

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

### SPECIAL SITTING

Wednesday, 10<sup>th</sup> September, 2014

The House met at 9.30 a.m.

*[The Speaker (Hon. Muturi) in the Chair]*

PRAYERS

PAPER LAID

**Hon. Gethenji:** Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday, 10<sup>th</sup> September 2014:-

The Report of the Departmental Committee on Defence and Foreign Relations on the vetting of the nominee for the position of Director-General (DG) of the National Intelligence Service (NIS).

**Hon. Speaker:** Well, as you know our procedures are that what you are laying must have passed through my office. I have not seen it. I thought that every committee now is resourced with sufficient staff; that is with clerks, legal counsel and researchers. What is happening? You need to be updated if they have not updated you. Can I have a look at what you claim to be a report?

**Hon. Gethenji:** Hon. Speaker, we are resource-challenged. This Paper came into my possession just this morning, just a few minutes before you walked into the Chamber. So, I am at a loss.

**Hon. Speaker:** If it purports to be a report of a committee, I must see it before I allow it to be tabled.

*(Reports were handed to hon. Speaker)*

Now, you may table the first Report you talked about. You could not table even the first Report because I had not seen it. Now, I have seen both reports; you can proceed.

**Hon. Gethenji:** Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday, 10<sup>th</sup> September, 2014:-

The Report of the Departmental Committee on Defence and Foreign Relations on the vetting of nominees for appointment to the offices of high commissioners, ambassadors and diplomatic representatives.

**Hon. Speaker:** You have tabled both of them? Okay.

There is somebody who purports to be on a point of order; yes, hon. Opiyo Wandayi, Member for Ugunja.

**Hon. Wandayi:** On a point of order, hon. Speaker. It is quite clear that you did recall us through a special Gazette Notice.

**Hon. Speaker:** What?

**Hon. Wandayi:** You did recall us to this special sitting, hon. Speaker. The key reason why you recalled us was to dispense with the matters that have been laid on the Table by the Chair of the Committee on Defence and Foreign Relations.

**Hon. Speaker:** I cannot hear what you are saying, if anything!

**Hon. Wandayi:** Hon. Speaker, I am saying that it is true that you did recall this House through a special Gazette Notice, and the reason you did this was for us to dispense with the matters that have been laid on the Table by the Chair of the Committee on Defence and Foreign Relations. Up to this morning, we have been unable to access these Reports from the Table Office.

I want to raise a point, hon. Speaker, if you indulge me, without pre-empting the order of business this afternoon. This Committee has taken more than two weeks to discuss this matter. If we are to debate this matter this afternoon, it will mean, therefore, that Members will not have had enough time to interrogate these Reports. My plea is that, perhaps, we adjourn again and get enough time to go through these reports, so that we will debate them from on an informed basis.

Thank you, hon. Speaker.

**Hon. Speaker:** I can see some of you, even old Members who have been here before and who always claim they are doing their second term or two-and-a-half terms, are raising their hands; it is not like that, hon. Onyonka.

Hon. Opiyo Wandayi, what you are saying might appear to make sense, but only to those who do not know the procedures of the House. It is not possible for you to access a report that has not been tabled. So, it is only after it has been tabled that you can access it.

You know we will be rolling out some outreach programmes to teach villagers out there some of these procedures; they will include even those who intend to vie for seats and come to this House. In that way, when they come here they will be aware of our rules. It was not possible to access the Report. So, in as much as I sympathize with your situation--- It is only now, since the Report has been tabled, that you can raise the issue; you can do that only after we have gone through the next Motion. I quite appreciate, and sympathize with, your situation.

Next Order.

## NOTICES OF MOTIONS

### ADOPTION OF REPORT ON VETTING OF NOMINEE FOR POSITION OF DIRECTOR GENERAL OF NIS

**Hon. Speaker:** Yes, hon. Gethenji.

**Hon. Gethenji:** Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the vetting of the nominee for the position of the Director-General of the National Intelligence Service laid on the Table of the House today, Wednesday, September 10, 2014 and, pursuant to section (7)(3) of the National Intelligence Service Act No. 28 of 2008, approves the appointment of Maj. Gen. Philip Wachira Kameru as the Director-General of the National Intelligence Service.

