

NATIONAL ASSEMBLY

OFFICIAL REPORT

SPECIAL SITTING

Wednesday, 16th December 2015

The House met at 2.30 p.m.

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

PRAYERS

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House today, 16th December, 2015:-

The Annual Report and Financial Statements of the National Land Commission 2014/2015.

The Annual Report and Financial Statements of the Kenya Nuclear Electricity Board for the year ended 30th June 2014.

The Civil Servants (Housing Scheme Fund) Amendment Regulations 2015 and the Explanatory Memoranda.

The Companies (General Regulations) 2015 and the Explanatory Memoranda.

The Report of the Auditor-General on the Financial Statement of the Party of National Unity for the year ended 30th June 2011, and the Certificate therein.

The Report of the Auditor-General on the Financial Statements of the Maendeleo Democratic Party for the year ended 30th June 2012, and the Certificate therein

The Report of the Auditor-General and the Financial Statements of the Orange Democratic Movement for the year ended 30th June 2015, and the Certificate therein.

The Report of the Auditor-General on the Financial Statements of the Council of Legal Education for the year 30th June 2015, and the Certificate therein.

Thank you, Hon. Speaker.

Hon. Speaker: I am aware that Hon. Gumbo was to table some papers, but he has my permission to do so tomorrow. He is unwell.

Hon. Maanzo: On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Hon. Maanzo?

Hon. Maanzo: Hon. Speaker, I do not know whether my side has a problem, but the logging-in cards are not working. That problem should be rectified so that we can contribute to the debate later on.

Hon. Speaker: The technical department will address the issue of the system.

BILLS

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Second Reading

THE FOREST CONSERVATION AND MANAGEMENT BILL, 2015

*(Hon. Katoo on 3/12/2015 (Morning Sitting))**(Resumption of Debate interrupted on 3/12/2015 (Morning Sitting))*

Hon. A.B. Duale: Hon. Speaker, at the outset, I would like to thank Members for immensely contributing to this Bill. It was very strange this morning that after coming from recess, Members took a lot of time to give their input into the Bill. All the issues raised by the Members will be considered in the Committee of the whole House, hopefully, in February when we come back.

With those few remarks, I beg to reply.

*(Question put and agreed to)**First Reading*THE PROCEEDS OF CRIME AND ANTI-MONEY
LAUNDERING (AMENDMENT) BILL, 2015*(Order for First Reading read – Read the First Time and ordered
to be referred to the relevant Departmental Committee)*

Hon. Speaker: Hon. Members, before we move to the next Order, I had indicated that Hon. Gumbo had contacted me. We will go back to Order Nos. 5 and 6.

PAPERS LAID

Hon. (Eng.) Gumbo: Hon. Speaker, I beg to lay the following Papers on the Table of the House today, 16th December, 2015:-

The Joint Report of the Public Accounts Committee and the Public Investments Committee on the Third Annual International Public Accounts Committees Symposium; Ensuring Accountability: the Role of the Modern Public Accounts Committee.

The Joint Report of the Public Accounts Committee and Public Investments Committees Delegation to the 12th Southern African Development Community Organisation of Public Accounts Committees (SADCOPAC)

Hon. Speaker: You can proceed to the next Order - the Notice of Motion.

NOTICE OF MOTIONADOPTION OF JOINT REPORT OF PAC AND PIC ON
THE THIRD ANNUAL INTERNATIONAL PAC SYMPOSIUM

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Hon. (Eng.) Gumbo: Hon. Speaker, I beg to give the following notice of Motion:-
THAT, this House adopts the Joint Report of the Public Accounts Committee and the Public Investments Committee on the Third Annual International Public Accounts Committee Symposium: Ensuring Accountability: The Role of a Modern Public Accounts Committee.

Thank you.

Hon. Speaker: That was just a rearrangement of the Order Paper. We can now go to Order No.10.

SPECIAL MOTION

APPROVAL OF APPOINTMENT OF CABINET SECRETARIES

Hon. Speaker: Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I beg to move:-

THAT, this House adopts and approves the Fifth Report of the Committee on Appointments on the Vetting of---

Hon. Speaker: Sorry, there is a point of order from Hon. Onyonka.

