

REPUBLIC OF KENYA
MANDERA COUNTY ASSEMBLY

THE HANSARD

Wednesday, 19th February, 2020

*The House met at the Assembly Chambers
County Assembly Buildings, at 9.04 am*

[The Speaker (Hon. M. A. Khalif) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

DISCHARGE OF MEMBERS FROM COMMITTEES

The Speaker (Hon. M. A. Khalif): Hon. Members I would like to make the following communication. I received a letter from Leader of Minority party, Office of Minority Party Whip to discharge the following Members from the following committees;

Hon. Abass Abdille discharged from Assembly Business Committee; Hon. Adan Maalim Mohamed discharged from the Committee on Legal and Justice Affairs; Hon. Ahmed Gabnan discharged from the Committee on Finance and Economic Planning; and Hon. Abdirashid Maalim Osman discharged from the Committee on Public Service, Cohesion, Integration and Devolved Units.

MOTION

SELECTION OF MEMBERS TO COMMITTEES

Hon. Adan Abdi Ali (Neboi): Thank you, Mr. Speaker. I beg to move a Motion- THAT, pursuant to the provision of Mandera County Assembly Standing Order 156 (1), 188 (4) and 189 (4) the Committee on Selection nominates the following Members to the following Committees-

Trade, Investment, Industrialization and Cooperative Development Committee;

1. Hon. Nasra Noor Mohamed (Narck Kenya Party)
2. Hon. Abdi Hassan Ali (EFP Party)
3. Hon. Alinoor Derow (EFP Party)

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Education, Sports and Culture Committee;

1. Hon. Bishar Maalim Abdullahi (EFP)
2. Hon. Abdirahman Alio Issack (EFP)

Public, Service, Conflict Management, Cohesion, Integration and Devolved Units Committee;

1. Hon. Abdi Hassan Ali (EFP)
2. Hon. Fatuma Omar Kasai (EFP)

Agriculture Livestock and Fisheries;

1. Hon. Ahmed Rashid Mohamed(EFP)

Finance and Economic Planning;

2. Hon. Jimale Abdi Hassan (JUBILEE)
3. Hon. Hussein Adan Haji (EFP)

Land, Housing and Physical Planning;

1. Adan Maalim Mohamed (JUBILLEE)

Water, Energy, Environment and Natural Resources Committee;

1. Hon. Adan Maalim Abdullahi (EFP)
2. Hon. Yakub Hassan Eymoi (EFP)

Powers and Privileges Committee;

1. Hon. Amran Adan Abdirahman (EFP)
2. Hon. Meymuna Sheikh Abdishakur (EFP)

Roads, Public Works and Transport Committee;

1. Hon. Abdi Adan Ali (EFP)
2. Hon. Abdinur Disow Teno (EFP)

Legal and Justice Affairs Committee;

1. Hon. Shaban Hassan Hillow (EFP)

Delegated Legislation Committee;

1. Hon. Alinoor Derow Abdullahi (EFP)
2. Hon. Abdi Hassan Ali (EFP)

County Peace and Security Committee;

1. Hon. Bishar Maalim Abdullahi (EFP)

Committee on Implementation;

1. Hon. Bishar Ibrahim Alio (EFP)

County Budget and Appropriations Committee;

1. Hon. Ahmed Rashid Mohamed;

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2. Hon. Abdullahi Siyad Adan;
3. Hon. Abdi Adan Ali;
4. Hon. Fatuma Issack;
5. Hon. Abdullahi Yussuf Guliye;
6. Hon. Ibrahim Ali Wariyo;
7. Hon. Yussuf Maalim Dakane;
8. Hon. Adan Maalim Mohamed;
9. Hon. Sokorey Maalim Issackow;
10. Hon. Issack Dahir Abdi;
11. Hon. Amran Adan Abdirahman;
12. Hon. Abdiaziz Maalim Dakat; and
13. Hon. Nasra Noor Mohamed.

County Public Accounts and Investment Committee;

1. Hon. Issack Dahir Abdi;
2. Hon. Hussein Adan Haji;
3. Hon. Farah Abdi Abdinoor;
4. Hon. Fatuma Omar Kasai;
5. Hon. Abdullahi Yunis Guliye;
6. Hon. Abdinoor Dakane Rafat; and
7. Hon. Abass Abdille Mohamed.

Mr. Speaker, there is a report by the committee which is almost similar with what I have just read and I will read the body of the report.

Mr. Speaker, the Selection Committee was constituted by the second Assembly pursuant to the provision of Standing Order 155 (1). Similarly, in addition to Standing Order 155 (2), the committee is mandated to nominate Members to serve in Committees save for the membership for Assembly Business Committee and Committee on Appointments.

The composition of this committee as constituted by the County Assembly in accordance with the provisions of Mandera County Assembly Standing Order 155 (3), are as follows;

1. Hon. Abdi Adan Ali- Chairperson
2. Hon. Jimale Abdi.
3. Hon. Shamsa Ibrahim Maalim.
4. Hon. Fatuma Omar Kasai.
5. Hon. Yakub Hassan.
6. Hon. Abdinoor Disow Teno.
7. Hon. Amran Adan Abdirahman.
8. Hon. Hussein Adan Haji.
9. Hon. Farah Abdi Abdinoor.
10. Hon. Nasra Noor Mohamed.
11. Hon. Ibrahim Ali Wariyo.
12. Hon. Noor Mohamud Abdinur.
13. Hon. Rahma Ibrahim Issack.
14. Hon. Adan Maalim Mohamed.
15. Hon. Yussuf Maalim Dakane.

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16. Hon. Saad Sheikh Ahmed.

17. Hon. Issack Dahir Abdi.

Mr. Speaker, in accordance with the provisions of Standing Order 159 (1), on Tuesday 18th February 2020, the Majority and Minority parties discharged some of their Members from some committees. The honorable Speaker communicated the changes to the County Assembly as provided for under Standing Order 159 (2).

