

I beg to move and request the hon. Member for Nyando, Mr. Outa to second.

**Mr. Outa:** Mr. Speaker, Sir, I second.

*Question, that the word to be left out be left out, proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted be inserted, proposed)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

**Mr. Speaker:** Yes, Member for Ijara!

**Mr. Farah:** Lagdera!

**Mr. Speaker:** Sorry, Lagdera! Deputy Speaker, Member for Lagdera!

**Mr. Farah:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-  
By deleting the full stop at the end and inserting the following words:-

“subject to a recommendation that IEBC to move Medina sub location from Balambala to Dujis Constituency in line with its urban nature”.

This basically takes back to the municipal constituency a sub-location called Medina sub-location. It has been put into Balambala Constituency. However, the municipality of Garissa is what we call Dujis. The effect of trying to put half of the municipality into Balambala Constituency is taking people who are half of Garissa town to seek administrative services, 140 kilometres away. So, the town itself, the municipality should be left on its own as a constituency.

Mr. Speaker, Sir, having said that, I do not wish in any way to deny the possibility of the people of Balambala having a constituency. I have elaborated it very well. I have said without the municipality, what was originally rural Dujis has got sufficient population threshold to be able to become a constituency on its own. That in effect will have to put into consideration the wards, which are Boralangi, Korakora, Danyere, Sankuri and Balambala. They have a common community interest. It is only one community. But the effect of splitting the town in two and taking one community there within a location or rather a ward in that Garissa Town itself, which is heavily populated by only one clan--- As you know very well, in effect that has the possibility of taking that clan, throwing it into another constituency outside there and the balance of that clan that is left in there has no chance to access any political power.

Mr. Speaker, Sir, so basically, this is the height of gerrymandering. The word “gerrymander” comes from a chairman who was called Gerry in the United States, soon after the civil war, and “mandering” means you keep on going around to disempower some power, and at the same empower others unduly.

Effectively, what this is supposed to do is to address the historical problems we had in this country because constituencies in the past have been formed or created in manners that never took the masses in its own entirety into consideration. This is going to allow the people of Garissa Town, the municipality to be able to be one constituency which is multi-community. At

the same, it does not deny Balambala a constituency because the entire rural Balambala is inhabited by one clan.

I beg to move and be seconded by hon. Kiunjuri.

**Mr. Kiunjuri:** Mr. Speaker, Sir, I rise to support this amendment.

At the end of this day, we have been arguing about gerrymandering. We have seen it happen. It is not only happening in Garissa, but also it happens in other towns. You wonder how you will benefit because these are people who are used to those services. People have not complained that they want to be brought into town. But we go ahead and just curve the towns. For example, there are some of these towns with almost ten constituencies.

Mr. Speaker, Sir, it is important because we are also developing our towns. In future, we should have other cities. Garissa might very soon become a city. There is no use of amending the Constitution, once again, when Garissa becomes a city. It is just the same way we shall have the city of Nakuru, Kisumu and Eldoret. All those towns must be considered in the same line with Garissa.

With those remarks, I beg to second.

**Mr. Duale:** Mr. Speaker, Sir, today is a very sad day. Both Dujis and Balambala are my constituencies, or Balambala was hived from Dujis. The House must ask: Where is the owner of this amendment who was a member of the Justice and Legal Affairs Committee? That is why we have to say that in this Committee many issues were considered. As hon. Musila said, other hon. Members went across counties and constituencies representing very minor clan interests. It is very shameful for hon. Maalim, who is the Deputy Speaker of this august House, to come here and--- This is because for me whether Medina goes to Balambala or to Dujis it is neither here nor there. But we should not reduce the leadership of this country--- The Deputy Speaker should not reduce himself to a puppet of a section of a clan which lives in Dujis.

**Mr. C. Kilonzo:** On a point of order, Mr. Speaker, Sir. I know my good friend could be very much aggrieved, but is he in order to use the words he is using? In any case, he is discussing the conduct of the Deputy Speaker. So, in as much as he is aggrieved, his language is not parliamentary.

**Mr. Speaker:** Order! That I am satisfied with immediately; without further ado the word “puppet” is unparliamentary. Hon. Duale, you must withdraw that word and apologise.

**Mr. Duale:** Mr. Speaker, Sir, I withdraw and apologise.

The gist of the matter is--- I want this House to hear me; I have said I have no problem; when Dujis Constituency was being divided there was some information and facts that IEBC used; it was based on the information they collected from the people on the ground and the primary reports given by hon. Ligale.

Today I wanted to challenge hon. Amina Abdalla because when the committee was in Mombasa--- I can confirm this from the HANSARD. This House received 551 memoranda from the Republic of Kenya; but when the Committee went to Mombasa, some of the Committee members, including hon. Abdallah--- At one time she was a member of the committee analysing the memoranda from the public. The other time she was representing a particular interest group from Lagdera Constituency. This is why hon. Members are saying that we must protect the integrity of the committee and of this House.

I oppose this amendment.

**Mr. Speaker:** Order, hon. Duale! I allowed you some latitude because I wanted to see where you were going, now you have mentioned the name of hon. Amina Abdallah. Then you want to say that the House should uphold its integrity. You are actually imputing improper

motive on the part of hon. Amina Abdallah. So, really you must withdraw part of your assertions that offend the Standing Orders.

**Mr. Duale:** Mr. Speaker, Sir, I remain guided by your instructions, and I withdraw. But if you listened to hon. Kajwang and if you look at this report closely and you analyse the 11 committee members, one of whom is hon. Amina Abdalla---

**Mr. Speaker:** Order, hon. Duale! If you want to discuss the conduct of hon. Amina Abdallah, then I am afraid you will have to bring a substantive Motion and move it accordingly in the House.

**Mr. Duale:** Mr. Speaker, Sir, I stand guided and I want to tell this House that we might take that route; we might bring a substantive Motion not only on one hon. Member but on a number of members of this Committee.

Finally, as hon. Musila said, and I want to go on record, the people of Dujis and Balambala will go where Badio Location will be taken; but two fundamental flaws have been committed.

One is where a Member of Parliament goes to another Member of Parliament and it is the only amendment in this House today where you see interests of a Member of Parliament going to another constituency. Secondly, it is becoming public and we want to say it here that there are Members of this House who threaten the independence of the IEBC. We must say what is wrong with this report.

**Mr. George Nyamweya:** On a point of order, Mr. Speaker, Sir. As much as the matter may be of great concern to the Member, surely, he cannot say that there are Members of this House who have threatened the IEBC without substantiating. That is the most serious allegation that anybody can make, that a Member of Parliament threatens the IEBC. Surely, can he say that without any substantiation?

**Mr. Speaker:** Order! Hon. Nyamweya, you know what you do simply in situations like those, you ask the Member to substantiate. You do not pose a question to me.

**Mr. George Nyamweya:** Mr. Speaker, Sir, may he substantiate and name that particular Member who has threatened the IEBC?

**Mr. Duale:** Mr. Speaker, Sir, in the next sitting of this House - the Standing Orders of this House give me power - I will produce a document received by the same Committee from the Commission where a Member of this House has threatened and intimidated the Commission.

**Mr. Speaker:** Order! Very well, I hear you Member for Dujis. Are you saying that you are able to substantiate but you want to be given time, so that you do so in the next sitting of the House?

**Mr. Duale:** Mr. Speaker, Sir, for that document, I withdraw and apologize, but in the next sitting, I can produce it.

**Mr. Farah:** On a point of order, Mr. Speaker, Sir. Hon. Duale has imputed a lot of improper motive on me; on the person of the Deputy Speaker. I would have loved him to maintain the courage and bring the letter that he is talking about, that somebody has threatened the IEBC. He should proceed and withdraw. But be that as it may, it is common knowledge that what he is trying essentially to do is to think very clannish and disempower and disenfranchise the other clan, both in that constituency and in this constituency. How do you take half of Garissa Town and throw it into a rural constituency out there and maintain the other half? Even within that half, they do not follow the community interest, which means that the community that lives in rural Balambala would have been the community to include into it if that was the need, but he takes another community, lumps it there and then leaves that community disenfranchised

there. That is the essence of gerrymandering. If he has no problem with whichever way Medina goes, he would have just said, “fine, I have no problem with it”.

Indeed, the people of Medina have a problem. They will be disempowered. If the threshold was the important thing, there is still a way to get the threshold and the threshold is already in place, namely, 79,252 people which is bigger than the threshold that is required for the creation of a constituency called Balambala. I support that. I fully support the creation of balambala Constituency. I fully support the remainder of Dujis Constituency, but I want all the communities to get their fair chance in accessing political power.

**Mr. Duale:** Mr. Speaker, Sir, to finish, I challenge the Deputy Speaker to come and contest with me in Dujis or Balambala. I challenge him on the Floor of this House.

With those few remarks, I oppose the amendments and I want him to face me in Balambala or Dujis.

**The Assistant Minister, Ministry of State for Public Service** (Maj. Sugow): Thank you, Mr. Speaker, Sir. I stand to oppose the amendment on one ground. My brothers here are blaming each other, but the truth of the matter is that Balambala is being curved out of Dujis and Dujis goes all the way up to the south neighbouring Fafi Constituency at a location called **Kolkola** and part of Lagdera. In order to divide this constituency and have that optimal population without inconveniencing communities across the constituency, there is a natural way to do it.

That is because the Deputy Speaker raised concern that the distance between where those communities are to where Balambala Headquarters is, is very far. But when you consider the rest of Dujis Constituency or Balambala Rural as he has put it, Kora Kora comes in. It is even further - another 20 or 30 kilometers to the South. So, when you bring that to Balambala which is 140 kilometers from the town of Garissa and you are saying you are the ones in the city who are closer – which is 140 kilometres away - you want to include the ones that are about 160 or 170 kilometers, what justice is there? So, surely, what---

*(Mr. Farah moved to the Dispatch Box)*

**Mr. Speaker:** Order, Mr. Farah! Order, Mr. Deputy Speaker!

**The Assistant Minister, Ministry of State for Public Service** (Maj. Sugow): Mr. Speaker, Sir, I would like to urge my senior colleague in age, Mr. Deputy Speaker, to allow communities to integrate. Allow them to integrate!

*(Applause)*

Although it is a small community in an enclave but, in reality, Balambala Constituency if they become part of that, there is nothing wrong even if they are different. Let us integrate! We are going a different direction! Let us not continue living in our own cocoons wherever we go.

*(Mr. Farah moved to the Dispatch Box)*

**Mr. Speaker:** Order, Mr. Deputy Speaker!

**Mr. Farah:** I have a serious point of order!



**Mr. Speaker:** Order, Mr. Deputy Speaker! You know what you are doing; which is what you should not do. You want to raise a point of order, you stand where you are, catch my eye then you move to the microphone.

*(Mr. Farah stood up in his place)*

Very well! Proceed!

**Mr. Farah:** Mr. Speaker, Sir, I never wanted to expose some of the issues that happen in our county. Maj. Sugow is from the same clan as Mr. Duale.

**Hon. Members:** Ah!

**Mr. Farah:** Mr. Speaker, Sir, I will explain to you! I want them---

*(Mr. Duale stood up in his place)*

**Mr. Speaker:** Order, Mr. Duale! Let us hear the Member for Lagdera!

**Mr. Farah:** I want you to hear my point! Mr. Speaker, Sir, if there is need to create that threshold, Goralgi and Kora Kora are exactly three or five kilometers from Garissa Town, or even ten kilometers from Garissa - from the municipality of Garissa Town - and they belong to the rural Dujis which is now Balambala. It has got one community interest. You must understand this Mr. Speaker, Sir, and the House here. The idea of carving out a ward from Garissa is designed to disenfranchise and disempower a section of the society. If that would be the need, if he has no problem, he has all his people, there is no way I can go and stand against him in Balambala because that is entirely his own people. I am not saying: "carve it from Fafi because that is the same community; it is the same community interest." The rules are very simple here! You have to have the community interest. You have to protect a municipality, the Town of Garissa. The Town of Garissa cannot have half of it which is going to become the city of Garissa administered 140 kilometers away. That is the essence of the issues that are there!