**Hon. Speaker:** Very well; next.

ADOPTION OF REPORT ON VETTING OF  
NOMINEES FOR APPOINTMENT TO DIPLOMATIC POSITIONS

**Hon. Gethenji:** Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the vetting of nominees for appointment to the offices of high commissioners, ambassadors and diplomatic representatives laid on the Table of the House today, Wednesday, September 10, 2014 and, in accordance with Article 132(2) (e) of the Constitution approves the appointment of the following persons to the respective offices-

1. Amb. (Prof.) Sam Ongeru - UN Habitat;
2. Amb. Chirau Ali Mwakwere - Dar-es-Salaam, Tanzania;
3. Hon. Robinson Githae - Washington DC, USA;
4. Hon. Kiema Kilonzo - Ankara, Turkey;
5. Mr. Richard Opembe - Dublin, Ireland;
6. Hon. Mohammad Mohamed - Riyadh, Saudi Arabia;
7. Ms. Lucy Chelimo - Ottawa, Canada;
8. Dr. George Masafu - Kinshasa, DRC;
9. Prof. Julius Bitok - Khartoum, Sudan;
10. Mr. Joseph Magut - Berlin, Germany;
11. Mr. Isaac Njenga - Windhoek, Namibia;
12. Hon. Sheikh Dor - Muscat, Oman;
13. Ms. Sophie Kadzo Kombe - Lusaka, Zambia;
14. Maj-General (Rtd) Jeoff Otieno - Cairo, Egypt;
15. Dr. Stephen Ndungu Karau - Geneva, Switzerland;
16. Ms. Rukia Subow - Tehran, Iran;
17. Amb. Mohamed Gello - Seoul, Korea;
18. Amb. Jean Kamau - Bangkok, Thailand;
19. Amb. Josephat Maikara - Luanda, Angola;
20. Amb. Lazarus Ombayi, Amayo - London, United Kingdom;
21. Amb. John Lanyasunya - Algiers, Algeria;
22. Amb. Solomon Karanja Maina - Tokyo, Japan;
23. Amb. Ali Abbas - Kuwait City, Kuwait;
24. Mr. Richard Lemoshira - Harare, Zimbabwe;

25. Prof. George Godia – UNESCO.

**Hon. Speaker:** Hon. Members, including hon. Maina Kamanda, there is business indicated as Order No.8 on the Order Paper. That was done by the Clerk's Department in conformity with our procedures; it shows we will go up to Order No.8. But Standing Order No.29 governs the business to be transacted today. For avoidance of doubt, I would like to read it out.

Standing Order No.29 says:-

“(1) Whenever during a Session the House stands adjourned, whether or not a day has been appointed for the next meeting, the Speaker may, on the request of the Leader of the Majority Party or the Leader of the Minority Party, appoint a day for a special sitting of the House.

(2) The Speaker may allow a request under paragraph (1) if the Speaker is satisfied that the business proposed to be transacted relates to the matter specified under Standing Order 61 (special Motions) or other urgent and exceptional business as the Speaker may allow.

(3) The Speaker shall, by notice in the Gazette, notify the Members of the place, date and time appointed for the special sitting of the House.”

The balance of the provisions is not necessary.

Hon. Members, I wish to notify and confirm to the House that following a request made to me by the Leader of Majority Party, hon. Aden Duale, in a letter to me requesting that the House convenes for a Special Sitting, and having considered the business proposed to be transacted, I convened this Special Sitting of the National Assembly pursuant to Standing Order No.29 (3) of the Standing Orders of this Assembly.

I directed that the House would sit today in Nairobi on Wednesday, September, 2014 at 9.30 a.m. and at 2.30 p.m. for the purpose of considering special Motions relating to the approval of persons for appointment to the various offices of the high commissioners, ambassadors, diplomatic representatives and the Office of the Director-General of the National Intelligence Service (NIS).