In line with its mandate, the committee and in consultation with the parties as provided for in Standing Order 156 (1) which stipulates that;

“Unless otherwise provided by any written law or these Standing Orders, the Committee on Selection shall, in consultation with County Assembly parties, nominate Members who shall serve on a Select Committee”.

The Committee on Selection has nominated the following honorable Members to serve in these committees so as to fill the vacancies occasioned by the discharge. Mr. Speaker, if you will allow me, I will read the names.

The Speaker (Hon. M. A. Khalif): Just read.

Hon. Abdi Adan Ali (Neboi): These names are replacement of the Members discharged from the various committees.

Honorable Speaker, the provision of Standing Order 188 (4) and 189 (4) allowed the County Budget and Appropriation Committee and the County Public Accounts and Investment Committee to serve for a period of three years and be reconstituted. Therefore, in consultation with the parties, the Committee on Selection came up with the following members to serve in the County Budget and Appropriation Committee and County Public Accounts and Investment Committee as already read.

Lastly Mr. Speaker, following the parties’ proposal and in compliance with the provision of Standing Order 156 (1) (2) and 157, the Committee on Selection recommends the County Assembly to adopt this report. I will ask the Honorable Minority Leader to second me.

Thank you.

(Question proposed)

The Speaker (Hon. M. A. Khalif): Yes, Honorable Abdi.

Hon. Abdi Hassan Ali (Malkamari): Thank you, Mr. Speaker. It is true the Committee on Selection under Standing Order 155 (1) and 152 is mandated by the Standing Orders to bring the names to the House as per the Standing Orders.

The Speaker (Hon. M. A. Khalif): Sorry. You said 152? It is not 152, it is Standing Order 156.

Hon. Abdi Hassan Ali (Malkamari): Mr. Speaker, in the report it is 155 (3).

The Speaker (Hon. M. A. Khalif): Unless you have a different thing, Standing Order is 156 (1).

Hon. Abdi Hassan Ali (Malkamari): Okay 156 (1) and (2) and 157. Thank you for correction Mr. Speaker. The Committee is mandated by the Standing Orders to select Members considering party affiliation. It is the mandate of both parties.

Mr. Speaker, I have an objection to what the Selection Committee did. For example, one Honorable Member is in four Standing Committees. Honorable Issack Dahir is in Public

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Accounts Committee and Public Investment Committee, Budget, Appointment and Selection Committee. Mr. Speaker, as per the Constitution and County Government Act, every Honorable Member in this House stands to be in two Sectoral Committees and one Standing Committee. I do not see why a single Honorable Member should be in six or seven Committees. If he is in four Standing Committees and a Sectoral Committee because he is in Public Service, then it is not fair.

Mr. Speaker, I object to the report in totality and I urge Honorable Members to support me since there was no consultation. It was done in a boardroom and the party Members were not consulted. I totally reject the report and urge all the Honorable Members to support me. We should go back to the drawing board and see the way forward.

Thank you.

The Speaker (Hon. M. A. Khalif): Honorable Bishar. Just press something down there.

Hon. Bashir Ibrahim Alio (Kiliwehiri): Thank you, Mr. Speaker. Honorable Members, this is a House of rules and regulations. We are supposed to set good examples to others. The report of the Committee on Selection has also failed in some part. For example, in Public Accounts and Investment Committee there are seven members. Six Members are male while we only have one female. The report is not gender balanced.

I, therefore, reject the report and urge the Committee on Selection to take it back and go back to the drawing board and consider gender balance so that our Honorable ladies are given chance.

Thank you, Mr. Speaker.

The Speaker (Hon. M. A. Khalif): Honorable Kula.

Hon. Kullow Alio (Rhamu): Mr. Speaker, I need to be guided because I have a problem. Standing Order 155 (3) says the Committee on Selection shall be appointed within ten days on the Assembly of a new County Assembly. Are we in a new County Assembly Mr. Speaker? Because what that means is that immediately after election and the Assembly is constituted, the members come, that is what it means by a new County Assembly. It is not after every session, unlike the one of House Business Committee (HBC) which is clearly stipulated that it be reconstituted after every session of the County Assembly. Mr. Speaker, as per my understanding the constitution on Select Committee is one-time affair in a span of five years. I need to be guided on the Standing Order because I might not have read all the Standing Orders. I need your guidance on that.

Mr. Speaker, when the Selection Committee does its nomination of Honorable members into respective committees, this has to be done in consultation as alleged by Honorable Member of Malkamari. I want to say this, as Economic Freedom Party Member, we have twenty-seven Members.

The Speaker (Hon. M. A. Khalif): Proceed.

Hon. Kullow Alio (Rhamu): By the time the Honorable Member for Township called for the meeting of Economic Freedom Party (EFP) Members, we were only twelve members and out of the twelve members, two were TangaTanga and ten were Kieleweke.

In the rule of natural justice, a decision of a party with twenty-seven members cannot be made by only seven or eight members. There was no hurry. All the Honorable Members are here. The party should have called for that meeting a day like yesterday or the day before and call for all the members to come so that at least a consensus is made. In this particular case, there was no

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consultation because only eight members of Economic Freedom Party sat and made a boardroom decision.

Mr. Speaker, the majority can have their way, minorities have their say. I am going to raise and record it on HANSARD that the procedure that was followed was rot, illegitimate and unacceptable in modern society.

Thank you, Mr. Speaker.

The Speaker (Hon. M. A. Khalif): Hon. Bishar.

