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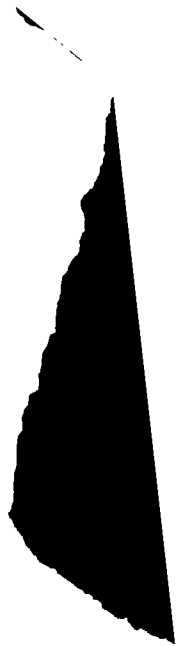
The Journal of Parliamentary Information

Parliament of Kenya

January 2013

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The Journal of the Parliamentary Information

Article 118 of the Constitution of Kenya (2010) envisages that Parliament shall conduct its business in an open manner. In line with this benchmark, the Directorate of Information and Research Services of the Kenya National Assembly has embarked on an initiative to disseminate information to the public on the on-going legislative business through this publication.

The Journal of the Parliamentary Information — *The Journal* in short — is an annual publication which serves as an authentic recorder of important parliamentary events and activities. It also aims at the dissemination of authoritative information about the practices and procedures in the Kenyan legislature.

In addition, *The Journal* provides a useful forum for Members of Parliament (MPs) and the County Representatives (CRs) and legislatures to express their views and opinions with the aim of contributing to the development and strengthening of parliamentary democracy in Kenya.

Future editions of the journal will contain authoritative essays

and features related to the parliamentary calendar, views and opinions from respected individuals on important parliamentary related topics, and a review of important literature on parliamentary effectiveness.

With this issue, we celebrate the inaugural release of an important publication in our democracy. The publication covers the months of January 2012 to January 2013. It contains information on major discussions on the floor of the House, visiting delegations, parliamentary events, activities, and policy statements of national importance and also features key rulings by the Speaker.

In our constant pursuit of high quality service to the public, the Directorate of Information and Research Services welcomes suggestions for further improvement.

We would like to acknowledge and thank SUNY-Kenya for their support in making the publication of this inaugural journal possible.

Justin Bundi,
Clerk, Kenya National Assembly.

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INTRODUCTION

The Journal is a detailed annual newsletter containing factual information on Parliament's business in a session (one year). It is aimed at offering sufficient information to enable the public engage with Parliament in the light of Article 118 of the Constitution.

It contains information on the activities of Parliament both on the floor of the House and outside the House. This edition contains information on all motions, Bills, the Speaker's considered rulings, communications from the Chair, as well as speeches made by the Speaker outside Parliament.

In addition, *The Journal* has information on various delegations visiting the Kenya Parliament and delegations sent to other parliaments from the Kenya Parliament. The information carried in this edition can be grouped in the following broad categories, though not necessarily arranged as such:

- a) Presidential address.
 - b) Legislative business — this includes Bills introduced and passed within the period of review.
 - c) Deliberative — this includes motions and petitions.
 - d) Oversight — this includes questions, Prime Minister's time, papers laid, and committee business.
 - e) Procedural matters — this includes parliamentary discipline and quorum issues.
 - f) Significant parliamentary events.
 - g) Appointments and notices covering important parliamentary activities and staff establishment.
 - h) Transition — this covers obituaries for departed Members of Parliament, both serving and former. Future editions will include members from county assemblies.
- Since this is an inaugural issue, it contains brief explanations of parliamentary terms.

BILL ANALYSIS

The procedure for the introduction and enactment of bills is provided for in the Kenya Constitution (2010) Article 109 and the Standing Orders of Parliament. The Constitution vests legislative power of the Republic of Kenya with the Kenya Parliament to be exercised through bills passed by Parliament and assented to by the President.

A Bill is a legislative proposal that is introduced to the House by way of first reading. It is then committed to a committee of the House that scrutinises it and invites members of the public to give their views on the merits or otherwise of the provisions contained in the Bill. The Committee thereafter tables in the House its report based on the former's consideration of the Bill. In the report, the Committee proposes amendments to the Bill in order to improve on it.

The Government and Members of Parliament (MPs) are allowed by the Standing Orders to introduce Bills, except that MPs cannot introduce Bills that seek to impose taxation unless the consent of the President is obtained and signed by a minister.

During the period under review, a total of 135 Bills were introduced out of which 88 were government and 47 were private members'. At the end of the period in reference, 92 Bills had been passed and 43 had lapsed. The lapsed ones include a number of other Bills introduced in the previous years but cannot be reintroduced when the 11th Parliament starts sitting as they are deemed lapsed as per the standing orders. Table 1 shows a breakdown of Bills introduced between January 2012 and January 2013.

Table 1: Bills introduced between January 2012 and January 2013.

Number of Bills Passed	92
Number of Bills assented to	91
Government Bills introduced	88
Private Member's Bills introduced	47
Number of Bills returned by the President	1
Number of Bills withdrawn	7
Number of Bills defeated	1
Number of Bills lapsed	43

Source: Table Office, Kenya Parliament, 2013



Stages through which a Bill passes in the National Assembly

First Reading



Second Reading

The broad objectives of the Bill are discussed.



Committee of the Whole House

The House resolves itself into a committee where the Speaker leaves the Chair and the Bill is scrutinised clause by clause. This is the consideration stage where amendments are proposed and voted for.



Third Reading



Presidential Assent

Bills become law upon receiving Presidential Assent.



LAW



Provisions in the Bills/Acts

Below is a list and brief explanation of selected Bills and Acts introduced in Parliament during the period under review:

1. The County Governments Act, 2012: The principal objective of this Act is to give effect to Chapter 11 of the Constitution pursuant to Article 200 of the Constitution. That Article provides for the legislation required to implement the provisions of the Constitution relating to devolved government. The Act provides for the functions, powers and the operations of county governments. It further provides for the participation of citizens in the affairs of county governments and for civic education.

2. The Transition to Devolved Governments Act, 2012: The principal object of the Act is to provide a framework for a co-ordinated transition from the centralised government structure to the national and county government regime. It does this by creating the necessary institutional arrangements, processes and related procedures.


3. The Intergovernmental Relations Act, 2012: This Act seeks to establish a framework for inter-governmental consultation and co-operation and to provide

mechanisms for the resolution of inter-governmental disputes where they arise and provide a framework for consultation and cooperation amongst county governments. It relates to county governments and the National Government only; it does not include stipulations on dealing with foreign governments.

4. The Land Registration Act, 2012: The main objective of the Act is to revise, consolidate and rationalise the registration of titles to land in order to give effect to the principles and objects of devolved government in land registration.

5. The National Land Commission Act, 2012: It provides for the functions and powers of the National Land Commission, qualifications and procedures for appointments to the Commission in order to give effect to the objects and principles of devolved government in land management and administration, and for connected purposes.

6. The Land Act, 2012: The object of this Act is to operationalise the provisions relating to the management and administration of land and land-based resources under Article 68 of the Constitution. It aims at consolidating the laws relating to land and providing a legal



framework for land management and administration by the National Land Commission.

7. The Public Financial

Management Act, 2012: The principal object of this Act is to provide for the effective management of public finances by the National Government and the county governments in accordance with the Constitution and for the accountability of public officers given the responsibility of managing those finances to the public through Parliament and the respective County Assemblies.

8. The Traffic (Amendment) Act,

2012: The objective of this Act is to amend the Traffic Act (Cap.403) to vest ownership of motor identification plates on the Kenya Revenue Authority (KRA), and to require surrender of the plates to the Registrar of Motor Vehicles once a motor vehicle is transferred from one person to another. The Act further seeks to enhance the penalties for various traffic offences in order to deter commission of those offences and consequently minimise loss of lives on Kenyan roads through accidents. The Bill also seeks to abolish the Traffic Police Department in order to vest enforcement of traffic laws and regulations on all police officers.

9. The Prohibition of Pyramid

Schemes Bill, 2012: The Bill seeks to prohibit certain acts in relation to pyramid schemes and to provide for related matters such as defining what a pyramid scheme is, and offences in relation to a pyramid scheme.

10. The Social Assistance Act, 2012:

The principal object of this Act is to provide for a substantive legal framework that would recognise and provide for the right to social assistance for those who are unable to cover basic needs, such as food, clothing and housing due to poverty or lack of income due to illness, old age, disability, or the need to care for children. The Bill seeks to regulate the administration of social assistance; it provides the mechanism for the rendering of such assistance and specifies the forms of social assistance payable, the designated persons and their eligibility. The Bill proposes to create the National Social Assistance Authority and empowers it to act as the sole agent that will ensure the efficient and effective management, administration and payment of social assistance. The Bill also seeks to protect the abuse of social assistance services by empowering the authority to investigate, and establish a compliance and fraud mechanism to ensure the integrity of the social assistance system.

11. The Supplementary

Appropriation Act, 2012: The Act seeks to authorise the issue of certain sums of money out of the Consolidated Fund and their application towards the service of the year ending on June 30, 2012, and to appropriate those sums for certain public services and purposes.

12. The Public Private Partnerships Act, 2012:

The principal object of this Act is to provide an institutional and regulatory framework for the carrying out of public private partnerships in Kenya. It regulates the process of engagement of private parties and the manner in which public private partnerships are conducted so as to ensure the provision of high quality facilities and services. It provides a comprehensive framework for the carrying out of public private partnerships and addresses the gaps in the existing legal framework.

13. The National Drought Management Authority Bill, 2012:


The Bill seeks to transit the National Drought Management Authority established by Legal Notice No. 171 in 2011 to a statutory body such that the establishment of the Authority would be founded in statute rather than in an executive order.

14. The Internally Displaced

Persons Act, 2012: This Act is to; a) provide for the protection of and assistance to internally displaced persons and, b) give effect to the Great Lakes Protocol on the Protection of and Assistance to Internally Displaced Persons and the United Nations Guiding Principles on Internal Displacement. The Great Lakes Protocol on the Protection of and Assistance to Internally Displaced Persons entered into force on June 21, 2008, following ratification by eight member states, including Kenya. Under Article 2(6) of the Constitution, any treaty or convention ratified by Kenya shall form part of the Law of Kenya under the Constitution. The Act seeks to fulfill the specific aspects of Great Lakes Protocol on the Protection of and Assistance to Internally Displaced Persons that required action through domestic legislation.

15. The Public Benefit

Organisations Act, 2012: This Act seeks to provide a legislative framework to govern the establishment and operations of public benefit organisations. It is borne of the realisation that the law as it currently stands is inadequate for this purpose, and this Act, therefore, seeks to fill the void in the current legal framework. The Bill takes cognisance of the



important role that public benefit organisations play in serving the public good, supporting development, social cohesion and tolerance within society, promoting democracy, respect for the rule of law, and providing accountability mechanisms that can contribute to improved governance. The Act provides a legal mechanism for the registration and self-regulation of Public Benefit Organisations.


16. The Statute Law (Miscellaneous Amendments) Act, 2012: This Act sought to make minor amendments to statute law.

17. The Prohibition of Anti-Personnel Mines Bill, 2012: The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (known as the Ottawa Convention) provides a comprehensive framework for ending the suffering caused by anti-personnel mines. States that are parties to the Convention (of which Kenya is one) have undertaken to cease production and acquisition of these weapons and to dispose of existing stockpiles. Ancillary undertakings include periodic reporting to the Secretary General of the United Nations on implementation of the Convention and allowing fact-finding missions to visit the country. Most of the obligations undertaken by parties

to the Convention do not require a legislative basis. Article 9 of the Convention, however, requires a party to the Convention to impose penal sanctions to suppress activities prohibited under the Convention. The object of this Bill is to impose the required sanctions in such circumstances and with such exceptions as are consistent with the terms of the Convention.

18. The Public Service Commission Act, 2012: The principal objective of this Act is to re-orient the Public Service Commission to accord with the Constitution of Kenya (2010). It achieves this by constituting and incorporating the Commission, modernising and expanding its functions and clearly articulating the procedure for appointment and removal of the chairperson, members and secretary of the Commission. The Act also enhances the Commission's operational and financial autonomy.

19. The Kenya National AIDS Commission Bill, 2012: The objective of this Bill is to provide a legal framework for the establishment, powers and functions of the Kenya National AIDS Commission. The Commission is established as a successor to the National AIDS Control Council. In its current state, the National Aids Control Council is a State Corporation established vide the



National Aids Control Council Order published in legal Notice No. 170 of 1999. Even though the Council has made significant steps towards the prevention and stemming of the spread of HIV/Aids in the country, a number of defects have been noted which lead to the conclusion that better progress could have been made. Most of these concerns revolve around the operations of the Council.

The Bill seeks to reverse this state of affairs by establishing the commission as a body corporate with perpetual succession and a common seal.

20. The Kenya Medical Supplies Authority Act, 2012:

The principal object of this Act is to establish, by statute, the Kenya Medical Supplies Authority to procure and distribute drugs and other medical supplies to all public health institutions. The Authority will be the successor to the Kenya Medical Supplies Agency established under the State Corporations Act vide the Kenya Medical Supplies Agency Order of 2000 which the Act proposes to repeal. The Authority will improve the quality of the health care services and ensure its long-term sustainability and availability.

21. The Value Added Tax Bill,

2012: The Bill seeks to repeal and replace the existing Value Added


Tax Act (Chapter 476 of the Laws of Kenya). It aims at addressing the challenges faced in the administration of the existing law by simplifying the law and thereby enabling tax payers to comply with ease. It also provides for the adoption of information technology in the administration of the tax regime and the advancements that have been made in the business environment while taking into account international best practices. This is expected to reduce the costs related to the administration of VAT and compliance while raising the revenue obtained from value added tax.

22. The Central Bank (Amendment) Act, 2012:

The object of this Act is to amend the Central Bank of Kenya Act to provide the procedure for the appointment of the Chairperson of the board and set out the working relationship with the Governor and the Deputy Governors.

23. The Capital Markets

(Amendment) Act, 2012: The object of this Act is to amend the Capital Markets Act (Chapter 485A of the Laws of Kenya) to give the Capital Market Authority the powers to authorise any person to exercise the powers of the Authority as an investigator, to provide clarity in the existing provisions that relate to the sharing of information with other regulatory bodies and to provide



the criteria which the authority shall apply when determining whether a person is fit and proper for purposes of the Act.

24. The Proceeds of Crime and Anti-Money Laundering (Amendment) Act, 2012: The main object of this Act is to amend the Proceeds of Crime and Anti-Money Laundering to expand the definition of “monetary instruments” to include cheques and other negotiable instruments. It also has provisions on the carrying out of investigations by reporting institutions and authorised officers into suspicious activities, and maintenance of records by both for future reference in their actions against money-laundering. The Act also amends Section 46 of the Act to empower the Centre to require the retention of records by a reporting institution for a longer period.

25. The Finance Act, 2012: The Act formulates the proposals announced in the Budget for 2012/2013 relating to liability to, and collection of taxes, and for matters incidental thereto.


26. The Climate Change Authority Bill, 2012: The Bill principally seeks to provide a framework for mitigating and adapting to the effects of the changing climate on various sectors of the economy. The Bill seeks to achieve this by establishing the Climate Change

Authority and vesting the Authority with specific functions and powers relating to mitigating and adapting to the effects of climate change and development of response strategies to the effects of climate change. The Bill also establishes a Climate Change Trust Fund, managed by a Board of Trustees, into which monies received in the form of donations, endowments, grants or gifts or monies raised by the Authority would be paid and subsequently utilised for the achievement of the mandate and objectives of the Authority.

27. The Sports Act, 2012: The object of this Act is to harness sports for development, encourage and promote sports and recreation to provide for establishment of sports institutions, facilities, administration and management of sports in the country.

28. The Appropriation Act, 2012: The Act seeks to authorise the issue of a sum of money out of the Consolidated Fund and its application towards the service of the year ending on June 30, 2013 and to appropriate that sum and a sum voted on account by the National Assembly for certain public services and purposes.

29. The Leadership and Integrity Act, 2012: The object and purpose of this Act is to give effect to the provisions of Chapter Six of the



Constitution on leadership and integrity, pursuant to Article 80 of the Constitution. It sets the leadership and integrity standards applicable to state officers who hold the highest level of responsibility in the management of public affairs. The Act is also informed by the provisions of the various regional and international instruments to which Kenya is a party, such as the African Union Convention on Preventing and Combating Corruption, the United Nations Convention against Corruption as well as the United Nations International Code of Conduct for Public Officials.

30. The Petitions to Parliament (Procedure) Act, 2012: The principle object of this Act is to provide the procedure for petitioning Parliament pursuant to Article 119 of the Constitution. This is aimed at ensuring public participation in relation to the enactment of legislation and any other matter that may be considered by Parliament.

31. The Kenya Defence Forces Act, 2012: The principal object of this Act is to provide for the functions, organisation, administration and discipline of the Kenya Defence Forces in accordance with Article 239 (6) of the Constitution.


32. The Prevention of Terrorism Act, 2012: The principal object of the Act is to establish a legal

framework for the detection, prevention and investigation of terrorist acts. It also creates offences for the commission of terrorist acts and related offences.

33. The National Transport and Safety Authority Act, 2012: The principal object of this Act is to provide for the establishment of the National Transport and Safety Authority, which shall have the overall responsibility of regulating the road transport sector including providing for the licensing of motor vehicles by the Authority. The Act also repeals the Transport Licensing Act.

34. The Breast Milk Substitutes (Regulation and Control) Act, 2012: The principal object of this Act is to provide for appropriate marketing and distribution of breast milk substitutes, safe and adequate nutrition for infants, through the promotion of breast-feeding and proper use of breast milk substitutes, where necessary.

35. The National Cohesion and Integration (Amendment) Act, 2012: This Act aims to amend the National Cohesion and Integration Act, 2008, to extend by one year the term of office of the Commission's current commissioners. The extension of the term of office will only apply to the current Commission but subsequent commissioners will serve for a



term of three years as originally contemplated. The extension was necessitated by the need for the facilitation and promotion of equality of opportunity, good relations, harmony and peaceful co-existence in the build-up to the March 4, 2013, General Election.

36. The Constitutional Office Holders (Security) Bill, 2012:

The principal object of this Bill is to provide for security for constitutional office holders both during their term of office and when they cease to hold office. The Constitution vests enormous responsibilities on constitutional office holders some of which are likely to compromise the personal security of the office holders. Although administrative arrangements have in some cases been made to provide for security for constitutional office holders, there is need to enact legislation on this matter so as to ensure that there is coordination and harmony in the provision of such security. The enactment of legislation on this matter is also particularly necessary in view of the fact that security agencies fall under and are answerable to the Executive while constitutional offices are independent and are mandated, among other things, to check on the activities of the Executive.

37. The Evictions and Resettlement Procedures Bill, 2012:

The principal purpose of this Bill is to set out the procedures that must be followed before, during and after the forced evictions of all persons occupying land, including squatters and unlawful occupiers of land. The Bill seeks to protect the occupiers of land from unlawful and unprocedural evictions. To this extent, the Bill aims to give further effect to Article 43 (1) (b) of the Constitution which declares the right of every person to accessible and adequate housing.

38. The Engineering Technologists and Technicians Bill, 2012:


The objective of the Bill is to provide a legal framework on the regulation, practice and standards of engineering technologists and technicians.

39. The Elections (Amendment) Act, 2012:

The aim of this Act is twofold. Firstly, it aims to amend the Elections Act, 2011 so as to reduce the period during which the registration of voters and revision of the register of voters terminates under the Act. Secondly, the Act seeks to reduce the limit on the period for approval by the National Assembly of draft regulations under the Act.

40. The Basic Education Act,

2012: Since Independence and especially after the enactment of




Cap 211 in 1968, there have been recommendations by various task forces, commissions, committees and working parties for the purpose of investigating and making proposals on how challenges in the education sector can be addressed. One of the challenges is the access and inequity in the provision of education and training. The Act, therefore, proposes legislation as well as administrative policy measures that will ensure that the problems of equity and access are effectively dealt with and minimised. The Act also provides for structures to assist in the proper coordination of education matters by appropriate curricula that are responsive to Kenya's short-term and long-term goals. In addition to making proposals on financing of education, the Act proposes the enactment of a comprehensive framework to ensure that there are appropriate incentives for financing education by the public and voluntary sectors. These issues tie with the policy on compulsory education. In a nutshell, the Act proposes a comprehensive legal framework to actualise the Free Primary Education policy, principles and intention.

41. The Mental Health Care Bill, 2012: The objective of this Bill is to provide a legal framework for the care, treatment and rehabilitation

of persons with mental illness. It seeks to establish procedures for admission, treatment and overall management of persons with mental illness.

42. The Industrial Training (Amendment) Bill, 2012: The objective of this Bill is to amend the Industrial Training Act (Cap. 237) to make provision for the Government and public institutions to offer mandatory industrial attachment to newly-graduated students in all professions, who are unable to get employment upon completion of their studies. It requires the Public Service Commission to determine the terms and conditions of service for persons undertaking the attachment in line with the existing policy framework.

43. The National Honours Act, 2012: The President may, pursuant to Article 132(4)(c) of the Constitution, confer honours in the name of the people and the Republic. This Act seeks to give effect to this provision and to establish procedures and mechanisms for the award of the honours. In particular, the Act establishes a National and County Governments Honours Advisory Committee, a Parliamentary Honours Advisory Committee and a Judiciary Honours Advisory Committee. The Advisory Committees are mandated to



advise the President on the persons on whom national honours may be conferred and the classes or categories of awards to be conferred on such persons. The Advisory Committees are further required to publish their proposals and to receive and take into account the views and objections of the public in making their recommendations to the President. The Bill requires the Cabinet Secretary responsible for national heritage to keep and maintain a register of honours consisting of the names of all the recipients of national honours which shall be available for inspection by the public.

44. The Kenya National Examinations Council Act, 2012:

The Kenya National Examination Council Act enacted in 1980 has seen little or no change to its provisions since its enactment. The rapid changes in the educational sector, the fast-changing technology, and the increase in examination frauds are emerging challenges in the examination process which the original rendition of the offences under the Act have proved inadequate to deal with making it necessary to enact a new law. Kenya adopted a new Constitution in August 2010 and its implementation calls for a review and changes to the various sectoral laws to be within its provisions. The review of the Kenya National Examination Act

is, therefore, also meant to align it with the new Constitution of Kenya. The opportunity has also been taken to propose amendments that would generally update the legal regime concerning examination administration in Kenya.

45. The Human Resource Management Professionals Act, 2012:

The Act is intended to improve the quality of service rendered by human resource professionals and protect clients and the general public from incompetent and unqualified people practicing as Human Resource practitioners.

46. The Public Procurement and Disposal (Amendment) Bill, 2012:


The main object of this Bill is to promote the expeditious conduct of public procurement and disposal processes.

47. The Universities Act, 2012:

The main purpose of this Act is to provide for the establishment, accreditation and governance of public and private universities in Kenya, and to make provisions relating to the funding of universities and university education and also the establishment of a Central Placement Service.

48. The Science Technology and Innovations Act, 2012:

The main purpose of this Act is to make provision for the co-ordination



and regulation of the progress of science, technology and innovation in the country.

49. The Technical and Vocational Education and Training Act, 2012:

This Act provides a legal framework for technical and vocational training and for co-ordinating the assessment, qualification and certification thereof.

50. The Truth, Justice and Reconciliation (Amendment) Act, 2012:

The principal object of the Act is to provide a mechanism for the extension of the operation period of the Truth, Justice and Reconciliation Commission for a period of nine months with effect from August 4, 2012. The Act also seeks to harmonise the interpretation of common terms used in the Act with the new Constitution.

51. The Vetting of Judges and Magistrates (Amendment) Act, 2012:

The Act provides a comprehensive mechanism for determining the suitability of judges and magistrates who were in office by the time the Constitution was promulgated. Pursuant to Section 23 of the Sixth Schedule to the Constitution of Kenya, 2010, the Act provides for the establishment, powers and functions of the Judges and Magistrates Vetting Board, and for connected purposes.

52. The Crops Act, 2012:

The objective of this Act is to accelerate the growth and development of agriculture in general, enhance productivity and incomes for farmers and the rural population, improve investment, climate efficiency of agribusiness and develop agricultural crops as crops that will augment the foreign exchange earnings through promotion of the production, processing, marketing, and distribution of crops in suitable areas of the country. The Act consolidates and repeals various statutes relating to crops in order to circumvent unnecessary regulatory bureaucracy in the crops subsector and reduce unnecessary regulation or overregulation of the crops subsector. In order to facilitate the development of scheduled crops, the Act proposes a Commodities Fund to be administered to align the governance of agricultural sector to the Constitution of Kenya, 2010.

53. The Kenya Agricultural Research Act, 2012:

The principal object of this Act is to streamline agricultural research in Kenya. It acts as a focal point through which institutions in various agricultural sectors are able to engage in agricultural research in a structured manner devoid of duplication.