**The Assistant Minister, Ministry of State for Public Service (Maj. Sugow):** I agree with you on that!

**Mr. Speaker:** Very well! We will take the last contribution from Mr. Ogindo on this matter.

**Mr. Ogindo:** Mr. Speaker, Sir, I want to support the amendment. Here, we are talking about representation. It is very important to ensure that community of interest is taken care of so that nobody gets marginalized. From the way Mr. Farah has articulated this thing, I see a lot of sense in it and I think there is merit in his argument.

So, I support!

**Mr. Speaker:** No

*Question, that the word to be left out be left out, proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted be inserted, proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

**Mr. Speaker:** Nobody is calling for a division?

*(Laughter)*

Mr. Shitanda!

*(Mr. Duale consulted with Mr. Farah loudly)*

Order! Mr. Farah, you are protected! Mr. Duale will you, please, restrain yourself!

**The Minister for Housing** (Mr. Shitanda): Mr. Speaker, Sir, I beg to move:-

THAT, the Motion be amended by deleting the full stop at the end and inserting the following words:

(i) "Subject to the inclusion that the following sub-locations be moved from Chimuche Ward to South Kabras Ward"

1. Mukhonje Sub location
2. Mutingongo Sub location

(ii) "That the following wards be moved from Navakholo Constituency to Lurambi Constituency:

1. Ingotse Matiha Ward
2. Shinoyi Shikomari, Esumeiya Ward

In moving this amendment, under Item No.1, the two sub-locations together with two other sub-locations fall under one administrative unit which means that by putting them under Chimuche Ward, they divide the location to fall under two wards. This amendment seeks to put the two sub-locations together with the two counterpart sub locations in one ward and in one location. Under Item No.2, the two wards administratively, also fall under the Kakamega Central District but as proposed in the Report, they have been put in a different administrative district which is Navakholo.

We are trying to put them back to the district where they belong. At the same time, the two wards belong to the Batsoso Clan who had been put together with the Banyala whose cultural practices are totally different. In fact, during circumcision, the Banyala normally face east while the Batsoso face west when they are being circumcised, plus many other cultural issues that are not compatible in many ways.

As we deliberate this Report, maybe it is worthwhile noting that if the IEBC had gone out and listened to most of the views they were given out there and acted in accordance with the wishes of many Kenyans, maybe we would not be sitting here making these amendments. Commissions should be informed that when they are given a mandate and are asked to go out and seek public views on their work, they must in one way or another try and bring on board that work when they are making their final report.

What we are seeing here is that the IEBC went out, they were given views by Kenyans about how they wanted the political boundaries to run but seemingly, all the views that were

given by Kenyans were ignored. Most of the views that were given were just thrown away. That is why we are having very many issues about the way boundaries are coming out.

The issue of culture has been captured in the Constitution and it is not something that any commission can wish away. We would wish that in future when these commissions go out there, they spend public money and they must demonstrate that they were spending public money on a good course by taking on board what they are told by the people of Kenya.

With those few remarks, I will ask my friend, hon. Oparanya to second.

**The Minister for Planning, National Development and Vision 2030** (Mr. Oparanya): Mr. Speaker, Sir, I stand here to second the proposed amendments. With regard to the first one for Malaba Constituency, I will give benefit of doubt to my colleague and support it. However, for the second one, the Batsoso Community spoke loud and clear that they wanted to be together in Lurambi Constituency because they have been split into two. Half have gone to Navakholo while the other half have gone to Lurambi. They want to be together as a community.

I second.

**Mr. Speaker:** Yes, the Member for Mutito---

*(Laughter)*

**Mr. Speaker:** I am Sorry. I am human and sometimes we tend to get diverted.

*(Question, that the words to be left out be left out, proposed)*

*(Question, that the words to be inserted be inserted, proposed)*

**Mr. K. Kilonzo:** Mr. Speaker, Sir, I rise to support this amendment because of the obvious reason that if the IEBC had listened to the proposals and ideas of the majority of Kenyans like the Minister who proposed these amendments said, we would not be here amending this Motion. So, this is the voice of the majority.

Mr. Speaker, Sir, I beg to support.

**The Assistant Minister, Ministry of Gender, Children and Social Development** (Mr. Keya): Mr. Speaker, Sir, as it has been articulated here – I mean the observation by the Member for Mwingi South, hon. Musila - I am here as the Member for Lurambi. Here we have two senior Members of the Cabinet who happen to come from Kakamega County, purporting to speak for Lurambi or on my behalf when I am here, without consulting me.

Mr. Speaker, Sir, however, I want to say that what they are trying to bring here is already captured. I do not know why they should be belabouring on behalf of the Lurambi people when it has been captured. First, the Report of the Departmental Committee on Justice and Legal Affairs, at page 37, has captured that. It reads:-

“Butsotso North Location to move from the new Constituency of Navakholo to Lurambi.”

The recommendation reads:-

“IEBC to consider the proposal.”

Mr. Speaker, Sir, that one is also captured by the Committee in the corrigendum at page 8. It reads:-

“Kakamega County: Lurambi; IEBC to effect the proposal.”

Mr. Speaker, Sir, I am surprised that two senior Members of the Cabinet, who happen to come from Kakamega County---

**Mr. Speaker:** Order! Order, Member for Lurambi! I think the point is made. If the Report is actually saying that, then why is the Member for Malava moving that amendment?

**The Assistant Minister, Ministry of Gender, Children and Social Development (Mr. Keya):** Mr. Speaker, Sir, even the Member for Butere has---

**Mr. Speaker:** Order! Order! The Member for Butere was seconding.

Member for Lurambi, that seems to me to be clear. If the Report contains what has been read out by the Member for Lurambi, then this amendment is not necessary. It is superfluous.

Let me hear you, Member for Malava!

**The Minister for Housing (Mr. Shitanda):** Mr. Speaker, Sir, the Member for Lurambi has been contradicting himself on this particular matter. At one point, he has been beseeching me from morning not to move this amendment because he is against those demarcations that we are proposing. In fact, in the Report that he presented to IEBC in Kakamega, he stood and said that he was supporting what the people of Lurambi were advocating for. When we came here, he told me today with Dr. Khalwale and Mr. Oparanya that he is opposed to this amendment. This amendment is only trying to reinforce what the Parliamentary Committee Report says. The Report is not particular about what the people want. What we are trying to do through the amendment is to be specific that the following wards should be moved from Navakholo to Lurambi Constituency. The Report that he is referring to only says that the IEBC will look at the proposal, but we do not know what the proposal is.

**Dr. Khalwale:** Mr. Speaker, Sir, I thank you for giving me the opportunity.

Mr Speaker, Sir, on this matter, there are two levels. There is what you are seeing in the House and there is what is on the ground. When you look at how emotive this matter on the ground is--- In Kakamega, you can have time to congratulate and praise the IEBC. I am amazed that an hon. Member, namely hon. Soita Shitanda, can approach me and tell me that we do not move this amendment because his constituency is being interfered with, yet this House wants to struggle and maintain its high standing in society. That high standing can count for nothing if it is not expressed through fairness and justice to the people, who feel that their voice is very small in this House.

Mr. Speaker, Sir, you know very well that the community we call “Batsotso” in the larger Luhya community does not have a Member of Parliament in this House. So, when hon. Shitanda makes clear what it is that the people Lurambi, the Batsotso, want, he is doing so while aware that should we fail, then what happened in the initial stage, when their views were taken and not brought on board by hon. Ligale, might be repeated. I am supporting this and I want to urge Members of this House to recognise that hon. Shitanda is a Minister from Kakamega County. Hon. Oparanya is also a Minister from Kakamega County; and they both want to be governors. I am a Member of Parliament from that county. We know what we are talking about.

**An hon. Member:---***(inaudible)*

**Mr. Speaker:** Order! Order! Member for Ikolomani, can you move to conclude?

**Dr. Khalwale:** Yes, Mr. Speaker, Sir.

Finally, I want to plead with this House that if it was wrong for former President Moi – when he was creating new constituencies – to give constituencies to perceived friends and politically-correct areas, it is equally wrong, if not worse, for us, as Members of Parliament, to take positions that preserve our own personal interest. The people of Butotso must be allowed to vote together because that is what they want.

**Mr. Speaker:** Yes, Member for Sabatia.

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, I am neutral. I am not from Kakamega and I am not vying for any post in Kakamega but all that is well ends well.

Mr. Speaker, Sir, this particular amendment, which also captures, or is in tandem with what has been proposed by the Committee, is perfect because it clarifies and clears a very big setback that was manifested in the other Report by the Ligale Commission. The Batsotso people have articulated their position very well, and this correction is important, so that they can be properly represented as and when they want to elect their leader. So, I strongly support the proposal that this particular aspect be taken into account. For clarity purposes, the two amendments are speaking to the same thing. We really support this, so that we can move to the next item. The Butso and Nabakholo issues can be resolved once and for all.

**Mr. Speaker:** Hon. Members, having heard all that, I now put the Question.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

**Mr. Speaker:** Yes, Member for Emuhaya.

**Dr. Otichilo:** Mr. Speaker, Sir, I beg to move:-

THAT, the Motion be amended by deleting the full stop at the end and inserting the following words-

“Subject to insertion of the following recommendations on page 36 of the Report regarding the realignment of wards in the proposed Luanda Constituency and Emuhaya Constituency as indicated in the petition that was presented to the Committee by the Emuhaya leaders:

1. Luanda Constituency: the wards should be Luanda Township, South Bunyore, West Bunyore and Central Bunyore.
2. Emuhaya Constituency: the wards should be North-East Bunyore, North Bunyore, Wemilabi and Mwiyeke.

Mr. Speaker, Sir, I am moving this amendment because what is being recommended here is an outcome of a very consultative process that took place in Emuhaya for over three weeks before we met the Interim Independent Boundaries Review Commission (IIBRC). We had very comprehensive consultations from the sub-locational level through the location, division, the constituency to the district, during which all the people of Emuhaya came up with one common consensus, that in order to have two constituencies, we need to use the historical boundary, which has been known for many years. This historical boundary is the boundary that used to divide the former Luanda Division and Emuhaya Division.

This is what was agreed to be the most appropriate boundary for the constituencies of Luanda and Emuhaya. So, this was agreed on and we had more than 10,000 signatures of people from the constituency who approved this boundary. It is a boundary that has a long historical connection.

On the issue of wards, it was agreed that we have four wards for Luanda and four wards for Emuhaya. As regards for Luanda, it was agreed that the following wards be approved. These were Luanda Township, South Bunyore, West Bunyore and Central Bunyore.

As regards Emuhaya Constituency, it was unanimously agreed that the wards should be North East Bunyore, North Bunyore, Wemilabi and Muyekhe. This is what was agreed. When we went to present our memorandum at Mbale on 23<sup>rd</sup> January, more than 2,000 people from Emuhaya went to this meeting. The memorandum was read by Prof. Justus Wanje. It was all agreed that this is what the people of Emuhaya would like to have.

Mr. Speaker, Sir, I want to take this opportunity to thank the people of Hamisi, Vihiga---

**Mr. Kiptanui:** On a point of order, Mr. Speaker, Sir. Is it in order for the Member to spend a lot of time explaining why he is moving the amendment? I think we have said that we just propose the amendment as indicated in the Order Paper.

**Mr. Speaker:** Indeed, Member for Emuhaya, you have made your point. I have the misfortune of coming from Emuhaya so, I did not want to stop you lest I be accused of having---

**Dr. Otichilo:** Thank you, Mr. Speaker, Sir, for giving me more time. I wish to call upon my brother, Mr. Yusuf Chanzu, to second.

**Mr. Chanzu:** Mr. Speaker, Sir, I second.

*(Question, that the words to be left out be left out, proposed)*

*(Question, that the words to be inserted be inserted,  
put nd agreed to)*

**Dr. Khalwale:** Mr. Speaker, Sir, I beg to move:-

THAT, the Report be amended by deleting the full stop at the end and inserting the following the words:

“Subject to insertion of the following words immediately after the wards proposed: By moving Shitoli Sub-location from Idakho East to Idakho Central and renaming Idakho West as Idakho North as opposed to the revised reviews of the IEBC

Mr. Speaker, Sir, the import of this is only two things. The first one is the name. There are four wards in the constituency but the one which is located at the north unfortunately has been called Idakho West. It should be called Idakho North to be consistent with its geographical position. That is the first import.