It, therefore, follows hon. Members that the business to be transacted today is the business indicated in the Gazette Notice.

Yes, Leader of Majority Party.

## PROCEDURAL MOTION

### ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER NO.31

**Hon. A.B. Duale:** Hon. Speaker. I beg to move the following Procedural Motion:-

THAT, this House do now adjourn.

This will give hon. Members time to look at the reports that have been laid before this House for our action at our meeting this afternoon. I request hon. Katoo ole Metito to second the Procedural Motion.

**Hon. Katoo:** Hon. Speaker, I beg to second.

**Hon. Speaker:** Hon. Members, given the fact that hon. OpiyoWandayi had raised some issues regarding this matter; I wish to propose the Question.

*(Question proposed)*

**Hon. Wandayi:** Hon. Speaker, I now agree with you that, indeed, we need to adjourn to get some time to go and read these reports. Initially, it was as if we were being ambushed.

I beg to support.

**Hon. Nyenze:** Thank you, hon. Speaker. I think the request by hon. Wandayi that we adjourn was in order. We should look at the reports and debate them when we reconvene in the afternoon.

I support.

**Hon. Njuki:** Thank you, hon. Speaker. I support that we adjourn. However, when we come back in the afternoon, going by Standing Order No.1, I kindly beg you to give hon. Members time to deliberate on the issue that happened earlier this week in Migori. This issue is touchy as it happened to the President of this nation.

**Hon. Speaker:** Hon. Members, just look at Standing Order No.29; it says that you will only discuss, debate and transact the business for which the House was recalled today. Anything else will be extraneous, frivolous and could be considered as an abuse of the proceedings of the House.

Yes, hon. Chris Wamalwa.

**Hon. Wakhungu:** Thank you, hon. Speaker. I rise to support the adjournment. Indeed, Members need to read these reports keenly, so that we vet and approve people who will represent this country. You can see even the Chair of the Committee was tabling the reports before they had passed through you. That tells you that we need more time because we are not prepared fully. So, I humbly support that and request hon. Members of Parliament to go through the reports, come and debate objectively and with sobriety, so that we get people who have what it takes to represent us. I hope that the clerks have made copies of these reports. This is because I was there and I have not seen anything. These reports should be produced in large numbers.

Thank you, hon. Speaker.

**Hon. (Ms.) Otucho:** Thank you, hon. Speaker. I support the adjournment because these are very important appointments. I think it will be important that Members are given time to look at the reports, so that we can have serious debate in the afternoon.

I support the adjournment.

**Hon. Keynan:** Thank you, hon. Speaker. I also want to support the sentiments by the Leader of Majority Party. This is the first time that ambassadors are being vetted by the august House and it is critical. This is the first report on their vetting, courtesy of the new Constitution; it has never happened before.

The whole thing is time-bound. If we do not do this today the President will have a leeway to appoint these individuals without a proper scrutiny by Parliament. Therefore, it is only fair that Members are given ample time to go through the reports.

We have done our reports as a Committee. As a Member of that Committee, I can say that in the last eight days we have been struggling to come up with the reports. Therefore, it is opportune for hon. Members to interrogate what we have done, give informed contributions and guide us properly.

I support the adjournment. Thank you, hon. Speaker.

**Hon. Speaker:** Hon. Members, this was a sitting. After I put the Question, whichever way you carry it, the sitting will be over. I am just saying this because I am seeing hon. Maweu making his way through. I hope he has done the necessary. I can see others. So, once you make a decision one way or the other after I put the Question, that bit will be over for those who will not have made their way through to this place. We must keep on reminding one another. I am passing a message to hon. Members that this sitting will be over. Hon. John Mbadi has done the necessary.

*(Question put and agreed to)*

### ADJOURNMENT

**Hon. Speaker:** Hon. Members, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 10.00 a.m.