54. The Agriculture, Livestock and Food Authority Act, 2012:

The objective of this Act is to streamline the legislative framework governing the agriculture sector in Kenya, and to foster good agricultural and land-use practices. Currently, the food subsector is governed by multiple legislations, and the Act was therefore borne of need to consolidate the law relating to agriculture and agricultural land use in Kenya, in order to boost agricultural production and thereby ensure food security for the people of Kenya. The Act consolidates the institutional framework for the governance of production, processing, and marketing in the agricultural sector in Kenya as well as give further effect to the provision of the Constitution regarding the execution of the functions of the State in relation to agriculture.

The Act proposes the establishment of an overarching Agriculture, Fisheries, Livestock and Food Authority. The Act also seeks to give legislative anchorage to the policy measures outlined in the Agricultural Sector Development Strategy for 2010 to 2020, which was formulated and adopted by the Government in 2010.

55. The Kenya Institute of Curriculum Development Act, 2012:

The principal object of

this Act is to revoke the Kenya Institute of Education Order 2010 otherwise known as Legal Notice Number 120 of 2010. The Act establishes the Kenya Institute of Curriculum Development as a body corporate with a governing council. The Institute will among other things advise the Government on matters pertaining to curriculum development.

56. The National Transport and Safety Authority Act, 2012:

The Act provides for the establishment of the Transport and Safety Authority as well as for the functions of the Authority and for connected purposes.

57. The Transition County Allocation of Revenue Act, 2012:

The principal object of the Act is to make provision for allocations for wages and administration costs for the county executive and county assemblies for the period of March to June 2013 and the responsibilities of national and county governments.

58. The Division of Revenue Act, 2012:

The principal object of the Act is to provide for the equitable distribution of revenue raised nationally, among the national, provincial and local spheres of governments for the 2012/2013 financial year and the responsibilities of all three spheres pursuant to such division and



provide for matters connected therewith.

59. The County Allocation of Revenue Act, 2012: The principal object of this act is to make provision for the equitable division of revenue raised nationally among the county governments for the 2013/14 financial year and the responsibilities of national and county governments in accordance with such division of revenue.

60. The Transition County Appropriation Act, of 2012: The principal object of this Act is to provide for authorisation to issue a sum of money out of the relevant county revenue fund and its appropriation towards the service of the year ending June 30, 2013 and to appropriate that sum for certain respective county public services and purposes.

61. The County Governments Public Finance Management Transition Act, 2012: The principal object of the Act is to give effect to the provisions of Section 15 of the Sixth Schedule of the Constitution in providing for a framework for establishment and functions of transition county treasuries, the transition county budget process, transition revenue raising measures

and expenditures for county governments, responsibilities of transition county accounting officers and receivers of revenue prior to the establishment of county governments.

62. The Civil Aviation Act, 2012: The principal object of this Act is to repeal and re-enact with amendments the Civil Aviation Act to make provisions for aviation operations such as the development and implementation of the National Civil Aviation Safety Policy, oversight of aviation security, certification of aerodromes and air navigation service. This will ensure that Kenya discharges its international obligation as set out under Article 12 of the Chicago Convention (which Kenya is party to) and comply with the International Civil Aviation Organisation (ICAO) standards in aviation safety and security matters.

63. The Constituencies Development Fund Act, 2012: The Act provides for the establishment of the Constituencies Development Funds (CDF) and for connected purposes. It establishes a board of management with functions such as ensuring timely and efficient disbursement of funds to every constituency.

MOTIONS

A motion is any proposal or proposals made for the purpose of eliciting a decision of the House on a particular matter. The rules governing the introduction of motions are contained in the Standing Orders.

Motions avail opportunities for private members to influence government policy and/or introduce new policy dimensions. Motions

also enable Parliament to accomplish its deliberative role in governance.

A total of 193 motions were introduced out of which 10 were private members', 26 were government, and 86 were moved to adopt reports of Committees while 61 were procedural. Table 2 shows a summary of motions brought to the House during the period under review.

Table 2: Summary of motions

NATURE OF MOTION	NO. ADOPTED	NO. PENDING	NO. WITHDAWN	NO. DEFEATED	TOTAL
Motion to adopt Committee Reports	38	45	0	3	86
Procedural Motions	57	1	1	2	61
Government Motions	17	9	0	0	26
Private Member's Motions	5	5	0	0	10

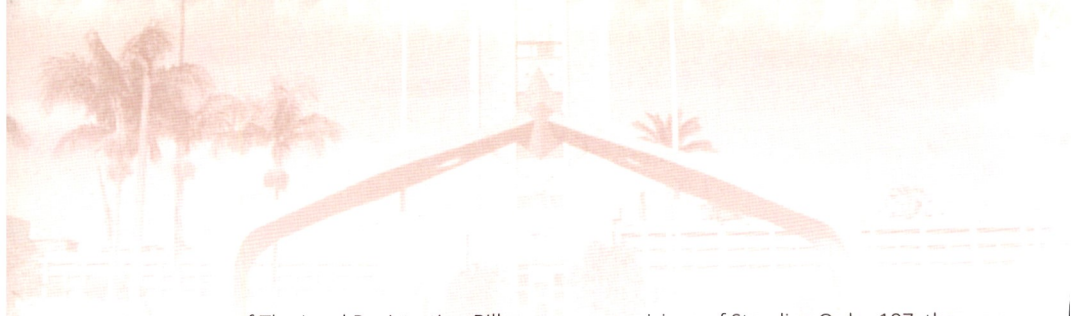
Source: Table Office, Kenya Parliament, 2013

Some of the motions adopted by the house include:-

- i. Report on the Select Committee on the Decline of the Kenya Shilling against Foreign Currencies tabled on February 14, 2012.
- ii. Report of the Departmental Committee on Defence and Foreign Relations on the proposed Rules and Procedures for the Election of Members

to the East African Legislative Assembly (EALA) subject to the referral of the rules to the Committee of the Whole House.

- iii. Report of the Budget Committee on the Budget Policy Statement for 2012/2013 tabled on April 25, 2012.
- iv. Pursuant to the provisions of Standing Order 107, the House ordered the publication period



of The Land Registration Bill (Bill No. 4 of 2012) and National Land Commission Bill (Bill No. 5 of 2012) to be reduced from 14 to 5 days. Pursuant to the

provisions of Standing Order 107, the House ordered the publication period of The Statute Law (Miscellaneous Amendments) Bill (Bill No. 14 of 2012) to be reduced from 14 to 8 days.

PARLIAMENTARY QUESTIONS

MPs carry out the surveillance on the activities of the Executive by way of asking questions in Parliament. The members put questions to Government Ministers relating to public affairs with which they are officially connected, in relation to proceedings in the House or to any matter of administration falling within the purview of the ministers.

There are two types of questions:

- a) Questions by ordinary notice — answerable within 10 sitting days.
- b) Questions by private notice — answerable within two sitting days.

There is no limit to the number of questions of either type that a member may submit. During the period under review, 598 questions were filed out of which 431 were

ordinary questions, while 167 were questions by private notice. A total of 318 questions were answered comprising of 187 ordinary questions and 131 questions by private notice, leaving 113 questions still pending. Out of the questions dropped, 17 were never reinstated, while 2 questions were withdrawn by the questioners. On average, a maximum of 15 questions and a minimum of 8 questions were answered in a single sitting, depending on the business in the House. Most of the questions concerned security, health and education. Other areas of interest and concern were agriculture/ food security and public finance management. The total number of sittings held was 144. Table 3 shows a breakdown of the questions asked during this period.

Table 3: Record of number of questions

1. NUMBER OF QUESTIONS RECEIVED/FILED	
Ordinary	431
Private Notice	167
Total	598
2. NUMBER OF QUESTIONS ANSWERED	
Ordinary	187
Private Notice	131
Total	318
3. NUMBER OF QUESTIONS PENDING	
Ordinary	113
Private Notice	-
Total	113
4. NUMBER OF QUESTIONS WITHDRAWN	
Ordinary	2
Private notice	0
Total	2

Source: Table Office, Kenya Parliament, 2013

PRIME MINISTERIAL STATEMENTS

Prime Minister's question time was introduced in 2008. It is governed by the provisions of Standing Order No.40. Under this Standing Order, the Prime Minister, being the supervisor and coordinator of government business, is allocated time, known as the Prime Minister's time, commencing at 3pm every Wednesday. During the Prime

Minister's time, he may make a statement, or answer questions relating to matters of government policy or the general performance of the Government and government agencies.

During the period under review, the Prime Minister addressed a number of issues, key among them being:

Efforts to Reduce the Cost of and Improve Access to Healthcare for all Kenyans


On Wednesday April 18, 2012, the Prime Minister, Rt. Hon. Raila Odinga, informed the House that the Government, through the ministries of health, is implementing several policies to improve healthcare. He noted that about a million Kenyans slip below the poverty line each year as a result of the medical costs they incur. These are among the 40 per cent of Kenyans who can only obtain healthcare through out-of-pocket payments. The only way to change this, he said, was through the

introduction of universal healthcare. The key to that would be the strengthening of the National Hospital Insurance Fund (NHIF). The House was informed that the Government would continue to strengthen consultations with stakeholders to agree on a programme of national health insurance whose implementation would take care of the concerns of all parties, and which, most importantly, would extend affordable and quality medicare, especially for the vulnerable groups.

Security Situation in Sudan and Somalia: Implications for Kenya

The Prime Minister issued a Statement on Wednesday May 23, 2012, on the security situation

in Sudan and Somalia and its implications for Kenya. The Prime Minister informed the House that



the Kenya Defence Forces (KDF), through “Operation *Linda Nchi*”, had liberated several towns in Somalia from the control of the terrorist group Al-Shaabab. The Government had also enhanced its internal security measures to guard against civilian attacks through grenades and other guerrilla tactics.

The House was informed that the Government had facilitated the establishment of the Somali Transitional Federal Charter and, subsequently, the formation of a successive Transitional Federal Government. Technical capacity and the training of the TFG forces and other public services had also been done. The KDF, he said, had so far joined the African Union Mission in Somalia (AMISOM) with the

Cabinet’s approval and that Kenya was also working closely with IGAD, EAC, AU, Indian Ocean Rim and the Commonwealth to consolidate support for AMISOM.


The Prime Minister also informed the House that there was a roadmap in place for the smooth transition and establishment of an all-inclusive and broad-based government for Somalia.

Following the birth of the Republic of Southern Sudan, the Prime Minister noted, there was a threat to peace following the outbreak of armed conflict around the oil-rich area of Heglig. He said efforts were being made to solve the conflict with Kenya supporting all efforts by the African Union and the United Nations in reaching a resolution.

National preparedness for Devolution

On June 27, 2012, the Prime Minister addressed the House on the nations’ preparedness for devolution. He noted that the state of our national development was marked by great disparities amongst the regions. Such inequity in development was the result of pre-Independence historical factors such as the routing of the railway line from Mombasa to Kisumu, and post-Independence choices such as concentrating economic activities in “high potential” areas to

the exclusion of “marginal” areas. He indicated that the railway line from Mombasa to Kisumu had essentially defined what Kenya was. Alongside the sustained struggle for democratic governance in our country, he said, had been the quest for equity in development across the country. Devolution, he said, was the answer to the quest for democratic governance and equity in development across the country. Devolution, he declared, was the heart and soul of our new



Constitution. The Premier observed that at the core of devolution was the desire to promote democratic and accountable exercise of power characterised by self-governance, people's participation and equitable sharing of national and local resources.


He emphasised that realisation of our nation's aspirations, under the new Constitution, largely depended on the successful implementation of devolution. He urged the House and the public at large to continuously keep an eye on devolution. He noted that such vigilance is necessary to avoid a repeat of the mutilation of the Independence Constitution, which destroyed devolution. He stated that the twin threats to devolution are deliberate efforts to withhold adequate funding to support devolved functions and the establishment of parallel administrative frameworks to compete with the devolved system of administration.

He further explained that substantial legislative and administrative progress had been made in implementing the Constitution. The laws on devolution contemplated in the Fifth Schedule of the Constitution had been enacted. The County Government Act, The Urban Areas and Cities Act and The Transition to Devolved Government Act were in place.

The Members of the Commission on Revenue Allocation (CRA), the Transitional Authority on devolved governments (TA), the Salaries and Remuneration Commission (SRC) and the Controller of Budget had been appointed. He noted that the delimitation of electoral wards issue was pending in court and would be determined soon.

In addition, the question on financial and human resources to support county governments remained outstanding. He indicated that the organisation, starting and functioning of the County Public Service, including the constitution of the County Public Service Boards, awaits the establishment of the county governments. However, it was necessary that the Public Service Commission (PSC) undertook the necessary preparatory work that would inform the county governments in establishing their respective public service. This was necessary to extend the support to county governments to enable them begin to perform their functions within the shortest period after they are established.

He urged the Transition Authority (TA) to quickly, work out a transitional programme to the devolved system of government. He further noted that expenditure obligations on the county



governments needed to be supported by adequate revenues to finance such obligations. He stated that the CRA with the TA, needed to prepare guidelines on how the programme's specific transfers would be administered to strengthen the ability of county governments to deliver on their mandates. He indicated that it would also be necessary for the National Government to directly implement some programmes at the county-level during the formative stages to assist the county governments to have a quick take-off.

On taxation, he noted that tax administration at the national and county-levels would need to comply with the universally accepted taxation principle of maximum collection yield at minimum collection cost. Tax administration at both levels should be designed to encourage voluntary compliance by taxpayers. He further emphasised that the CRA, the Auditor-General, the Controller of Budget, the TA, the Kenya Revenue Authority (KRA), and other relevant organs

under the leadership of the CIC, should undertake the necessary preparatory work in this area. He was of the conviction that revenue raised nationally would be shared equitably between the National Government and county governments.


Lastly, he noted that while the Constitution provided for equalisation funds to remedy disparities in the development amongst counties, it had not defined the formula for sharing of natural resources revenues. He stressed the need to define such a formula so as to avoid any potential conflicts over the sharing of natural resources revenue. He then noted that the Treasury, the Auditor-General, the Controller of Budget and other organs of the Government must move with speed to put in place the requisite mechanism for financial accountability at county levels.

Several clarifications were sought by members which the Prime Minister responded to amicably with regard to the sensitivity and importance of the matter under discussion.

Threat of International Narcotics Trade to Kenya

On Wednesday November 24, 2010, the Prime Minister addressed the House on 'The Threat of International Narcotics Trade to Kenya'. He noted that it was with

a very heavy heart that he rose to address the House that afternoon. The Premier said that The United Nations Security Council (UNSC) had warned that drug trafficking



and organised transnational crimes posed a serious threat to international security in different regions of the world.

He informed the House that internal decay was taking place in the country as a result of serious and organised crime that had largely gone unpunished.

He emphasised that drug trade and use in the country was most worrying. Both national and international agencies had concurred that drug-trafficking was on the increase in Kenya. The Premier said NACADA had indicated that abuse of alcohol and other drugs, including narcotic drugs, had permeated every sphere of society in Kenya. Alcohol consumption was at an all-time high. Nationally, 13 per cent of persons aged between 15 years and 65 years were consumers of alcohol.

On the same note the Premier stated that heroine had emerged as a killer drug of many Kenyan youth especially in urban areas, along the Coast and in Nairobi. He said that Kenya had become a significant transit hub for cocaine destined for North America and Europe.

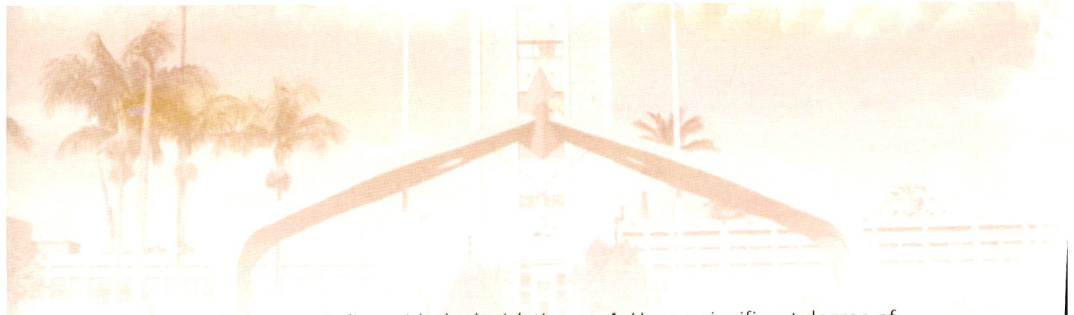
He informed the House that the narcotics stole the future of Kenyan youth, making nonsense of the massive investments made in education. Narcotics undermined marriages and destroyed families,

he observed. They also undermined national development, hampering governance, eroding trust in institutions and constantly testing international confidence in Kenya.

He said there was evidence that international drug cartels operated in the country as loose networks with limited membership. They occasionally competed with each other, but often, co-operated with other criminal networks to carry out their trade. They linked with other drug cartels in other cities of the world. The Premier told the House that the cartels had recruited Kenyans into their networks as agents and some members of Kenya's key security and other governance institutions were among the recruits.

The Premier's opinion was to take the dealers and other criminals head-on methodically and through relevant institutions. He appreciated the work of the Special Crimes Unit that had tried its best to deal with the issue, but it had been unsuccessful in stopping the criminals. He categorically stated that time had come for the country to set up a Serious Organised Crimes Unit (SOCU) to tackle the menace. The unit was to:-

1. Consist of persons with the highest degree of integrity, reliability and skills and utilise the best of the international best practices available.

- 
2. Operate in line with the legislative mandates, jurisdiction and powers clearly spelt out.
 3. Have a multi-disciplinary skills composition including detectives, prosecutors, forensic experts, accountants, electronic device experts and undercover experts among others.
 4. Have a significant degree of autonomy and be accountable to a Government authority to be determined.

The Premier concluded by stating that tackling the drugs menace required strong political leadership, focus and commitment.

Statement on Food Security

Pursuant to the provisions of Standing Order 36(4), the Prime Minister Rt. Hon. Raila Odinga on Wednesday February 29, 2012 issued a statement on the 'Food Security Situation in the Country'.

The Prime Minister informed the House that the food situation in the country was not good. He said the arid and semi-arid regions were yet to recover fully from the severe drought of 2011. He recounted situations in various parts of the country that had led to an almost total crop failure.

During the month of February, the Prime Minister said maize stocks in the country stood at 19 million bags, which included 13.4 million held

by farmers. The Strategic Grains Reserves needed to be increased to 4 million from the then 2.3 million bags. The stocks would not last until the next harvest, hence the need to open imports to the private sector to subsidise the shortfall.

To forestall any disaster, the Government was in the process of reviving collapsed irrigation schemes as well as rehabilitating water resources and procuring water transport and storage receptacles. The Prime Minister informed the House that the Ministry of Special Programmes was to provide equipment and resources necessary to alleviate the impacts of drought and food insecurity in the country.

Statement on Mombasa Republican Council (MRC)

On Wednesday March 14, 2012, pursuant to the Standing Order No.40, the Prime Minister, Rt. Hon.

Raila Odinga, made a statement on the matter of the outlawed Mombasa Republican Council (MRC).



The Prime Minister informed the House that:-

(i) The Minister for Provincial Administration and Internal Security by Gazette Notice No.12585 dated October 18, 2010 declared the MRC to be an organised criminal group under the Prevention of Organised Crimes Act.

(ii) That thereafter on December 2, 2010 the MRC filed Civil Case No.468/2010 at the High Court in Mombasa seeking declaration that the banning of the MRC contravenes the Constitution of Kenya which guarantees freedom of assembly and association.

(iii) That on December 15, 2010 the MRC obtained court orders restraining the government security agencies from interfering with its activities until the case is heard and fully determined.

(iv) That MRC had by a notice dated November 26, 2010 to the Kenya Government, indicated its intention to sue the Government at the International Court of Justice at the Hague to demand secession from Kenya and create its own State.

(v) That the Government's official position was to engage with the MRC or any other group

in addressing their grievances bearing full and complete respect to the Constitution of Kenya and other laws of the land. However, the groups had to first renounce any criminal activities they may have committed before such engagement.

(vi) The Prime Minister explained that the MRC's list of grievances included perceived marginalisation of indigenous coastal people in employment and business opportunities, loss of land due to irregular and illegal title deeds and selective issuance of title deeds to non-indigenous coastal people at the coast to the exclusion of indigenous coastal people.

(vii) That MRC had adopted some campaign slogans which connote agitation for secession which is a direct violation of Articles 3 and 5 of the Constitution on territorial integrity.

(viii) That the government planned to host a coastal consultative forum sometime in June 2012 to engage with the coastal people in coming up with interventions to their grievances and to operationalise this, a task force had been established under the Prime Minister's office to coordinate it.

MINISTERIAL STATEMENTS

Ministerial Statement on the Delay in Payment of Retirement Benefits to Retired Teachers

On February 22, 2012, while making a Ministerial Statement on this issue, the Acting Finance Minister, Hon. Njeru Githae, brought to the attention of the House matters causing the delay in payment of retirement benefits to retired teachers.

He informed the House that during the 2011/2012 Financial Year, the Government had allocated Kshs3.34 billion in the Consolidated Fund Services (CFS) Pension budget to pay revised pensions to 31,082

teachers who retired between 1997 and 2003.

However, the teachers had not been paid their dues owing to a legal query raised by the Controller of Budget, which required the guidance/opinion of the Attorney General (AG).

He explained that as soon as the legal hitch was cleared, the Teachers Service Commission and the Pensions Department would agree on the modalities of processing payments for the teachers.

Ministerial Statement on the KCSE 2011 Examination Irregularities in the North Eastern Province

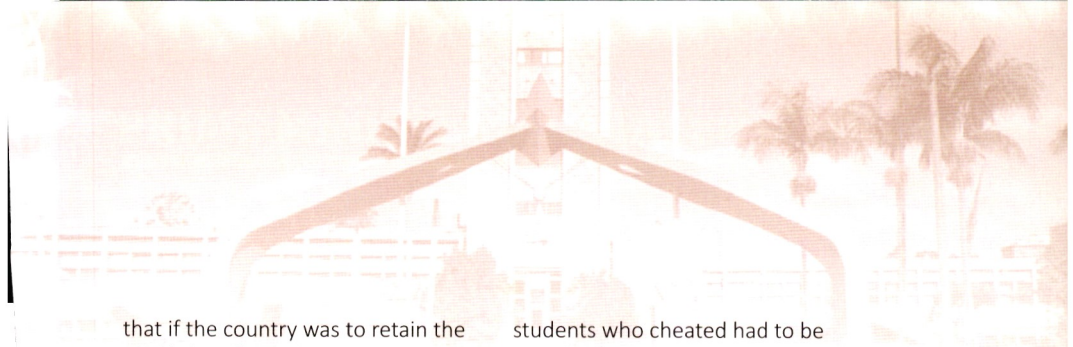
On March 8, 2012, the Minister for Education, Prof. Sam Ongeri, issued a Ministerial Statement on the 2011 KCSE Examination irregularities especially in the North Eastern Province.

The Minister informed the House that in the 2011 KCSE examination, 2,927 candidates had their results cancelled by the Kenya National Examinations Council due to irregularities and that the irregularities affected 154 centres.

Further, the Minister informed the House that the North Eastern

Province had 1,694 candidates' results cancelled out of the 4,303 who sat the examination and that irregularities occurred in 40 out of 60 schools. The House was also informed that the nature of irregularities mainly involved collusion by students which involved 1,686 candidates while eight were caught in possession of unauthorised materials as the exam progressed.

Prof. Ongeri acknowledged how painful it was for candidates to have their results cancelled, but added



that if the country was to retain the credibility of its education system,

students who cheated had to be penalised.

Ministerial Statement on the British Foreign Secretary's Statement on Social Political Situation in Kenya

On March 8, 2012, the Minister for Foreign Affairs, Hon. Moses Wetangula, issued a Ministerial Statement on a February 3, 2012 statement by the British Foreign Secretary, Hon. William Hague, in relation to the social and political situation in Kenya.

The Minister informed the House that the Government of Kenya did not take instructions from any external power, nor accept interference in its internal affairs, more so in the determination of its leadership.

On February 3, 2012, Mr. Hague had undertaken a successful visit to Kenya. He met the President, Prime Minister, and Minister for Foreign Affairs among others and discussed a range of issues including bilateral trade, the Kenya reforms programme and the forthcoming General Election. Mr Hague was interested to hear about Kenya's progress in overcoming the tragedy of the 2008 post-election violence and observed that all of Kenya's friends welcomed and supported activities towards peace, stability and progress in Kenya.


Ministerial Statement on Demolitions in Eastleigh Estate

The AG Hon. Prof. Githu Muigai issued a statement on May 2, 2012 concerning demolitions in Eastleigh Estate, Nairobi.