Hon. Bishar Maalim Abdullahi (Takaba): I congratulate the Committee on Selection for doing its mandate. I highly object to this report because one thing is that these changes have been triggered by a group of members of this Assembly that had a very vocal and radical view in this Assembly. More importantly, I want to reiterate the sentiment made by Hon. Abdi Hassan Ali because when you see a Member is in four Standing Committees and two Sectoral Committees, we know that he is one of the key architects of placement because we know what is happening behind the curtains. I would like to object to that. We are 27 Members of Economic Freedom Party (EFP); two of our Chairmen have been taken to the side of Jubilee Party while we have Members who can take that Chairmanship. Even in the placement, if I do my analysis---

The Speaker (Hon. M. A. Khalif): Order Hon. Member! I think the issue of Chairman is done at the committee level. He/she is elected by Members. So, please stick to the Motion.

Hon. Bishar Maalim Abdullahi (Takaba): I agree and those Chairmen were all in Economic Freedom Party (EFP). I agree you have the powers to give direction but what I am saying is that professionalism was not considered during placement because Members seem to have been haphazardly placed left and right without due consideration in terms of professional consultation and consideration.

More importantly is that some committees have no clan balance. If you look at Public Accounts and Investment Committee, one major clan is missing from the list.

The Speaker (Hon. M. A. Khalif): Order! I think placement is not done on tribes.

Hon. Bishar Maalim Abdullahi (Takaba): There is also a deliberate attempt to make sure that a certain clan was considered. For us if there was an error---

The Speaker (Hon. M. A. Khalif): Order! I think we have talked about placement and it is done on party lines and not clan. So be within the border.

Hon. Bishar Maalim Abdullahi (Takaba): I concur. I agree with this placement done by the party but let me tell you on record. When the Party Meeting was called at 3:41 p.m. in the afternoon where the meeting was supposed to start at 4 p.m. we had 19 minutes to convene that meeting. If I was outside, how fast was I to convene? To convene a meeting, you should be given the declaration.

The Speaker (Hon. M. A. Khalif): So you are opposing the report?

Hon. Bishar Maalim Abdullahi (Takaba): I oppose because the meeting was not even in order. We were given only 19 minutes. If you were supposed to travel from Nairobi, Takaba, El-wak and Kutulo how long will you take to attend that meeting? It was on a short notice. So the Chief Whip had a deliberate attempt to make sure that some Members could not attend. We were told there were 9 Members. There is no annex of the minute of the Party and the resolution is not attached here. This is supposed to be one of the rules and regulations under your leadership. You need to give a ruling that is satisfying to these Members.

The Speaker (Hon. M. A. Khalif): Maybe, can I respond before you proceed? I think we are all accepting that this is a House of rules. When you are referring to a certain thing, just mention the Standing Order breached by the Party. Just say Standing Order A and B has been breached. You are talking of the House of rules and again you are talking of natural justice. He says except the County Assembly may otherwise resolve on the recommendation of the Committee on Selection for reasons to be stated, no member shall be appointed to serve in more than two Sectoral Committees. Let us be very clear. It says Sectoral Committee. I have not come across unless Hon. Kullow directs me to certain area where it says a member should not be in three Standing Committees. The Standing Order is very clear. The Committee on Selection can still recommend a Member to be in more than three if there is a reason. But I have not come across a member who belongs to three committees. All the honorable Members belong to two Sectoral Committees. When you are challenging, it is good to agree or disagree, and I have no problem. But when you are calling me to follow the law, I might not know where you are referring to. Unlike the changes in leadership, the Standing Order is very clear for committees.

Standing Order 159 (1) states—

“The County Assembly party that nominated a member to a Select Committee, may give notice, in writing, to the Speaker that the member is to be discharged from the Select Committee”.

(2) “The discharge of a member shall take effect upon the receipt by the Speaker of a notice under paragraph (1).”

If you look at the other members, it talks of the new Assembly and then where the Standing Order is silent on the three years then we assume they complete the five (5) years. Even with that, the Party can still change the members under Standing Order 159 (1) and (2). So, you can proceed. No, you cannot? I have already made a ruling on that. I am reading the Standing Order and if you are not satisfied then what can I do? Go ahead.

Hon. Kullow Alio (Rhamu): Mr. Speaker, what I was challenging is the current composition and formation of the Select Committee?

The Speaker (Hon. M. A. Khalif): What is it about?

Hon. Kullow Alio (Rhamu): It is only done---

The Speaker (Hon. M. A. Khalif): No, you cannot read the Standing Order? Order! Just hold on and do not explain. I was just reading the same thing. We disposed of this thing yesterday. You were in the House on the issue of the Selection Committee.

Hon. Kullow Alio (Rhamu): Yes.

The Speaker (Hon. M. A. Khalif): Why? It is not even on the Order Paper. So, I am just correcting you. Order! Have a seat. Hon. Wariyo.

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): Thank You, Mr. Speaker. Is the honorable Member representing Rhamu in order to discuss a subject that has been approved by him? The Selection Committee today is not a subject of discussion. I feel Hon. Kullow is not in order. That is why I rose.

Thank you.

The Speaker (Hon. M. A. Khalif): Hon. Hindia. Order! I have already given that direction. We were done with the Selection Committee yesterday. A Party can change the members; discharge is very clear. Hon. Hindia. Order Hon. Wariyo!

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Hon. Hindia Hussein (Nominated): Thank you, Mr. Speaker. I rise to support the report as it is. When we went for bonding there was one specific thing we talked; we talked about the members performances in the committees. There were some committees that were lagging behind; that were performing poorly because of chronic absenteeism of some members. I think the reason why these changes were made is to treat that cause. Referring to one, Committee on Delegated Legislation was among the poorly performing committee according to the review report and now that two active members were brought on board, I have the feeling that these members plus the remaining former members can bring an agenda and do their part.

The other one is County Security and Peace Committee.

The Speaker (Hon. M. A. Khalif): Which order?

Hon. Bishar Maalim Abdullahi (Takaba): The Member is just telling us that she has rewarded poor performance.

Hon. Hindia Hussein (Nominated): Mr. Speaker, protect me as I finish my contribution. The other one is County Security and Peace Committee that had never had a meeting; Hon. Bishar Maalim Abdullahi is also a Member there and I think he can do well in that Committee.