The second and last import is the alignment of Shitoli Sub-Location so that it falls in Idakho Central Ward where Shitoli is geographically found. More importantly, the community interest is that the people of Shitoli find their interest in central and historically from 1957. When Councilor Edward Okang’a was first elected, Shitoli voted in central. For this reason, I move and request Mr. Kiema Kilonzo to second me. He is the only one who visited Shitoli when we were discussing these matters.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, I second Dr. Bonny Khalwale popularly known as the bullfighter. I second him because of the reasons he has articulated. I have visited this area and indeed, that is the interest of the people of the area.

*(Question of the first part of the amendment,  
that the word to be left out be left out, proposed)*

*(Question of the first part of the amendment that the word to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment that the words to be inserted be inserted, proposed)*

*(Question of the second part of the amendment that the words to be inserted be inserted, put and agreed to)*

**Mr. K. Kilonzo:** Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

THAT, the Report be amended by deleting the full stop at the end and inserting the following the words:

“by inserting the words Mwingi Central Constituency immediately after Mutito Constituency on page 23”

I propose this amendment for the obvious reasons which I articulated earlier. Very briefly, I want to say the following for the avoidance of doubt.

Mr. Musila who comes from this county and myself are running for county positions where he is running for Senator and I am running for Governor. Therefore, we are not strangers to the issues that we are discussing.

Mr. Speaker, Sir, number two, under the Kenya Gazette for the Independent Electoral and Boundaries Commissions Act (2011), it was very clear that the IEBC was not supposed to delete any of the constituencies the Ligale Commission proposed. They were just to deal with the boundaries or something else beyond that but not to erase a constituency.

Earlier, I had tabled on the Floor of this House a memorandum from the people of the proposed Mwingi Central where over 12,000 signatures were given in Kitui. Mr. Musila and myself were there and none of us stood to object to the people of Mwingi Central when they represented their memorandum. In fact, I would want to be challenged on the Floor of this House.

Mr. Speaker, Sir, the same people who came to Parliament where they gave a memorandum of Mwingi Central people because they wanted Parliament to hear their cry, again the Committee did not capture their interest.

We, as Members of Parliament, have been vested with authority by the people to present their interests. At no point did the people want us to superintend our interests against theirs. That is why I stand here on behalf of the people of Mwingi Central who are listening and are putting their cries to this august House because from here, it would be unfortunate for them to go to court when they had a lot of faith in this House that it will hear their cry.

I want to propose and ask the House to support what the people of Mwingi Central are saying.

I call on Dr. Bonny Khalwale to second.

**Mr. Speaker:** Order, Mr. K. Kilonzo! You want to move not to propose!

**Mr. K. Kilonzo:** Mr. Speaker, Sir, I want to move and call upon Dr. Bonny Khalwale to second.

**Dr. Khalwale:** Mr. Speaker, Sir, I wish to second the hon. Member on this Motion. I am compelled by the fact that rural people from rural areas; 12,000 of them, can assemble signatures

on a position and then without any other signature supporting the contrary view, we attempt to change that. We should listen to these 12,000 signatures and more.

I second.

*(Question of the first part of the amendment,  
that the words to be left out be left out, proposed)*

*(Question of the second part of the amendment  
that the words to be inserted be inserted, proposed)*

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Mr. Speaker, Sir, I want to oppose this amendment.

Mr. Speaker, Sir, I want also to disabuse the notion that any constituency was cancelled. These are the facts. My constituency is called Mwingi South. It was called Mwingi South when there were only two constituencies, namely, Mwingi North and Mwingi South. Now, what the IEBC did was to change the name of Mwingi South, which is my constituency to be called Mwingi West. The reason is that it starts from Mwingi Town to the west towards Machakos District. The new constituency, which is purported to have been cancelled, it is not cancelled, but it is only that its name was changed by the IEBC which starts from Mwingi town to the Tana River border. That is east.

Mr. Speaker, Sir, here, my constituency has been divided into two and changed the name from South to West, because it is, obviously, west. This other one which was named Central by Andrew Ligale, the new IEBC changed the name to East which is logical, because it is west of Mwingi and East of Mwingi.

**Mr. K. Kilonzo:** On a point of order, Mr. Speaker, Sir. I would hate to interrupt the hon. David Musila but is he in order to mislead this House that it is logical to erase a constituency which was already published by the mere fact that it was only a name? Who proposed for the change, or for erasing of Mwingi Central Constituency, which was published to the one which he is trying to allude to? I was with him when the IEBC came to Kitui. Not him or anybody else who proposed that.

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Mr. Speaker, Sir, it is the hon. K. Kilonzo, who is misleading the House that any constituency was erased. No constituency was erased. The IEBC could alter boundaries by the mandate that was given here, or it could change the names. That is exactly what they did. They changed Mwingi South to West. They changed Mwingi Central to East, because it would not be called Central, because it is central of what?

**Mr. Speaker:** Order! Order, hon. David Musila! I just want the House to understand you! Is it the correct position that no constituency has been erased, erased like remove?

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): You are right, Mr. Speaker, Sir. No constituency was erased, because if it was erased, I would be the first person to complain, because it is my constituency that was divided into two, and part of---

**Mr. K. Kilonzo:** On a point of order, Mr. Speaker, Sir.

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Mr. Speaker, Sir, could you allow---

**Mr. Speaker:** let him respond to the issue that I posed.



**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Mr. Speaker, Sir, no constituency was erased. In Kitui, there were memoranda submitted to the IEBC which suggested the way the commissioners have done, that it should be East, and West, and then hon. Musyoka's North.

Now, what the hon. K. Kilonzo has been doing, as I said earlier on is to incite members of my constituency against the elected leaders of Mwingi namely hon. Musyoka and myself. Two weeks ago, hon. K. Kilonzo brought people here with placard which read: No Central, No Musila. They were around this Parliament.

**Mr. K. Kilonzo:** On a point of order, Mr. Speaker, Sir. On a serious point of order, Mr. Speaker, Sir!

**Mr. Speaker:** Order, hon. K. Kiema! Let hon. Musila have some room!

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Mr. Speaker, Sir, after that, he took the people to Uhuru Park, where he vowed to make sure that name is changed from East to Central. It is just a matter of changing the name. There is nothing Mr. Kiema is talking about. He is only talking about, the Commission changed it to East, and he wants it Central. What reason? I do not know because he is not talking about boundaries. He is just talking about a name. Who should complain about the name? It is me, because it is my constituency, South, that has been changed to West. I have no problem. My people have no problems. It is the constituency that has been changed to East. The people have no problems. It is just an inciter in the name of Mr. Kilonzo. This is so true. It is bad manners.

**Mr. Kiema Kilonzo:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, hon. K. Kilonzo! You stand in the position where you are, you catch the Speaker's eye and then you move to the microphone. That is the right way.

**Mr. K. Kilonzo:** On a point of order, Mr. Speaker, Sir. We have said that in this House, we are hon. Members of Parliament. We can differ on our positions in certain matters but we must always use decorum. Is it in order for hon. Musila to call me an inciter whereas I have presented documents of 12,000 people who have articulated the position?

**Mr. Speaker:** Order! Hon. K. Kilonzo, your point is made, at least up to this point. If you stand on a more substantive point of order, that will be different.

Hon. Musila, until such time that the hon. K. Kilonzo is charged, prosecuted and convicted for an offence of incitement, you cannot call him an inciter. So, surely, you must withdraw. The law is there. You cannot give him that adjective unless he acquires that status.

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Mr. Speaker, Sir, I withdraw that word, but if an hon. Member from a constituency goes to another constituency and hires buses and brings them to the National Assembly to demonstrate with placards, and he gives them Kshs150,000 to go back home, it is bad manners. It is against the traditions of this House for a Member to go to another Member's constituency and incite people against the democratically elected Member.

**Mr. Speaker:** Order! What you must remove is the word "incite".

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Mr. Speaker, Sir, I withdraw that word.

After withdrawing that word, I want to plead with this House that--- No hon. Member here would like another hon. Member to go to his constituency and alter things in that constituency. Therefore, I would want to plead with hon. Members in this House to reject that amendment because it is coming from a person who wants to bring trouble in other people's constituency.

I oppose.

**Mr. Midiwo:** Mr. Speaker, Sir, I stand to oppose that amendment on the grounds stated by hon. Musila. It is only fair that hon. Members here respect one another, and each other's territory; I want to support the position of hon. Musila. I want to be as brief as that, so that we can move forward.

Thank you.

**Mr. Baiya:** On a point of order, Mr. Speaker, Sir. I also wish to clarify that the amendment moved by hon. K. Kilonzo is moved along the column of Mutito Constituency. From the format of the Report that we are following, there is clearly one which we have created for Mwingi East and Mwingi West constituencies. If he does this, it will only add confusion to the whole Report. In the column for Mwingi East, we have identified one of the issues as one of the names of the constituencies, and we have asked IEBC to reconsider the names and boundaries of Mwingi East, Mwingi West and Mwingi North constituencies. So, this amendment is not going to serve any purpose.

I oppose.

**Mr. Njuguna:** Mr. Speaker, Sir, I also rise to very strongly oppose the amendment because it is the responsibility of elected leaders to make sure that there is good neighbourliness between the constituencies. Again, it is also important that we ensure that there is cohesion among the communities. It is, therefore, from this point of view that we should be seen to be living mutually. That mutual respect is lacking. It is, therefore, important that we oppose this Motion that is geared to triggering tension between the two constituencies.

*(Mr. K. Kilonzo stood up in his place)*

**Mr. Speaker:** Order! Member for Mutito, you have already spoken to this matter. So, you cannot catch my eye unless you want to rise on a point of order. If you just rise, you will not catch my eye, definitely, because it will be procedurally wrong. So, what is your point of order?

**Mr. K. Kilonzo:** On a point of order, Mr. Speaker, Sir. I have articulated the position of the people of Mwingi Central in this matter, but I also want to put the record straight that I did not hire any buses to come here. That is hon. Musila's assertion. Secondly, I did not give any money as he has alluded. This is an honourable House. Hon. Musila is so particular that I gave some money and I do not know whether he was one of the people whom I gave money because he must have been there if he makes that allegation. I wanted to put the record straight and rest my case.

**Mr. Speaker:** Order, hon. Members! I am satisfied that this matter has been ventilated adequately and, I therefore, now move to put the question.

*(Question, of the first part of the amendment that  
the that the words to be left out be left out, put and negated)*

*(Question, of the second part of the amendment that  
the words to be inserted be inserted, put and negated)*

Order, Members! We notice that there is continuing to be a flow of amendments and I am afraid that we have come to a time when we must cut off any further amendments. So, no amendments will be received and accepted by the Clerks-at-the-Table.

Proceed, Member for Siakago!

**Mr. Kivuti:** Mr. Speaker, Sir, I beg to move:-

THAT, the Report be amended by deleting the full stop at the end and inserting the following the words:

(a) The insertion at page 23 in the third column of the Report under the heading “Manyatta, Runyenjes , Siakago and Gachoka” constituencies of “Embu County” of the following words “into Kanyuambora and Ishiara Wards to coincide with the existing divisions;

(b) Insertion in the third column of the Report under the heading “Manyatta, Runyenjes, Siakago and Gachoka” constituencies of “Embu County” the following further recommendation: IEBC to allocate twenty four wards in Embu County pursuant to Article 89 (6) of the Constitution, to be distributed equally to each of the four constituencies.

The import of this amendment is very straightforward. The people of Embu County comprise of two communities who live as brothers, namely, Embu and Mbeere. Each of the communities have two constituencies, namely, Manyatta and Runyenjes on the Embu side and Siakago and Gachoka on the Mbeere side. During the deliberations with the IEBC, the presentations that were made were very cordial. We agreed that we only need to use the Constitution to vary the number of wards, not more than 20 per cent as provided for in Article 89(6) of the Constitution, which could have allowed us to even ask for more. Our aim was to have each constituency have six wards. In a nutshell, we need to have the Constitution followed in as far as Article 188 is concerned, which looks, not only at the population, but also other aspects as listed in the Constitution. Article 56(a) provides---

**Mr. Ogindo:** On a point of order, Mr. Speaker, Sir. Is my friend hon. Lenny Kivuti in order to debate a Motion that he has not moved? Instead of moving his amendment first and then justifying, he is doing the justification without having moved an amendment.