Hon. Onyonka: Thank you, Hon. Speaker. Without anticipating debate, I thought I needed your guidance on a matter that has been worrying many of us pertaining to the vetting that is taking place. If you read the newspapers this morning, one of our colleagues Hon. Kazungu was actually--- The Ethics and Anti-Corruption Commissioners sent people to his offices in Kilifi. They came up with allegations that the Hon. Member had actually misappropriated over Kshs52 million. In the process, I am also aware, without anticipating debate that the Committee had already sorted out this matter. EACC had already cleared Hon. Kazungu. I am wondering because as per the Report that is being tabled, it is true that Hon. Kazungu has been cleared yet, yesterday, he was being attacked by EACC for having misappropriated funds. I am confused because I do not know whether the Report that we received from the EACC clearing him is consistent with the action that was taken yesterday by the EACC officers in his constituency.

Hon. Speaker: Very well. What you say Hon. Onyonka is noted, but let the Report be moved so that among other things, if need be, if any Member has received information about the alleged raid, they can speak to it and its results. Otherwise, it must be treated as a rumour because if, indeed, the EACC wanted the Committee to take anything, they should have reported to it. Let us have the Report moved and then Members can contribute; including discussing the issues you have raised.

(Loud consultations)

Hon. Members, there is nothing to get agitated about. Hon....

Hon. A.B. Duale: Hon Speaker, I am told the systems are not working.

Hon. Speaker: Is it that we are not audible?

Hon. Members: No.

(Loud consultations)

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Hon. A.B. Duale: Before I move, Hon. Speaker, you need to give instructions that whoever is in charge of that department, we mean business. If he is hearing me, we mean business. We cannot come to the Chamber for a Special Sitting and he knew we were coming because it was gazetted and he does not do his work. Hon. Speaker, you need to be very firm. The problems we discussed yesterday are now coming to the Chamber. I will wait for a few minutes for them to rectify.

(Loud consultations)

Hon. Speaker: Leader of the Majority Party, you can move since the equipment was working in the morning. Somebody is addressing it.

Hon. A.B. Duale: Hon. Speaker, I beg to move:-

THAT, this House adopts and approves the Fifth Report of the Committee on Appointments on the Vetting of Persons for Appointment as Cabinet Secretaries, laid on the Table of the House on Wednesday, December 16, 2015, and pursuant to Article 152(2) of the Constitution and the provisions of Standing Order 204(4), approves the appointment of the following persons as Cabinet Secretaries in the respective Ministries:-

- (i) Hon. Daniel Kazungu Muzee – Mining
- (ii) Hon. Festus Mwangi Kiunjuri - Devolution and Planning
- (iii) Mr. Willy Kipkorir Bett – Agriculture
- (iv) Mrs. Sicily Kanini Kariuki - Public Service, Youth and Gender Affairs
- (v) Hon. Charles Cheruiyot Keter - Energy and Petroleum
- (vi) Dr. Cleopa Kilonzo Mailu – Health
- (vii) Mr. Joseph Mucheru - Information, Communication and Technology

(Technical hitch)

Hon. Speaker, somebody should be sacked for interrupting the Leader of the Majority Party.

(Laughter)

Somebody should lose his job. Somebody sees that we are moving a very important matter--- Unless he did not appear before the Committee, he should not get the opportunity now.

The President is mandated to nominate and forward to the Clerk of the National Assembly persons for the position of Cabinet Secretaries. The President nominated the following seven (7) persons vide a letter dated 1st December, 2015 for vetting by the Committee on Appointments and consideration for approval by the National Assembly plenary, for them to be appointed as Cabinet Secretaries in the respective Ministries as it appears in the Order Paper. All the nominees appeared before the Committee on Friday, 11th December 2015 and were vetted in accordance with the provisions of the Constitution, the Public Appointment (Parliamentary

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Approval) Act Cap 136 and the National Assembly Standing Orders on their suitability for appointment to the position of cabinet secretary.

Section 6(9) of the Public Appointments (Parliamentary Approval) Act Cap 136 provides:-

“Any person may, prior to their approval hearing and by a written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.”