The AG informed the House that since 2004, the problem of illegal structures encroaching on airport land and flight paths had exacerbated. He noted that there had been complaints from airports within the city, Kenya Airports

Authority (KAA) and the Ministry of Transport to that effect. Hon. Muigai said KAA had over the years issued notices to people who have settled on this land to vacate but the occupants never complied and instead, more structures were erected and the population increased tremendously.

In 2009, the AG told the House, the National Security Advisory



Committee directed the Provincial Security and Intelligence Committee in Nairobi in liaison with KAA to demolish structures in Mitumba and Maasai villages and other illegal structures on airport land.

The House was informed that within the provisions of the Physical Planning Act, Cap 286, enforcement notices had been issued to

owners of the respective building structures. By the statement date, some of the non-compliant structures still stood in certain areas around the airbase because the operation ceased during the Parliamentary Committee on Land and Administration proceedings and partly because some owners of the said structures had moved to court and obtained restraining orders.

Ministerial Statement on Youth Enterprise Development Fund

On May 22, 2012, the Minister for Youth Affairs and Sports, Hon. Paul Otuoma, issued a Ministerial Statement on the status of the Youth Enterprise Development Fund.

The Minister informed the House that the project was conceived by the Government in June 2006 in line with Vision 2030 to provide loans for onward lending to youth enterprises. The Government disbursed Kshs3.8 billion, supporting 1,800 youth since its inception. However, in 2009, the fund experienced serious challenges of management, finance, insufficient policy and legislative framework, fund sustainability in conformity

with scale and the complexity of youth unemployment problem, inadequate reimbursement and loan repayments.

The House was informed that the Fund had established markets for youth products within COMESA and partnering with institutions like Kenyatta University, Equity Bank, Kenya Union of Savings and Credit Co-operatives and others for entrepreneurship training. The Ministry was also developing a Sessional Paper on a youth employment scheme abroad and Youth Fund Policy. He concluded by commending the AG for working towards the publication of the Sports Bill.



Ministerial Statement on Cross-Border Cattle Rustling

The Assistant Minister for Provincial Administration and Internal Security, Hon. Joshua Orwa Ojodeh, issued a statement on cross-border cattle-rustling in Ndeiya in Limuru and Kikuyu. The Assistant Minister informed the House that

one incident and six incidents of stock theft had been reported in Limuru and Kikuyu constituencies respectively on various dates whereby a number of livestock belonging to various people were stolen. He said efforts were underway to recover them.

Ministerial Statement on Mau Forest Evictions

The Assistant Minister for Special Programmes, Hon. Mohammed Gabbow, issued a statement on the Mau Forest evictions.

The Assistant Minister informed the House that the Government would resettle the 2007/2008 post-election violence victims along with forest evictees in line with the National Integration Resettlement Programme. Out of 5,500 acres of the land that was on offer in Rongai (LR No.89/32/2 and LR No.10939/2), he said only 3,200 acres were


suitable for resettlement.

The House was also informed that the Government had resettled 240 households from the Mau Forest evictees in Chemusian farm in Kipkabus on April 13, 2012. The Government is in the process of procuring building materials and construction would begin on June 11, 2012. An inter-ministerial committee on resettlement of IDPs had been established and that more land to resettle the IDPs was being sought, he said.

Ministerial Statement on the Disbursement of Primary and Secondary Education Funds

The Assistant Minister for Education Hon. Calist Mwatela issued a statement on June 7, 2012 concerning the disbursement of primary and secondary education funds.

The Assistant Minister informed the House that the Government had released 79% of the money required in 2012 to cater for Free Primary Education and 49% for Free Day Secondary Education.



The Government, he said, had made arrangements to immediately release the remaining balance of

21% for Free Primary Education and 28% for Free Day Secondary School programmes to ensure that learning continued uninterrupted.

Ministerial Statement on the Closure of Bars Operating Near Schools

On June 13, 2012, the Assistant Minister for Education Hon. Calist Mwatela issued a statement regarding the closure of bars operating near schools.

The Assistant Minister informed the House that the Ministry had reinforced Parliament's directive that all bars and alcoholic drinking points within a radius of 300 meters to learning institutions be closed.

Ministerial Statement on Attack by Lions on Residents of Kinamba in Laikipia County

The Assistant Minister for Forestry and Wildlife, Hon Josephat Nanok, issued a statement on a recent attack on residents of Kinamba in Laikipia County by stray lions.

Indika Village, Kinamba, in Laikipia County, attacked and injured two women. The Ministry dispatched Kenya Wildlife Service rangers who killed the lion.

The Assistant Minister informed the House that on May 28, 2012, a lion strayed into a fenced compound at

The House was informed that the Ministry was proactively taking measures to curb the human/wildlife conflict.


Ministerial Statement on the Nurses' Strike

On December 19, 2012, the Minister for Medical Services, Hon. Prof. Anyang Nyong'o, issued a statement on the on-going strike by nurses.

reported on duty in all hospitals across the country but as the day progressed, five hospitals had succumbed to threats by the organisers of a nurses' strike.

He informed the House that on December 3, 2012, all nurses

He said that on December 14,



2012, he issued a press statement instructing all nurses to report back to work.

However, the minister said, by December 18, 2012, a total of

3,745 out of 13,200 nurses had not reported to work. He concluded that the Ministry was planning to replace the absent and defiant nurses for desertion of duty.

Ministerial Statement on the Right of Kenyans in the Diaspora to Vote

On November 27, 2012, the Minister for Justice, National Cohesion and Constitutional Affairs, Hon. Eugene Wamalwa, issued a statement on the right to vote by Kenyans in diaspora

The Minister informed the House that due to logistical and financial constraints, many Kenyans in the Diaspora would not be able to vote during the 2013 General Election.

Ministerial Statement on Denial of Opportunity to Register as a Voter Due to Religious Dress

On November 22, 2012, the Minister for Justice, National Cohesion and Constitutional Affairs, Hon. Eugene Wamalwa, issued a statement on the denial of opportunity to register as a voter due to religious dress. He said that those with headgears such as the *Akorino* and Catholic nuns could be requested to ensure that their entire facial features are captured

during the registration process.

The Minister also informed the House that an identity card-application slip (waiting card) could not be used to register as a voter as the card does not have security features as contained in the national identity cards. However, the Minister said, citizens with old generation identity cards would be allowed to register as voters.

PAPERS LAID

Papers laid are printed or electronic material laid on the table of the House or a committee of the House pursuant to any law or standing orders or any other material as the Speaker may determine. They include sessional papers, petitions and committee reports.

A total of 178 papers were laid in the period between January 2012 and January 2013 of which 160 were on the financial status in various government organs.

Sessional Papers

A total of 10 Sessional Papers were introduced in the House during the period under review as follows:

- i. Sessional Paper No.3 of 2012 on Population for National Development.
- ii. Sessional Paper No.4 of 2011 on National Agricultural Sector Extension Policy (NASEP).
- iii. Adoption of Sessional Paper No.2 of 2012 on Integrated National Transport Policy.
- iv. Adoption of Sessional Paper No.4 of 2012 on National Pharmaceutical Policy.
- v. Adoption of Sessional Paper No.6 of 2012 on Kenya Health Policy.
- vi. Adoption of Sessional Paper No.7

of 2012 on Policy on Universal Health Care Coverage in Kenya.

- vii. Adoption of Sessional Paper No.8 of 2012 on National Policy for Sustainable Development of Northern Kenya and Other Arid Lands.
- viii. Adoption of Sessional Paper No.9 of 2012 on National Industrialisation Policy Framework for Kenya.
- ix. Adoption of Sessional Paper No.10 of 2012 on Kenya Vision 2030.
- x. Sessional Paper No.5 of 2012 on National Social Protection Policy.

Petitions

Standing Orders define a petition as a written prayer to the House by an MP or members of the public seeking redress of a grievance. This is also provided for by Article 119 of the Constitution, which guarantees the right to petition Parliament on any matter within its authority. The article empowers Parliament to enact, amend or repeal any legislation to address the petition. Table 4 shows a summary of the 17 petitions received between the period of January 2012 to January 2013 and the relevant departmental committees involved.

Table 4: A summary of the 17 petitions received between the period of January 2012 to January 2013 and the relevant departmental committees involved.

NATURE OF THE PETITION	PETITIONER	DEPARTMENTAL COMMITTEE/MINISTRY INVOLVED
1. Adoption of the national peace building and conflict management policy.	Hon. Gitobu Imanyara, M.P.	Justice and Legal Affairs and Administration and National Security
2. The Striking 248 Kenya Broadcasting Corporation staff with regard to the affairs of the corporation.	Hon. John Mbadi Ng'ong'o, M.P.	Energy, Communications and Information
3. Kenya Certificate of Secondary Education 2011 exam cancellation.	Hon. Adan Duale, M.P.	Education, Research and Technology
4. Irregular allocation of land in Siu, Lamu.	Hon. Abdi Nassir Nuh (Dr), M.P.	Land and Natural Resources
5. The failure of the Kenya Engineers Registration Board to accredit Engineering students from Masinde Muliro, Kenyatta and Egerton Universities.	Hon. Boni Khalwale (Dr), M.P.	Education, Research and Technology
6. Oil discovery in Turkana County; a case where licenced oil companies transferred licences to other companies to make huge amounts of money.	Hon. David Ekwee Ethuro, M.P.	Energy, Communications and Information
7. Payment of pension to retired Public servants, presented through Amkeni Retirees, Community-Based Organisation.	Hon. Martha Karua, M.P.	Ministry of Finance
8. Nyandarua Disability Forum on the extension of the retirement age from 60 years to 65 years.	Hon. Erastus Mureithi, M.P.	Ministry of State for Public Service
9. Sacking of over 600 employees of New Kenya Cooperative Creameries.	Hon. Erastus Mureithi, M.P.	Agriculture, Livestock and Cooperatives
10. Nullification of the sacking of the Kenya Airways employees.	Hon. John Mututho, M.P.	Labour and Social Welfare

11. Payment of extraneous allowances/absorption of public health employees into the Ministry of State for Public Service.	Hon. John Mututho, M.P.	Minister of State for Public Service
12. Delayed payment of government pensioners.	Hon. Martha Karua, M.P.	Ministry of Finance
13. Restructuring of the Provincial Administration.	Hon. Musikari Kombo, M.P.	Ministry of Internal Security and Provincial Administration
14. Plight of Kenyans attacked and killed by wildlife.	Hon. John Mututho, M.P.	Parliament
15. Restructuring of the Provincial Administration.	Hon. Musikari Kombo, M.P.	Ministry of Internal Security and Provincial Administration
16. Payment of extraneous allowances, absorption of public health employees.	Hon. John Mututho, M.P.	Parliament
17. Illegal acquisition of land in Busia County, popularly known as Bahayo/Nasema.	Hon. John Mututho, M.P.	Parliament

Source: Table Office, Kenya Parliament, 2013

Meetings, Workshops, Conferences and Reports of Parliamentary Committees

Committees are essential ingredients in the operations of Parliament. With the coming into force of the Constitution 2010, the work done by Parliament is not only varied in nature, but considerable in volume. The time at its disposal is limited. Parliament cannot, therefore, give close consideration to all the legislative and other matters that come up before it. A good deal of its business is, therefore, transacted by Parliamentary Committees.

Parliamentary Committees are of two kinds: *Ad hoc* Committees and the Standing Committees. *Ad hoc* Committees are appointed for a specific purpose and they cease to exist when they finish the task assigned to them and submit a report. When a bill comes up before the House for general discussion, it stands committed to the relevant Committee of the House or a Joint Committee. Committees conduct their affairs in meetings, conferences or site visits.



A section of members of the Parliamentary Departmental Committee on Labour and Social Welfare at a meeting.

The Housekeeping, Departmental and Investigatory committees and other select committees are established under the Standing Orders to discharge specific mandates.

Table 5 summarises the meetings, workshops, conferences and reports of parliamentary committees between January 2012 and January 2013. It shows the reports prepared, tabled, debated and adopted.



A section of members of the Parliamentary Departmental Committee on Defence and Foreign Relations at a meeting.

Table 5: A summary of the meetings, workshops, conferences and reports of parliamentary committees between January 2012 and January 2013.

HOUSE BUSINESS COMMITTEES				
Committee	Subjects	Number of sittings	Number of Reports	Workshops Conferences/ Studies Tours/ Training
House Business Committee	Considers matters relating to the business and functions of the House.	96	–	–
Liaison Committee	Guides and co-ordinates the operations, policies and mandates of all committees.	1	–	–
Procedure and House Rules Committee	Proposes amendments to the standing orders.	3	3 prepared, 1 tabled	3 workshops
Committee on Powers and Privileges	Inquires into any alleged breach of the Code of Conduct by any member of the Assembly.	1	–	–
Speaker's Committee	Considers, advises and reports on all matters connected with the welfare of members of the National Assembly and its staff.	–	–	–
Library Committee	Oversees provisions of the library, publications and research service in Parliament.	1	–	–
Catering Committee (by the Resolution of the House)	Responsible for the management of funds voted for the catering department, efficient provision of services and discipline of members of staff.	30	1 annual report prepared	3 workshops

DEPARTMENTAL COMMITTEES

Administration and National Security	Considers matters relating to public administration and national security, immigration and natural disasters.	85	6 tabled	4 workshops
Agriculture, Livestock, and Cooperatives	Relates to livestock, fisheries and cooperative development, production and marketing.	42	6 prepared; 5 awaiting debate, 1 tabled and 4 in the process of completion	6 workshops
Defence and Foreign Relations	Oversees matters affecting national security and intelligence services, defence, and international relations and agreements.	80	4 prepared; 3 tabled, 1 adopted	2 conferences, 4 workshops
Education, Research, and Technology	Considers issues of education, training, research and technological advancement.	57 and 3 joint	5 prepared 7 tabled	4 workshops 1 conference 2 investigation tours
Energy, Communications, and Information	Oversees matters of development, production, maintenance and regulation of energy, broadcasting and information communications technology development.	85	8 tabled	3 workshops 1 field study
Finance, Planning, and Trade	Oversees public finance, banking, insurance, population and trade.	53	3 tabled 3 adopted	6 workshops
Health	Deals with matters of health, medical care and health insurance.	70	3 tabled	3 workshops

Justice and Legal Affairs	Deals with constitutional affairs, administration of law and justice, human rights, integrity, elections and public prosecutions.	51	5 tabled; 2 debated, 2 awaiting debate, and 1 prepared	4 workshops
Labour and Social Welfare	Oversees labour, trade union relations, gender, culture, youth, social welfare, national heritage and sports.	83	5 tabled	5 workshops 1 conference
Lands and Natural Resources	Considers issues of lands and settlement, forestry, irrigation, wildlife, environment and mining.	75	8 tabled 2 debated	3 workshops, 3 conferences
Local Authorities	Takes into consideration issues of policy relating to local authorities.	32	6 adopted	3 conferences
Transport, Public Works and Housing	Oversees transport, roads, housing, public works, air, seaports and construction and maintenance of roads.	73	12 prepared 4 tabled (2 were joint)	1 workshop 3 inspection tours 1 conference 2 study tours

INVESTIGATORY COMMITTEES

Public Accounts Committee	Examines the accounts showing the appropriations of the sum voted by the House to meet the expenditure.	58	3 tabled	3 conferences
Public Investments Committee	Examines reports and accounts of public investments and of the Auditor General on the public investments.	50	1 prepared	—

Local Authorities and Funds Accounts Committee	Examines accounts showing the appropriations of the sum voted by the house.	62	–	–
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SELECT COMMITTEES

Budget Committee	Examines Budget Policy Statement presented to the House and also evaluates tax estimates, economic and budgetary policies and programmes with direct budget outlays.	34	3 debated 2 tabled	2 workshops 1 conference
Committee on Delegated Legislation	Ensures that statutory instruments are laid before the House.	30	2 tabled	5 workshops 1 training
Committee on Equal Opportunities	Investigates, inquires into and reports discriminatory matters.	15	2 tabled	1 workshop
Committee on Implementation	Scrutinises the resolutions of the House, petitions and the undertakings given by the Government on the floor of the House.	22	2 tabled	–
House Broadcasting Committee	Considers and reports on all matters relating to broadcasting of parliamentary proceedings.	49	1 report prepared 1 joint report with the Energy Committee	2 field studies
Constituencies Fund Committee	–	51	5 prepared; 2 tabled, and 1 adopted	5 workshops

ADHOC COMMITTEES

Constitutional Implementation Oversight Committee	A watch dog in Constitution implementation.	28	4 tabled	4 workshops
Parliamentary Caucus on Population and Development	Agitates for policy and legal framework to population and development issues in Kenya.	1	1 prepared	1 workshop
Parliamentary Caucus on Devolved Government	Considers devolution Bills.	–	–	3 workshops
Parliamentary Caucus on Climate Change	Caucuses for policy and legal framework to guide climate change legislation.	–	–	–

Source: Table Office, Kenya Parliament, 2013

PARLIAMENTARY CAUCUSES

MPs also participate in the activities of various parliamentary caucuses including the Kenya Women Parliamentary Association (KEWOPA), the Kenya Parliamentary Caucus on Devolved Government and the Kenya Parliamentary Caucus on HIV/Aids and the parliamentary caucuses on the various Millenium Development Goals (MDGs). During

the period under review, the caucus on MDGs managed to sensitise MPs on MDGs, engaged the executive to ensure mainstreaming of the MDG agenda in the budget process, and networked with other African parliamentarians to strategise on the post-2015 MDG agenda. Table 6 shows the membership of KEWOPA as at January 2013.

Table 6: KEWOPA Members.

KEWOPA MEMBERS	
Member	Constituency
Hon. Linah Jebii Kilimo	Marakwet East
Hon. Cecily M. Mbarire	Runyenjes
Hon. Peris Chepchumba	Eldoret South
Hon. Martha W. Karua	Gichugu
Hon. Charity K. Ngilu	Kitui Central
Hon. Dr. Naomi Shabaan	Taveta
Hon. Esther Murugi	Nyeri Town
Hon. Dr. Sally Kosgei	Aldai
Hon. Elizabeth Ongoro	Kasarani
Hon. Beatrice Kones	Bomet
Hon. Bishop Dr. Margaret Wanjiru	Starehe
Hon. Wavinya Ndeti	Kathiani
Hon. Prof. Hellen Sambili	Mogotio
Hon. Dr. Joyce Laboso	Sotik
Hon. Prof. Margaret Kamar	Eldoret East
Hon. Beth W. Mugo	Dagoretti
Hon. Millie Odhiambo	Nominated
Hon. Maison Leshomo	Nominated
Hon. Rachael Shebesh	Nominated
Hon. Shakila Abdalla	Nominated
Hon. Sophia Abdi Noor	Nominated
Hon. Amina Abdalla	Nominated

Source: KEWOPA Secretariat, 2012



Spotlight on KEWOPA

KEWOPA was formed in May 2001 by nine women parliamentarians in the Eighth Parliament.

The membership of the association consists of ideally all the women MPs, both elected and nominated, from all the political parties. The formation

of the association arose out of the need to raise the number of women parliamentarians, increase their contribution to and influence on parliamentary business, and ensure increased attention to issues affecting women.

KEWOPA's Scope of Work

Legislative and oversight

function: KEWOPA seeks to enhance the individual and collective legislation function of MPs, advance watch dog building skills, develop leadership skills to increase their participation in parliamentary committees and develop diplomatic and interactive capacities of the members.

Representative function: It seeks to boost the individual and collective representative functions of MPs with regard to constituency development and management and continuous engagement with voters on policy and community issues.

Political party function: It seeks to advance the members' participation in political party activities including participating actively on party platforms and party policy development.

Institutional strengthening:

It seeks to enhance the institutional capacity of the secretariat to promote and facilitate its members in their legislative, political and representative functions.

Legislations moved by KEWOPA members through Private Members' Bills were:

- National Authority for the Campaign against Alcohol and Drug Abuse Act, 2012
- Prohibition of Female Genital Mutilation Act, 2011
- Public Benefits Organisation Bill, 2012
- The Social Assistance Bill, 2012
- The Breast Milk Substitutes (Regulation and Control) Bill, 2012.

DISORDERLY CONDUCT AND SUSPENSIONS

Standing Order No.97 describes disorderly conduct as when:

- a) A member creates actual disorder
- b) Knowingly raises a false point of order
- c) Uses or threatens violence against another member
- d) Persists in making serious unsubstantiated allegations
- e) Otherwise abuses his privilege, among others.

Under the above circumstances, the Speaker or any presiding officer may order such a person to withdraw from the House for the remainder of the day or for a period not exceeding two sitting days. During the period under review, the following Members were suspended from the House:

- 1) Pursuant to the provisions of the Standing Orders 97(2), on March 7, 2012, the Deputy Speaker withdrew Hon. John Mbadi, from the precincts of Parliament for two days.
- 2) Pursuant to the provisions of the Standing Orders 97(2), on April 19, 2012, the Acting Speaker Hon. Ekwere Ethuro, suspended Hon. Fredrick Outa, from the precincts of Parliament for the remainder of the sitting.
- 3) Pursuant to the provisions of the Standing Orders 97(2), on August 23, 2012, the Acting Speaker Hon. Prof. Phillip Kaloki, suspended Hon. Charles Keter from the precincts of Parliament for the remainder of the day's sitting.

MAJOR DISCUSSIONS AND EVENTS IN THE HOUSE

This covers significant events that required responses beyond routine, and events resulting from uncontrolled developments in the course of parliamentary activities. In the context of this journal,

significance is determined by the degree of public concern.

During the period under review, there were several major events in the House as hereafter elaborated.

The Kenya Shilling Devaluation

By November 16, 2012, a task force established by the Rt. Hon. Prime Minister to help stabilise the shilling, the efforts by the Monetary Policy Committee, and interventions by Treasury had not succeeded in addressing the decline of the shilling.


Aware that the depreciation trend resulted in massive losses for Kenyans and foreign investors and made the cost of transacting business unduly expensive, the House resolved to constitute a select committee to comprehensively investigate the cause(s) of the drastic and steady decline of the Kenya Shilling against the foreign currencies and make recommendations on the way forward.

The committee members were:

1. Hon. Adan Keynan – Chairperson
2. Hon. Rachel Shebesh – Vice Chairperson
3. Hon. Shakeel Shabbir
4. Hon. Charles Kilonzo

5. Hon. Benjamin Langat
6. Hon. Peter Kiilu
7. Hon. Moses Lesonet
8. Hon. Emilio Kathuri
9. Hon. Benedict Gunda
10. Hon. Shakila Abdalla
11. Hon. Ntoitha M’Mithiaru
12. Hon. Martin Ogindo
13. Hon. Yusuf Chanzu
14. Hon. (Dr.) Erastus Mureithi
15. Hon. Abdul Bahari
16. Hon. Adan Bare Duale
17. Hon. Jakoyo Midiwo
18. Hon. Chris Okemo
19. Hon. (Prof.) Philip Kaloki

The committee set out to achieve its mandate by holding a series of meetings with stakeholders comprising of institutions, individuals, and experts in the industry. In total, the Committee convened 27 sittings with the relevant Government agents and other stakeholders in the financial sector. It received both oral and written submissions from 30 stakeholders in the industry.



The Committee divided the causes of the fall of the shilling into economic, human, and institutional failures. The economic causes such as the wide current account deficit, Euro crisis, large import bill of non-essential commodities, and the Arab Spring, were still in place even after the shilling recovered its value in December 2011.

The Committee therefore zeroed in on institutional and human failures. These factors include policy indecisiveness and inaction of the Central Bank of Kenya (CBK) which had capacity to stop the slide, speculative activities of some banks and individuals, and inaction by the Ministry of Finance which also had powers in law to intervene if CBK could not act.

The Committee drew a range of recommendations to ensure that similar future crises are resolved early. The Committees' recommendations were as follows:

- i. The CBK Governor steps aside to pave way for thorough investigations and that the President should constitute a tribunal to investigate the Governor's conduct, incapability and incompetence to perform the functions of the office as per the provisions of the CBK Act Cap. 491 Section 14 (2)(f) and 14(3).
- ii. Productive communication between CBK and financial market players — the Committee recommended that CBK should design a framework of engaging with foreign exchange market players within the confines of the financial market laws and regulations.
- iii. Monetary policy — the Committee found that the CBK may have been overenthusiastic about economic stimulus and also maintained the low interest rate regime for far too long, and therefore recommended that the CBK should maintain a coherent monetary policy at all times with a focus on price stability.
- iv. Early warning mechanism — CBK had to put in place thresholds or trigger values for which the foreign exchange should fluctuate in times of extreme crisis and at which the CBK would move in to restore stability.
- v. Strengthen reserve position of the CBK — the Government and CBK had to take adequate steps to boost the reserve position to at least the four months of import cover to strengthen its ability to respond to market volatility.
- vi. Enforcement of the In-Duplum Rule — Section 44A of the Banking Act needed to be enforced and further amended to apply to all loans, both performing and non-performing.