The other one is Public Service Committee.

The Speaker (Hon. M. A. Khalif): Allow her to finish, please?

Hon. Hindia Hussein (Nominated): Public Service Committee which is headed by Hon. Kullow Alio of Rhamu has very active members. Now he can do everything.

I stand to support it.

(Applause)

The Speaker (Hon. M. A. Khalif): Hon. Shankaron.

Hon. Shankaron Sheikh Ibrahim (Nominated): Thank you, Mr. Speaker. I stand to support the report and I am very happy because as a Member of the Committee on Agriculture, Livestock and Fisheries, we have received the Chairperson of Budget and Appropriations Committee.

Secondly, in the Delegated Legislation Committee, I have received two active members; Hon. Abdi Hassan Ali and Hon. Alinoor Derow. Mr. Speaker, I concur with the Selection Committee for giving us---

The Speaker (Hon. M. A. Khalif): Order!

Hon. Shankaron Sheikh Ibrahim (Nominated): Mr. Speaker, protect me. I am not thanking the Speaker because of this but I am thanking him for catching my eyes. I am just congratulating the Selection Committee for giving us these active members. Insha'Allah, by the end of this year, you will see many things happening in the committees.

Thank you, so much.

The Speaker (Hon. M. A. Khalif): Hon. Rafat.

Abdinoor Dakane (Khalalio): Thank you, Mr. Speaker for giving me this chance to contribute to the Motion. I thank the Selection Committee. They have done whatever they have done on consultation about who to be placed in a given committee following the advice that I one time gave to this House especially on the Budget and Appropriations Committee because they represent this House and the interest of the people who have put them there. Our members from the Jubilee party who are in committees are supposed to represent our interest as Jubilee

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Party. But normally when the Budget and Appropriations Committee is going for meetings, it is unfortunate that they even forget some of their mandates. There are some minority communities who were not considered and I have already said many times. On a lighter note, we want them to know that this has to be done and a special place to be given to them in the budget.

Thank you, Mr. Speaker.

The Speaker (Hon. M. A. Khalif): Hon. Abass.

Hon. Abass Abdille (Nominated): Thank you, Mr. Speaker. I stand to support this report. On one side, the war in EFP party is not my business. Let me put it clear. We must be guided.

The Speaker (Hon. M. A. Khalif): Withdraw because there is no war.

Hon. Abass Abdille (Nominated): Mr. Speaker, I withdraw. From yesterday to today, I have noted one thing; Standing Order 106 is violated, members disrupt when honorable member is speaking and that is gross misconduct. Standing Order 106 must be upheld.

Secondly, as honorable member from Jubilee, I am very contented but I was a bit shocked when Hon. Bishar Maalim Abdullahi made a statement that some of the Chairs and Vice-Chairs were taken to EFP when there were eligible and qualified members from EFP. I think that one was very wrong. We are more competent and more qualified in terms of professionalism and eloquence. Having the majority number in the Assembly does not determine who is a professional in solving problems, qualified and more competent. We will show Hon. Bishar Maalim Abdullahi that we are more competent.

The Speaker (Hon. M. A. Khalif): Order!

Hon. Abass Abdille (Nominated): The second thing that I noted is the issue of clan. In the Standing Order, we are required to consider; Party – if EFP takes 5; Jubilee takes 4 and Gender. There is no place in the Standing Order that talks about clans. We should avoid that issue.

The Speaker (Hon. M. A. Khalif): Order Hon. Kullow Alio!

Hon. Abass Abdille (Nominated): If we continue with the same things we were using yesterday then that is the question we should avoid. We are contented with the changes that were done on the side of Jubilee. If we say that the Budget and Appropriations Committee which this House unanimously agreed to retain, it is because they solved our problems in the last three (3) years. They showcased their talent and still we can say that we are very contented with them.

With that, I stand to support.

The Speaker (Hon. M. A. Khalif): Hon. Alinoor.

Hon. Alinoor Derow (Wargadud): Thank you, Mr. Speaker. I stand to oppose this report because in the first instance the Selection Committee---

The Speaker (Hon. M. A. Khalif): Order! I think we are past that. We are not discussing the Selection Committee. Concentrate on the agenda.

Hon. Alinoor Derow (Wargadud): This is a House of rules and decorum. You know as the person in charge of this House, it is true issues are raised and you make a ruling with regard to the Standing Orders. It is also true that if there is inadmissibility, this House will make an alternative decision to any resolution. The House ruling supersedes any other resolution. Yesterday when issues were raised in the County Assembly and because this is not a new Assembly; a decision was made which was contrary to the Standing Order.

The Speaker (Hon. M. A. Khalif): Which ruling and Standing Order are you talking about?

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Hon. Alinoor Derow (Wargadud): The Standing Order is very clear.

The Speaker (Hon. M. A. Khalif): Order! Which Standing Order?

Hon. Alinoor Derow (Wargadud): This House is supposed to observe rules and decorum. If you go to actual placements which were done, there was no objectivity. There were no consultations at the Party level because the Parties were supposed to have convened a meeting.

The Speaker (Hon. M. A. Khalif): Under which Standing Order? We have discussed and disposed of that one and you keep on repeating. Where is it?

Hon. Alinoor Derow (Wargadud): It is stated in the report that the committees agreed in consultation with the parties.

The Speaker (Hon. M. A. Khalif): What do you mean by parties?

Hon. Alinoor Derow (Wargadud): No consultation with the party has been made

The Speaker (Hon. M. A. Khalif): Order! Have a seat please?

Hon. Mohamed Rashid (Kutulo): Point of information Mr. Speaker.