**Mr. Speaker:** Member for Siakago, can you be concise? What amendment are you moving?

**Mr. Kivuti:** Mr. Speaker, Sir, it was agreed earlier on that instead of reading the whole text, I move the amendment as contained in No.31 of---

**Mr. Speaker:** Order, Member for Siakago! All you need to do is say: I beg to move the amendments proposed at No.31 (a),(b), (c), and (d).

**Mr. Kivuti:** Mr. Speaker, Sir, I stand guided.

I beg to move:

THAT, the Report be amended by deleting the full stop at the end and inserting the following words:

(a) The insertion at at page 23 in the third column of the Report under the heading “Manyatta, Runyenjes, Siakago and Gachoka” constituencies of “Embu County” of the following words “into Kanyuambora and Ishiara wards to coincide with the existing divisions;

(b) Insertion in the third column of the Report under the heading “Manyatta, Runyenjes, Siakago and Gachoka” constituencies of “Embu County” the following further recommendations: IEBC to allocate 24 wards in Embu County pursuant to Article 89(6) of the Constitution, to be distributed equally to each of the four constituencies.

Mr. Speaker, Sir, there is also an additional (c) and (d).

**Mr. Speaker:** You can now rationalize why you have moved the amendment.

**Mr. Kivuti:** Mr. Speaker, Sir, I had already talked about the constitutional issues that were of consideration in this amendment. I have also mentioned that the Embu County people live---

**Mr. Baiya:** On a point of order, Mr. Speaker, Sir. From the notice of amendment, that is, amendment No.31 has only two clauses (a) and (b). I am not aware of (c) and (d). We do not know its purport. Can he supply the same to us or clarify the matter?

**Mr. Speaker:** The hon. Member informed the Chair about that and I asked that the amendment be circulated.

**Mr. Kivuti:** Mr. Speaker, Sir, I was coming to that. Clauses (c) and (d) were simply outlining the naming of the wards which are contained in (b). These are Ishiara, Kanyaumbora, Ndurumori, Mutito, Muminji, Nthawa wards in Siakago and Kianjiru Ward in Gachoka. I wish to call upon the hon. Member for Manyatta, Mr. Emilio Kathuri to second my amendment.

**Mr. Speaker:** Order, Member for Siakago! I want to assist you. Is your proposal introducing any additional wards?

**Mr. Kivuti:** Yes, it is proposing additional wards. In fact, they are four of them in the county.

**Mr. Speaker:** Okay. Who is seconding?

**Mr. Kathuri:** Mr. Speaker, Sir, I also stand to second the amendment as introduced by my brother and neighbor. The fact of the matter is that the Embu County consists of Embus and Mbeeres and a small fraction of the Kambas who are absorbed by the Mbeeres. It is very important for this House to do that--- Even before the new Constitution, we had come up with an arrangement where we agreed to share the resources of the county together for the sake of cohesiveness. Much as we have our tribal differences, the fact is that we are from the same area. We share a lot of facilities together and we support each other.

Mbeere and specifically has three wards. Even the loading that was done by the IEBC was downwards. It denied them an opportunity of representation. It is only fair that we increase their numbers so that at any one point, they will not feel that they are disadvantaged.

I support the amendment because it will make the county become more cohesive.

*(Question proposed)*

**Mr. Baiya:** Mr. Speaker, Sir, there are some other amendments which have been carried. One of them states that besides the 60 wards which we have already proposed, the remaining ones, about 40 of them, it might be more practical to allow the IEBC itself to consider. We have already allocated this region one ward under the list we have. Our consideration was that the population of Embu was about 57 per cent of the total population of the area. The population of Mbeere was about 43 per cent of the total population of the area.

**Mr. Kivuti:** On a point of order, Mr. Speaker, Sir. The Vice-Chairman of the Committee is misleading the House.

**Mr. Speaker:** Order, Member for Siakago! It is not for you to determine who is misleading the House.

**Mr. Kivuti:** Mr. Speaker, Sir, is it in order for the Vice-Chairman of the Committee to mislead the House that only population as a factor may be considered in the allocation of wards and that Articles 188, 56(a), and 89(6) of the Constitution are null and void? We are talking about wards in Mbeere which have a population of 46,000 people and that is already unconstitutional.

Mr. Speaker, Sir, I seek your indulgence in this matter.

**Mr. Speaker:** Order, Member for Siakago! The contribution by hon. Njoroge Baiya is, in fact, valid. I want you to bear in mind--- We want to hear how you react to the fact that the

amendment at No.17 on the list was, in fact, passed by the House earlier on today. The amendment was moved by the Member for Eldama Ravine: “That the Report be amended by (b) inserting the following words on page 44: That the House recommends the increase of wards from 1450 to 1550 and that the IEBC redistributes the additional 100 wards according to the constitutional criteria.”

So, if you take that into account, then maybe you want to react to what hon. Baiya is saying. The House has had an earlier resolution and it chose to leave that to the IEBC to redistribute whatever additional wards there will be.

**Mr. Kivuti:** Thank you, Mr. Speaker, Sir. I, therefore, move that our request should move to the IEBC for that consideration.

**Mr. Baiya:** Mr. Speaker, Sir, I was only intervening to seek the guidance of this House more so in terms of convenience and our resolution to the IEBC which must be consistent. It must also give a format in what manner we want the IEBC to intervene. So, if the House decides to increase 40 wards and leave it to the discretion of the IEBC, it cannot at the same time go about doing the allocation itself because that will be interfering with the IEBC. I just wanted to guide the hon. Member so that he can contribute accordingly.

**Mr. Speaker:** Member for Siakago, do you want to improve your amendment? Do you want time? You will need to work with the clerks-at-the-table to help you capture the amendment correctly.

**Mr. Kivuti:** Mr. Speaker, Sir, I want to move the amendment which has four parts. I believe all of them are valid because the variance which we were asking for was only for 20 per cent. If the Vice-Chairman of the Committee is now saying that the variance is only three wards, then it stands at 15 per cent. I do not think it is too much to ask the House to pass the amendment because most of the amendments that we have passed here are not mandatory that they must all be acceptable to IEBC. It may or may not accept all of them.

**Mr. Speaker:** Very well, hon. Member! You will take the risk if you want the amendment put to the House as it is without reconsidering it.

**Mr. Kivuti:** Mr. Speaker, Sir, I have clearly stated that it is in four parts a, b, c and d.

**Mr. Speaker:** Very well! Hon. Members, I put the Question.

*(Question put and negatived)*

**Mr. Kivuti:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, hon. Member for Siakago! It is done. I am afraid I cannot hear you on that matter anymore. It is a resolution of the House which you must respect.

Hon. Member for Kiharu!

**Mr. Mwangi:** Mr. Speaker, Sir, I beg to move:-

THAT, the Motion be amended by deleting the full stop at the end and inserting the following words-

“Subject to inclusion of the recommendation that the map showing County Assembly Ward of Kiharu Constituency should be realigned to include the proposed Gikindu/Kimathi Ward that comprise Kambirwa, Mirira and sub-locations on page 110 on volume 3 of the revised Preliminary Report of the IEBC “

Mr. Speaker, Sir, in this regard, we are not asking for anything more that we did when we met the Commission in Murang’a. We are requesting the inclusion of the recommendation of the map showing County Assembly Ward of Kiharu Constituency. It should be realigned. We are

only asking for realignment to include proposed Gikindu/Kimathi Ward that comprises Kambiria, Mirira and Githuri Sub-location on page 110 on Volume III of the revised preliminary report of the Commission. All that we are requesting is for the last part of the seventh ward to be included as indicated in Volume III of the preliminary report of IEBC. I ask Capt. Wambugu to second the amendment.

**Capt. Wambugu:** Mr. Speaker, Sir, I stand to second the amendment by Mr. Mwangi. It is indeed so that the two documents, the map and the other explanation were not in agreement. That is why we were asking for that amendment so that Gikindu/Kimathi Ward may be included. That was one of our recommendations that we do not have any form of adjustment within that county. It is good for the record to say that as people from Murang'a County, we had requested for an extra constituency which could take care of Kiharu which is one of the biggest constituencies in this country but unfortunately, that request was not granted. We will live with that. When I come to a place called Mathioya, where I come from, though there is a recommendation on Mathioya Constituency on page 25 of the Report of the Committee, if the IEBC could have listened carefully to the request by the constituency and the other people who were giving their presentations, most of the wards that we are handling here could have been handled then. For example, in Mathioya, they had requested earlier the four wards based on the four divisions. But unfortunately, within the first review, they had cleared off one ward called Gituki. That brought a lot of tension and there was a lot of fighting. Thereafter, in the second review which is coming in the preliminary, they disregarded and cleared off another area called Jombi which brought a lot of tension. Let me commend the Parliamentary Committee because of looking into our---

**The Assistant Minister for Roads (Dr. Machage):** On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to move away from the Motion as put by the other hon. Member and begin debating Mathioya?

**Mr. Speaker:** Mr. Wambugu, that is a legitimate challenge. You must remain relevant to what is before the House.

**Capt. Wambugu:** Mr. Speaker, Sir. If you could remember the first drawing that was---

**Mr. Speaker:** Order, Mr. Wambugu, you just need to be careful about how you do it.

**Capt. Wambugu:** Mr. Speaker, Sir, as I conclude, I want to thank the Parliamentary Committee because of considering our request that the four divisions be turned automatically into wards so that we could create harmony in that place and remove the hostility that has been caused by the three wards which were created earlier.

With those remarks, I second Mr. Muturi's amendment.

**Mr. Speaker:** Mr. Wambugu, if I were in your shoes and I wanted to put the case of Mathioya, I would do it very simply. I would say I want the IEBC in its final report also consider the case of Mathioya. We will not stop you.

**Capt. Wambugu:** Thank you, Mr. Speaker, Sir, for that advice. I request the IEBC to consider the request for Mathioya so that we can get the wards.

*(Question of the first part of the amendment,  
that the words to be left out be left out, proposed)*

*(Question for the first part of the amendment that the  
words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words to inserted be inserted, put and agreed to)*

**Mr. Kigen:** Mr. Speaker, Sir, I beg to move:-

THAT, the Motion be amended by deleting the full stop at the end and inserting the following words-

“Subject to insertion in the third column of the Corrigendum to the Report of the Committee at page 5 in respect of “Rongai Constituency of Nakuru County” of the following further recommendation:-

“(iii) IEBC to retain Olmanyatta Location and Koisamu Sub-location of Muiteithia Location in Rongai Constituency”

Mr. Speaker, Sir, this is another location in Wasekese Ward where we have decided together with the inhabitants and the neighbouring constituency that people in that ward who would like to stay in some of the locations can remain in Rongai and those who would like to be in Subukia would be allowed. The report of the IEBC did not capture clearly where this particular location of Olmanyatta should be. The same problem was forwarded through a memorandum to the Committee on Justice and Legal Affairs. The recommendation made was that the IEBC should look into this issue. This is one location which is appearing in two constituencies again. We have had serious consultations and agreed that certain locations remain in Rongai and others to relocate to Subukia. One such location to remain in Rongai is Olmanyatta and Koisamu. We think that this will align the constituency the way we had proposed and the way many people wanted. Therefore, the objective of this amendment is to streamline the misunderstanding that came about from the report of the IEBC. I believe that this will sort out the matter.

I would ask my brother, Mr. Gaichuhie, who is also very privy to this matter to second my amendment.

**Mr. Gaichuhie:** Mr. Speaker, Sir, parts of Rongai Constituency are in Subukia District. That is why we have been having issues. We have sat down with the hon. Member and the people at home and we have agreed that the parts that want to join Subukia do so and the parts that want to be in Rongai remain in Rongai.

So, I agree with him and I second that amendment.