Debate on the UK Dossier

On March 8, 2012, the Minister for Foreign Affairs, Hon. Moses Wetangula, issued a Ministerial Statement requested by Hon. Eugene Wamalwa, concerning a statement issued by British Foreign Secretary, Hon. William Hague, in Nairobi on February 3, 2012 in relation to the social and political situation in Kenya which caused uproar and protests from many leaders. The Minister informed the House that the Government of Kenya did not take instructions from any external power, nor accept interference on its internal affairs, more so in the determination of its leadership.

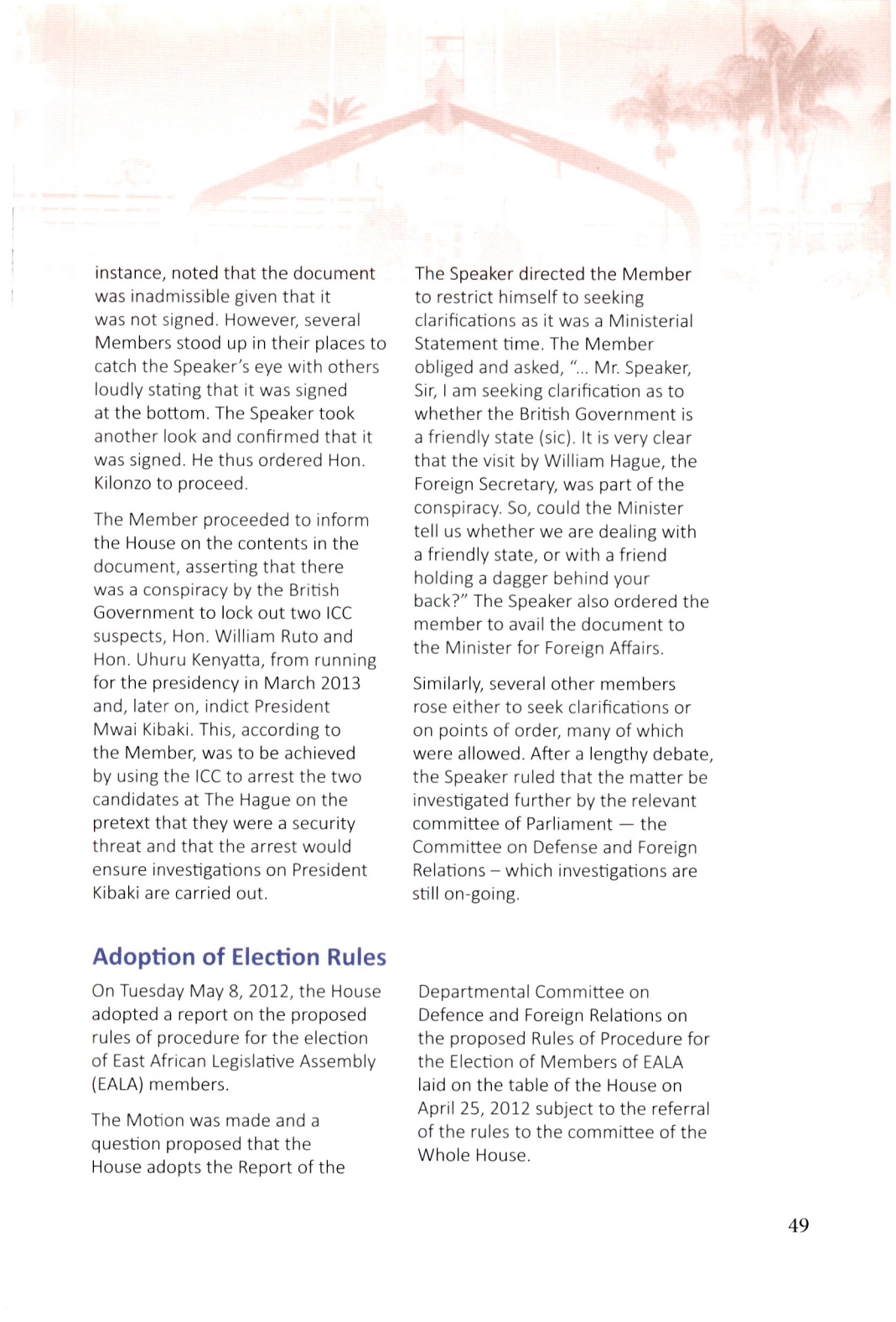
He informed the House that, during the British Foreign Secretary's visit, Mr. Hague held talks with the President and the Prime Minister where issues of security in Somalia, bilateral trade, Kenya's reform programme and the forthcoming elections were discussed. The Minister also clarified that the British envoy had stated that although his country supports the on-going International Criminal Court (ICC) process, he did not wish to delve into or comment on the individual cases. The Minister further affirmed that the visit and the meetings held were aimed at cementing the strong working relationship between the two

governments and the close ties between the British and Kenyan people contrary to statements in the press.

However, while seeking further clarification, the Hon. Charles Kilonzo disagreed with the Minister's information and argued that, in fact, Britain was meddling in Kenya's affairs asserting that Britain was in a conspiracy to "stab" Kenya in the back. He quoted from a document he had to make his point.

The Member's remarks were greeted by applause in the House with many Members jostling to catch the Speaker's eye in order to comment on the issue. The Speaker ordered the Member to lay the document on the table in order to ascertain its admissibility according to House rules.

Rising on a point of order, the Hon. Aden Duale sought to know whether there was a conspiracy against Kenya by the British Government, but he was ruled out of order by the Speaker. The Minister for Foreign Affairs, also rising on a point of order, argued that matters being raised were grave and being recorded in the Hansard, yet the document had not been ascertained as being admissible or not. However, he was also ruled out of order. The Speaker, in the first



instance, noted that the document was inadmissible given that it was not signed. However, several Members stood up in their places to catch the Speaker's eye with others loudly stating that it was signed at the bottom. The Speaker took another look and confirmed that it was signed. He thus ordered Hon. Kilonzo to proceed.

The Member proceeded to inform the House on the contents in the document, asserting that there was a conspiracy by the British Government to lock out two ICC suspects, Hon. William Ruto and Hon. Uhuru Kenyatta, from running for the presidency in March 2013 and, later on, indict President Mwai Kibaki. This, according to the Member, was to be achieved by using the ICC to arrest the two candidates at The Hague on the pretext that they were a security threat and that the arrest would ensure investigations on President Kibaki are carried out.

Adoption of Election Rules

On Tuesday May 8, 2012, the House adopted a report on the proposed rules of procedure for the election of East African Legislative Assembly (EALA) members.

The Motion was made and a question proposed that the House adopts the Report of the

The Speaker directed the Member to restrict himself to seeking clarifications as it was a Ministerial Statement time. The Member obliged and asked, "... Mr. Speaker, Sir, I am seeking clarification as to whether the British Government is a friendly state (sic). It is very clear that the visit by William Hague, the Foreign Secretary, was part of the conspiracy. So, could the Minister tell us whether we are dealing with a friendly state, or with a friend holding a dagger behind your back?" The Speaker also ordered the member to avail the document to the Minister for Foreign Affairs.

Similarly, several other members rose either to seek clarifications or on points of order, many of which were allowed. After a lengthy debate, the Speaker ruled that the matter be investigated further by the relevant committee of Parliament — the Committee on Defense and Foreign Relations – which investigations are still on-going.

Departmental Committee on Defence and Foreign Relations on the proposed Rules of Procedure for the Election of Members of EALA laid on the table of the House on April 25, 2012 subject to the referral of the rules to the committee of the Whole House.

Nomination and Election of EALA Members



President Mwai Kibaki (centre) with the speaker of EALA Rt. Hon. Margaret Nantongo Zziwa (left) and the Speaker of the Kenya National Assembly, Hon. Kenneth Marende.

EALA is an organ of the East African Community established under Article 9 of the Treaty for the Establishment of the East African Community. Under the Treaty, the Assembly has a membership comprising nine members elected by each partner state; ex-officio members consisting of the Minister or Assistant Minister responsible for the East African Community Affairs from each partner state; the Secretary General and the Counsel to the Community. With regard to the nomination and election of Members of the Assembly, the treaty at Article 50 clearly gives direction on how the process is conducted.

On March 8, 2012, the Speaker gave a direction on the process of nominating Members to represent Kenya in EALA. This was due to the fact that the five-year term of the then EALA was to come to a close on June 4, 2012. In his communication, the Speaker stated that the election of Members of EALA was governed by Article 50 of the Treaty for the establishment of the East African Community which is part of Kenya's law. He explained that Article 50 of the Treaty, to which the elections must conform, provides as follows:-

1. The National Assembly of each partner State shall elect, not

from among its Members, nine Members of the Assembly, who shall represent as much as it is feasible, the various political parties represented in the National Assembly, shades of opinion, gender and other special interest groups in that partner State, in accordance with such procedure as the National Assembly of each.

2. A person shall be qualified to be elected a member of the Assembly by the National Assembly of a partner State in accordance with Paragraph 1 of this Act, if such a person:-

- a) is a citizen of that partner State;
- b) is qualified to be elected a Member of the National Assembly of that partner State under its Constitution;

- c) is not holding office as a Minister in that partner State;
- d) is not an officer in the service of the Community; and,
- e) has proven experience or interest in consolidating and furthering the aims and the objectives of the Community.

The Speaker cautioned Members that the matter of the election of Members of EALA needed to be handled with caution as Kenya had previously had her nominees contested in the East African Court of Justice.

On April 24, 2012, the Chairperson of the Departmental Committee on Defense and Foreign Relations tabled the report on the proposed rules of procedure for the election of EALA Members. Prior to that, the



President Mwai Kibaki (seated centre) with EALA Members after opening the 2nd meeting of the 1st Session of the 3rd Assembly at Parliament Buildings, Nairobi.

proposed rules had been published and considered by the Committee to allow public deliberation and input on them.

On May 2, 2012, debate for the adoption of the report ensued and after lengthy contributions by Members, the debate was interrupted by lack of quorum. However, on May 11, 2012, the Treaty for the Establishment of the East African Community (EAC) Election of the Members of the Assembly Rules, 2012 was passed and published.

As required by the rules, interested applicants submitted their names to the Departmental Committee on Defense and Foreign Relations for nomination by Parliamentary Political Parties according to their

parliamentary strength. Names of successful candidates were tabled in Parliament and voting took place on May 31, 2012 during a special sitting of the House. The voting was by secret ballot and results were announced by the Clerk of the National Assembly, acting as the returning officer. According to the results, candidates scored as follows:

KANU

Bonaya Talaso Sarah — 125 votes.

NARC-Kenya

1. Juma Ramadhani Tawhida — 14 votes;
2. Kimura Catherine Ngima — 58 votes;
3. Ogle Abubakar D. Abdi — 58 votes.



A section of EALA Members from the United Republic of Tanzania at the Parliamentary gardens in Nairobi

Party of National Unity (PNU)

1. Adan Mohamed Sheikh — 20 votes;
2. Ewol Charles Lokioto — 43 votes;
3. Saoli ole Nkanae — 67 votes.

Wiper Democratic Party

1. Masisi Jenifer Chepkemboi — 52 votes;
2. Peter Mutuku Mathuki — 58 votes;
3. Talib Abubakar Ahmed — 20 votes.

Orange Democratic Movement (ODM) Party

1. Abisai Nancy Kabayeka Lung'ahi — 106 votes;
2. Abubakar Zein Abubakar — 70 votes;
3. Imana Immanuel Ichor — 62 votes;
4. Mohamed Junet Sheikh Nuh — 62 votes;
5. Ng'aru Mumbi Agnes — 76 votes;
6. Ng'eny Ronald — 67 votes;
7. Peter Odoyo — 22 votes;
8. Ombasa Joseph Kiangoi — 108 votes;
9. Pareno Judith Nayiai — 76 votes.

The Speaker, while declaring the final results, noted that with respect to NARC-Kenya, there was a tie between Kimura Catherine Ngima and Ogle Abubakar D. Abdi who had garnered 58 votes each. The Speaker, therefore, directed that a fresh election for NARC-Kenya be rescheduled.


The following candidates were, therefore, declared duly elected and subsequently officially introduced to the House on June 13, 2012. Notably, they elected a Chairperson together with other Chapter officials amongst themselves.

1. The Hon. Joseph Kiangoi Ombasa — Chairperson, EALA Kenya Chapter
2. The Hon. Judith Pareno — Secretary of the Chapter
3. The Hon. Sarah Talaso Godana — Treasurer of the Chapter
4. The Hon. Peter Mutuku Mathuki — the Chapter Whip
5. The Hon. Mumbi Ng'aru
6. The Hon. Saoli ole Nkanae
7. The Hon. Nancy Abisai
8. The Hon. Zein Abubakar

The New Budget-making Process

Chapter 12 of the Constitution of Kenya bestows a significant change in the budget-making process. The budget-making process under the

new Constitution is a radical shift from the past. The supreme law requires that the process should ensure openness, accountability



and public participation. Article 201 of the Constitution provides the framework and the guiding principles under which the budget-making process shall be conducted. It states clearly the roles and the responsibilities of the various state organs and entities with regard to this process. Therefore, the new supreme law ensures the budget-making process is no longer monopolised by the Executive; the legislative arm of Government has more powers on the process. It also ensures that the civil society and

public at large are part and parcel of budget-making process.

The scrutiny of budget estimates is a key event undertaken by the National Assembly; it entails the reading of the budget policy statement by the finance cabinet secretary. As enshrined in Article 221 of the Constitution of Kenya, the submission of the budget policy statement to the National Assembly ushered the tabling of the budget of Kshs1.45 trillion for the financial year 2012/2013 in the National Assembly on June 14, 2012.

RULINGS AND COMMUNICATIONS FROM THE CHAIR

There is a difference between a considered ruling and communication from the Chair in the sense that rulings are made by the Chair after further consultations or consideration. This contrasts with on the spot rulings which the Chair

has to make frequently in the course of the proceedings. Considered rulings are normally in writing and formal language. The following are abridged versions of some of the rulings and communication from the Chair made during the period under review.

Considered Rulings

The Statute Law (Miscellaneous Amendments) Bill

On Tuesday June 19, 2012 the Speaker, Hon. Kenneth Marende, informed Members that he was ready to rule on important questions of constitutionality regarding The Statute Law (Miscellaneous Amendments) Bill of 2012. The outstanding propositions on which the Speaker ruled were as follows:-


(i) That the scope of the amendments proposed to the various statutes under the Bill, as an example, those to the Energy and Communications Act were such that there were substantive issues being canvassed in the Bill and they required, according to the Constitution, public participation and separate publication in Bills, and further that introducing such substantive amendments in the form of a Statute Law (Miscellaneous Amendments) Bill would deny the people of Kenya their right

to participate in the legislative process.

(ii) That some amendments proposed in The Statute Law (Miscellaneous Amendments) Bill, 2012, and specifically the amendments relating to the Elections Act and the Industrial Court Act are unconstitutional and should be withdrawn.

(iii) That when a claim of unconstitutionality is made, the House should not proceed with the debate or other proceedings on the business at hand until determination by the Speaker has been made.

The Speaker said the issues could best be dealt with in two categories, namely; those that went to the question of appropriateness of the content of the Bill as a whole, the matter of its introduction and the procedure for its disposal on the one hand, and those which



challenged the constitutionality of specific provisions of the Bill on the other. In respect of the first category, the Chair thought as pertinent to interrogate the scope and intent of a Statute Law (Miscellaneous Amendments) Bill.

The Speaker said the general rationale of such kind of Bill was to make minor amendments to the statutes; to save the time of Parliament by making, in one Bill, all the minor amendments and corrections to statutes whose non-

contentious and mundane nature would not merit the numerous amendment Bills that would otherwise be entailed.

The Chair pointed out that amendments which are substantive in nature and which raise policy questions did not generally belong to such kind of Bill and needed to be brought as separate stand-alone Bills. He asked the AG to consider concerns raised very carefully then and in the future.

The Public Financial Management Bill, 2012

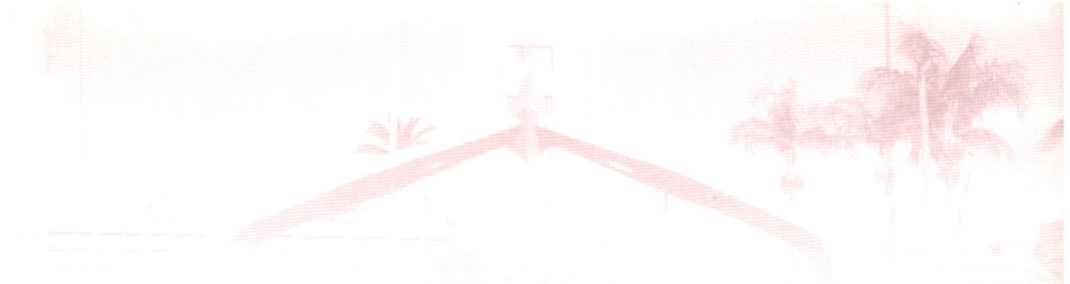
On Thursday April 19, 2012, the Hon. Deputy Speaker, Mr. Farah Maalim, summarised issues raised on Tuesday April 17, 2012, when the Public Financial Management Bill, 2012 went for the Second Reading. He highlighted the following issues raised for determination by the Chair:

(a) whether the Second Reading of the Public Financial Management Bill, 2012 was contrary to the Constitution and more specifically whether the debate on Clause 109 of the Public Financial Management Bill, 2012 relating to the establishment of county revenue funds for county governments was unconstitutional in so far as the timeline of 18 months specified in the Fifth Schedule to the

Constitution for the enactment of legislation to implement Article 207 of the Constitution had lapsed,

(b) whether the County Governments Bill, 2012 as passed by the National Assembly on February 23, 2012 contains provisions establishing the county revenue funds for county governments, and whether the passage of County Governments Bill, 2012 satisfied the requirement of the said Article 207 and the Fifth Schedule to the Constitution,

(c) whether the Government must seek leave of the House to extend the time for the implementation of Article 207 of the Constitution so as to enable Parliament to debate and enact the Public Financial Management Bill, 2012, and;



(d) whether the Government must seek leave of the House to extend the time so as to enable Parliament to enact the County Governments Bill, 2012.

The Deputy Speaker told the House the Chair had made preliminary

observations on the issues raised and observed that the facts of the matter were, on the face of it, very clear but he was inclined to adjourn debate so as to study the matter in detail and give a comprehensive ruling or direction that afternoon.

Communications from the Chair

Bills Assented to by the President

On Tuesday June 5, 2012 the Speaker informed the House that provisions of Standing Orders No. 125 require the Attorney General to present to the President within 14 days of receipt from the Clerk of the National Assembly every Bill passed by the House. He went further to highlight seven Bills that were passed by the National Assembly and duly assented to by His Excellency the President. These were:-

1. The Kenya School of Government Bill, 2011 passed by the National Assembly on April 17, 2012 and duly assented to on May 9, 2012 at 12.00 noon.
2. The Public Service Superannuation Scheme Bill, 2011 passed by the National Assembly on April 17, 2012 and duly assented to on May 9, 2012 at 12.00 noon.
3. The Finance Bill, 2011 passed by the National Assembly on April 19, 2012 and assented to on April 27, 2012 at 12.00 noon.
4. The Land Registration Bill, 2012 passed by the National Assembly on April 25, 2012 and duly assented to on April 27, 2012 at 12.00 noon.
5. The National Land Commission Bill, 2012 passed by the National Assembly on April 25, 2012 and assented to on April 27, 2012 at 12.00 noon.
6. The Land Bill, 2012 passed by the National Assembly on April 26, 2012 and assented to on May 9, 2012 at 12.00 noon.
7. The Supplementary Appropriation Bill, 2012 passed by the National Assembly on May 3, 2012 and assented to on May 9, 2012 at 12.00 noon.



Nomination of Chairperson and Members of the National Police Service Commission

The Chair brought to the attention of the House that the Section 4(1) of the National Police Service Commission Act, 2011 provides that the National Police Service Commission shall consist of nine members appointed in accordance with the Constitution and the provisions of the Act. The President shall select the Chairperson and members of the Commission from the list of qualified persons forwarded to him by the Selection Panel and subsequently forward the names of the persons so selected as Chairperson and members to the National Assembly for approval.

Reference was made to a letter OP/CAB.3/77A, dated March 7, 2012, from the Permanent Secretary, the Secretary to the Cabinet and Acting Head of the Public Service, through which the National Assembly was informed that His Excellency the President in consultation with the Rt. Hon. Prime Minister had nominated the following persons for as indicated:

1. Amina R. Masoud — Chairperson
2. Esther Chui-Colombini — Member

3. Ronald L. Musengi — Member
4. James A. Atema — Member
5. Dr. Major Muii Shadrack Mutia — Member
6. Mary Auma Owuor — Member

MPs were informed that other three members of the Commission would be the Inspector-General of Police and the two Deputy Inspector-Generals, who were yet to be appointed to these positions. Under Section 6(6) of the National Police Service Commission Act, 2011, the National Assembly is required, within 21 days of the day it next sits after receipt of the names of the nominees, to vet and consider all the applicants and may approve or reject any or all of them and request for the names of new nominees.

The Chair directed that names and the accompanying curriculum vitae of the nominees together with the report of the selection panel including the score-sheet be forwarded to the Departmental Committee on Administration and National Security for consideration prior to approval by the House.



Welcome to His Excellency the President

On Tuesday April 24, 2012 the Speaker welcomed His Excellency the President of the Republic of Kenya and Commander-in-Chief of the Defence Forces, Hon. Mwai Kibaki, and honourable Members of Parliament to the President's Second State of the Nation Address.

He informed the Head of State that Parliament had endeavoured to do its part to make Kenya a better place and that it had joined hands with the Executive to see to increased democratic space and to enact, implement and operationalise a new Constitution during their time.

The Speaker noted the passage of 76 Bills of which 64 were Government while 12 were Private Members'. He reiterated his commitment to finish pending legislative tasks before the end of the last session of the House.

Hon. Kenneth Marende praised the President for transforming the Country's infrastructural sector. He highlighted the improvement of the Port of Mombasa, growing of local airports, superhighways, launching of Lamu Port and Southern Sudan-Ethiopia Transport (LAPSSET) corridor, and acting on Vision 2030.

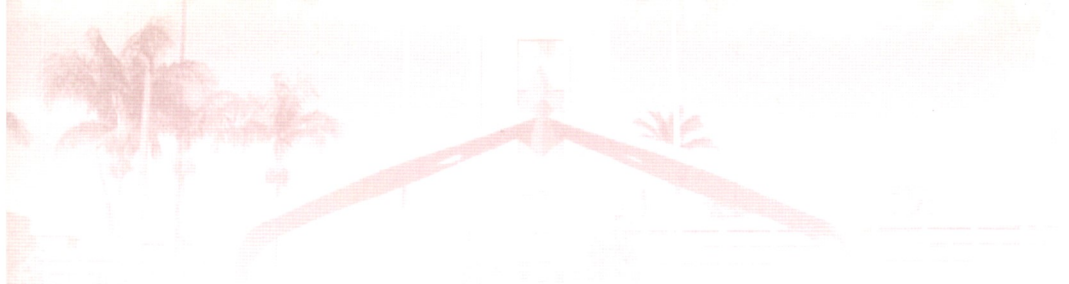
President's Memorandum on the County Governments Bill, 2012

On Wednesday February 29, 2012 the Speaker informed the House of the Memorandum on the County Governments Bill, 2012 sent by His Excellency the President.

The Chair stated that pursuant to Section 46(3) and (4) of the former Constitution as saved under Section 3 of the Sixth Schedule to the Constitution 2010, the Head of State had declined to give his assent and had submitted on February 27, 2012 a memorandum on the Bill indicating specific provisions of the Bill which had to be reconsidered by the National Assembly, including

recommendations for deletion and amendments.

The Speaker told Members that the President declined assent to the Bill because Clause 31(1) of the Bill listing amongst the functions of a County Governor contravened Chapter 14 of the Constitution which places the National Security Council under the National Government. Further, national security was 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. The Memorandum recommended that Clause 31(1) of the Bill be deleted.

As the Bill had provided for decentralisation under Clause 54(1), the memorandum also stated that the restructuring of the provincial administration by such proposed

decentralisation could 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 allowed five years for the completion of this process, the Head of State clarified necessary consultations were already underway and would be expedited.