On Thursday 3rd December, 2015, the Clerk of the National Assembly placed an advertisement in the print media inviting the public to submit memoranda by way of written statements on oath (sworn affidavits) on the suitability or otherwise of the nominees in conformity with Section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 136.

In the same media, the Clerk notified the public of the intention of the Committee on Appointments to conduct the vetting and approval hearing on Friday, 11th December, 2015, pursuant to the provisions of Article 118 of the Constitution, Section 6(4) of the Public Appointments (Parliamentary Approval) Act, Cap. 136 and Standing Order No. 45(3).

On 2nd December, 2015 the Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Directorate of Criminal Investigations (DCI) and the Higher Education Loans Board (HELB) requesting for reports with respect to the nominees on matters touching on integrity, tax compliance and loan repayments.

However, the Committee wishes to convey its displeasure with the way the EACC wrote to the Clerk, and I quote:-

“The Commission confirms that there are allegations in which the three nominee persons are adversely mentioned and we are in the process of verifying the same”, before hearing from the nominees themselves. The nominees, in my opinion, should have been given time to present themselves and respond to those allegations. This prompted the Clerk to write back to EACC to confirm specific allegations of which the nominees were being accused of by EACC.

HELB confirmed vide letter Ref. HELB/RD/56593 dated 7th December, 2015 that all the nominees were cleared by the Board.

The Kenya Revenue Authority confirmed vide letter Ref. CDT/HQ/54 dated 8th December 2015 and Ref. CDT/HQ/81 dated 9th December 2015 that all the nominees are tax compliant.

The Directorate of Criminal Investigations (DCI) issued individual nominees with Police Clearance Certificates indicating their record on offences and ongoing court cases.

The Committee observed that the DCI exercised due diligence while clearing candidates for purposes of Chapter Six of the Constitution, so as not to submit information to Parliament that is unfounded and conflicting.

Hon. Speaker, this is for the Members to hear. According the DCI, Hon. Festus Kiunjuri had a case in 2000.

(Hon. Nyenze interjected)

Hon. Speaker, if you allow me, the Leader of Minority Party should know that he is now in the Chamber and can only engage in business here. This is on a light touch.

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The DCI cleared the same Hon. Kiunjuri in 2007 for him to be a Member of this House. The same DCI again cleared Hon. Kiunjuri in 2013 when he vied for the position of a governor. The same DCI cleared him when he was made the Chairman of one of the water boards.

But all of a sudden, when the Committee wanted to vet Hon. Kiunjuri, the same DCI said he has a case which was recorded in 2000. It was concluded and Hon. Kiunjuri was again cleared of the case. What we are raising is the fact that we cannot have double standards when dealing with institutions. If you cleared him of cases in 2007, 2013 and 2002 when he was a Member of the NARC Parliamentary Group, today you cannot come back and fish out a 15-year old case. I think that office can do better.

The Committee also noted that the various Credit Reference Bureaus (CRBs) have issued individual nominees with clearance certificates confirming that all the nominees have complied with their loan repayment terms and are not listed by the bureaus as defaulters.

Hon. Speaker, the Committee adhered to Section 7 of the Public Appointments (Parliamentary Approval) Act, Cap.136 which provide that the issues for consideration by the relevant House in relation to any nomination shall be:-

1. the procedure used to arrive at the nominee;
2. any constitutional or statutory requirements relating to the office in question; and,
3. the suitability of the nominee for appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.

Further, Section 6(10) of the Public Appointments (Parliamentary Approval) Act, Cap. 136 provide that a candidate may at any time, by notice in writing addressed to the Clerk, withdraw from the approval process.

Hon. Speaker, by close of business on 9th December, 2015, the Committee had received four submissions against the approval for appointment of the following persons:-

1. The nominee for Agriculture, Livestock and Fisheries.
2. The nominee for Energy and Petroleum.
3. The nominee for Devolution and Planning.
4. The nominee for Health.