The Speaker (Hon. M. A. Khalif): Hon. Alinoor Derow, I am not in-charge of EFP. I am the Speaker of the House and I do not attend EFP meetings. There is no requirement that the minutes of the parties are attached when members are placed or discharged. You clearly said this is a House of rules. Let us abide by the rules. Where we violate the rules, you have the right to say but the issue of EFP is not for discussion in this place. Hon. Adan.

Hon. Adan Maalim Mohamed (El-wak North): Thank you, Mr. Speaker. I also rise to support this Motion on the report by the Selection Committee. On the issue raised by Honorable Kullow, the Selection Committee was not formed a fresh. What was done is placement in line with Standing Order 156 (3) which states that;

“A vacancy occasioned by resignation or removal of a Member from a select committee shall be filled within fourteen days of the vacancy”.

What has been done is just placement of Members discharged in line with Standing Order 156 (3).

The Speaker (Hon. M. A. Khalif): Let him to proceed.

Hon. Adan Maalim Mohamed (El-wak North): Mr. Speaker, I am not misleading and you can read Standing Order 156 (3) to clearly understand what it says.

On the other hand, I want to inform the House and draw their attention to Standing Order 158 (2) which states;

“Whenever a Motion for approval of a list under paragraph (1) is moved in the County Assembly, no objection against the proposed membership of a Member in a select committee shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole”.

In that line, the report of the Committee on Selection can only be adopted and not rejected.

Having said that, I would like the Members to support the report of the Committee on Selection.

Thank you.

The Speaker (Hon. M. A. Khalif): But just to clarify what honorable Adan just said, you cannot object the membership of a Member but you can reject the report. Those are two different

things. For example, rejecting the report is possible but rejecting a Member is not possible on the plenary according to the Standing Orders. Just use this one and press.

Hon. Adan Maalim Abdullahi (Township): Thank you, Mr. Speaker. I rise to support the report. Some two to three weeks ago when we were on recess, we went for a retreat and members unanimously raised one concern across the divide. The concern was that most of the committees have performance issues and therefore we swap members across committees to improve performance. Mr. Speaker, these resolutions were made in Mombasa. In line with Standing Order 159, when we resumed on Monday, the two main parties in Mandera County Assembly called its Members to a meeting. EFP party meeting was called by me--

The Speaker (Hon. M. A. Khalif): Order!

Hon. Adan Maalim Abdullahi (Township): Members present attended, those who were absent sent a letter of concurrence affirming concurrence with any outcome that comes out of the meeting. In the movement, twenty EFP Members were affected according to the report before the House. Out of the 20 Members who were moved only four of us are lamenting. It is not our choice but that of the majority that has made this resolution. Every EFP Member except 2, 3 or 4 are in the House and are in concurrence. Therefore, the Member from Wargadud is misleading the House when he is saying he was not consulted and that two to three people made the decision. Half of the party Members, more than the quorum required, attended to approve the party direction to the Selection Committee.

The Speaker (Hon. M. A. Khalif): Honorable Yakub.

Hon. Yakub Hassan (Derkhale): Thank you, Mr. Speaker.

The Speaker (Hon. M. A. Khalif): Order Members!

Hon. Yakub Hassan (Derkhale): I stand to support the report of the Selection Committee. As I support the report, when these placements were done, it was done based on parties. When the Majority Whip, Honorable Adan, communicated to the EFP Members, wide consultation was done. Mr. Speaker, this House was reopened last Wednesday. Whether he gives 5 or 20 minutes for the members to come to the meeting, ideally everybody should be in the Assembly because it is a committee day.

Hon. Alinoor Derow (Wargadud): Point of information.

The Speaker (Hon. M. A. Khalif): Order! Allow him to finish. Which information?

Hon. Alinoor Derow (Wargadud): According to the party charter, it is stipulated that---

The Speaker (Hon. M. A. Khalif): No, we are not party to the party charter. Order!

Hon. Alinoor Derow (Wargadud): Further consultation is supposed to be done, EFP party charter.

The Speaker (Hon. M. A. Khalif): Order! Proceed. Honorable Member, we have no copy of the EFP charter. So, we cannot validate. Can we proceed?

Hon. Yakub Hassan (Derkhale): So ideally, the perception is that everybody should be available in Mandera town that day. The reason as to why somebody was away out of the assembly without permission that particular day should be reported now. Anybody who was not present---

Hon. Abdi Hassan (Malkamari): Point of order Mr. Speaker!

The Speaker (Hon. M. A. Khalif): Order on what?

Hon. Abdi Hassan (Malkamari): With due diligence, the Assembly was opened last Tuesday not this week but the other Wednesday. The honorable members who are challenging the report were all present.

The Speaker (Hon. M. A. Khalif): Ok, Fine.

Hon. Abdi Hassan (Malkamari): Saturday the whole House was invited to the CAF meeting in Nairobi.

The Speaker (Hon. M. A. Khalif): It is ok.

Hon. Abdi Hassan (Malkamari): When the Whip invited the Members for the meeting it was on Monday not the assembly day. The member for Derkhale is misleading the House and he has to withdraw.

The Speaker (Hon. M. A. Khalif): Proceed.

Hon. Yakub Hassan (Derkhale): If I may continue, placement is also done based on our own agreement, resolution in Mombasa that all chronic absentees should be replaced. One thing that we must know is that if you are replaced you are either a chronic absentee or----

The Speaker (Hon. M. A. Khalif): Allow him. Order on what?

(Loud consultations)

Hon. Kullow Alio (Rhamu): Some of us were replaced and we are not chronic absentees.

The Speaker (Hon. M. A. Khalif): Order! Order! Proceed.

Hon. Yakub Hassan (Derkhale): As we discussed in Mombasa some committees are dead sincerely speaking. So, we agreed to replace those chronic absentees who are letting down those particular Members. That is the first reason; you must know that you are a chronic absentee.

Secondly, if you are an active Member and you are moved to another committee, the fact is that you are being moved because you are active so as to go and help that particular committee. Those are the two reasons and you know where you belong.