Process of Electing Members to EALA

Before the election of Kenya's MPs to EALA, the Speaker informed the House of the need to commence and conclude the processes for election of Members ahead of the inauguration of the 3rd East African Legislative Assembly that was due on 5th June, 2012.

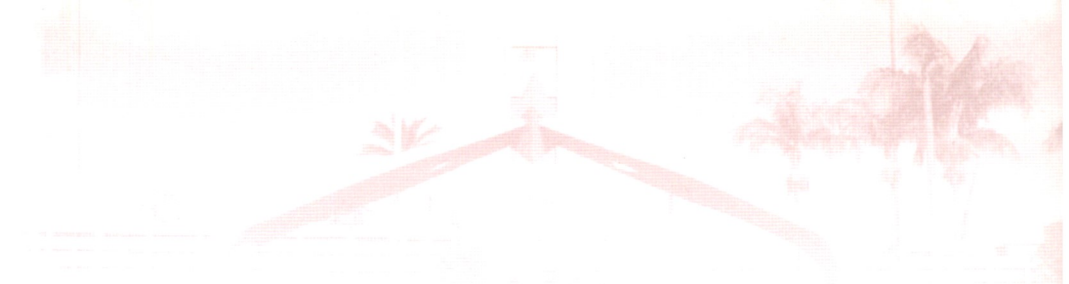
The Chair stated the elections of Members of the East African Legislative Assembly was governed by Article 50 of the Treaty for the establishment of the East African Community which is part of Kenya's law pursuant to the Treaty for the Establishment of the East African Community Act, Act No.2 of 2000.

He gave the details of the Act and noted that Parliamentary Political Parties had a significant role to play in the nomination process of those to be elected. He urged the leadership and the Members of Parliamentary Political Parties to prepare to actively discharge their mandate in the process since Article 50(1) required that the nine members of the Assembly should "represent as much as it is feasible, the various political parties represented in the National Assembly, shades of opinion, gender and other special interest groups in that partner State".

Workshop on Holding Peaceful Elections

On May 22, 2012, the Speaker told the House that the Minister for Justice, National Cohesion and Constitutional Affairs had organised

a workshop for all MPs to deliberate on ways of holding peaceful elections and activities that would be undertaken in the counties in the



run up to the national conference on free, fair and peaceful elections scheduled for August, 2012. The workshop, he said, would be held on the 8th and 9th of June 2012 in

Mombasa. He requested all MPs who wished to attend the workshop to register with the Serjeant-at-Arms. He appealed to all MPs to attend the important workshop.

Conduct of MPs, Staff, and Visitors in the Precincts of Parliament

Concerning general security around Parliament Buildings, the Speaker gave the following communication on June 28, 2012:

“Today, after the rise of the House this morning, we held a *Kamukunji* at which security matters and the conduct of MPs, staff, and members of the public in the precincts of Parliament were discussed.

“The meeting noted that all MPs, staff, and visitors should adhere to the Speaker’s Rules and resolved that the Rules which derive their authority from the National Assembly Powers and Privileges Act, Cap.6 of the Laws of Kenya, should be enforced to the letter. Note Hon. Members, that the Speaker’s Rules were first promulgated in 1963 and reviewed in 2002.”

He stated that the meeting also resolved that the following Speaker’s Rules should be brought to the attention of the Members of the House:-


Rule 4- No Member may bring any firearm or any other offensive

weapon into the buildings or gardens. All such weapons must be deposited with the Serjeant-at-Arms at the time of entry, and collected at the time of leaving.

Rule 5- Members are required not to enter the chamber, lounge or dining room without being properly dressed. He gave the details of dress as follows: “This means coat, collar, tie, long trousers, socks and shoes or service uniform, or decent national dress for men; and an equivalent standard for women with hats optional”. However, in the lounge or the dining room, Members or visitors may wear long trousers, clean shirts, socks, shoes or service uniform.

Rule 6- No stranger shall bring any firearm or other offensive weapon into the buildings or gardens. All such weapons must be deposited with the Serjeant-at-Arms at the time of entry, and collected at the time of leaving.

The meeting was called for proper control of admission to any part of Parliament Buildings and gardens



and that henceforth all visitors will only be admitted to Parliament Buildings through visitors' gates in the main Parliament Buildings, County Hall and Continental House,

while the other entry points are strictly for MPs and staff who must wear identification badges all the time.

East African Community Inter-Parliamentary Games

On Thursday November 29, 2012, the Deputy Speaker informed MPs that the Speaker of the National Assembly, Hon. Kenneth Marende, had accepted to host the East African Community Inter-Parliamentary Games in Nairobi from 7th to 14th December, 2012 and that a formal letter had been

sent to member countries. The invitation emanated from the meeting of Bureau of Speakers earlier held in Kigali, Rwanda. The Deputy Speaker said a formidable team comprising of MPs was to be presented to participate in football and netball.

Assent to Bills, Voter Registration and Deployment of Kenya Defence Forces in Baragoi and Garissa

The Speaker conveyed the following Communications on Tuesday, December 04, 2012:

Assent to Bills

“Honourable Members, Standing Order No.125 requires the AG to present to the President within 14 days of receipt from the Clerk every Bill passed by this House. Thereafter, at the expiry of 14 days, the Attorney-General is required to file a return to the Speaker indicating the time and date that the Bill was presented to the President. The returns now received indicate that the following five Bills which were

all passed by the National Assembly on various dates were presented by the AG to His Excellency the President for assent and were all duly assented to as hereunder:-

- (a) The Traffic (Amendment) Bill, 2012 which was passed by the National Assembly on September 25, 2012 and duly assented to on November 1, 2012.
- (b) The Traffic (Amendment) Bill, Bill No.2 of 2012 which was passed by the National Assembly on September 25, 2012 and duly assented to on November 1, 2012.

(c) The Central Bank (Amendment) Bill, 2012 which was passed by the National Assembly on September 13, 2012 and duly assented to on November 1, 2012.

(d) The National Cohesion and Integration (Amendment) Bill, 2012 which was passed by the National Assembly on October 2, 2012 and duly assented to on November 12, 2012.

(e) The Energy and Communications Law (Amendment) Bill, 2012 which was passed by the National Assembly on September 26, 2012 and duly assented to on November 12, 2012.

“I thank you”.

Voter Registration

The Speaker reminded Members of the launch on November 19, 2012 of the voter registration exercise at the Kenyatta International Conference Centre by His Excellency the President, Hon. Mwai Kibaki and the Chairman of the Independent Electoral and Boundaries Commission (IEBC), Mr. Ahmed Issack Hassan.

He said the Constitution of Kenya guaranteed the freedom of citizens to exercise their political rights through taking part in regular, free and fair elections. He reminded Members that to participate in the elections, citizens had to

be registered voters and that only 15 days were left with the turnout having been so far below expectations. Consequently, he appealed to all MPs to come out robustly and encourage Kenyans to register as voters within the remaining period.

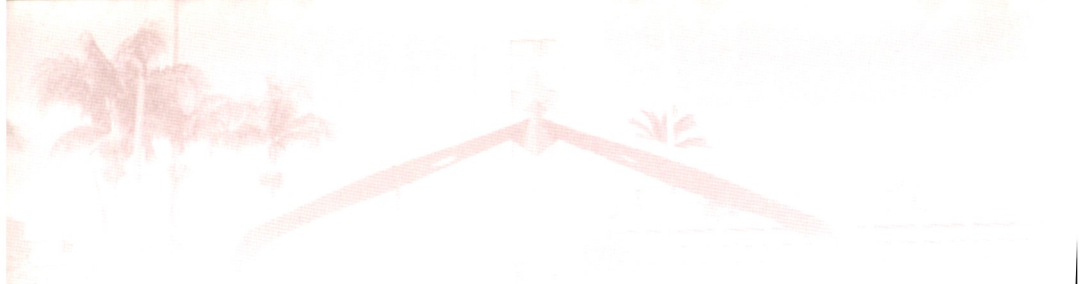
Deployment of KDF in Baragoi and Garissa

On this, the Speaker said:

“Honourable Members, you will recall that on Wednesday November 21, 2012, the Member for Gem, Hon. Jakoyo Midiwo rose on a point of order seeking the guidance of the Chair on the constitutionality of the involvement of officers of the Kenya Defence Forces in Baragoi, Samburu District and in Garissa.

“In summary, the Hon. Member sought guidance on the following:-

- (a) whether the involvement of officers of the Kenya Defence Forces in Baragoi and Garissa did not require the prior approval of the National Assembly as it amounted to assistance and cooperation with other authorities in situations of emergency or disaster within the meaning of Article 241(3)(b) of the Constitution; or
- (b) whether the involvement of officers of the Kenya Defence Forces in Baragoi and Garissa required the prior approval



of the National Assembly as it amounted to a deployment to restore peace in an area affected by unrest or instability within the meaning of Article 241(3)(c) of the Constitution.

“It is a matter of public knowledge that the issue raised by Hon. Midiwo has been litigated in court and I

wish to pronounce myself on it after perusal of the pleadings in court bearing in mind the principle of *sub judice*.

“From the foregoing, therefore, I wish to inform the House that I will issue the communication sometime next week.

“I thank you”.

Delegation from Rwanda

On Tuesday December 11, 2012, the Speaker noted that he was privileged to introduce to the House and welcome a delegation from the Parliament of Rwanda. He introduced them as follows:-

1. Hon. Mukama Abbas, MP — Leader of Delegation
2. Hon. Niyongana Gallican, MP — Member
3. Hon. Twizeyesu Marie Josee, MP — Member
4. Hon. Uwimana Esparanse, MP — Member
5. Hon. Rwigema Gonzague, MP — Member
6. Hon. Gateera Emmanuel, MP
7. Hon. Mporanyi Theobald, MP

8. Hon. Bayihiki Basile, MP

9. Hon. Ngendahayo Jean Baptiste, MP

10. Hon. Ndagijimana Eric, MP

11. Hon. Tuyishime Jean Claude, MP

He noted the presence of the two staff members accompanying the delegation as Mr. Mulinganbe Sengabo Charles and Mr. Habimana Augustine.

He noted that the Rwandese delegation had been in Kenya since December 11, 2012, participating in the EALA Soccer Tournament. On behalf of the House and himself, he wished the delegation a fruitful and a happy stay in Kenya.

Recent incidents of insecurity in Baragoi and Garissa

On Thursday December 13, 2012, the Speaker conveyed the following Communication:-

“Honourable Members, ... as I observed on Tuesday December 4, 2012 last week, it is in the public domain that the issue as to whether or not the involvement of the Kenya Defence Forces relates to one or other scenario envisioned under Article 241(3) (b) and (c) of the Constitution, is a matter that is currently pending before the High Court in High Court Petition No. 538 of 2012 (Washington Jakoyo Midiwo versus The Minister for Internal Security, The Minister for Defence and the Attorney-General). As I promised then, I would only be in a position to pronounce myself on the matter raised by Hon. Midiwo, after perusal of the pleadings in Court bearing in mind the principle of *sub judice*.

“Honourable Members, may I take this opportunity to remind the House of the principles of national security as set out in Article 238, (2) (a) and (b) of the Constitution...


“The Constitution has, in order to safeguard the rule of law, democracy, human rights and fundamental freedoms, laid a clear process on how our Defence Forces may be deployed. It behoves all state organs to be alive to these

principles in the deployment of the Kenya Defence Forces. The issues raised by Hon. Midiwo are weighty and the manner in which they are dealt with will set the precedent and form a firm basis on how such deployment should be undertaken.

“Article 241(3)(b) and (c) anticipate that it is for the National Government after assessing the security situation to either deploy the defence forces to assist and cooperate with other authorities in instances of emergency or disaster and report to the National Assembly or deploy them to restore peace in any part of Kenya affected by unrest or instability only with the approval of the National Assembly. The National Assembly will, using its rules of procedure, facilitate the National Government to have the matter deliberated upon by the House.

“Turning to the matter in Court, in his petition dated November 22, 2012, I note that the issues raised by the Member (in the said petition) are exactly the same issues which are pending for determination before the High Court in the said case.

“Standing Order 80 contains the rules on how this House determines whether a matter is *sub judice* or not because Paragraph (1) of the



said Standing Order in particular prohibits reference to any matter which is *sub judice*. Under Paragraph (2) of the said Standing Order, a matter is considered to be *sub judice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination.

“Is the current matter active within the meaning of Standing Order 80(2)? Under Paragraph 3(C) of Standing Order 80, civil proceedings are considered to be active when arrangements for hearing, such as setting down the case for trial have been made, until the proceedings are ended by judgment or discontinuance.

“The daily cause list of the High Court indicates that High Court Petition No. 528 of 2012 has been listed for hearing commencing on December 10, 2012 before Justice David Majanja. The matter having been listed for hearing as stated above is therefore active within the contemplation of Standing Order 80(3) and any pronouncement on the matter by Mr. Speaker may prejudice its fair determination by the court.

“I also note that the Hansard proceedings of the House on Wednesday, November 21, 2012 are part of the record of pleadings filed in Court. This is indeed a testament of how the proceedings of this

House may very well prejudice fair determination of the matter in court.

“Honourable Members, as I have stated in my previous communications relating to matters in court, in the Commonwealth tradition the *sub judice* rule arose out of a desire by Parliament to exercise restraint such that its comments and debate do not influence courts to the detriment of litigating parties and witnesses in court proceedings. The doctrine is additionally premised on the constitutional principle of separation of powers by which Parliament should not be seen as trying to deal with issues that properly belong to the Judiciary.

“This is not to say Parliament cannot express itself on a matter in court. Far from it. Indeed in my ruling made on September 10, 2009 on the matter relating to the appointment of the Director and two Assistant Directors of the then Kenya Anti-Corruption Commission which was being jointly considered by the Committee on Justice and Legal Affairs and on Delegated Legislation, I stated and I quote: ‘It must be noted.... that court proceedings are presided upon by judicial officers properly trained in law and who have taken an oath to discharge the functions of their office without fear or favour and

without extraneous influences being brought to bear on their work.'

"In the same ruling, I made the following observation:-

'I take the view that as a general proposition, this House, in line with the precedents from other similar jurisdictions, should not abandon a matter over which it is seized on the ground only that the matter has become the subject of litigation in a court of law. Indeed as my learned predecessor, Speaker Francis ole Kaparo, had occasion to say on April 13, 1995, inter alia, and I quote:


The effectiveness of the National Assembly will be seriously undermined if members should pre-empt debate on matters before the House by resorting to court... Honourable Members, if this House, as happened in the present case, begins to consider any matter before it is the subject of litigation, the House will not give up jurisdiction of the matter easily or at all, for the reason only that some litigation has subsequently commenced on the matter. To hold otherwise would be to invite every person who is apprehensive of the action that this House might take on any matter to rush to court and thereby gag the House from further deliberation on the matter. This surely cannot have been the intention of the sub judice rule. The Chair will guard carefully against the abuse of the procedures of this House in that manner.

"Whereas I cannot hesitate to deliver a ruling on a matter of great public interest that has been raised in the House, two issues constraint me from making any ruling on the matter raised by Hon. Midiwo.

1. Is the fact that the issues raised by the Member on November 21, 2012 are exactly the same issues which are pending for determination before the High Court under High Court Petition No. 538 of 2012.
2. Hon. Midiwo after raising the matter in the House went to Court to seek determination and in particular seeking constitutional interpretation on the matter.

"The High Court, under Article 165(3)(d) of the Constitution, has jurisdiction to hear any question respecting the interpretation of the Constitution and specifically the question of whether anything said to be done under the authority of the Constitution is inconsistent with or in contravention of the Constitution. The Honourable Member for Gem has after raising this matter in the House, proceeded to seek the interpretation of the High Court under Article 165 (3) (d) of the Constitution.

"Honourable Members, bearing in mind the foregoing circumstances, and in particular that the



Honourable Member for Gem, the originator of the matter in this House, is one of the parties in the High Court case, I decline to give a considered ruling now on the matter raised by Hon. Midiwo and leave it

to determination by the court with the legitimate expectation that the same will be expedited given its import with regard to interpretation of the Constitution.

“I thank you”.

Appointments to the Public Service Commission and the Teacher’s Service Commission

Appointments to the Public Service Commission

On Thursday December 20, 2012, noting the various and elaborate legal provisions governing the appointment of members of the Public Service Commission (PSC), the Speaker directed that the names of the nominees to the PSC and their accompanying curriculum vitae, score sheet, and report of the selection panel be forwarded to the Departmental Committee on Labour and Social Welfare for consideration prior to approval by the House. The Committee was directed to proceed with dispatch and table its report to the House on or before December 27, 2012.

The nominees were:

1. Prof. Margaret Kobia — Chairperson
2. Amb. Peter O. ole Nkuraiya — Vice-chairperson
3. Prof. Michael N. Lokuruka — Member

4. Mr. Patrick G. Gichohi — Member
5. Mr. Lawrence Nyalle — Member
6. Ms. Veronica Chemutai Birgen — Member
7. Ms. Catherine Raini Omweno — Member
8. Dr. Judith Emboyi Bwonya — Member
9. Mr. Titus Ndambuki — Member

Appointments to the Teachers Service Commission

Taking cognisance of the various and elaborate legal provisions governing the appointment of members of the Teachers Service Commission (TSC), the Speaker directed that the names of the nominees to the TSC and their accompanying curriculum vitae, score sheet, and report of the selection panel be forwarded to the Departmental Committee on Education, Research and Technology for consideration prior to approval by the House. The Committee was directed to proceed with dispatch and table its report to the House on

or before December 27, 2012.

The nominees were:

1. Mr. Kiragu wa Magochi —
Chairperson
2. Mr. Kahindi Ziro James —
Member
3. Mr. Fredrick Haga Ochieng —
Member
4. Mr. Adan Sheikh Abdullahi —
Member

The Passing on of Hon. John Njoroge Michuki

On Wednesday February 22, 2012, Mr. Deputy Speaker informed MPs about the passing on of Hon. John Njoroge Michuki, EGH, MP, and the Minister for Environment and Mineral Resources after an illness. He highlighted the late Hon. Michuki's illustrious and chequered career having served both in the public and private sectors for most of his life. After eulogising the late Hon. Michuki, who died while serving as a Member of


the House representing Kangema Constituency, the Deputy Speaker said Hon. Michuki would be remembered for restoring sanity in the public transport subsector, culminating in what was popularly referred to as the "Michuki Rules" of February, 2004. He would also be remembered in the restoration of the Nairobi River. In Parliament, the Deputy Speaker said, the late Hon. Michuki would be remembered as a stickler to parliamentary rules and procedures.

The Passing on of Prof. George Saitoti and Hon. Joshua Orwa Ojode

On Tuesday June 12, 2012, Mr. Speaker informed MPs about the passing on of Hon. Prof. George Saitoti, EGH, MP, and Minister of State in the Office of the President in charge of Provincial Administration and Internal Security and that of Hon. Joshua Orwa Ojode, the Assistant Minister in that Ministry in a helicopter accident on June 10, 2012.

The accident, the Speaker added, had also claimed the lives of two security officers, namely, Inspector Joshua Tonkei and Senior Serjeant Thomas Murimi as well as two pilots, Capt. Luke Oyugi and Nancy Gituanja.

It was communicated to the House by the Chair that Prof. Saitoti had had an illustrious and checkered career having served both in the



public and private sectors for most of his life.

Mr. Speaker concluded that the late Prof. Saitoti, who died while serving as MP for Kajiado North, would be remembered for his often quoted statement that: “There comes a time when the nation is more important than an individual.”

The Chair also eulogised the late Hon. Ojode noting that he too had had an illustrious career in the private and public sectors before he was first elected to Parliament in a by-election in 1994 and has since served the people of Ndhiwa

Constituency in that capacity until his untimely death on June 10, 2012.

The Speaker concluded that colleagues in Parliament would miss and remember Hon. Ojode’s determination, candour, and spirit in tackling parliamentary questions directed to the Ministry by Members. He noted that those who worked and interacted with the late Hon. Ojode had described him as having been an amiable and easy to relate to personality who was always cheerful; they fondly referred to him as *Sirikal*.

QUORUM HITCHES

Article 121 of the Constitution and Standing Order No.22 provide for quorum of the House and its committees. During the period

under review, the House rose early due to quorum hitches as tabulated on Table 7. Members whose names appear on the first column indicated the lack of quorum to the Speaker.

Table 7: Record of quorum hitches.

MEMBER	DATE OF POINT	STATUS IN THE HOUSE
Hon. Fredrick Outa, M.P.	7/3/2012	No quorum
Hon. Millie Odhiambo, M.P.	13/3/2012	No quorum
Hon. Mwaura Njuguna, M.P.	15/3/2012	Regained
Hon. Rachel Shebesh, M.P.	19/4/2012	No quorum
Hon. Isaac Rutto, M.P.	26/4/2012	No quorum
Hon. Millie Odhiambo, M.P.	2/5/2012	No quorum
Hon. Peter Kiilu, M.P.	2/5/2012	No quorum
Hon. John Mbadi Ng'ong'o, M.P.	15/5/2012	No quorum
Hon. Chachu Ganya, M.P.	23/5/2012	No quorum
Hon. John Mbadi Ng'ong'o, M.P.	30/5/2012	Regained
Hon. Ekwee Ethuro, M.P.	6/6/2012	No quorum
Hon. Martha Karua, M.P.	14/6/2012	Regained
Hon. Charles Kilonzo, M.P.	20/6/2012	No quorum
Hon. Fred Kapondi, M.P.	31/7/2012	No quorum
Hon. Warugongo Nemesysus, M.P.	16/8/2012	No quorum
Hon. John Pesa, M.P.	29/11/2012	No quorum
Hon. Millie Odhiambo, M.P.	21/12/2012	No quorum
Hon. Edwin Ochieng Yinda, M.P.	27/12/2012	No quorum
Hon. Fred Outa, M.P.	3/1/2013	No quorum

Source: Table Office, Kenya Parliament, 2013

ADJOURNMENTS

1. On June 28, 2012 the Deputy Leader of Government Business, Hon. Amos Kimunya, gave a notice of motion that the House do adjourn until Tuesday July 31, 2012 at 2.30pm.
2. On October 11, 2012, the Member of Parliament for Kipipiri and Minister for Transport, Hon. Amos Kimunya, moved the motion that the House adjourns until Tuesday November 20, 2012 at 2.30pm.

MAIDEN SPEECHES

A maiden speech is the first ever speech an MP makes on the floor of the House. There were three maiden speeches during the period under review.

Hon. Augustino Neto Oyugi, MP, Ndiwa



On September 20, 2012, there was applause as the Deputy Speaker announced to the House that Hon. Neto would be making his Maiden Speech.

After registering his support for the Prevention of Terrorism Bill, he thanked the people of Ndiwa, the party leadership of ODM, the people of Kenya who supported his campaign and the Prime Minister and MPs.

He then gave a run-down of what his priorities in Parliament, on behalf of the people of Ndiwa, would be.

Hon. Tirus Nyingi Ngahu, MP, Kangema

The Temporary Deputy Speaker, Hon. Gitobu Imanyara, asked Members to give Hon. Ngahu their attention in silence as per House tradition while he made his maiden speech on September 25, 2012. Mr Ngahu thanked his family, God, the people of Kangema, and Deputy Prime Minister Uhuru Kenyatta for supporting him in his bid for the Kangema seat.

Noting that there was a lot of money going to Kangema, he urged his constituents to spend it wisely and, among others, uplift the youth from morass. He praised TNA as the party of the masses and the future.

When he finished his Maiden Speech, the Temporary Deputy Speaker pointed out that “strictly speaking” he had been out of order as he did not canvass any issue. He reminded him that maiden statements are allowed in the conduct of the normal business of the House and noted he let him proceed as a courtesy.

Hon. Moses ole Sakuda, MP, Kajiado North

On September 26, 2012, Hon Sakuda lent his support to the bill under discussion. He praised his predecessor, the late Hon. Prof. George Saitoti, for the way he had steered his constituency and for the development projects he had initiated and completed. He called for national unity and pledged his own participation in engendering it.

DELEGATIONS TO THE KENYA NATIONAL ASSEMBLY

The Kenya Parliament remains open to visitors from within our borders and other countries. In 2012, visitors from other parliaments, parliamentary associations, and the international community visited the office of the Speaker and the Clerk with a view to learning from the conduct of parliamentary business in Kenya and identifying areas of support and collaboration.

The Public Relations Department's core mandate is derived from Objective 4 of the revised Parliamentary Service Commission Strategic Plan 2008-2018 that seeks to improve the image of Parliament. Among the activities undertaken by the department include protocol.