*(Question of the first part of the amendment, proposed)*

*(Question of the first part of the amendment, that the word to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment that the words to inserted be inserted, put and agreed to)*

**Mr. Lekuton:** Mr. Speaker, Sir, I beg to move:-

THAT, the motion be amended by deleting the full stop at the end and inserting the following words:-

“Subject to addition in the Report of the Committee at page 22 immediately after the recommendations in “Saku and Moyale”, the following further recommendations:

CONSTITUENCY	ISSUES	RECOMMENDATIONS
Laisamis	<p>There is need to take account of community of interest, geographical features and geographical area and distances (of up to 230 kilometres from one end of the ward to the other) and split Loyangalani Ward into three wards, namely: Loyangalani, Kulal and Elmolo.</p> <p>2. Considering community of interest, geographical features, cultural diversities and distances (of up to 160 kilometres from one end of the ward to the other) Laisamis Ward which was formerly Laisamis and Merille Wards be retained as two separate Wards, namely: Laisamis and Merille Wards.</p>	<p>(i) Loyangalani Ward should be split into three wards namely: Loyangalani, Kulal and Elmolo Wards.</p> <p>(ii) Laisamis Ward split onto two Wards, namely: Laisamis and Merille Wards.</p>

Mr. Speaker, Sir, Laisamis Constituency is 23,000 square kilometres, the fourth largest in Kenya. It also hosts more minorities than any part of this country including the El Molo whose highest Government official is a sub-chief. The distance between some wards is 230 kilometres. Therefore, I ask that this is considered for an increase of three wards in Laisamis Constituency. Based on that information that hon. Members can read there, I beg to move and ask the Assistant Minister, Ministry of State for Special Programmes, Mr. Gabbow, to second.

**Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow):** Mr. Speaker, Sir, considering that the El Molo will not get a ward in this country, who else should we be given wards? These are the minority groups in northern Kenya. They are about 500 people and really deserve a ward. The distance from Mt. Kulal to Loyangalani where I happen to come from is about 260 kilometres. That cannot warrant one ward. So, we request this House to unanimously pass at least those three wards for those minorities including the Turkana of Loyangalani.

With those few remarks, I second.

*(Question of the first part of the amendment, that the words to be left out be left out, proposed)*

*(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words*



*to be inserted in place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the words  
to be inserted in place thereof be inserted, put and agreed to)*

**Mr. Speaker:** Amb. Affey, because we had I think deferred one amendment until we come to the end, we will treat this one in a similar manner.

Yes, the hon. Member for Baringo Central!

**Mr. Mwaita:** Thank you, Mr. Speaker, Sir. I beg to move that the Motion be amended as follows:-

THAT, the Motion be amended by deleting the full stop at the end and inserting the following the words:-

Subject to insertion of the following words at the end of item 1 immediately after the words “IEBC to consider an additional ward” on the third column of the matrix appearing on page 29 of the Report on respect of “Baringo South” Constituency- ‘ to be obtained by splitting Ilchamus Ward to create Ilchamus West Ward and Ilchamus East Ward. Ilchamus East Ward to comprise Mukutani, Rugus, Meisori, Salabani, Kiserian and Logumgum sub-locations and Ilchamus West Ward to comprise Ng’ambo, Sintaan, Illng’arua, Longeiwan, Kailer and Eldume sub-locations’

The import of this, Mr. Speaker, Sir, is that the proposed Muchongoi Constituency comprises of two minority groups, the Ilchamus and the Endorois communities, which is very well known in this country. The amendment seeks to put them in one ward where all their community of interest, language, geographical concerns and communication will be taken care of. Two, their culture is also distinct. Neighbouring is the Endorois community which also has the same features, culture, geographical and community of interest. So, to be able to carry this amendment, it will be able to give them representation in the county.

I will ask my friend, hon. Lekuton, to second.

**Mr. Lekuton:** Thank you, Mr. Speaker, Sir. I beg to second this amendment. Just like the El Molo, the Endorois and the Ilchamus communities, are minority and as we say, justice delayed is justice denied.

Mr. Speaker, Sir, I support.

*(Question of the first part of the amendment, that the words  
to be left out be left out, proposed)*

*(Question of the first part of the amendment, that the words  
to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words  
to be inserted in place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the words  
to be inserted in place thereof be inserted, put and agreed to)*

Yes, the hon. Member for Samburu East!

**Mr. Letimalo:** Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

THAT, the Motion be amended by deleting the full stop at the end and inserting the following the words:-

Subject to insertion, at page 27 of the Report in the third column if the matrix in respect of “Samburu East Constituency” of the following new item immediately after the words “IEBC to move Lengusaka sub location from Waso ward to Wamba West Ward”

“(2) that the following two additional wards be created in Samburu East Constituency: Waso East Ward, comprising Sere Olipi, Ndonyo Wasin, Laresoro, Lerata and Losesia sublocations; and Nairimirimo Ward comprising Lorrok Onyokie, Raraiti, Swari and Lmarmaroi sub-locations’

Mr. Speaker, Sir, my justification for the first item is that Lengusaka Sub-location is one of the four sub-locations that form the location that has been moved to Wamba West Ward when the wards were merged to create the proposed wards by the IEBC. Given the terrain of the area, we have got hills between Waso Ward and Wamba West Ward that make communication difficult. It will, therefore, be fair if Lengusaka Sub-Location is moved to Wamba West Ward for proper representation and better delivery of services.

For the second item, Mr. Speaker, Sir, the creation of the two additional wards, Samburu East District is vast district with over 10,000 square kilometers. The infrastructure is under-developed to the extent that accessibility is a major problem.

I, therefore, beg to move and request hon. Ogindo to second.

*(Loud consultations)*

**Mr. Speaker:** Order! The Member for Ndaragwa, please, be careful.

**Mr. Ogindo:** Thank you, Mr. Speaker, Sir. I rise to second the amendment by hon. Letimalo. I think there is merit in it because it is important to keep people together so that there is good service delivery and there is no marginalization.

With those few remarks, I beg to second the amendment.

*(Question of the first part of the amendment, that the words to be left out be left out, proposed)*

*(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)*

Yes, the hon. Member for Malindi!

**Mr. Mung’aro:** Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

THAT, the Motion be amended by deleting the full stop at the end and inserting the following the words:-

“subject to deletion of all the words after Sabaki and substituting with the words to be “ the border of Malindi and Magarini constituencies and Mida Creek to be the border between Kilifi North and Malindi Constituencies” on page 14 of the Report.

Mr. Speaker, Sir, the whole country is aware that Malindi deserved a new constituency and it was not given one. I would like to propose an amendment although the Committee had already considered that amendment but it is not very clear. So, I would like to propose because of the geographical area and community of interest, that the Sabaki River becomes the natural boundary of Malindi and Magarini constituencies and then Mida Creek becomes the natural boundary of Malindi and the newly created constituency of Kilifi North.

Mr. Speaker, Sir, I beg to move and ask my friend, Joshua Kutuny to second.

**Mr. Kutuny:** Mr. Speaker, Sir, I rise to second. This will ensure that there are clear demarcations of constituencies. The ambiguity of unclarity of boundaries raises temperatures in the constituencies and wards. It can also cause animosity. So, this one goes a long way to make sure that everything is clear as far as boundaries are concerned.

I beg to second, Mr. Speaker, Sir.

*(Question of the first part of the amendment, that the words to be left out be left out, proposed)*

*(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)*

Yes, the hon. Member for Subukia!

**Mr. Gaichuhie:** Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

THAT, the Motion be amended by deleting the full stop at the end and inserting the following words:-

“subject to deletion of the recommendations in the third column of the corrigendum to the Report of the Committee at page 6 in respect of “Subukia Constituency” of “Nakuru County” and the insertion of the following:

“that IEBC consider retaining Weseges Location and Gitundaga Sub-Location of Mwitithia location in Subukia Constituency thus creating the following four wards in Subukia Constituency-

(a) Ndugiri/Kirima - comprising Kirima, Ndugiri, Wanyororo, Nyandundo and Ruiru sub-locations;

(b) Kabazi – comprising Kabazi, Rugongo, Munada and Magomano sub-locations

(c) Subukia – comprising Arash, Tetu, Subukia East, Kianoe and Wei sub-locations

(d) Mbogoini – comprising Gitundaga, Nyamamithi, Lari, Wiumiririe and Mihango sub-locations

I am doing that because, as I said earlier on, Subukia and Rongai are neighbours and we have been sharing common interest and we have agreed with the people of Subukia and the people of Rongai that Weseges Location and Gitundaga Sub-Location joins Subukia Constituency. We are doing this because of the additional population. We propose that we have four wards as follows; Kabazi, Subukia, Mbogoini and---

**Mr. Speaker:** Order, the hon. Member for Subukia! We want to use our time well.

**Mr. Gaichuhie:** Yes.

**Mr. Speaker:** You have your proposed amendment---

**Mr. Speaker:** Order! The amendment proposed is captured in the Order Paper. So, you just move it.

**Mr. Gaichuhie:** Mr. Speaker, Sir, I beg to move:-

THAT, the Motion be amended by deleting the full stop at the end and inserting the following the words-

“subject to deletion of the recommendations in the third column of the corrigendum to the Report of the Committee at page 6 in respect of “Subukia Constituency” of “ Nakuru County” and the insertion of the following:

“that IEBC consider retaining Weseges Location and Gitundaga sub-location of Mwitithia location in Subukia Constituency thus creating the following four Wards in Subukia Constituency-

(a) Ndugiri/Kirima - comprising Kirima, Ndugiri, Wanyororo, Nyandundo and Ruiru sub-locations;

(b) Kabazi – comprising Kabazi, Rugongo, Munada and Magomano sub-locations;

(c) Subukia – comprising Arash, Tetu, Subukia East, Kianoe and Wei sub-locations;

(d) Mbogoini – comprising Gitundaga, Nyamamithi, Lari, Wiumiririe and Mihango sub-locations

I want them captured as they appear on the Order Paper and because of community interest and my neighbour here, Mr. Kigen, whom we share boundaries, I wish that he would second the amendment so that we can be in harmony.

**Mr. Kigen:** Mr. Speaker, Sir, I want to second this amendment by confirming that I am party to those negotiations and I am aware that this is how the inhabitants of that area would like things to go.

*(Question, that the words to be left out be left out, proposed)*

**Mr. Kiuna:** Mr. Speaker, Sir, being from that county, I know how those people have been dealing with each other, I concur with both of them and I support them. Whatever they have agreed here is something which Nakuru County has been asking and agitating for. I am very happy to see that we are very much together and so I support.

**The Assistant Minister for Water and Irrigation (Mr. Waititu):** Mr. Speaker, Sir, I rise to support the amendment. But I just wanted to mention something as far as my constituency, Embakasi, is concerned. People from my constituency are happy with the way the IEBC gave us the constituencies.

**Mr. Ogindo:** On a point of order, Mr. Speaker, Sir. With due respect to my friend, Mr. Waititu, is he in order, in terms of relevance, to bring the debate about Embakasi when he is supporting amendments in Subukia?

**Mr. Speaker:** He would be out of order after the further directions which I gave, and taking into account where we are in terms of time.

**The Assistant Minister for Water and Irrigation** (Mr. Waititu): Mr. Speaker, Sir, what I just wanted to mention is that we are happy with what the IEBC did. But there was an oversight in one of the constituencies.

**Mr. Speaker:** Order! Are you proposing an amendment to do with Embakasi when we are in Subukia?

**The Assistant Minister for Water and Irrigation** (Mr. Waititu): No, Mr. Speaker, Sir. I just wanted to say that whatever they did was okay. But in one of the wards, they merged two wards and we have proposed that they be divided. Otherwise, on behalf of the Member for Dagoretti Constituency---

**Mr. Speaker:** Order, Mr. Waititu! Now you are out of order! Definitely out of order!

**The Assistant Minister for Water and Irrigation** (Mr. Waititu): Mr. Speaker, Sir, as I had--

**Mr. Speaker:** Order, Mr. Waititu! I am afraid that you are out of order and I will not hear you anymore. You may want to consult the Member for Sirisia. He will assist you.

