



Press Release- 18 May 2018

A Coup on Affirmative Action Gains

On Tuesday 15th May 2018, Youth Agenda uncovered a plot to devalue and undermine the affirmative action gains made and protected by the CoK 2010. In a highly un-procedural move by an elected MCA of Sensi Ward Kisii County tabled a motion on the floor of the House that ensured that nominated members would not be able to vote or table any motions that affected any ward represented by an elected member, by and large this effectively means that they are unable to legislate on any matters concerning the entire county.

Alarminglly, the archaic motion further stipulates that any voting on the floor of the House should be zoned based where the member is registered to vote and that the head of delegation (the elected member) would lead the voting (a single vote for the ward) moreover in the absence of the 'head of delegation' the assigned 'head of delegation' would have to consult the elected member before making a vote.

Further to this, the manner through which the motion was tabled not only violated the standing orders but disgraced the process of the Honorable House: The motion was never scheduled in the House' order papers nor was it approved in the Procedure & Rules Committee which should sit concerning any amendment of the standing orders.

It is our submission that, this motion is in grave defilement of the spirit and letter of the constitution, stripping the nominated members of their right to represent their various Special Interest Groups in the legislative House.

That, the rights of Youth, Women and Persons Living with Disabilities to be represented have been violated and disregarded despite being firmly rooted in the CoK 2010; Kenyans voted overwhelmingly for the new constitution and demand protection of their rights as enshrined in Articles 54, 55 and 177b.

That, if left unchecked, this move could set a precedence of injustice that will undermine the gains made towards inclusive representation and challenging inequality; which is a deviation from our national goals on Vision 2030 and the Sustainable Development Goals.

As such, **We strongly condemn** the action that is not only retrogressive but in grave violation of the rights of Kenyans to be represented in the County Assemblies;



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We demand, immediate revocation of the motion in question and the reinstatement of the voting and legislating powers of the special elect members of the Kisii County Assembly

We demand an immediate apology from the legislator in question Hon. Angwenyi to the Youth, Women & PWDs in Kisii County and their special elected members.

We further, call upon the Gender and Equality Commission to investigate this matter and others of this nature that have potential **that**, if left unchecked, could set a precedence of injustice that will undermine the gains made towards inclusive representation and challenging inequality; which is a deviation from our national goals on Vision 2030 and the Sustainable Development Goals.

We pray that this matter will be laid to rest and the rights of all Kenyans to be safeguarded.

More Information:

More information on the matter will be availed at the County Assemblies Legislative Assembly from 20-25 May 2018.