During the period under review, the department received many visitors from other countries in addition to local visitations. Below are the records of visitation from other parliaments facilitated by the Protocol Section:-

January 23rd – 27th, 2012

Zambia- Hon. Chifumu Banda, MP, Deputy Chairperson of Committees of the Whole House, Zambian Parliament, made a study visit. He was able to meet with the Speaker of the National Assembly, Deputy Speaker, Hon. Gitobu Imanyara, Hon. Prof. Philip Kaloki, Hon. Ekwee Ethuro, and Hon. Dr. Joyce Laboso, MP, who are Members of the

Speaker's Panel. They also met the Standing Orders Review Taskforce.

19th – 25th February 2012

Uganda- The Uganda Parliament's Committee on Tourism had a study visit on Trade and Industry focussing on benchmarking combat against counterfeits. The delegation led by Hon. Tete Chelegat Everyn had a meeting with the Deputy Speaker of the National Assembly; Committee on Finance, Planning & Trade; Director of Kenya Bureau of Standards and his team; the head of the Anti-Counterfeit Agency; and, later on, had a tour to the Flower Farm in Naivasha.

20th – 22nd February, 2012

Australia- A delegation from the Parliament of Victoria, Australia, led by the President of the Legislative Council, the Hon. Bruce Atkinson, MLC, had a study visit to the Kenya National Assembly. They paid a courtesy call on the Office of the Speaker. Afterwards, they had a meeting with the Centre for Parliamentary Studies and Training (CPST) team, Parliament's Legal Officers, the task force reviewing the Standing Orders, the Parliamentary Service Commission, Members of the Procedure and House Rules Committee, the Deputy Speaker and Chair of Liaison Committee, Officers in Administration, and Finance and ICT. Lastly, they visited

the Australian High Commissioner to Kenya.

4th – 10th March 2012

Malawi- A delegation from the Parliamentary Service Commission of Malawi (pictured below) had a study tour to Kenya.

The delegation paid a courtesy call on the office of the Speaker of the National Assembly who is also the Chairman, Parliamentary Service Commission (PSC).

Later on, they had a meeting with

the members of the PSC, the Deputy Speaker who is also the Chairman of the Liaison Committee, the Constituencies Fund Committee, the Constituency Development Fund (CDF) Board, Directors and Heads of Departments, the Constituency Liaison Officers and later had a dinner hosted by the Speaker of the Kenya National Assembly at Nairobi Serena Hotel. The delegation also had a chance to meet with the Gatanga Constituency Development Fund Committee and had a tour of Gatanga Constituency CDF projects.



18th – 24th March 2012

Tanzania- Committee Clerks from the Parliament of Tanzania paid a courtesy call on the Clerk of the National Assembly. They later had meetings with the Director of Committee Services; the Principal Clerk Assistant; the Legal Office; Agriculture, Livestock and Cooperatives Committee; Energy, Communications, and Information

Committee; and the Centre for Parliamentary Studies and Training (CPST) team. The delegation also had a chance to tour Lake Elmentaita, Lake Naivasha, and Flower Farm.

April 22nd – 25th 2012

Zanzibar- Research staff from the Parliament of Zanzibar paid a courtesy call on the Kenya National



Assembly. The delegation had meetings with the then Director of Information and Research Services, Mr. Clement Mayieko Nyandiere, and his team and also visited the Centre for Parliamentary Studies and Training (CPST).

9th – 11th May 2012

Uganda- A delegation led by Hon. Odonga Otto from the Parliamentary Committee on Government Assurances, Parliament of Uganda, visited Kenya. They paid a courtesy call on the Deputy Speaker's Office and had a meeting with the Committee on Implementation where they were briefed on the mandate and operations of the Committee. The Chairman of the Committee hosted the delegation to a lunch at Parliament's main restaurant and they attended parliamentary proceedings.

10th May 2012

United Kingdom- Members of the Foreign Affairs Committee (FAC) of the House of Commons, United Kingdom, visited Parliament on May 10th 2012. They paid a courtesy

call on the Speaker of the National Assembly and later were hosted to a luncheon by the vice-chair of CPA EXCO (Kenya) Branch, Hon. David Musila. They held a meeting with the AG and, also, with the Departmental Committee on Defence and Foreign Relations.

14th – 18th May 2012

Tanzania- Registry staff from the Parliament of Tanzania had a study tour to Kenya. They paid a courtesy call on the Clerk of the Kenya National Assembly and later held a series of meetings with the Registry team. The team also had a game drive at the Nairobi National Park and toured Mamba Village.

18th – 23rd June 2012

Ghana and Zambia- Budget Officers from Ghana and Zambia visited the Kenya National Assembly. The officers first paid a courtesy call on the Clerk of the National Assembly. They held a series of meetings with the Budget Office. They also had a meeting with the Research Office team, the ICT team, and were hosted to a dinner at Carnivore Restaurant.

21st June 2012



Southern Sudan- Mr. Gabriel Deng, Undersecretary for Parliamentary Affairs, Republic of Southern Sudan, visited Kenya and met with the Clerk of the Kenya National Assembly, the Principal Clerk Assistant and the team on Legislative and Committee Business of Parliament. Mr. Deng is pictured above (far right) with an aide and Kenya Parliamentary Staff.

24th – 30th June 2012

Namibia- A delegation of six MPs accompanied by six members

of staff from the Namibia Joint Parliamentary Committee on the Parliamentary Service visited Parliament and first paid a courtesy call on the Deputy Speaker, where they had a general discussion on the work of the Parliamentary Service Commission (PSC). They also had meetings with the PSC Secretariat led by the Vice Chairman, the Clerk of the National Assembly, and the Head of Budget Office. The delegation had a chance to visit Ostrich Farm, Kitengela.

APPOINTMENTS/NOTICES

Parliamentary Service Commission Appointments

The Kenya Parliamentary Service Commission (PSC) made new appointments for various management positions of the Parliamentary Service. The changes

are part of the preparations for the bi-cameral Parliament beginning 2013.

Table 8 shows the appointments:

Table 8: Notices.

NAME	POSITION APPOINTED
Mr. Jeremiah Makokha Nyegenye	Clerk of the Senate
Mr. Justin Nthiri Bundi	Clerk of the National Assembly
Mr. Clement Mayieko Nyandiere	Director General, Parliamentary Joint Services
Mr. Michael Rotich Sialai	Senior Deputy Clerk, National Assembly
Mrs. Consolata Waithera Munga	Senior Deputy Clerk, Senate
Mrs. Florence Abonyo	Director, Committee Services, National Assembly
Mr. Samuel Njenga Njuguna	Director, Committee Services, Senate
Mrs. Nancy Mukunya	Director, Speaker's Office – National Assembly
Mr. Mohammed Ali Mohammed	Director, Speaker's Office – Senate
Mrs. Eunice Gichangi	Director, Legal Services – Senate
Mr. Paul Onyangoh Nyadewo	Director, Finance and Accounting Services
Mr. Anthony Thiong'o Njoroge	Director, Legal Services, Parliamentary Joint Services
Prof. Nyokabi Kamau	Director, Centre for Parliamentary Studies and Training
Mr. Paul Ngetich	Director, Research and Information Services
Mjr. (Rt.) Solomon Obange	Serjeant-at-Arms, Senate
Mrs. Gladys Ingoyi Ndenda	Hansard Editor, Senate

Source: Parliamentary Service Commission, 2012

TRIBUTES

The year 2012 of the 10th Parliament of Kenya will be remembered as the one in which notable leaders passed away.

Hon. John Michuki



For over six decades the late Hon. John Michuki served Kenya as a civil servant and thereafter, as a Cabinet Minister. He served with commitment and distinction. His dedication to duty and contribution to the making of Kenya cannot be gainsaid. At the time of his demise, he was the Minister for Environment and Mineral Resources and MP for Kangema Constituency. Hon. Michuki died of

a cardiac ailment while undergoing treatment at the Aga Khan Hospital, Nairobi, and was buried at his Kangema home.

Hon. Prof. George Saitoti

The late Hon. Prof. George Saitoti will be remembered for his career in and contribution to the public service, academia, corporate boardroom leadership, political leadership, and as Kenya's longest serving Vice President. At the time of his death, Prof. Saitoti was the Internal Security Minister and MP for Kajiado North Constituency. He was eulogised as visionary and committed to family and country.



Hon. Joshua Orwa Ojode

Hon. Ojode served in the 10th Parliament as Assistant Minister in the Ministry of Internal Security and MP for Ndhwa. He was beloved of his family, colleagues, and Kenyans generally. Hon. Ojode was fondly referred to as *Sirikal* by



his parliamentary colleagues due to his zeal and faithfulness in serving and defending the Government.

Hon. Joseph Martin Shikuku

The former Butere MP died at Texas Cancer Centre in Nairobi's Hurlingham area where he was undergoing treatment for prostate cancer. The late Shikuku had been a long-serving MP for Butere until 1997. He will be remembered for being at the frontlines in the fight for the country's independence and the restoration of multiparty democracy in Kenya in the early 1990s. He is said to have prepared his grave and even bought a coffin long before his death. He was buried at his Kitale home.



Hon. Njenga Karume

A former Cabinet Minister, Mr. Njenga Karume, died at Nairobi's Karen Hospital after a battle with cancer. During his time in Parliament, Hon. Karume served in the Defence and Special Programmes dockets, amongst others. He will be remembered as being an astute businessman and a rare Kenyan who rose from humble beginnings to build a business empire and political career through sheer hard work and determination.



Hon. Francis Ewaton Achuka

The former Turkana South MP, the late Hon. Francis Ewaton Achuka, allegedly committed suicide after killing his wife in his rural home in Turkana. Their bodies were discovered in his house by neighbours who said both bodies had bullet wounds. Ewaton was a licensed gun holder. Mr. Ewaton had held the Turkana South seat between 1992 to 2007.



APPENDIX I: SPEECHES BY THE SPEAKER

AN ABRIDGED VERSION OF REMARKS BY THE HON. KENNETH MARENDE, EGH, ACI Arb, MP, SPEAKER OF THE NATIONAL ASSEMBLY OF KENYA DURING THE STATE OF THE NATION ADDRESS BY H.E. EXCELLENCY THE PRESIDENT ON TUESDAY APRIL 24, 2012 IN THE OLD CHAMBERS, PARLIAMENT BUILDINGS, NAIROBI.

Your Excellency the President of the Republic of Kenya and Commander-in-Chief of the Defense Forces; Hon. Mwai Kibaki, CGH, MP and Honourable Members.


It is my singular honour and pleasure to welcome your Excellency and all honourable Members to this first ever State of the Nation Address from the floor of this august House. This is a significant opportunity to take stock of the road map of our country to affluence in particular at a time when His Excellency, the President, is in his final lap of his very productive two terms in office.

Your Excellency, when history is written, posterity shall be reminded of your administration's record in revenue collection, reduction of tax evasion and your government's prudent expenditure, and from this success, turning around our transport and telecommunication, road, sea ports and airport infrastructure subsectors, waking up the giant in our financial sector through reforms, providing free basic education, rehabilitating stalled projects, and reducing our dependence on donor support to

run our economy including the re-engineering of Kenya's Vision 2030.

Your tenure in office has seen the expansion of democratic space. Your administration delivered a new constitution whose economic focus is to improve our governance and to devolve government and resources closer to the people. You have been at the forefront in implementing the Constitution despite the many challenges, competing interests, and occasional resistance to change. We want to recognise these starling milestones.

Honourable Members, while our resources present unique economic opportunities, we have for decades chosen to underutilise them. Take, for instance, the US\$250 million (Kshs20 billion) titanium investment in Kwale County which ought to be injecting Kshs130 million annually to the Government through taxation and export revenue. But what do we have? And what other projects are in the same state? I, therefore, urge us for re-dedication as a nation to take full advantage of God-given resources available in our country, in particular, the discovery of oil in Turkana County; let us use it wisely



as a blessing for the benefit of all citizens so that it does not become a curse as witnessed in other countries.

Honourable Members, we sincerely need to take advantage of our geographical position in the region and the availability of agricultural produce, tourism, energy, water resources in lakes and rivers, port facilities, and, very importantly, the human resources we have to ensure a faster growth of our economy. We all know for a fact that in the early 1960s Kenya's economy was much better compared with those of Singapore, Thailand and South Korea just to name a few. Those who may have travelled to Singapore, Korea, and similar countries in the recent past realise just how dismally we have performed.

We must deal with the land question and inequalities in many parts of our country lest we are faced with violence, convoluted litigations on historical land injustices and even claims for secession as is happening in parts of Rift Valley and the coastal region of Kenya.

Your Excellency, honourable Members, allow me to reiterate the impressive contribution of every honourable Member of this House in discharging your mandate of legislation, oversight and representation. In my speech while

submitting myself to the collective will of this House after you elected me on January 15, 2008, I promised that I shall preside over 'progressive reforms' and ensure that 'Parliament is taken to and remains alert to the needs of the people of Kenya'. It is true this term is not yet over but I believe it is healthy to observe and note the current state of affairs as we approach the end of our term in public duty.

There have been immense sacrifices in crafting and scrutinising the Constitution, often putting in long working hours. The level and quality of scrutiny of legislation and oversight of Ministries, Departments and Agencies of State has risen. The committees have successfully been holding the Executive to account. It is a testimony that the 10th Parliament has processed a record number of Bills since Independence. You deserve a place in the history of our legislature.

Let me take this opportunity to thank the Parliamentary Service Commissioners, Members of the Speaker's Panel, Committee Chairs, Members of all Committees under the able leadership of my deputy, Mr. Deputy Speaker, Hon. Farah Maalim and the parliamentary staff led by the Clerk, Mr. Patrick Gichohi.

Honourable Members, I wish to assure Kenyans that we are putting in place mechanisms of ensuring



a smooth transition to the new bicameral system of parliament. We are soon recruiting more professionals to join our staff in the various departments of the two Houses. We are also completing the procurement of buildings and other facilities for our expanded Parliament. I wish to also declare that our new chamber is ready. This shall provide room for the Senate Chamber to be refurbished in readiness for the new members.

The Standing Orders of the Senate and the National Assembly are being drafted and shall soon be subjected to public scrutiny before the Rules Committee introduces them in this House. I want to also undertake to provide the necessary support to the County Assemblies including facilitating the drafting of template Standing Orders for their use and where possible to second a few of our staff to help establish the legislatures.


Your Excellency, honourable Members, allow me to address what I consider to be the greatest priorities for us as the leadership of our nation today. We must be humble enough to serve Kenya, to unite Kenya, to crush the seeds of negative ethnicity and to be honest enough to respect the children of this country. Our children know what leadership they want. Let us provide them good leadership.

Secondly, we must endeavour to shift our politics to issues and build political parties that stand the test of democracy. Again we must be bold, but still humble enough, to deliver a working multiparty democracy, respect the rule of law, and do all we can to ensure the General Election ahead is free and fair.

Thirdly, if we do not deal with the plight of the poorest of the poor; if we do not deal with the plight of workers at the lowest level; if we do not deal with the challenges of unemployment, it shall boomerang on all of us. Let us try to focus more on the very vulnerable members of our society; on issues of access to healthcare, access to farm inputs, fair fuel and food prices and access to affordable education.

Your Excellency; I personally look forward to listening to your personal assessment of the current State of our Nation. Although the end of your term in office is still months away, and am hoping that this legacy remains thus preserved, I believe you have delivered to the people of Kenya beyond the expectations of many. I urge all the aspirants, and whoever will succeed you, to take the mantle, to follow your pace and take this country to greater heights.

Your Excellency, congratulations!



With those few remarks, honourable Members, it is now my privilege and honor to invite His Excellency the

President to address the House and the Nation.

Thank you.

AN ABRIDGED VERSION OF THE KEYNOTE ADDRESS BY THE SPEAKER OF THE KENYA NATIONAL ASSEMBLY, HON. KENNETH MARENDE, EGH, ACIARb, MP, DURING THE KENYA LEGISLATIVE DEVELOPMENT CONFERENCE ON 29TH – 30TH MARCH 2012, AT WINDSOR GOLF HOTEL, NAIROBI.

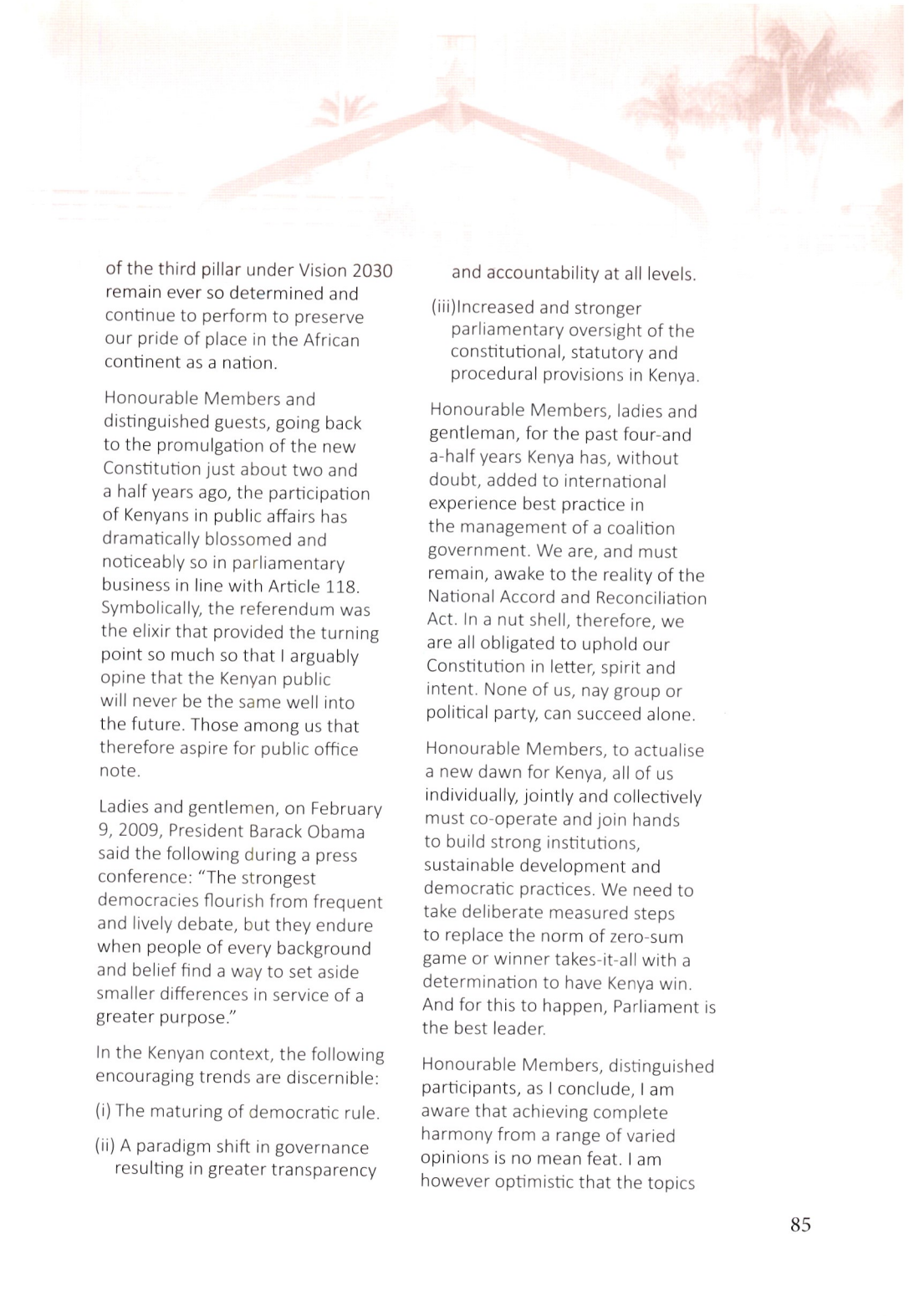
The Rt. Hon. Raila Odinga, MP, Prime Minister of the Republic of Kenya; Deputy Speaker, Hon. Farah Maalim, M.P; honourable Members of Parliament; distinguished guests; resource persons; ladies and gentlemen.

We are here assembled to do an honourable and decent thing, namely take stock of the legislative development in Kenya under the leadership of the 10th Parliament. We are accorded an opportunity to reflect on the strides we have made towards entrenchment of democratic traditions and practices. And further, more significantly, it is an opportunity to recommit ourselves to leverage on the new constitutional dispensation to bestow upon Kenyans a country fully reconciled by law, action and deed — a confident nation with enduring democracy.

Ladies and gentlemen, by our presence this morning, we re-emphasise the important place

of the Legislature as an organ of governance and the might of its tripartite mandate to legislate, represent and oversight. I am particularly gratified that this conference comes at this time when the country is nearing the General Election.

Though our journey so far has seemed long and difficult, the Fifth and Sixth Schedules to the Constitution of Kenya, 2010, remain our critical compasses. Members of Parliament, the Executive, the renewed Judiciary and the Kenyan public have commendably risen to the challenges that have confronted them in the implementation of the Constitution despite their diverse opinions and persuasions. The most important goal, one Kenyan nation, has been apparent and prevailed. Together, the Kenyan people have disabused the notion that a truly good constitution can be generated, midwived and matured in peacetime. I urge that we Parliament constituting the core



of the third pillar under Vision 2030 remain ever so determined and continue to perform to preserve our pride of place in the African continent as a nation.

Honourable Members and distinguished guests, going back to the promulgation of the new Constitution just about two and a half years ago, the participation of Kenyans in public affairs has dramatically blossomed and noticeably so in parliamentary business in line with Article 118. Symbolically, the referendum was the elixir that provided the turning point so much so that I arguably opine that the Kenyan public will never be the same well into the future. Those among us that therefore aspire for public office note.

Ladies and gentlemen, on February 9, 2009, President Barack Obama said the following during a press conference: “The strongest democracies flourish from frequent and lively debate, but they endure when people of every background and belief find a way to set aside smaller differences in service of a greater purpose.”

In the Kenyan context, the following encouraging trends are discernible:

- (i) The maturing of democratic rule.
- (ii) A paradigm shift in governance resulting in greater transparency

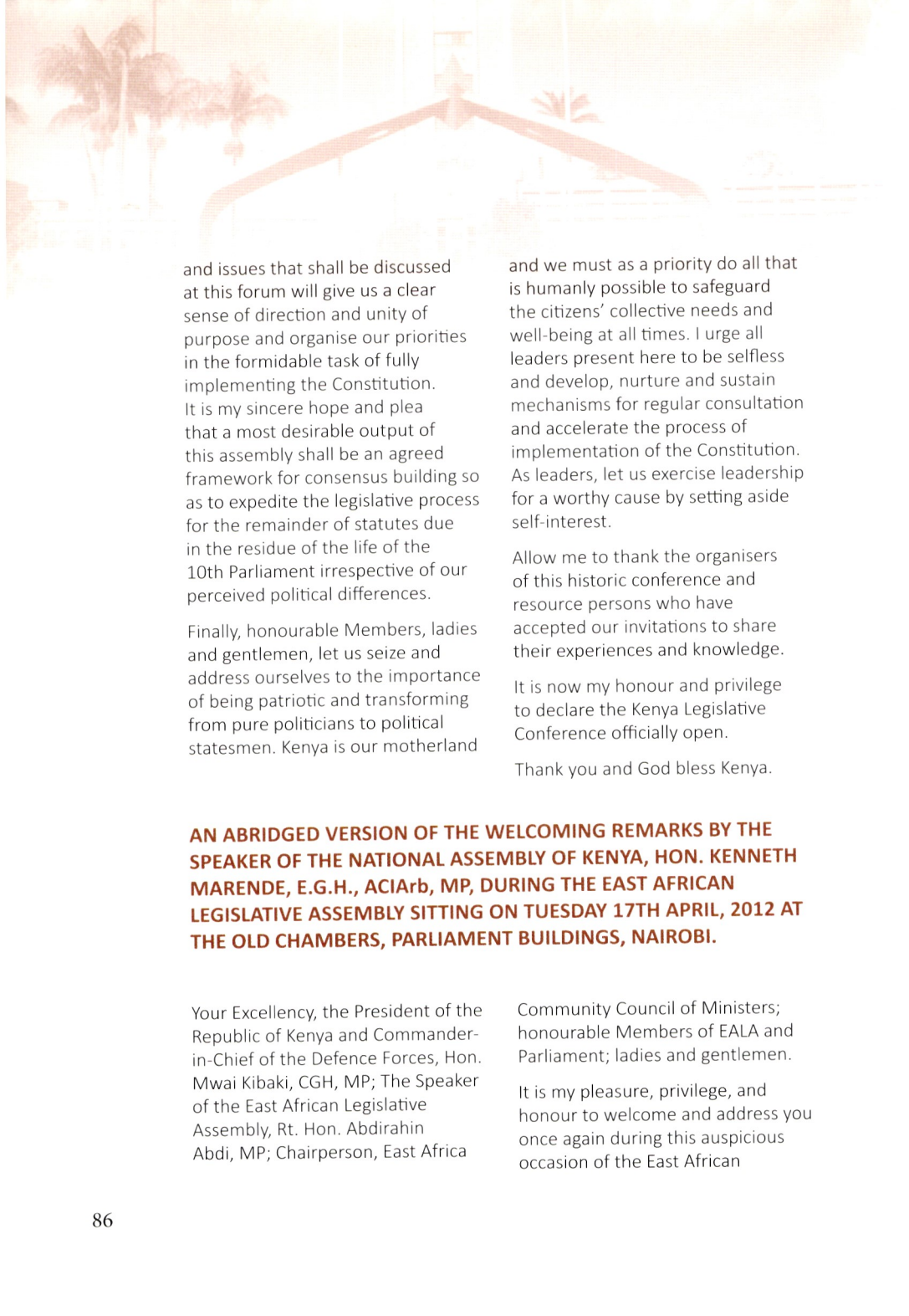
and accountability at all levels.