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

**Mr. Konchella:** Mr. Speaker, Sir, I beg to move:-

THAT, the Motion be amended by deleting the full stop at the end and inserting the following the words

“subject to deletion of all the issues and recommendations made in the corrigendum page 7 covering Narok County and in particular Kilgoris and Emurua Dikirr Constituencies.”

The reason for doing so is that the Committee in its main Report has done a very good job. They have captured the wishes of the people of Trans Mara in accordance with the petitions and the amendment in the corrigendum is not necessary. It is a duplication, and I ask Mr. ole Lankas to second.

**Mr. ole Lankas:** Thank you, Mr. Speaker, Sir. I rise to second the amendment to the Motion as moved by my colleague, hon. Konchella. On the same note as I second the amendment, I also wish to thank the Departmental Committee on Justice and Legal Affairs for taking into account the petitions of Narok County, more so, Narok South. They took into account the petitions on the community of interests and in Kilgoris. They also took into account some petitions by some Maasai clans like the Eldama Clan in the Kiokonyoki.

With those few remarks, I second the amendment

*(Question of the first part of the amendment, that the words to be left out be left out, proposed)*

*(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted put and agreed to)*

**Mr. Litole:** Mr. Speaker, Sir, I beg to move the following amendment:-

THAT, the Motion be amended by deleting the full stop at the end and inserting the following the words

*“subject to deletion of the Committee’s recommendation touching on Pokot South Constituency on page 26 of the Report*

This is an area where the geographical, the communications and community of interest is of the same people. Therefore, I wanted to reject what the Committee did and have the amendment done. I want to ask *Mheshimiwa* ole Lankas to second.

**Mr. ole Lankas:** Mr. Speaker, Sir, once again, I would like to second the amendment as moved by my colleague, hon. Litole. I once served in this area when I was in the Civil Service and I understand the area very well. Geographically, the amendment is sound because you cannot move Endoo Location and Sok Wards to Kapenguria. Instead they should remain in Pokot South.

I once again second the amendment.

*(Question of the first part of the amendment, that the words to be left out be left out, proposed)*

*(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted put and agreed to)*

**Mr. Speaker:** Hon. Members, we would like to go back to the amendment which we deferred. I think we deferred two amendments and I will now call the Member for Kisumu Town West. Is the Member for Kisumu Town West not here? The amendment is dropped.

The effect, therefore, is that the amendment is defeated and lost.

*(Amendment dropped)*

Let us move on to Ambassador Affey’s amendment. Is Mr. Affey not here? The amendment is dropped! The net effect, therefore, is that it is defeated.

*(Amendment dropped)*

We would now like to take amendments that are not in the Order Paper but we received them as we transacted business this afternoon. I will go through them not in any particular order because I am advised that they have been circulated.

We want to begin with the amendment by the Member for Bonchari.

**Mr. Onyancha:** Thank you Mr. Speaker, Sir. I was really worried that you had left me out.

**Mr. Speaker:** Proceed, the Member for Bonchari! We do not have much time.

**Mr. Bonchari:** Mr. Speaker, Sir, I beg to move the following amendment:-

THAT, the Report be amended by inserting the following new paragraphs on page 41 under Kisii County:-

Bonachari	<p>Request by petitioners that in the event that the proposal to increase wards is passed and Bonchari Constituency gets five wards, they are to be named as follows:</p> <ol style="list-style-type: none"> <li>1. <b>Bogiakumu Ward</b>, comprising of Bogiakumu, Bomwanda and Bonyando sub-locations in Bogiakumu Division.</li> <li>2. <b>Bomariba Ward</b>, comprising of Bomariba, Boroko and Keboye sub-locations in Igonga division.</li> <li>3. <b>Bomorenda Ward</b> comprising of Bonyanchaire, Bomwancha, Bonyaoro and Bomakombi sub locations in Suneka Division.</li> <li>4. <b>Riana Ward</b> comprising of Nyamwari and Bogitaa sub locations in Igonga Division.</li> <li>5. <b>Iyabe Ward</b> comprising of Bomokora and Bokeire sub locations in Suneka Division.</li> </ol>	The IEBC to consider the request for an additional ward and proposed names and boundaries of wards.
Bonchari	Request by petitioners that in the event that the	The IEBC to consider the proposed names and

	<p>proposal for an extra ward fails and Bonchari is awarded only four wards, then they are to be named composed as follows:</p> <p><b>1. Gesonso Ward,</b> comprising of Bogiakumu, Bomwanda and Bonyando sub locations in Bogiakumu Division.</p> <p><b>2. Igonga Ward,</b> comprising of Bomariba, Boroko and Keboye sub locations in Igonga Division.</p> <p><b>3. Suneka Ward</b> comprising of Bonyanchaire, Bomwancha, Bonyaoro and Bomakombi sub locations in Suneka Division.</p>	boundaries of wards.
	<p><b>4. Kerina Ward,</b> Nyamwari and Bogitaa sub locations in Igonga Division and Bomokora sub location in Suneka Division.</p>	The IEBC to consider the proposed names and boundaries of wards.

In moving this amendment, I would like to say that the Bonchari people had one recommendation and that is what I have espoused here in confirmation. I would like to ask hon. Dr. Monda to second.

**Dr. Monda:** Mr. Speaker, Sir, I rise to second the amendment by hon. C. Onyancha.

Mr. Speaker, Sir, Bonchari is my neighbour in Kisii Town and the additional ward requested for will come from the already amended number of wards. We have added another 100 wards. I want to congratulate IEBC for considering that Nyaribari Chache should remain intact as they were.

Mr. Speaker, Sir, I beg to second.

*(Question, that the words to be left out be left out, proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*



*(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)*

*(Question of the first part of the amendment, that the words to be inserted be inserted, put and agreed)*

*(Question of the second part of the amendment, that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words to be inserted be inserted, put and agreed to)*

**Mr. Kombo:** Mr. Speaker, Sir, I beg to move:-

THAT, the Motion be amended as follows:-

“By deleting the recommendation of the Committee on Webuye Constituency on page 8 of the Corrigendum and retaining the Report of the IEBC which was arrived at after conclusive negotiations by the people of Webuye.”

Mr. Speaker, Sir, this amendment is basically saying that we delete the recommendation of the Committee under the Corrigendum, page 8. The import of this is that the IEBC did a good job. In fact, whatever the IEBC gave is as per the recommendation by the community. In fact, in Webuye, we spent two days negotiating and have a signed document. Hon. Sambu, myself and other members of the community signed the document and IEBC followed it. Therefore, there is no need to ask them to reopen the matter.

Mr. Speaker, Sir, I beg to move and ask hon. Gaichuhie to second.

**Mr. Gaichuhie:** I second.

*(Question of the first part of the amendment, that the words to be left out be left out, proposed)*

**Mr. Sambu:** Mr. Speaker, Sir, I oppose the amendment. Mr. Speaker, Sir, although the signatures were there, they were on the basis that we will come up with an approved demarcation of the sub-locations. What is being contested here is subdividing a sub-location into two. In the population census of 2009, the lowest unit of population was a sub-location. To subdivide a sub-location so that half of it is in one ward and the other half is in another ward, and the two wards are in two different constituencies, again, causes a problem in terms of clear demarcation - which the hon. Member promised to give but he did not - and clear population. I do not mind a whole sub-location being moved from one area to another. But when you say that a half of a sub-location should go to one side and the other half to go the other side, I think--- I ask my brother here--- Yes, I know that I signed, but on the basis that you will produce the population of the two that you have suggested. Up to now, you are unable to produce the population. So, what you are doing is pure gerrymandering.

Mr. Speaker, Sir, I oppose---

**Mr. Kombo:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, hon. Sambu! Your friend has a point of order.

**Mr. Kombo:** Mr. Speaker, Sir, is the hon. Member really in order to say that he signed on the basis that I would produce figures? I will table the document. Nowhere does this

document say so. We even have the map drawn by the community and shared by the peace moderator in Western Province to show us the map and how the demarcation was going to be.

I would like to table the document.

**Mr. Speaker:** Order! Order, hon. Kombo! You are a seasoned Member of this House. Prosecute that point of order correctly.

**Mr. Kombo:** Mr. Speaker, Sir, I started by asking whether the hon. Member was in order to mislead the House by insinuating that he signed on the basis that I would give him some figure. I did prosecute it correctly, Mr. Speaker, Sir.

**Mr. Speaker:** Very well. I have now heard it categorically. In the first time, I did not. If you had said so, it is fine; you may table the signed document.

*(Mr. Kombo laid the document  
on the Table)*

**The Assistant Minister for Roads (Dr. Machage):** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! That is a point of order, as it is. I will want the Member for Webuye to respond to it.

**Mr. Sambu:** Mr. Speaker, Sir, I have made it very clear to hon. Kombo, as a very good friend of mine, that I reject the idea of gerrymandering, and he told me that it was not gerrymandering and that he could produce the actual map later on, plus the figures of population for the two areas he had actually proposed. However, up to now, he cannot tell me how many people have been transferred from the same sub-location to the other and how many people from the other sub-location have gone into the other ward. So, the people are bitter about that. There is a lot of tension. The people just want the whole sub-location to be in one ward, namely, Kororiadha but not subdividing it into two parts.

So, I oppose this amendment and support what the Committee has said.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Order, hon. Members! We have to proceed a little carefully with some of these things.

Member for Webuye, there is a document tabled here. I just want you to look at it and indicate to the House what you make of it, because the House has heard both of you. Really, it will be up to the House to decide.

Maybe, you will want to pass this to hon. Sambu.

*(The document was passed on  
to hon. Sambu)*

**Mr. Speaker:** Hon. Sambu, you can take your time. We will allow you at least two minutes to look at it.

So, you do not accept it?

**Mr. Sambu:** I do not accept it, Mr. Speaker, Sir.

**Mr. Kombo:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** What is it, Mr. Kombo, and please stay within the rules.

**Mr. Kombo:** Is the hon. Member in order to reject the document when his signature is on that document? Is he telling the House that is not his signature and yet he has signed every page?

**Mr. Speaker:** Member for Webuye, do you want to say anything more?

**Mr. Sambu:** Mr. Speaker, Sir, we were also signing on attendance. So, it is possible that that was an attendance register. However, as far as I am concerned, there was no agreement like that.

**Mr. Speaker:** Very well. I will leave that to the House. However, as far as I am concerned, I have a photocopy of a document. It has signatures and a date. So, from my position, I cannot say that it is not admissible. However, I cannot vouch for the contents of the document. I hope hon. Members understand what that means.

*(Question of the first part of the amendment, that the words to be inserted be inserted, put and negated)*

**The Assistant Minister, Ministry of State for Public Service** (Maj. Sugow): Mr. Speaker, Sir, I beg to move:-

THAT, paragraph 4 on page 16 of the Report be deleted entirely.

Mr. Speaker, Sir, it came out clearly today the importance of county boundaries which are constitutionally covered. The next most important boundaries are those between constituencies.

My amendment is raising concern over a recommendation by the Committee to consider a boundary issue between Fafi and Ijara which I do not know of its existence. If anything, that should actually be left to the communities concerned to resolve. I see this as, probably, an oversight on the part of the Committee because in the opening discussions of their deliberations they clearly indicated that they will not recommend whatsoever interference in boundaries between constituencies. So I urge the hon. Members to support this amendment because it will discourage the issue of allowing the Commission to open issues between constituencies. Therefore, create a lot of unnecessary tension between constituencies. Let their role remain that one of delineating boundaries within constituencies not between constituencies.

With that, I move and I request Mr. Wetangula to second.

**The Minister for Foreign Affairs** (Mr. Wetangula): Mr. Speaker, Sir, I second.\*\*\*\*\*

*(Question, that the words to be inserted be inserted, proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)*

*(Question of the first part of the amendment, that the words to be inserted be inserted, put and negated)*

**Mr. Speaker:** We will now take the amendment by the Member for Butere.

**The Minister for Planning, National Development and Vision 2030** (Mr. Oparanya): Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

THAT, the Motion be amended by splitting Marama Central, in Butere Constituency into two wards namely; Township Ward and Marama Ward.