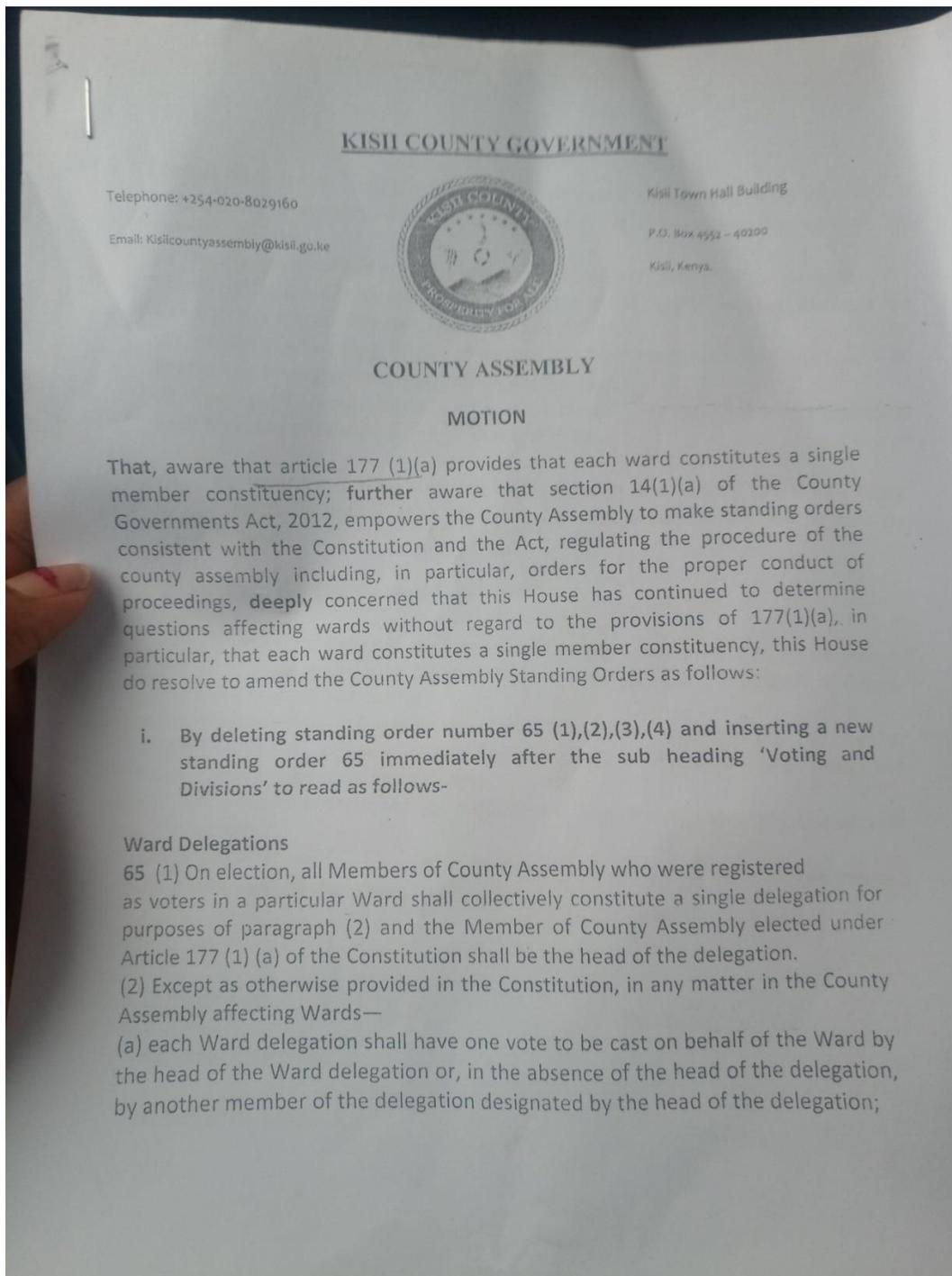
For additional information you may contact Mildred Nzau on 0725748527 or mildred.nzau@youthagenda.org

Signed

**Susan Kariuki- Mwongera
Chief Executive Officer
Youth Agenda**



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- (b) the person who votes on behalf of a delegation shall determine whether or not to vote in support of or against the matter, after consulting the head of the delegation; and
- (c) the matter is carried only if it is supported by a majority of all the delegations.
- (d) when the County Assembly is to vote on any matter the Speaker shall rule on whether the matter affects or does not affect Wards.
- (e) the Speaker's ruling under paragraph (d) shall be made after conclusion of debate on the matter but before the question is put.
- (f) When the County Assembly votes on a matter that does not affect ~~counties~~,
each Member of County Assembly has one vote. *wards*

- ii. By inserting a new standing order number 65B before the sub-heading 'electronic voting' that precedes standing order number 66 to read as follows:

Voting in the County Assembly

65B (1) Except on a matter affecting Wards, any question proposed for decision in the County Assembly shall be decided by a majority of the Members of County Assembly present and voting.

(2) In ascertaining the results on a question under paragraph (1), the Speaker shall, in the first instance, collect the voices of the "Ayes" and the "Noes" and shall declare the results accordingly.

(3) On a question proposed for a decision in the County Assembly, the Speaker has no vote.

(4) In determining the number of Members of County Assembly for the purpose of voting, the Speaker shall not be counted.

Hon Paul Angwenyi

MCA, SENSI WARD

DATE 2/5/18