The Speaker (Hon. M. A. Khalif): Order! Allow him to proceed. Order! Allow him to finish, Order!.

(Loud consultations)

Hon. Yakub Hassan (Derkhale): Mr. Speaker, the issue is not about Tangatanga but service delivery to our people since we are the people's servant.

With that I support the committee's recommendation.

Thank you.

The Speaker (Hon. M. A. Khalif): Honorable Shaban.

Hon. Shaban Hassan (Ashabito): Thank you, Mr. Speaker. I stand to support the committee's recommendation. This has been long overdue. We must be honest with ourselves. When we had a retreat in Mombasa, we reprimanded the Members who said we need to do something on some of the committees when we evaluated their performance. Some committees are dead, some are in ICU, and so we unanimously agreed and tasked the leadership of the House to do something to revive these committees in consultation with the Members. We have already agreed in Mombasa.

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The Speaker (Hon. M. A. Khalif): Order! Allow him to proceed.

Hon. Shaban Hassan (Ashabito): Mr. Speaker, let me read on the evaluation of the committees. I raised the issue of the Public Service Committee which is dead. When you are placed or moved from one committee to the other, it is either you are a chronic absentee or attendee. For the chronic attendees you are put in that committee to revive it in terms of service delivery. Let us be honest.

The Speaker (Hon. M. A. Khalif): Order Hon. Mohamed!

Hon. Shaban Hassan (Ashabito): Honorable Kullow should be supporting this amendment because we are reviving the committees which are dead. Mr. Speaker, as the new chair of Kieleweke (*went off record*)

With that I support the report.

The Speaker (Hon. M. A. Khalif): Order!

Hon. Mohamed Ibrahim (Guticha): Mr. Speaker, I rise to support the report by the Selection Committee. I remember when we were on retreat in Mombasa we said there are some committees that are under performing. Among the committees that we must do something about is the committee on Public Service and Finance. According to this report the EFP party has nominated two of its Members to Public Service and that means jubilee, also according to the consultations, they will replace some of its Members in that committee. Honorable Kullow must be celebrated. In the committee on Finance Mr. Speaker, honorable Jimale and honorable Hussein Adan Haji are active members. We know the Members in this Assembly and I am sure that committee will improve.

Mr. Speaker, Committee on Delegated County Legislation, honorable Alinoor Derow and honorable Abdi Hassan (*went off record*) we must say the reality. I am sure that committee will revive itself because its Members are active.

The Committee on Peace and Security also got very active Members.

The other thing we must do as honorable members of this House in our Committees is that in the absence of the Chair, the Standing Order is very clear. I do not see the reason as to why that committee shall not have its meeting because that is what we do in our committees. We elect a temporary chair for that meeting and that is how some committees are skipping their mandate. Mr. Speaker, it will be fair if we cure the problems we highlighted in Mombasa with these solutions.

I support.

The Speaker (Hon. M. A. Khalif): Honorable Wariyo!

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): Thank you, Mr. Speaker. I stand to support the report of Selection Committee. Much has been said on party lines but we made a general agreement and mandated our party leadership to make the changes in line with the report on the performance of the committees. It happened that the actions will affect a Member in one way or another. As much as it affects us, we should have shock absorbers because it is members of this House who complained of committee quorums.

Mr. Speaker, we were even suggesting to reduce the quorum to one. This suggestion came from us. It is the forty-eight of us who pushed the party leadership to come up with these changes. I suggested that because one time I went to Israel and I found that in Knesset one person can make a quorum to solve the issue of absenteeism. Mr. Speaker we pushed the party leadership to be fair to Members who are in Mandera who can attend committees because some

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members are in Nairobi and there are on their own businesses. They are the ones who create quorum hitch for the Members who are around.

In that regard, we raised these concerns several times with our party leaders to have a solution. Based on that, the administration gave us good support by taking us to Mombasa for bonding and we discussed our problem generally when we discussed in Mombasa and we agreed. We informally agreed that when we go back we restructure our party leadership so that we have proper committee performance. Now you are seeing some Members have been moved several times and they need to be proud. If somebody has been moved to a dead committee to revive it, then he is an asset to this assembly. I want to say that previously we did not understand between the Committees, we are used to saying Water, Roads and Lands Committees are giant and people refused to go to PAC, Trade and Delegated legislation. Now, Members have seen that party is based on the Members and the Chair. I am proud of the Members who have been moved and they are going to revive the dead committees. Somebody needs to be proud of that. If he has been moved from here and there, you should feel that you are an asset to this Assembly.

Mr. Speaker, you know pressure is mounting from the other wing of the Assembly but all the same it is the party that can clarify. Generally, where I belong based on the report, when you pushed on the party leadership to be fair to all, when my brother Honorable Kullow mentioned about natural justice, what does it talk about? It concerns general manner in which the decisions are made on what we agreed in Mombasa. It is the fairness that we have asked for; it is the fairness that those Members who are here cannot earn allowance. We cannot make any business when members are away.

We agreed we will not touch the Standing Orders because it is meant to serve everyone. If we said it will only serve those who are here just because others are away we reduce the quorum hitch, we are generally not addressing natural justice. We are not actually addressing natural justice by consolidating all the Members and agree to have fairness for all. I think it is fair that we accept and whoever feels this might be good for you because you will revive other dead committees.

I request you to put the question.

Thank you.

The Speaker (Hon. M. A. Khalif): Honorable Fatuma. Honorable Fatuma, allow Members to talk. There is no hurry. We still have time.

Hon. Fatuma Omar (Nominated): Thank you, Mr. Speaker. I stand to support the report of the Selection Committee. This was a resolution by the forty-eight Members that we restructure some committees that are performing poorly and I do not know why some Members are opposing the same resolution. The only dissenting voice I have with regards to the selection committee is to look at gender balance in Public Investment Committee and Public Account Committee.

Thank you.