THAT, the following wards to be moved from proposed Navakholo Constituency to Lurambi Constituency, in Kakamega County:

- a)Shinoyi Shikomari, Esumaiya Ward
- b)Ingotse Matiha Ward.

The second part of the amendment has, however, been taken care of by the amendment moved by the Member of Parliament for Malaba.

Mr. Speaker, Sir, I am requesting that Township Ward and Marama Central Ward in Butere Constituency were merged, as such the population is 44,000 people with 21,000 registered voters. The fact that Marama Central is a rural ward while the Township Ward is a ward in Butere Town, the requirements of the two is quite different. I am, therefore, proposing that Township Ward be split as they were before to form Shirotsa Sub-location, Shirende Sub-location, Bolafu Sub-location and Emuleche Sub-location, while Marama Central should comprise of Mutoma Sub-location, Ibokolo Sub-location, Shithiswi Sub-location and Mulanda Sub-location.

I request my colleague Mr. Wetangula to second.

**The Minister for Foreign Affairs** (Mr. Wetangula): Mr. Speaker, Sir, I do second.

*(Question of first part of the amendment proposed)*

*(Question of first part of the amendment, put and agreed to)*

**Mr. Speaker:** We will take the amendment by the Member for Kipkelion.

**The Assistant Minister for Energy** (Mr. Magerer): Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

THAT, the Report be amended on page 3 by including a recommendation that:-

(i)Kalyet Sub-location be transferred to Kipsirichet Ward in Kipkelion East.

(ii)Cheboswa location and Kapseger location be moved to Chilchila Ward of Kipkelion West Constituency.

Mr. Speaker, Sir, Kabkaliet Sub-location of Kipkelion Constituency has been moved to the newly created Kipkelion West Constituency whereas the sub-location has traditionally been in the East. We had a meeting with the people of Kalyet Sub-location just yesterday and they have expressed their concerns that they need to be transferred back to where they want to be.

Mr. Speaker, Sir, the second issue is about Cheboswa and Kapseger locations. It has been captured in the corrigenda but for clarity purposes, the Kapseger Ward to be created to include Cheboswa Location and Kapseger Location in its entirety and be in Kipkelion West Constituency.

Mr. Speaker, Sir, I beg to move and ask my friend Maj. Godhana to second.

**Maj. Godhana:** Mr. Speaker, Sir, I find the reasons advanced very valid. I second.

*(Question, that the words to be inserted be inserted, proposed)*

*(Question of the first part of the amendment, that the words to be inserted, put and agreed to)*

*Question of the second part of the amendment that the words to be inserted be inserted, put and agreed to)*

**Mr. Speaker:** I will take the amendment by the Member for Sirisia.

**The Minister for Foreign Affairs** (Mr. Wetangula): Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

THAT, the Report be amended by inserting a recommendation that Kabuchai Ward comprising Kabuchai Location and North Bukusu Location be created in the proposed Kabuchai Constituency on page 37 of the Report.

Mr. Speaker, Sir, taking the queue from the Lessonet amendment and the direction of the Chair, I want to revise the amendment just to seek for a recommendation for the IEBC to consider two additional wards in the new Kabuchai Constituency.

I also want to laud the Committee for recommending the creation of an additional ward in Sirisia.

**The Assistant Minister for Public Service** (Maj. Sugow): Mr. Speaker, Sir, I beg to second.

*(Question, that the words to be added be added proposed)*

*(Question, that the words to be inserted,  
be inserted, put and agreed to)*

**Mr. Speaker:** Hon. Members, please, note the first speed at which the Member for Sirisia moved his amendment. If the Member for Siakago had done so, I am sure, he would have survived.

**Mr. Odhiambo:** Mr. Speaker, Sir, I beg to move:-

THAT, the report be amended by inserting a recommendation that Tingolo sub-location in Butula constituency, Busia County be transferred from Central Ward to Marach East Ward.

Butula Constituency has six locations. It has been awarded six wards. There is one particular sub-location which has been moved to a different location. My people have written a memorandum saying that they would like to remain with their brothers in the East. However, they have been put in the Central Ward.

So, I request this House to support the amendment that Tingolo Sub-location be moved from the Central ward of Butula Constituency to East ward of Butula Constituency, so that they remain with their brothers.

I would like to ask hon. Letimalo to second.

**Mr. Letimalo:** Mr. Speaker, Sir, I second.

*Question of the amendment proposed)*

*(Question, that the words to be inserted,  
be inserted, put and agreed to)*

**Mr. Speaker:** Member for Konoin! Dr. Julius Kones!

*(Mr. Lessonet stood up in his place)*

Order, Member for Eldama Ravine! You are not the Member for Konoin. There is a way provided in our Standing Orders in which Members communicate with the Speaker, or any presiding chair. So, I am afraid, the amendment is dropped.

*(Dr. Kones's amendment dropped)*

Hon. Richard Onyonka, please, move your amendment.

**The Assistant Minister for Foreign Affairs** (Mr. Onyonka): Mr. Speaker, Sir, I beg to move:-

THAT, the Motion be amended by inserting the following words after the figure 2012, "subject to insertion of the following recommendation on page 12 of the Corrigendum, in respect of Kitutu Chache South Constituency – Kisii County". That the IEBC creates a new ward to be named Daraja Mbili Ward, comprising of Nubia, Daraja Mbili, Kiamwasi and Nyabururu sub-locations in view of their vastness and population of 50,363 therein;

I move this amendment because the first report, which was written by the IIBRC recommended that Kitutu Chache South and Kitutu Chache North be given a ward each. After that, the Committee itself had a meeting here before they brought the corrigendum. They also made a recommendation that Kitutu Chache North and Kitutu Chache South be given a ward respectively.

I would also want to appreciate the fact that the IIBRC gave Kitutu Chache Constituency two constituencies.

Mr. Speaker, Sir, finally, the reason why I made this amendment is because the ward I am proposing to be split into two has a total population of 50,100. I would like this to be split into two, so that it accommodates the interest of the minority in Kisii Town. The Acting Chairman said Kibera Constituency was created to cater for the interest of the minority. Kitutu Chache has Nubians as the minority group. I would like them to be included in this new constituency.

I beg to move and ask my friend Kizito to second me.

**Mr. Kizito:** Mr. Speaker, Sir, I beg to second.

**Mr. Speaker:** Hon Members, I propose the Question.

*(Question of the amendment proposed)*

*(Question that the words to be inserted be inserted, put and agreed to)*

**Mr. Speaker:** We will move to the amendment by the hon. David Musila.

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Mr. Speaker, Sir, I wish to propose the following amendment to the Motion, that is on Kitui County on page 23:-

THAT, Recommendation No.3 be deleted.

Mr. Speaker, Sir, we are deleting that to remove the mischief which the gentleman was trying to create by renaming constituencies. We are happy with Mwingi East and Mwingi West. Therefore, recommendation No.3 asks that the IEBC reconsiders the names but we do not need any name change. We are happy with Mwingi East and Mwingi West. Also, after deleting No. 3,

add Kazanzi Location to go to Mwingi East Constituency because those are the same people and one location had been put in the wrong constituency. Therefore, it is just aligning the boundaries. I beg to move and ask Maj-Gen. Nkaisserry to second.

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry) I second.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

**Mr. Speaker:** We will take the amendment by the hon. Kajwang. Is Mr. Kajwang not here? Order! I am afraid I will---

*(Hon. Olweny stood up in his place)*

**Mr. Speaker:** Where is the request? It has not been handed over to me.

*(Hon. Olweny stood up in his place)*

**Mr. Speaker:** Order! I cannot do it that way. If I do not have a request by hon. Kajwang asking that Prof. Olweny will move the amendment on his behalf, and I have already called the amendment; it is difficult for me to do that. I will revisit it, otherwise as the circumstances are now, I should just apply the law. I will come to it towards the end just to give you the benefit of the doubt. Otherwise the prevailing circumstances are such that I have no request whatsoever. Order, hon. Olweny! It does not go like that, as you know. Hon. Kiilu.

**Mr. Kiilu:** Mr. Speaker, Sir, I beg to move:-

THAT,

(i) Mbuvo Ward comprise of Kwakavisi, Kituluni, Kiangini, Kitise and Mwanja Sub-locations.

(ii) Mavindini Ward comprise of Mavindini, Yekanga, Ivinga, Nzia, Yinthungu, Kimundi and Kithuki sub-locations.

(iii) Kathonzweni Ward comprise of Muusini, Kavingoni, Ituka and Thavu sub-locations.

The importance of this amendment is to make sure that people who have been living together and who have been shifted within three wards remain in the same ward so that they can continue enjoying harmony and the same social historical factors. We do not intend to call for any more wards in that area, but we want these people to continue feeling that they are not disenfranchised. You realize that Makueni is one of those big constituencies which were not considered for a split. By moving these people when the constituency has not been split could make them feel that they are not being recognized and that their interests are being muzzled.

I beg to move and request hon. Kaloki to second.

**Prof. Kaloki:** Mr. Speaker, Sir, I second. I have to second and then you can propose the question.

**Mr. Speaker:** Order, Member for Kibwezi! You actually sit on the Chair. As you walked to the microphone, I heard you say, “I second”. Surely, I did not expect that you will do anything more. But if you wanted to speak, fine, proceed.

**Prof. Kaloki:** Mr. Speaker, Sir, I second the amendment.

*(Question of the amendment proposed)*

*(Question that the words to be inserted be inserted, put and agreed to)*

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Mr. Speaker, Sir, I beg to move:-

THAT, the report be amended by inserting a recommendation that Kajiado Central be considered for two additional wards, namely, Matapato South and Alalekuton North. Also, the Oldonyunyuke Group Ranch which was in Magadi , but has been taken to Lodokilan be moved to Magadi Ward of Kajiado West Constituency.

When you look at the report of the Committee on page 34, the people of Kajiado made proposals exactly like the amendment I am moving. Unfortunately, the Committee never looked at those requests. So, I just want to move that amendment, so that the report can recommend that this be considered.

I would like to ask hon. Musila to second.

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Mr. Speaker, Sir, I second.

*(Question of the amendment proposed)*

*(Question that the words to be inserted be inserted, put and agreed to)*

**Mr. Waibara:** Mr. Speaker, Sir, I beg to move:

THAT, the Motion be amended on page 25, by deleting the word “ward” immediately after the word “Karuri” and inserting the word “sub-location” thereof.

THAT, the Motion be amended by moving Karuri and Igegania Sub-locations of Kamwangi Ward to Mang’u Ward.

THAT, the Motion be amended by removing the word “Gathaite” and replacing it with the word “Ndiko”.

THAT, the Motion be amended by removing the fullstop immediately after the word “Githobokoni” and replacing it with the comma and inserting the words, “Ngorongoo Sub-location to go back to Chania Ward.”

I ask hon. Kioni to second the amendment.

*(Question of the amendment proposed)*

*(Question that the words to be left out be left out, put and agreed to)*



*(Question that the words to be inserted in place thereof be inserted, put and agreed to)*

**Mr. M'Mithiaru:** Mr. Speaker, Sir, on circulation, I had two amendments.

Mr. Speaker, Sir, I beg to move:

THAT, the Motion be amended by including a recommendation on page 2 of the corrigendum that Athiru Rujiine Ward, Kawiru Ward and Akirang'ondy Ward be moved to Igembe North Constituency where they belong.

Mr. Speaker, Sir, it was clear from the people of Igembe North and Igembe South when the IEBC visited the areas that each of the constituencies ought to be split into two. Instead they migrated some wards from Igembe North and Igembe South to form Igembe Central. By so doing, the population of Igembe Central is now leading at 182,641 people. That is equivalent to a constituency in the cities. I beg that these three wards be moved back to Igembe North. I hope that when the IEBC will be making its final Report, it will consider our request.

I request hon. Ruteere to second.