- (iii) Increased and stronger parliamentary oversight of the constitutional, statutory and procedural provisions in Kenya.

Honourable Members, ladies and gentleman, for the past four-and-a-half years Kenya has, without doubt, added to international experience best practice in the management of a coalition government. We are, and must remain, awake to the reality of the National Accord and Reconciliation Act. In a nut shell, therefore, we are all obligated to uphold our Constitution in letter, spirit and intent. None of us, nay group or political party, can succeed alone.

Honourable Members, to actualise a new dawn for Kenya, all of us individually, jointly and collectively must co-operate and join hands to build strong institutions, sustainable development and democratic practices. We need to take deliberate measured steps to replace the norm of zero-sum game or winner takes-it-all with a determination to have Kenya win. And for this to happen, Parliament is the best leader.

Honourable Members, distinguished participants, as I conclude, I am aware that achieving complete harmony from a range of varied opinions is no mean feat. I am however optimistic that the topics



and issues that shall be discussed at this forum will give us a clear sense of direction and unity of purpose and organise our priorities in the formidable task of fully implementing the Constitution. It is my sincere hope and plea that a most desirable output of this assembly shall be an agreed framework for consensus building so as to expedite the legislative process for the remainder of statutes due in the residue of the life of the 10th Parliament irrespective of our perceived political differences.

Finally, honourable Members, ladies and gentlemen, let us seize and address ourselves to the importance of being patriotic and transforming from pure politicians to political statesmen. Kenya is our motherland

and we must as a priority do all that is humanly possible to safeguard the citizens' collective needs and well-being at all times. I urge all leaders present here to be selfless and develop, nurture and sustain mechanisms for regular consultation and accelerate the process of implementation of the Constitution. As leaders, let us exercise leadership for a worthy cause by setting aside self-interest.

Allow me to thank the organisers of this historic conference and resource persons who have accepted our invitations to share their experiences and knowledge.

It is now my honour and privilege to declare the Kenya Legislative Conference officially open.


Thank you and God bless Kenya.

AN ABRIDGED VERSION OF THE WELCOMING REMARKS BY THE SPEAKER OF THE NATIONAL ASSEMBLY OF KENYA, HON. KENNETH MARENDE, E.G.H., ACIArb, MP, DURING THE EAST AFRICAN LEGISLATIVE ASSEMBLY SITTING ON TUESDAY 17TH APRIL, 2012 AT THE OLD CHAMBERS, PARLIAMENT BUILDINGS, NAIROBI.

Your Excellency, the President of the Republic of Kenya and Commander-in-Chief of the Defence Forces, Hon. Mwai Kibaki, CGH, MP; The Speaker of the East African Legislative Assembly, Rt. Hon. Abdirahin Abdi, MP; Chairperson, East Africa

Community Council of Ministers; honourable Members of EALA and Parliament; ladies and gentlemen.

It is my pleasure, privilege, and honour to welcome and address you once again during this auspicious occasion of the East African



Legislative Assembly sitting in the Chambers of the Kenyan Parliament.

I thank you, Rt. Hon. Speaker for inviting His Excellency Hon. Mwai Kibaki, the President of the Republic of Kenya who is also a Member of the Summit of Heads of States of the East African Community, to address this Assembly.


Mr. Speaker, as you are aware, the EAC came into being on November 30, 2007 following the signing of the Treaty for its Establishment in 2000 and that Article 49 of the EAC Treaty, establishes EALA as an independent legislative arm of the Community with the duty to act in concert with the objectives set out which include the strengthening of economic, social, cultural, political, technological and other ties between the partner States to facilitate fast, balanced, and sustainable development; the establishment of an East African customs union and common market; the establishment of a monetary union; and ultimately a political federation. The Kenyan Parliament has worked very closely with EALA in achieving the set objectives of the EAC.

Mr. Speaker, though the EAC Common Market Protocol provides for the free movement of the people of EAC across the borders, there is need to finalise negotiations on the Protocol's

annexes on harmonisation and mutual recognition of academic and professional qualifications and on social security benefits in the Community. Non-tariff barriers still remain a big challenge and their occurrence impacts negatively on trade consequently making business expensive in the EAC region.

Mr. Speaker, we need to recognise the universality of achieving a political federation and strengthening of linkages between EAC, EALA, EACJ and civil society. On this note, I urge EALA to legislate and work closely with various organisations and institutions both in the public domain and civil society on matters pertaining to political confederacy emphasising the critical role in ensuring adherence to the principles of good governance in this respect.

EALA must hence play that responsibility of achieving political federation, through exploring opportunities that strengthen the functional relationship between EALA and national parliaments. We ought to improve channels of reporting, communication, and joint efforts by the parliaments to deepen and solidify the integration process within the partner States of the Community and facilitate understanding of the role of civil society in legislative advocacy both at the regional and national levels.



Mr. Speaker, our region is so interlinked and connected that either all of us are foreigners or none of us is. We all are part of a whole, East Africa. Let us all as the apex of leadership lead our people to convergence. Let us see the borders between our countries as connecting us not separating us.

As you honourable Members deliberate on the agenda before the Assembly, I urge you to give deserved attention to improvement of the socioeconomic welfare of East Africans and take advantage of the common market, sustainable utilisation of Lake Victoria and

establishment of a political federation.

Mr. Speaker, finally, the Kenya National Assembly will, through structured engagement, continue to facilitate and support the Assembly as necessary to enable it achieve its mandate, together as one people with one destiny.

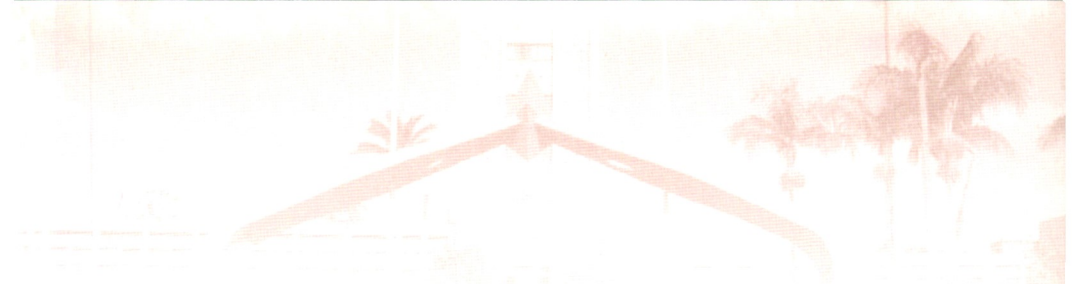
I once again welcome you to the Parliament of Kenya and on behalf of the honourable Members and staff of the Kenya National Assembly, I wish you fruitful deliberations.

Thank you and God bless.

AN ABRIDGED VERSION OF THE KEYNOTE ADDRESS BY THE SPEAKER OF THE KENYA NATIONAL ASSEMBLY, HON. KENNETH MARENDE, EGH, ACIArb, MP, DURING A FORUM WITH MEMBERS OF PARLIAMENT ON THE NATIONAL CONFERENCE AND COUNTY FORUMS ON PEACEFUL ELECTIONS IN MOMBASA ON 8TH – 9TH JUNE, 2012.

Your Excellency Hon. Mwai Kibaki, CGH, MP, President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces; The Right Hon. Raila Odinga, EGH, MP, Prime Minister of the Republic of Kenya; Hon. Stephen Kalonzo Musyoka, EGH, MP, Vice President of the Republic of Kenya; honourable Members of Parliament; resource persons; distinguished guests; ladies and gentlemen.

As I was reflected on my subscription on this august gathering at this time of what I see as our national renaissance into the 21st Century, the words of US Clergyman, James Freeman Clarke (1810-1888) came to mind — a befitting capture of the phenomenon that really appears to be. He observed: “A politician thinks of the next election. A statesman thinks of the next generation. A



politician looks for the success of his party; a statesman for that of the country. The statesman wished to steer, while the politician was satisfied to drift.” This leads to a fairly obvious conclusion that I think has to be the focus of this forum; that it has to be about us, all of us bound together for better or worse but preferably the former.


Your Excellency, honourable Members, ladies and gentlemen, this occasion accords us an opportunity to reflect on the strides that we have made towards the entrenchment of the principles and practice of democracy which are important explanatory variables to ensuring free, fair and peaceful elections. Further, it offers us a platform to re-dedicate ourselves as national leaders, if not MPs, to procuring the full and faithful implementation of the Constitution of Kenya, 2010.

The Constitution, at Article 81, sets out a number of principles for the ideal electoral system that is the prescription for Kenya. These include the freedom of citizens to exercise their political rights in free and fair elections devoid of violence, intimidation, improper influence or corruption and which are transparent and are administered in an impartial, neutral, efficient, accurate and accountable manner. It is my minimum expectation that

one of the outcomes of discussion from this assembly shall be a fair assessment of our preparedness as a nation for peaceful elections against these constitutional principles and that where necessary, we shall put in place mechanisms to ensure that the principles set out at Article 81 govern all our electoral processes, including and in particular, the forthcoming General Election and forever thereafter.

As we move forward, let us do so from the vantage point of lessons learnt from elections that have been conducted in our country since independence. These elections, and perhaps more so the General Election of the year 2007, offer valuable insights into the policy and legislative frameworks that are on call to actualise peaceful elections. The lessons significantly underscore the role that the leadership of this country, including MPs, the Executive and the Judiciary as well as religious leaders, civil society, and the private sector must play and stand up to be counted to make peaceful elections happen.

With regard to the foregoing, I appreciate the fact that a section of the programme for this forum has been dedicated to deliberations on the role of legislators in peace building and national cohesion. Additionally, I observe that panel discussions will hinge on the role of



religious leaders and civil society in ensuring peaceful elections.

Your Excellency, honourable Members, ladies and gentlemen, further afield, the continent of Africa offers valuable lessons for our country as we move forward. In the last couple of years, elections have been held in a number of countries in Africa while preparations are on-going for forthcoming elections in some African states. From the newly independent Republic of South Sudan, to our enduring neighbours Uganda and Tanzania, out to Zambia, Nigeria, Liberia, and others, the success stories and the challenges experienced in recent elections conducted in these countries offer good training ground for our country on what it takes to organise, conduct, supervise and realise credible, free, fair and peaceful elections.

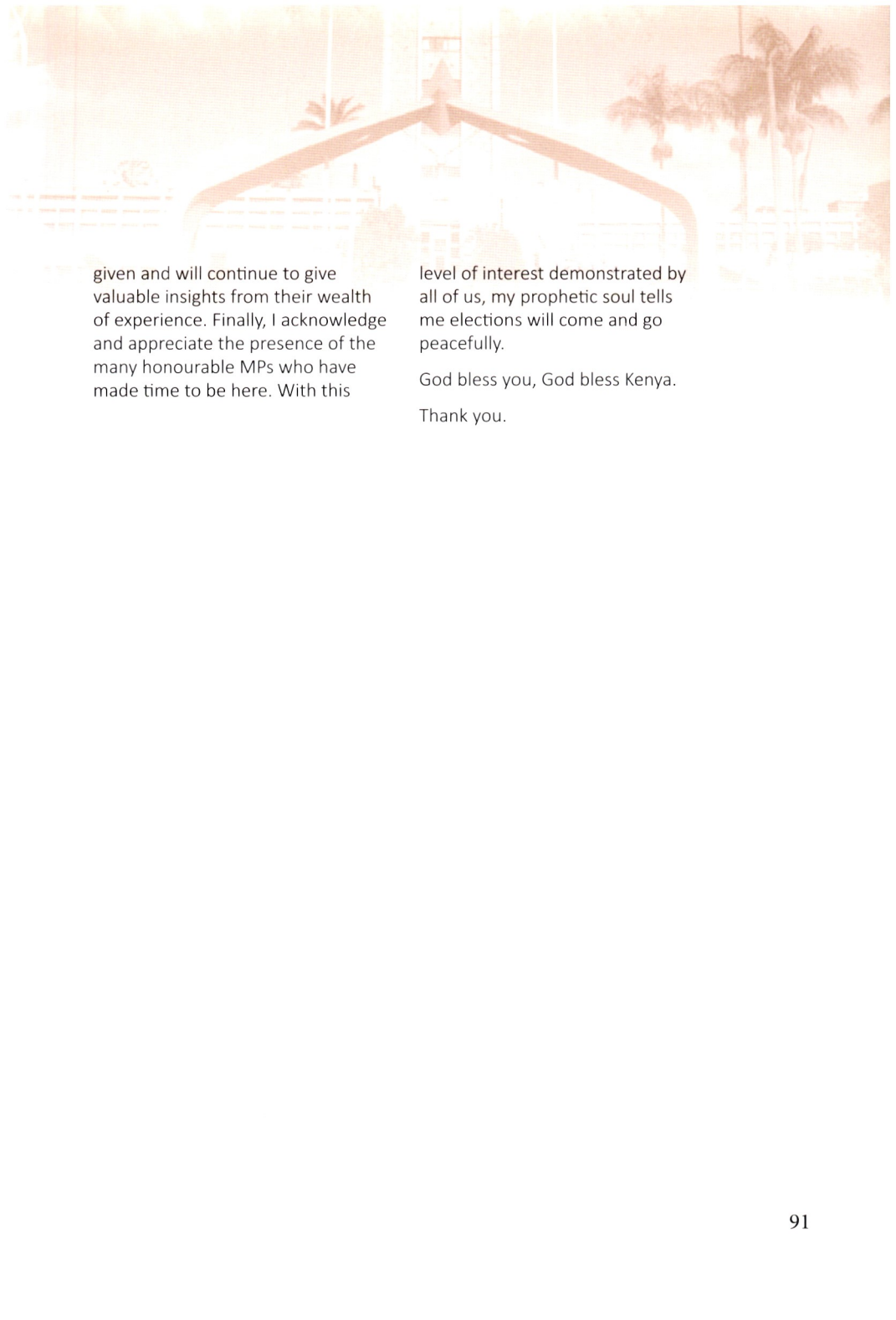
As national leaders, MPs and the private sector covered, we are called upon to put aside our political, ideological, and ethnic, indeed all differences, and to unite as statesmen and stateswomen in dispatching to the dustbin of history hate speech, negative ethnicity, violence, civil strife and internal displacements that have characterised our past elections. We as leaders must individually, separately, jointly and collectively as much as possible, and deliberately so, work relentlessly to hatch,

nurture and sustain the seemingly hitherto latent new Constitutional dispensation and as a watermark and starting step, seize the mantle to a new beginning, be part of the team that contributes to this country holding compliant elections in true character to the letter, spirit, intent and purpose of Article 81 of the Kenya Constitution, 2010.

All citizens of this land are called upon to re-evaluate themselves on this subject of peaceful elections and to ensure that above all else, their fidelity to our beloved country remains intact even in the midst of elections. This national duty is for every Kenyan, there is no “they”; there is only “us”.

Your Excellency, honourable Members, ladies and gentlemen, I know and I am awake to the truth of the matter that the journey to peaceful elections is tedious and that just like Rome, it will not be built in a day. We must however begin to build and determine to accomplish.

As I conclude, let me take this opportunity, to thank you, Your Excellency, the President, Hon. Mwai Kibaki for giving policy direction that led to the convening of this very timely assembly. We thank you for your leadership in this regard. Significantly further, I thank the organisers of this great forum and the facilitators who have



given and will continue to give valuable insights from their wealth of experience. Finally, I acknowledge and appreciate the presence of the many honourable MPs who have made time to be here. With this

level of interest demonstrated by all of us, my prophetic soul tells me elections will come and go peacefully.

God bless you, God bless Kenya.

Thank you.

APPENDIX II: THE PRESIDENT'S STATE OF THE NATION ADDRESS

THE FULL SPEECH BY HIS EXCELLENCY HON. MWAI KIBAKI, CGH, MP, PRESIDENT AND COMMANDER-IN-CHIEF OF THE DEFENCE FORCES OF THE REPUBLIC OF KENYA DURING THE STATE OF THE NATION'S ADDRESS SPECIAL SITTING OF THE 10TH PARLIAMENT AT PARLIAMENT BUILDINGS, NAIROBI, ON TUESDAY 24TH APRIL, 2012.

Mr. Speaker, honourable Members, ladies and gentlemen.

It gives me great pleasure to join you during this special sitting of Parliament, which comes after a short, well deserved break.

During the break, I trust that my fellow legislators engaged constructively with their constituents, expounded on Government policies and sought wananchi's views on the forthcoming agenda before this House.

In the last Session, Members of this august House were able to debate and pass crucial Bills. As we commence this Session, we have a huge task ahead and I call upon each one of us to work extra hard so that we can pass all the pending Bills, especially those relating to implementation of the new Constitution.

Mr Speaker, over the last four years, the Grand Coalition Government has had a focused legislative agenda that has sought to improve the lives of our people. We have presented several Bills dealing with the

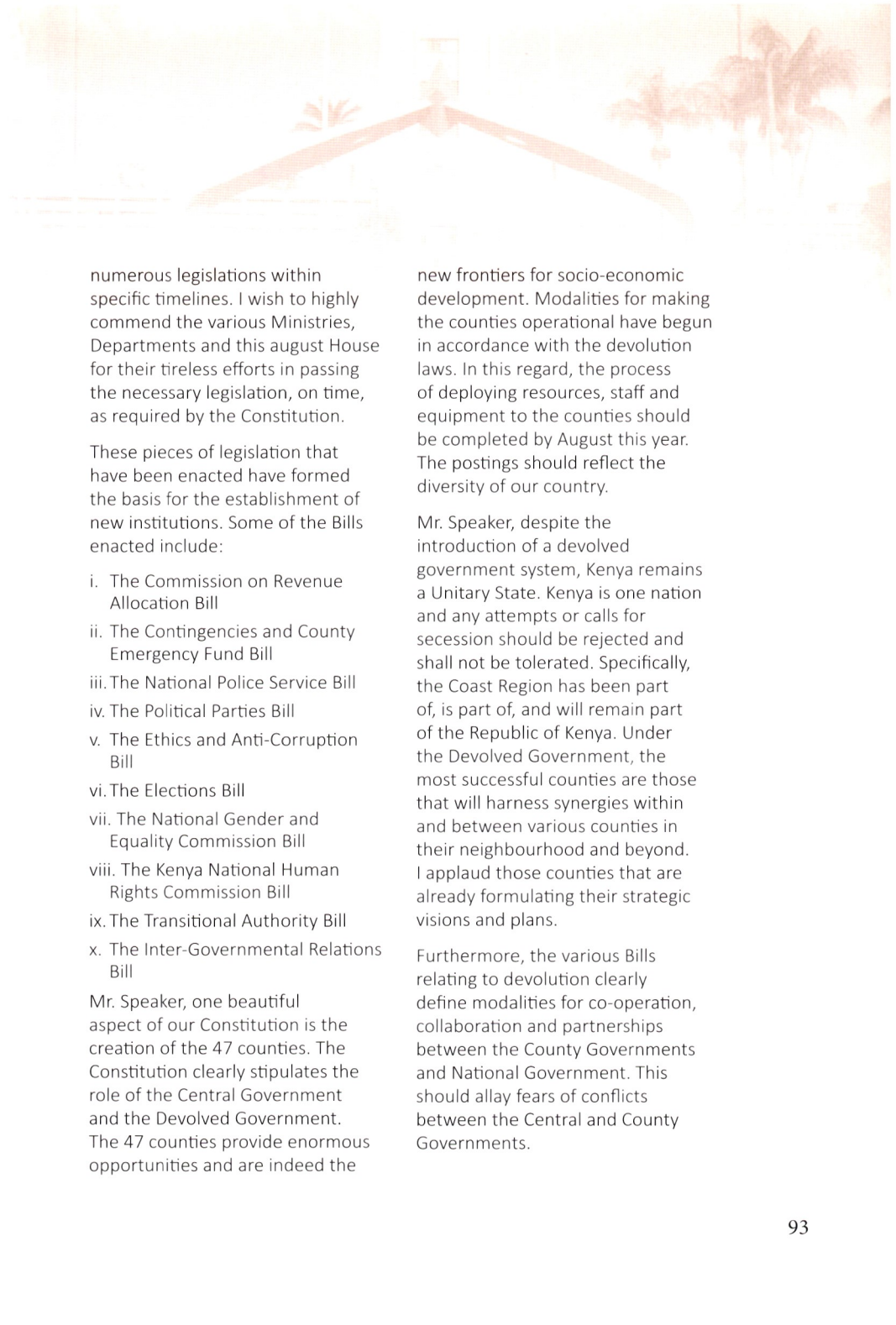
political, socio-economic and legal affairs of our country.

On the economic front the Sacco Societies Bill which sought to regulate and license deposit-taking Savings and Credit Cooperatives was passed. The Tourist and Limited Liability Partnership Bills were also passed.

In the area of social order, national unity and human rights, the National Cohesion and Integration Bill; the Alcoholic Drinks Control Bill; the Prohibition of Female Genital Mutilation Bill; and the Prevention of Organised Crime Bill were passed and enacted.

Moreover, our legal system was strengthened by the passage of the Witness Protection Bill; and the Vetting of Judges and Magistrates Bill.

Mr. Speaker, the enactment of our Constitution two years ago was an important milestone in our nation's history. Our Second Republic was born after many unsuccessful attempts spanning over a 20-year period. The new Constitution occasioned that Parliament enacts



numerous legislations within specific timelines. I wish to highly commend the various Ministries, Departments and this august House for their tireless efforts in passing the necessary legislation, on time, as required by the Constitution.

These pieces of legislation that have been enacted have formed the basis for the establishment of new institutions. Some of the Bills enacted include:


- i. The Commission on Revenue Allocation Bill
- ii. The Contingencies and County Emergency Fund Bill
- iii. The National Police Service Bill
- iv. The Political Parties Bill
- v. The Ethics and Anti-Corruption Bill
- vi. The Elections Bill
- vii. The National Gender and Equality Commission Bill
- viii. The Kenya National Human Rights Commission Bill
- ix. The Transitional Authority Bill
- x. The Inter-Governmental Relations Bill

Mr. Speaker, one beautiful aspect of our Constitution is the creation of the 47 counties. The Constitution clearly stipulates the role of the Central Government and the Devolved Government. The 47 counties provide enormous opportunities and are indeed the

new frontiers for socio-economic development. Modalities for making the counties operational have begun in accordance with the devolution laws. In this regard, the process of deploying resources, staff and equipment to the counties should be completed by August this year. The postings should reflect the diversity of our country.

Mr. Speaker, despite the introduction of a devolved government system, Kenya remains a Unitary State. Kenya is one nation and any attempts or calls for secession should be rejected and shall not be tolerated. Specifically, the Coast Region has been part of, is part of, and will remain part of the Republic of Kenya. Under the Devolved Government, the most successful counties are those that will harness synergies within and between various counties in their neighbourhood and beyond. I applaud those counties that are already formulating their strategic visions and plans.

Furthermore, the various Bills relating to devolution clearly define modalities for co-operation, collaboration and partnerships between the County Governments and National Government. This should allay fears of conflicts between the Central and County Governments.



In this regard, the Central Government will go out of its way to ensure that county governments are empowered to effectively achieve their mandate right from day one. This is important since Counties will provide critical essential services that include health, water, agriculture and local transport. That is why wananchi have very high expectations on enhanced service delivery at the local level.

I urge voters during the General Election to elect competent leaders who will transform counties to be economic enclaves that deliver public services professionally, create wealth and employment, improve and spread incomes across their populations as well as improve the quality of life.

Mr. Speaker, in this Session of Parliament, I call upon MPs to work closely with the Executive to ensure that all necessary laws are passed on time, with specific focus on the laws laid out in the Fifth Schedule of the Constitution.