The Speaker (Hon. M. A. Khalif): Honorable Nasra.

Hon. Nasra Hussein (Nominated): Thank you, Mr. Speaker. I stand to support the report of the Selection Committee as it is.

The Speaker (Hon. M. A. Khalif): Order Members!

Hon. Nasra Hussein (Nominated): On Public Investment Committee and Public Account Committee, there is gender balance issue. I want the Selection Committee to sit again and resolve that issue.

The Speaker (Hon. M. A. Khalif): Thank you. Hon. Umul-Ker.

Hon. Umul-Ker Kassim (Nominated): Thank you, Mr. Speaker. I rise to support the report of the Selection Committee. We all know that we had a resolution in Mombasa. I do not believe this issue of dead committee or a committee that is nice to you. I remember what we all complained about is quorum. When it comes to the sitting, there are committees that have performed but later on we had performance issues. So, whether you are around or not I urge the Members who have been moved not to just sit and earn an allowance so that when we review our performance at the end of the year we know that we have done certain amount of work for the electorate we are representing. I therefore, urge the Members to put their grievances aside and work in harmony and make sure that we deliver services to our people. It is for the advantage of people we represent. I do not want to talk about our personal interest. I just want to talk about the people who have been placed there and they are waiting for service delivery whether you are aggrieved or not. We will review our progress and then complain later when we come back and take it up from there. If you are not a performer, I am a committee chair, I should be shown that I have not performed in the Committee that I Chair. There has to be value for money.

Hon. Abdi Hassan (Malkamari): Point of order Mr. Speaker!

Hon. Umul-Ker Kassim (Nominated): Mr. Speaker, protect me. I am talking on behalf of the electorates of Mandera.

The Speaker (Hon. M. A. Khalif): Please allow her to finish.

Hon. Abdi Hassan (Malkamari): I humbly request the whole House because the honorable Member has confessed that she is not performing---

The Speaker (Hon. M. A. Khalif): Order! You are out of order.

Hon. Umul-Ker Kassim (Nominated): Mr. Speaker, I said if I have not performed, I should not blame my party leadership. Everybody here is accountable. If you are taken to a committee that is not performing, generate business for the committee. It is not about sitting. It is not about us signing. We only have two years to go.

I therefore, support the changes.

Thank you.

The Speaker (Hon. M. A. Khalif): Honorable Gabnan. Use the other one.

Hon. Ahmed Gabnan (Waranqara): Thank you, honorable Speaker. I just want to say this. First, I am happy because the consultation we did, the consensus we built, especially my party they are very contented and satisfied. I am also very happy because we discussed on whether to retain the status quo in some committees or whether we need to make few changes and we stood and we made consensus.

Secondly, the concern raised by some honorable Members especially honorable ladies that the Public Accounts Committee had gender issue, should not be an issue because there are especial group in this Assembly and honorable ladies are one them; we have youth and we have people with disability. That committee has the representative of youth, honorable Issack Dahir is a Member and honorable Abass is there. I think we have considered the number of honorable ladies in the House vis-a-vi that one of male Members. We can still continue with the same committee.

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I humbly request you to put the question.

Thank you.

The Speaker (Hon. M. A. Khalif): Honorable Jimale.

Hon. Jimale Abdi (Guba): Thank you, honorable Speaker. I rise to support the report. Before, I contribute---

The Speaker (Hon. M. A. Khalif): Order!

Hon. Jimale Abdi (Guba): Before I contribute on the report, I would like to welcome honorable Bishar, Member representing Takaba, this side.

The Speaker (Hon. M. A. Khalif): Order!

Hon. Jimale Abdi (Guba): It is the first time.

The Speaker (Hon. M. A. Khalif): Order!

Hon. Jimale Abdi (Guba): I do not know whether it is by coincidence that you are inherited by your sister there.

The Speaker (Hon. M. A. Khalif): Order Hon. Member!

Hon. Jimale Abdi (Guba): Welcome and feel free. I think this is not something from the blues. It is something that we agreed upon as House. We discussed it in our retreat and agreed that we do some restructuring. It will be very awkward for us not to implement what we have agreed. This is what we have agreed and if it will not go through then there is no need of having retreat or even consultation. We have agreed majorly and when we came here on Monday we had a meeting. The Assembly was opened on Wednesday last week. Monday was a working day and committees were supposed to sit. We came here, sat and we agreed. Then if changes happened, for example, the best committee during the review was Education Committee.

The Speaker (Hon. M. A. Khalif): Order!

Hon. Jimale Abdi (Guba): The best committee was education committee and honorable member was rewarded to make sure that because he was the most active Member if at all education committee fails this time then he will be the reason.

Secondly, Honorable Kullow, Member representing Rhamu ward should be celebrating. It was amazing for me to see honorable Kullow opposing this report. He was the one complaining about quorum. He is opposing the report when he was complaining that there were quorum hitches every time. Again, when we brought active Members to his committee, he is opposing. I do not know where he is going.

The Speaker (Hon. M. A. Khalif): Yes, allow him the point of order.

Hon. Kullow Alio (Rhamu): Mr. Speaker, there is no one time I opposed the report. I only opposed the methodology that was used.

The Speaker (Hon. M. A. Khalif): Okay, proceed.

Hon. Jimale Abdi (Guba): Thank you. Opposing the methodology means opposing the report according to my understanding.

The Speaker (Hon. M. A. Khalif): Just proceed.

Hon. Jimale Abdi (Guba): Finally, I do not want to take much time. This is a very good report. It is well stipulated and well placed as said by some of the honorable Members before me. If you are put in a low or poor performing committee then you are an asset to that committee. Make sure that the committee performs. If you are placed in a performing committee like honorable Bishar Maalim Abdullahi, then make sure that the committee performs.

Thank you, Mr. Speaker.

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The Speaker (Hon. M. A. Khalif): Hon. Adan.