**Mr. Ruteere** seconded.

*(Question of the amendment proposed)*

*(Question that the words to be left out be left out, put and agreed to)*

*(Question that the words to be inserted in place thereof be inserted, put and agreed to)*

**Mr. M'Mithiaru:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Member for Igembe North! You had two amendments.

**Mr. M'Mithiaru:** Mr. Speaker, Sir, I only moved one.

**Mr. Speaker:** Fine.

**Mr. M'Mithiaru:** Mr. Speaker, Sir, thank you for that indulgence.

Mr. Speaker, Sir, I beg to move:

THAT, the Motion be amended by including a recommendation that the IEBC removes a constitutional anomaly of using population of provinces to create and delimit constituencies instead of counties which are the current reference entities as created by the current Constitution.

Mr. Speaker, Sir, we do not want to continue with an illegality. This is a matter where the credibility of Independent Electoral and Boundaries Commission (IEBC) would be at test including the endorsement from this House. We should start from the word go to ensure that we get our process right by looking at population and references to the counties and not provinces which are no longer a reference point as far as our Constitution is concerned.

I beg to move and request Mr. Munya to second.

**The Assistant Minister for East African Community** (Mr. Munya): Mr. Speaker, Sir, I second this very important amendment. It would satisfy the feelings of our people back home that their rights and desires were taken care of. These are the desires of the people of Igembe and Meru County in general.

I second.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Mr. Munya stood up)*

**Mr. Speaker:** Order, Mr. Munya! That is the position.

**The Minister for Public Works** (Mr. Obure): Mr. Speaker, Sir, beg to move:-

THAT, the Motion be amended by inserting the following on page 44:-

1. That the House recommends that all constituencies other than the protected ones are delimited in a manner that ensures adherence to the provisions contained in Articles 89(5) and (6) of the Constitution.

Mr. Speaker, Sir, after this very heavy process, I bring this amendment for purposes of emphasizing to make sure that we do not lose sight of the spirit and letter of the Constitution. I move this amendment which intends to make a recommendation to the IEBC. In moving all these amendments, we must take into consideration the provisions of the Constitution and in particular Article 89(5) and (6).

I move and request Mr. Oparanya to second.

**The Minister of State for Planning, National Development and Vision 2030** (Mr. Oparanya): Mr. Speaker, Sir, I second.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

**Mr. Godhana:** Mr. Speaker, Sir, I beg to move:-

THAT, the Report be amended by inserting a recommendation that Galole Constituency should comprise of Kinakomba, Mikinduni, Chewani, Milalulu and Wayu wards.

Mr. Speaker, Sir, the idea of this amendment is to take care of the population arising from the Hola Scheme that is hosted by the county headquarters. If you look at the figures indicated in the report, it indicates around 31,000 within one ward. That figure has grown within a very short period of time because of the impact of the Hola Scheme. The idea is just to split Chewani Location into two so that it gives birth to Muthalulu Location. Mr. Mwadeghu has been there and understands what I am talking about.

I move and request him to second.

**Mr. Mwadeghu:** Mr. Speaker, Sir, I am aware of those geographical factors and the population. I beg to second.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be  
left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, proposed)*

**Mr. Speaker:** We will take hon. Cheptumo's amendment!

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs**

(Mr. Cheptumo): Thank you, Mr. Speaker, Sir.

I beg to move that the Motion be amended as follows:-

THAT, the Report be amended on page 29 under Baringo North Constituency by inserting the words "and realign the boundaries" immediately after the word "names" and by inserting the words "namely Barwesa, Kabartonjo, Bartabwa, Loruk and Saimo/Kipsaraman" immediately after the word "wards"

Mr. Speaker, Sir, the people of Baringo North gave their proposals on the names and the boundaries of the wards to the IEBC on the 20<sup>th</sup> of January, 2012, but when they produced the report, they did not take into account all that. The Committee has been kind enough to consider our proposals, but now they left the realignment of the boundaries. That is the basis of this amendment. I request hon. Lessonet to second the amendment.

**Mr. Lessonet:** Mr. Speaker, Sir, I did attend that meeting and I second the amendment by hon. Cheptumo.

*(Question, that the words to be inserted be inserted, put and agreed to)*

**Mr. Speaker:** We will take the hon. Member for Wundanyi's amendment!

**Mr. Mwadeghu:** Thank you, Mr. Speaker, Sir. I beg to move that the Motion be amended as follows:-

THAT, the IEBC moves Sungululu Sub-location from Werugha Ward to Wundanyi Mbale Ward.

The import of this, Mr. Speaker, Sir, is that when we had the IEBC visit to Wundanyi, Sungululu people in Sungululu Sub-location never requested to be moved to Werugha Ward. They belong to Wundanyi Mbale Ward and we request that they be moved back to Wundanyi Mbale Ward where they belong.

I beg to move the amendment and ask my brother from Galole to second.

**Maj. Godhana:** Mr. Speaker, Sir, I strongly second the amendment.

*(Question of the amendment proposed)*

*(Question that the words to be inserted be inserted, put and agreed to)*

**Mr. Speaker:** We want to take hon. Franklin Bett's amendment!

**The Minister for Roads** (Mr. Bett): Thank you, Mr. Speaker, Sir. I beg to move that the Motion be amended as follows:-

THAT, the report be amended on page 34 under Bureti-Kericho County by including a recommendation that Cheribo and Chebwagan sub-locations be transferred from Techoget now Cheplanget Ward to Litein Ward.

The import of this is to simply level out on population per ward. If we take away those two wards from Litein, it means that Litein will be below the threshold of 18,000 people.

Mr. Speaker, Sir, hon. Zakayo Cheruiyot is familiar with the area and I request him to second.

**Mr. Cheruiyot:** Mr. Speaker, Sir, it is true I know the area intimately and the hon. Member has valid issues which can be sorted out. I beg to second.

*(Question of the amendment proposed)*

*(Question that the words to be inserted be inserted, put and agreed to)*

**Prof. Kaloki:** Mr. Speaker, Sir, I beg to move:-

THAT, the Motion be amended by deleting the fullstop at the end of page 24 (Kibwezi East and Kibwezi West) and insert the following words:-

(1) Kikumbulyu North be retained in Kibwezi East Constituency so that Kibwezi West Constituency will have a District Commissioner Headquarters at Makindu Town and Kibwezi East Constituency will have a District Commissioner Headquarter in Kibwezi Town.

(2) Add an additional ward to be called Kikumbulyu South Ward.

The issue here pertains to my constituency, Kibwezi Constituency. I am thankful to IEBC for splitting my constituency. The issue is with Kikumbulyu North Ward which was put in Kibwezi West by the Departmental Committee on Justice and Legal Affairs. We propose to have it at Kibwezi East so that we can retain the District Commissioner. The District Commissioner will be based at Kibwezi and he will serve the people from that particular headquarters. The District Commissioner will serve the entire Kibwezi East Constituency. We will have Kibwezi West DC headquartered at Makindu Town.

The other proposal is that we will then create an additional ward for Kikumbulyu South, so that Makindu West will have four wards to serve that particular area. I also support the Member for Makueni Constituency for requesting for an additional constituency in his constituency. That is a large area and we are requesting Nzauni Constituency and Makueni Constituency to be based there. The same thing applies to Mbooni West and Mbooni East. I will stop there and ask the Member of Parliament for Kaiti, Mr. Ndambuki, to second.

**The Assistant Minister for Agriculture** (Mr. Ndambuki): Mr. Speaker, Sir, I second the amendment. I want to talk about Makueni and request IEBC to really reconsider splitting Makueni into two. Currently, it is the only one in Eastern Province with has many square kilometers and a very high population.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, I beg to move:-  
THAT, the Motion be amended by inserting the following words after the figure 2012, “subject to insertion of the words “with a view of ensuring that Suba North Constituency reverts to its original name of Mbita Constituency” immediately after the word “constituency” appearing in paragraph (ii) of the third column relating to Mbita Constituency on page 39 of the report”.

This amendment is with regard to the name relating to Mbita Constituency. It has been suggested by some people that Mbita Constituency be changed to Suba North but, according to the contribution by Mr. Kajwang today, the constituents of Mbita Constituency wish to retain the name Mbita Constituency because it unifies them according to what Mr. Kajwang has said today. As I move the amendment, I wish to thank the Committee for taking into consideration the appeal by the constituents of Muhoroni for an additional ward and, at the same time, correcting ward names that were in the Report by IEBC.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, on that note, I wish to request hon. Midiwo to second this amendment.

**Mr. Midiwo:** I second the amendment, Mr. Speaker, Sir.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**Mr. Speaker:** Hon. Members, that brings us to the end of amendments as proposed except to say this: That I have received a Motion that will be moved by the Member for Siakago. He is proposing that the House rescinds its decision made on proposed amendments on No.31 of the amendments as circulated on the Order Paper.

So, I will call the Member for Siakago to move the Motion and if he has a seconder, he can be seconded. I will then propose the question.

**Mr. Kivuti:** Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No.49, I stand to move a Motion that the House rescinds its decision made on the proposed amendments on No.31.

I beg to move that the Motion be amended as follows:-

THAT, the House rescinds its decision made on proposed amendment No.31 and wish to move the amendment the recommendation that the IEBC grants three additional wards to Siakago Constituency in accordance with the constitutional criteria already established.

**Mr. Speaker:** Order, the Member for Siakago! I was consulting with hon. Ndambuki. However, you have to do this in two stages. You actually have two Motions. So, you must move the first Motion first, namely, that the House rescinds its decision with respect to the amendments appearing at No.31 on the Order Paper for amendments as circulated.

**Mr. Kivuti:** Thank you Mr. Speaker, Sir. I stand guided.

I rise on Standing Order No.49 to move a Motion that the House rescinds its decision made on the proposed amendment No.31 as circulated.

**Mr. Midiwo:** I second.

*(Question put and agreed to)*

**Mr. Kivuti:** Mr. Speaker, Sir, I beg to move that:-  
THAT, paragraph 31 of the Report be further amended by adding paragraph 31(a) as follows:-

31(a)The proposed distribution of the six wards for Siakago is as per the attached map, on which sub-location boundaries have been correctly updated.

1. Ishiara Ward – Karamandi, Muthanthara, Ishiara and Ciangera sub-locations.
2. Kanyuambora Ward – Ngura, Nguthi, Kamwambia and Rwiria sub-locations.
3. Ndurumori Ward – Kathera, Kariru, Kamumu, Ngaari, Thambu, Kieniri, Ngoce and Iria Itune sub-locations.
4. Mutitu Ward – Cieria, Mutitu, Kirie, Nguthi and Kivue sub-locations.
5. Muminji Ward – Gangara, Karambari, Itira, Thura, Kwanduambogo, Gitiburi and Muchonoke sub-locations.
6. Nthawa Ward – Muthanu, Riandu, Siakago and Kune sub-locations

(b) That a new ward namely Kianjiru Ward to comprise Mbita, Kirima, Nyangwa and Gikiro sub-locations be created.

I want to recommend that the six additional wards to Siakago Constituency be made in accordance with a constitutional criteria already set.

Mr. Speaker, Sir, I will request hon. Konchella to second.

**Mr. Konchella:** I second.

*(Question of the further amendment proposed)*

*(Question, that the words to be added  
be added, put and agreed to)*

**Mr. Speaker:** Hon. Members, we have heard from as many of us as we could. We have deliberated on various amendments. Some have been carried and some lost. I now wish to put the question.

*(Question put and agreed to)*

*Resolved accordingly:*

THAT, this House adopts the Report of the Departmental Committee on Justice & Legal Affairs on the Revised Preliminary Report of the proposed boundaries of constituencies and wards by the Independent Electoral and Boundaries Commission (IEBC) laid on the Table of the House on Wednesday 22nd February, 2012 together with the corrigendum to the Report laid on the Table of the House on Tuesday 28<sup>th</sup> February, 2012, subject to inclusion of the amendments agreed to by the House on Wednesday 29<sup>th</sup> February, 2012.

Hon. Members, allow me to thank you for your very vigorous participation in the business appearing at Order No.10, and to really commend you for your exceptional industry and sacrifice that you have made on behalf of Kenyans, to see to it that the Constitution is implemented.

I thank you very much.

*(Applause)*

## **ADJOURNMENT**

Hon. Members, that then brings us to the end of business for today. The House, therefore, stands adjourned until tomorrow, Thursday, 1<sup>st</sup> March, 2012, at 2.30 p.m.

The House rose at 11.00 p.m.