These include the three Land Bills as well as the Public Financial Management Bill, and the County Government Bills. However, Mr. Speaker, there are other Bills not listed in the Constitution but which also require very urgent attention by this august House. These include the Kenya School of Law Bill, Legal Education Bill, Universities Bill,

Teachers Service Commission Bill, and Public Service Commission of Kenya Bill, among others.

Mr. Speaker, the reforms that have been brought about by the new laws passed by this House, seek to transform our country and improve the livelihoods of our people. However, this transformation can only take place when we, as a people, embrace the national values as laid out in Article 10 of our Constitution. Some of these values include patriotism, national unity, the rule of law, social justice, integrity, transparency and accountability. We must not take our democracy and these values for granted.

We take pride that these are largely the same values that inspired our freedom fighters and founding fathers, to whom we continue to pay special tribute. All Kenyans should strive to live by these values and I urge you and all other leaders to be good role models.

Mr. Speaker, Kenya is due to hold its first General Election under the new Constitution. The Government has put in place the necessary institutions and measures to regulate free, fair and credible elections. Any hindrances and obstacles of whatever nature will be dealt with decisively and promptly. We are increasing the number of security officers. Moreover, massive



civic and voter education will be conducted on the new Constitution and the electoral system.

This House has also passed three crucial pieces of legislation that have laid down the legal framework for the forthcoming General Election. These are: Elections Act; Independent Electoral and Boundaries Commission Act; and Political Parties Act. I urge Parliament to support the Government and help to urgently harmonise the various deadlines, procedures and regulations contained in these particular legislations.

I would also like to appeal to our political parties to make an effort of having a national outlook. Our democracy has now come of age and we should discourage regionally-based parties. We need parties that are ideologically driven and have a national character.

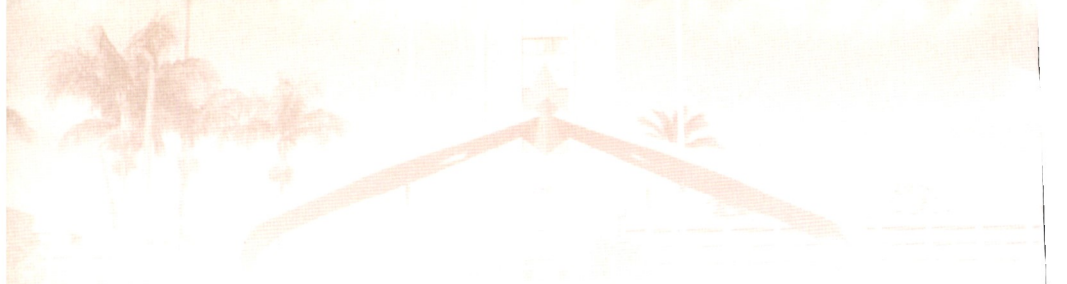
Mr. Speaker, I call upon all leaders and Kenyans to embrace peace and reconciliation as we move towards the General Election. As the elections draw closer, leaders must display patriotism and statesmanship. Political competition must be guided by the fact that the interests of our nation are more important than any individual or party interests. Kenyans must observe the rule of law before, during and after the elections.

The Government will be holding a national conference on peaceful elections around August this year. I appeal to MPs and other leaders to engage in the district and county peace forums in the build-up to the national conference.

Mr. Speaker, I am also aware of the concerns that the upcoming ICC cases have caused among Kenyans. I am also cognisant of the fact that this House passed a motion that Kenya pulls out of the ICC. Victims of post-election violence deserve justice. The Kenyans facing trials also deserve a fair and legal hearing. In the meantime, I call on Kenyans to remain calm even as we pursue the option of having a local mechanism to deal with any international crimes. The matter of the ICC must also not be politicised.

We are also embarking on the final phase of resettling internally displaced persons. We have purchased 12,900 acres of land to resettle IDPs and forest evictees. Kshs2.9 billion has been used to purchase land for IDPs and another Kshs1 billion for forest evictees. The Ministry of Special Programmes has also been allocated Kshs4.4 billion for construction of houses and purchase of food and non-food items.

Mr. Speaker, terrorist and criminal groups have over the last few years threatened our national security.



Following these threats and violation of our territorial integrity, we were compelled to undertake a military intervention in Somalia. I commend our men and women in uniform for their bravery and sacrifice as they confront these criminals and also as they seek to secure our borders and keep us safe. I particularly pay a special tribute to those who have paid the ultimate price in the line of duty. Security matters must never be politicised and Government will not allow anyone to seek political capital from criminal elements.

The Kenya Defence Forces are now part of the Africa Mission in Somalia. The nation of Somalia is today at a defining moment. After 20 years of internal strife, the people of Somalia have an opportunity to embrace peace and rebuild their country. Kenya and its regional and international partners are ready to support the people of Somalia during the reconstruction period.


Ultimately, however, it is the people of Somalia and their leaders that must carry the responsibility of stabilising their country so as to achieve the much-needed socio-economic and political transformation. In the meantime, I appeal to Kenyans to remain vigilant and continue taking precautionary

measures as they embark on their day-to-day activities.

Another regional area of great concern is the conflict between Sudan and South Sudan. Having played the role of an honest mediator to the Comprehensive Peace Agreement, Kenya calls for a ceasefire and an end to the escalating hostilities. Sudan and South Sudan must not return to war. We warmly welcome the decision of South Sudan to pull out of the Heglig oil rich area. In similar ways the bombings of oil fields should stop forthwith and I urge quick return to the peace agreement.

The stability of Somalia, Sudan and South Sudan are critical to the prosperity of our region. Indeed, these three countries have applied for membership of the East African Community.

Mr. Speaker, regional integration is a major ingredient in our development. Similarly the EAC holds much promise for our people. As the current Chair of the East African Community, we look forward to the full economic and political integration for prosperity of the region and its people. I acknowledge and salute members of the East African Legislative Assembly who have been holding their Sessions in Kenya. They have been at the forefront in deepening



our integration process through legislative activities.

Mr. Speaker, when I first addressed Parliament as President on February 18, 2003, our country faced several challenges. Our economic growth had nearly stagnated at 0.8 per cent. Working together, we have transformed our nation. By 2007 our economic growth rate had risen to above 7 per cent and we forecast a growth of about 5.5 per cent this year despite the global recession.

Today, 10 million children are enjoying our Free Primary Education, up from 5.9 million in 2003. We are paying tuition fees in secondary schools for over two million students. We now have over 200,000 people studying in our universities up from 60,000 in 2002.

In addition, 2,700 kilometres of new roads have been tarmacked while 4,000 kilometres have been rehabilitated countrywide. We now have 1.7 million electricity connections, up from 700,000 in 2002. Good roads have enabled our people to be connected to markets while electricity connections allow for the establishment of small-scale businesses and industries in all corners of our country.

Twenty four million Kenyans have mobile telephones. We are the world leader in mobile-phone-money-transfer and home to world

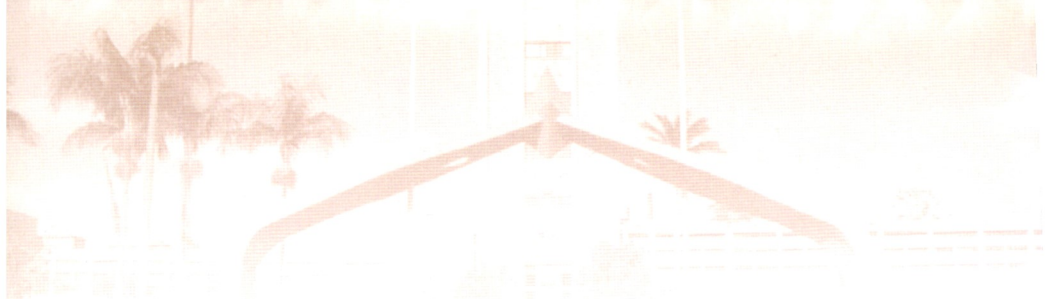
class ICT innovations made possible through the fibre optic cables.

Mr. Speaker, one of the major national management innovations of recent times is that of Constituency Development Fund and its impact on the need for national equity and integration. Through CDF, Kshs100 billion has been directly transferred to the grassroots since 2003.

Part of these funds have been used to build over 1,000 health centres and over 10,000 class rooms across the country in addition to numerous roads, security posts, hospitals, water and fish projects. The facts are that Government has facilitated construction of over 50,000 fish ponds across the country. Total fish production now stands at 20,000 metric tonnes annually up from 4,000 metric tonnes five years ago.

Mr. Speaker, on food security, it is important to point out that this Government has revived all our irrigation schemes and begun construction of dams, pans and boreholes across the country. The Government has made efforts, to avail affordable fertiliser and seeds to farmers so as to boost food production and security for our people.

Hence, milk production now stands at 5.2 billion litres annually up from below 2 billion litres nine years



ago, while we have revived critical institutions such as KCC, Kenya Meat Commission and building abattoirs in arid and semi-arid areas. Special focus has also been on creation of value addition industries to benefit farmers.

On the social front, some 140,000 youth have benefitted with loans from the Youth Fund while another 200,000 have been trained. However, much more needs to be done, to empower our youth. We must, therefore, continue to focus on projects that give greater dividends to the young people. The Women Enterprise Fund is also fully functional and has benefited over 480,000 women.

Mr. Speaker, in other social sectors, over 350,000 people are on ARV drugs up from just 10,000 nine years ago. We have distributed close to 20 million mosquito nets forestalling a malaria endemic that has infected and affected our people over the years.


We have experienced tremendous growth in house construction including slum upgrading but more needs to be done. Our vibrant private sector has grown stronger and is ready to take up more complex projects singularly and in partnership with international partners.

Our informal sector including *jua kali* industry is more robust as they continue to develop synergies with the formal multinational counterparts. Modern markets have been built across the country.

Mr. Speaker, today, we have engaged in the construction of our region's most ambitious development project, the Lamu Port-South Sudan, Ethiopia Transport (LAPSSET) corridor project. This will also be our second national transport corridor, 100 years after construction of the first transport corridor from Mombasa to Malaba that is earmarked for upgrading to standard gauge railway line.

We have also lined up major transnational road projects to link Kenya with all her neighbours in addition to expanding Mombasa Port, Eldoret, Kisumu, JKIA and other airports countrywide to ease market access and transportation. Other projects lined up are the Grand High Falls Dam that will provide 350 megawatts of electricity. It entails a huge irrigation project and will provide water for millions of people in the coastal region.

We have also gathered here at a time when our country has discovered oil. I assure Kenyans



that we will ensure proper use and management of this resource for the benefit of present and future generations.

Mr. Speaker, all these developments have been possible because we have more than tripled our annual tax portfolio from Kshs200 billion to Kshs700 billion. I thank the Kenyan people for paying their taxes, making it possible to transform our country into a *working* and *caring* nation.

I wish to thank all our development partners who have supported

Kenya's development agenda. I also thank the Kenyan people for their continued good will and support and I rededicate myself to serving them in my remaining time in office.

I also assure Kenyans of a smooth transition to the new leadership that they will elect in the forthcoming General Election.

That leadership must have the capacity to build and sustain on our Vision 2030, whose foundation we have firmly laid.

Thank you, God Bless you and God Bless Kenya.

APPENDIX III: SITTING MPS

Table 9 below shows the 10th Parliament's sitting MPs as at January 2013, the constituencies they represented and the parties that sponsored them.

Table 9: The 10th Parliament's MPs, constituencies, and political party affiliation as at January 2013.

MEMBER	CONSTITUENCY	PARTY
Benjamin Kipkirui Langat	Ainamoi	ODM
Sally Jemnetich Kosgei	Aldai	ODM
Edwin Ochieng Yinda	Alego/Usonga	ODM
Sospeter Odeke Ojaamong	Amagoro	ODM
Benedict Fondo Gunda	Bahari	ODM
Sammy Silas Komen Mwaita	Baringo Central	ODM
Asman Abongotum Kamama	Baringo East	PNU
William C. Kipkiror	Baringo North	ODM
Charles Cheruiyot Keter	Belgut	ODM
Christopher Mogere Obure	Bobasi	ODM
Simon Ogari	Bomachoge	ODM
Beatrice Cherono Kones	Bomet	ODM
Charles Onyancha	Bonchari	ODM
Oburu Oginga	Bondo	ODM
Ababu Namwamba	Budalangi	ODM
Wakoli Sylvester Bifwoli	Bumula	PNU
Abdi Nasir Nuh	Bura	ODM-KENYA
Frankilin Bett	Buret	ODM
Wycliffe Ambetsa Oparanya	Butere	ODM
Alfred Bwire Odhiambo	Butula	ODM
Gitobu Imanyara	Central Imenti	CCU
Ramathan Seif Kajembe	Changamwe	ODM
Isaac Kiprono Rutto	Chepalungu	ODM
Joshua Serem Kutuny	Cherangany	ODM



Beth Wambui Mugo	Dagoretti	PNU
Bare Aden Duale	Dujis	ODM
Moses K. Lessonet	Eldama Ravine	ODM
Margaret Jepkoech Kamar	Eldoret East	ODM
William Samoei K. Ruto	Eldoret North	ODM
Peris Chepchumba	Eldoret South	ODM
Ferdinand Ndung'u Waititu	Embakasi	PNU
Elijah Kiptarbei Lagat	Emgwen	ODM
Wilber Ottichilo Khasilwa	Emuhaya	ODM
Ahmed Aden Sugow	Fafi	KANU
Paul Otuoma Nyongesa	Funyula	ODM
Mutava Muyimi	Gachoka	PNU
Dhadho Gaddae Goghana	Galole	ODM
Francis S. K. Baya	Ganze	KADU-A
Danson Buya Mungatana	Garsen	NARC-K
Peter Kenneth	Gatanga	PNU
Clement Waibara	Gatundu North	PNU
Kenyatta Uhuru	Gatundu South	KANU
Washington Jakoyo Midiwo	Gem	ODM
Martha Wangari Karua	Gichugu	PNU
Peter Njoroge Baiya	Githunguri	SAFINA
John Mbadi Ng'ong'o	Gwasi	ODM
George Munyasa Khaniri	Hamisi	ODM
Ntoitha M'Mithiaru	Igembe North	PNU
Frankilin Mithika Linturi	Igembe South	KANU
Haji Yusuf Mohammed	Ijara	KANU
Boni Khalwale (Dr.)	Ikolomani	NEW FORD-KENYA
Mohammed Abdi Kuti	Isiolo North	NARC-KENYA
Abdul Bahari Ali	Isiolo South	KANU




William Kabogo Gitau	Juja	NARC-KENYA
Samuel Losuron Poghisio	Kacheliba	ODM-K
Gideon Musyoka Ndambuki	Kaiti	ODM-K
Joseph Kasaine Nkaisserry	Kajiado Central	ODM
Moses Somoine ole Sakuda	Kajiado North	PNU
Samuel Kazungu Kambi	Kaloleni	PNU
Yusuf Hassan Abdi	Kamukunji	PNU
James Maina Kamau	Kandara	PNU
Alfred Khang'ati	Kanduyi	ODM
Tirus Nyinge Ngahu	Kangema	PNU
Johnson Nduya Muthama	Kangundo	ODM-KENYA
Julius Recha Murgor	Kapenguria	ODM
James G. Kwanya Rege	Karachuonyo	ODM
Elizabeth Ongoro	Kasarani	ODM
Joseph Oyugi Magwanga	Kasipul-Kabondo	ODM
Wavinya Ndeti	Kathiani	CCU
Lucas Kipkosgei Chepkitony	Keiyo North	ODM
Jackson Kiplagat Kiptanui	Keiyo South	ODM
Evans Bulimo Akula	Khwisero	ODM
Stanley Munga Githunguri	Kiambaa	KANU
Philip Kyalo Kaloki	Kibwezi	ODM-KENYA
Nemesys Warugongo	Kieni	PNU
Jamleck Irungu Kamau	Kigumo	PNU
Barnabas Muturi C. Mwangi	Kiharu	PNU
Lewis Nguyai Ng'ang'a	Kikuyu	PNU
Gideon Sitelu Konchela	Kilgoris	PNU
John Harun Mwau	Kilome	PICK
David Eseli Simiyu	Kimilili	FORD-KENYA
Samuel Gonzi Rai	Kinango	FORD-P

David Mwaniki Ngugi	Kinangop	SISI KWA SISI
Amos Muhinga Kimunya	Kipipiri	PNU
Kiprono Langat J. Magerer	Kipkelion	ODM
Joseph Gitari	Kirinyaga Central	PNU
Hassan Ali Joho	Kisauni	ODM
Peter Anyang' Nyong'o	Kisumu Rural	ODM
Shabbir Ahmed Shakeel Ahmed	Kisumu Town East	ODM
John Olago Aluoch	Kisumu Town West	ODM
Charity Kaluki Ngilu	Kitui Central	NARC
Isaac Mulatya Muoki	Kitui South	ODM-KENYA
Charles Mutisya Nyamai	Kitui West	NARC
Richard Momoima Onyonka	Kitutu Chache	PDP
Walter Nyambati	Kitutu Masaba	PNU
Julius Kipyegon Kones	Konoin	ODM
Zakayo Kipkemoi Cheruiyot	Kuresoi	ODM
Wilfred Gisuka Machage	Kuria	DP
Noah Muhalang'ang'a Wekesa	Kwanza	PNU
Farah Maalim	Lagdera	ODM
Festus Mwangi Kiunjuri	Laikipia East	PNU
Ndiritu Muriithi	Laikipia West	PNU
Joseph Lekuton	Laisamis	KANU
Abu Mohamed Chiaba	Lamu East	PNU
Yasin Fahim Twaha	Lamu West	NARC-KENYA
Raila Amolo Odinga	Langata	ODM
David Njuguna Kiburi Mwaura	Lari	PPK
Mwalimu Masudi Mwahima	Likoni	ODM
Peter Mungai Mwathi	Limuru	FORD-P
Judah Katoo ole Metito	Loitokitok	NARC-KENYA
Khwa Shakhhalaga Jirongo	Lugari	KADDU




Atanas Manyala Keya	Lurambi	ODM
Victor Kioko Munyaka	Machakos Town	ODM-KENYA
Amason Kingi Jeffah	Magarini	ODM
Gidion Kioko Mbuvi	Makadara	NARC-KENYA
Peter L.N. Kiilu	Makueni	ODM-KENYA
Peter Soita Shitanda	Malava	NEW FORD-KENYA
Gideon Maitha Mung'aro	Malindi	ODM
Hussein Mohamed Abdikadir	Mandera Central	SAFINA
Mohamed Hussein Ali	Mandera East	ODM
Muhamud Maalim Mohamed	Mandera West	ODM
Emilio Mureithi Kathuri	Manyatta	DP
Elias Peter Mbau	Maragwa	PNU
Linah Jebii Kilimo	Marakwet East	KENDA
Boaz Kipchumba Kaino	Marakwet West	ODM
Benson Itwiku Mbai	Masinga	ODM-K
Clement Muchiri Wambugu	Mathioya	PNU
Empraim Mwangi Maina	Mathira	SAFINA
Chirau Ali Mwakwere	Matuga	PNU
David Aoko Were	Matungu	ODM
Gerald Otieno Kajwang'	Mbita	ODM
Mutula Kilonzo	Mbooni	ODM-K
John Pesa Dache	Migori	ODM
Hellen Jepkemoi Sambili	Mogotio	UDM
Joseph Ng'ang'a Kiuna	Molo	PNU
David K. Koeh	Mosop	ODM
Mohamud Mohamed Ali	Moyale	ODM
Omar Mbwana Zonga	Msambweni	ODM
Fred Chesebe Kapondi	Mt. Elgon	ODM
Patrick Ayiecho Olweny	Muhoroni	ODM



Kabando Wa Kabando	Mukurweini	SAFINA
Benjamin Jomo Washiali	Mumias	ODM
Julias Kiema Kilonzo	Mutito	ODM-K
Mohammed Najib Balala	Mvita	ODM
Daniel Mutua Muoki	Mwala	ODM-K
Andrew Calist Mwatela	Mwatate	ODM
Peter Njuguna Gitau	Mwea	PNU
Stephen Kalonzo Musyoka	Mwingi North	ODM-KENYA
David Musila	Mwingi South	ODM-KENYA
John Michael Njenga Mututho	Naivasha	KANU
Lee Maiyani Kinyanjui	Nakuru Town	PNU
Chrysanthus Okemo	Nambale	ODM
William Ronkorua ole Ntimama	Narok North	ODM
Nkoidila ole Lankas	Narok South	ODM
Jeremiah Ngayu Kioni	Ndaragwa	PNU
Augustihno Neto Oyugi	Ndhiwa	ODM
Githae Robinson Njeru	Ndia	PNU
Japhet M. Kareke Mbiuki	Nithi	KANU
Francis Chachu Ganya	North Horr	ODM
Silas Muriuki Ruteere	North Imenti	MAZINGIRA
Wilfred Moriasi Ombui	North Mugirango	KANU
Pollyins Ochieng Anyango	Nyakach	ODM
Fredrick Otieno Outa	Nyando	ODM
Robert Onsare Monda	Nyaribari Chache	NARC
Samson Kegengo Ongeru	Nyaribari Masaba	KANU
Peter Edick Omondi Anyanga	Nyatike	ODM
Esther Murugi Mathenge	Nyeri Town	PNU
Erastus Kihara Mureithi	Ol'Kalau	PNU
Mwai Kibaki	Othaya	PNU



Martin Otieno Ogindo	Rangwe	ODM
Nicholas O. Gumbo	Rarieda	ODM
Luka Kipkorir Kigen	Rongai	ODM
Dalmas Angango Otieno	Rongo	ODM
Cecily Mutitu Mbarire	Runyenjes	PNU
Wycliffe Musalia Mudavadi	Sabatia	ODM
Eugene Ludovic Wamalwa	Saboti	PNU
Hussein Tarry Sasura	Saku	ODM-KENYA
Raphael Lakalei Letimalo	Samburu East	ODM
Simeon Saimanga Lesirma	Samburu West	ODM
Justus Kizito Mugali	Shinyalu	ODM
Lenny Maxwell Kivuti	Siakago	SAFINA
Wilson Mwotiny Litole	Sigor	ODM
Moses Masika Wetangula	Sirisia	PNU
Joyce Cherono Laboso	Sotik	ODM
Kiraitu Murungi	South Imenti	PNU
Manson Nyamweya	South Mugirango	FORD-PEOPLE
Margaret Wanjiru Kariuki	Starehe	ODM
Nelson Ributhi Gaichuhie	Subukia	PNU
Naomi Namsi Shaban	Taveta	KANU
Francis Thombe Nyammo	Tetu	PNU
Alex Muthengi Mhuri Mwiru	Tharaka	PNU
Peter Gatirau Munya	Tigania East	PNU
Valerian Kilemi Mwiria	Tigania West	PNU
Henry Kiprono Kosgey	Tinderet	ODM
David Ekwee Ethuro	Turkana Central	PNU
John Kiyonga Munyes	Turkana North	PNU
Josephat Nanok Koli	Turkana South	ODM
Aggrey James Orengo	Ugenya	ODM



Cyprian Ojwang' Omollo	Uriri	ODM
Yusufu Kifuma Chanzu	Vihiga	ODM
Danson Mwazo Mwakulegwa	Voi	ODM
Ibrabim Elmi Mohamed	Wajir East	ODM
Hussein Gabbow Mohammed	Wajir North	ODM
Mahamud Muhumed Sirat	Wajir South	ODM-KENYA
Adan Keynan Wehliye	Wajir West	KANU
Wekesa B.A. Sambu	Webuye	ODM
James Ondicho Gesami	West Mugirango	ODM
Fredrick Omulo Gumo	Westlands	ODM
Thomas Luhindi Mwadeghu	Wundanyi	ODM
Charles Mutavi Kilonzo	Yatta	ODM-KENYA
Yakub Mohammad Dor	Nominated	ODM
George Omari Nyamweya	Nominated	PNU
Abdalla Amina Ali	Nominated	KANU
Sophia Abdi Noor	Nominated	ODM
Millie Akoth Odhiambo	Nominated	ODM
Racheal Wambui Shebesh	Nominated	ODM
Musa Cherutich Sirma	Nominated	ODM
Joseph Nyagah	Nominated	ODM
Maison Leshomo	Nominated	PNU
Musikari Nazi Kombo	Nominated	PNU
Shakila Abdalla	Nominated	ODM-KENYA
Mohamed Abdi Affey	Nominated	ODM-KENYA
Githu Muigai (Prof.)	Attorney General	Ex-Officio

Source: Office of the Clerk, Kenya National Assembly, 2012



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