Hon. Hussein Adan Haji (Takaba South): Thank you, Honorable Speaker. I thank the leadership because they have taken the recommendations that we made in Mombasa; the recommendation that we said that every committee should be active. Those Members that are absent from the committee meetings mostly should be changed. I think most active Members have been put in place where committees are not performing. I think those leaders who did that work and also the Selection Committee that have taken their time yesterday to take the Members through. This is a good report. I thank them for their good work. This nomination has been done by the parties; Jubilee and EFP and also I can see there is NARK Kenya and other parties that were included. I think this was the most transparent and it was done fairly. I do not think if there is anyone who was removed from the committee and has not been given any other committee. They have been transferred to other committees. So, still they have their position in other committees. I support it as it is. The issue of gender balance in some committees should also be looked into. Even before, in the last three years, we were doing the same work. (*Went off record*)

The Speaker (Hon. M. A. Khalif): Honorable Sokorey.

Hon. Sokorey Maalim Issackow (Nominated): Thank you, Mr. Speaker. I stood because all of us have eyes and we can judge from the mood of the House that those supporting including me, are more than the ones objecting. So, there are some reasons as to why these changes were made and some were not listed in this report. As Jubilee we are very much contented. We have no issue with the changes that were made. Ours is only, if you will allow me to sing, there is a slogan which the ODM use to sing when they go for rallies. They use to say mambo yabadilika; which means things change. So, still we have the Selection Committee. They are with us and the majority and minority whip can come up with another list. So, going by the mood of the House, I kindly urge you to put the question.

Thank you.

The Speaker (Hon. M. A. Khalif): Leader of Majority. It is working.

Hon. Abdi Adan (Neboi): Thank you, Mr. Speaker. I would like to take this opportunity to thank the honorable Members for their support to the leadership and to the party leadership for the changes that we have done. I can see that we are going in the right direction. This House today has spoken with a lot of sense. We will not allow diverting whatever we do to ascertain political issues or family issues. We are above that. This is an honorable House representing the people of this great county. Going by the contribution made by the honorable Members today, I am very happy that people have spoken and they have proven that we are going in the right direction. Sometimes we are supposed to take action, go above political lines even when we have no problem with our brothers in Jubilee taking their share so long as we provide services to our people. Our main goal is to provide services to the people of this county.

Secondly, I also want to thank the Members for acknowledging the recommendations we made at the retreat. It does not inquire party meetings. That was a general recommendation; resolution of the whole House. Sincerely speaking it does not need any party meetings. We were given the mantle as leadership to do these changes.

Therefore, I want to urge honorable Members who have been placed from one committee to another to take the changes positively because we are providing services to the people. There is no committee which is better than the other. This is not a permanent job; it is just a committee

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that provides oversight of the Executive. Whether you are in Water or in Roads or in Education our role is still oversight.

Other issues like the parties, anybody who is disgruntled can come back to his party. Our offices are open; our doors are open. We are not closing our doors. Anybody who is from Economic Freedom Party and who is not happy, come to your party leadership office and register your dissatisfaction. We will take it positively and we will guide you in the right way.

I request you to put the question.

The Speaker (Hon. M. A. Khalif): Yes.

Hon. Kullow Alio (Rhamu): I am not talking about the Motion. I want to refer you to Standing Order 296 which talks about the sitting arrangement in this House. This seat where I am sitting is reserved for people with disability and they have already deserted me. Honorable Abass has run away, honorable Halima Billow has run away, honorable Ahmed has run away, honorable Shukri has run away. I do not know what is wrong with these honorable Members

The Speaker (Hon. M. A. Khalif): Order! Allow him to finish. Order!

Hon. Kullow Alio (Rhamu): Because I am the person with disability I know my Members when I am mentioning them. I know them off head and honorable Abass is my chair. Therefore, the honorable Members who are disabled are more than these chairs. I request that more chairs to be added.

The Speaker (Hon. M. A. Khalif): Order!

Hon. Kullow Alio (Rhamu): So that people with disability occupy their rightful position in this House. Number two, there is no seat reserved for chair of persons like Deputy Speaker. He is supposed to have a special chair in this House during the time when you are chairing the House and that chair is supposed to be reserved for him. Let me finish.

The Speaker (Hon. M. A. Khalif): Order! Allow him to finish. Order!

Hon. Kullow Alio (Rhamu): After all your disability is very visible it is not like mine.

The Speaker (Hon. M. A. Khalif): Order! What is your point?

Hon. Kullow Alio (Rhamu): My point is that the chairs should be added and those who are disabled should occupy their rightful place. Chair of persons should be given a place and our packing should be reserved.

Thank you.

The Speaker (Hon. M. A. Khalif): We do not want to debate on this. Yes.

Hon. Ahmed Rashid (Gither): I would like to tell my brother Hon. Kullow---

The Speaker (Hon. M. A. Khalif): Order!

Hon. Ahmed Rashid (Gither): (*Off record*)

The Speaker (Hon. M. A. Khalif): Order! Hon. Abass.

Hon. Abass Abdille (Nominated): The reason why I deserted that row is because of the question of disability nature of honorable Kullow.

The Speaker (Hon. M. A. Khalif): Order!

Hon. Abass Abdille (Nominated): Because when we are coming to this Assembly Members with disability are known. So, the person who is displacing others is honorable Kullow.

The Speaker (Hon. M. A. Khalif): Order! You are saying we add seats and the available seats are not even occupied. I do not think whether that adds up. We have around five seats reserved for persons with disability and we would not prevent anybody. It is their choice. They

can sit anywhere. They are not contravening any Standing Orders. We are giving them the seats for accessibility. It is the choice of the Members to sit wherever they want because we have not reserved any the seat for any Member. I think that one we can leave it there.

(Question Put and agreed to)

ADJOURNMENT

The Speaker (Hon. M. A. Khalif): The House stands adjourned to today at 2:30 pm. Thank you.