However, the Committee found the above nominees suitable for the appointment of Cabinet Secretaries as the affidavits submitted were largely un-substantiated or casted aspersions on the veracity of the affidavit, or were withdrawn by the same petitioners, or did not touch on the issues referred to Section 6(7) of the Public Appointments (Parliamentary Approval) Act. There were no memoranda submitted in respect of the following persons:-

1. The nominee for Mining.
2. The nominee for Information, Communication and Technology.
3. The nominee for Public Service, Youth and Gender Affairs.

Hon. Speaker, the Committee considered the nominees filled Questionnaires pursuant to Section 6 (8) of Public Appointments Act, their *curricula vitae* and having heard their oral submissions during the vetting exercise/interview, made the following observations:-

(i) That, all the nominees satisfy the requirements of Chapter Six of the Constitution of Kenya on leadership and integrity having been cleared by the Ethics and Anti-Corruption Commission (EACC), Directorate of DCI, Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB) and the Credit Reference Bureau (CRB).

(ii) That, the nominees have not been charged in a court of law in the last three years except Hon. Festus Kiunjuri, who has since been discharged of the incitement to violence charges following withdrawal of Criminal Case No. 278 of 2000 via a court order by the Chief Magistrate at Milimani Courts dated 14th December, 2015, pursuant to Section 87(a) of the Criminal Procedure Code.

(iii) That, the nominees do not have a potential conflict of interest save for Mrs. Cecily Kariuki, who declared that she has a relative who is an official of the Union of Kenya Civil Servants. She, however, stated that she will adhere to Article 73 of the Constitution in carrying out her duties.

(iv) That, none of the nominees has ever been dismissed from office for contravention of the provisions of Article 75 of the Constitution, which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any commission of inquiry.

(v) That, all the nominees exhibited impressive knowledge of topical and legal issues touching on the respective dockets and have the requisite abilities, qualifications and experience. Therefore, the Committee found all the nominees suitable for appointment as Cabinet Secretaries.

Hon. Speaker, before I conclude, I want to deal with the matter raised by Hon. Onyonka in as far as Hon. Dan Kazungu is concerned. The Committee has grilled the Chief Executive Officer (CEO) of EACC and the audit issues raised on Malindi Constituency by both the Auditor-General and the EACC that happened in 2005. We looked at the Audit Report. Indeed, in 2005, Hon. Dan Kazungu was not the Member of Parliament.

Secondly, and more fundamentally, in the Auditor-General's Report and in the Public Finance Management (PFM) Act, even where issues are raised on CDF, the people who receive the management letters and are supposed to appear before the Public Accounts Committee (PAC) are not Members of Parliament. It is either the accounting officers who are the CEOs of the CDF Board, or the fund managers.

We interrogated the Report of the CEO of EACC and that of the Auditor-General and found out that what was presented was an old Report whose generation started in 2005, when the Member of Parliament then was Hon. Lucas Maitha.

Before I conclude, the other issue I need to make very clear is that the Ethics and Anti-Corruption (EACC) officials and, more so, the Chief Executive Officer (CEO) and his Deputy, must live to the spirit of the Constitution in the management of that institution. You cannot write a letter on 7th December and say nominee so and so has some allegations and three days later, you write another letter saying that you have cleared the said nominee. Then four days later, you go and raid a constituency office. I was in the last Parliament---

Hon. Chepkong'a: On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Hon. Chepkong'a?

Hon. Chepkong'a: Thank you, Hon. Speaker. I stand pursuant to Standing Order No.83. As you know, I have a lot of respect for the Leader of the Majority Party as he moves. It is not my intention at all to cut him short. It is also important that, as the Chair of the Departmental Committee on Justice and Legal Affairs, I be given an opportunity.

As you know, EACC falls directly under the Departmental Committee on Justice and Legal Affairs. It is unfair to draw innuendos which do not exist. I have taken the initiative to speak to the EACC people. It appears that the issue of Hon. Kazungu has been choreographed. In fact, I was told by the CEO himself that they have no report on Hon. Kazungu.

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Hon. Speaker: What is out of order?

Hon. Chepkong'a: Hon. Speaker, if you read Standing Order No.107, that is frivolous.

Hon. Members: Are you the EACC?

Hon. Chepkong'a: I may not be the EACC, but I am the Chair of the Departmental Committee on Justice and Legal Affairs. I must be allowed to tell you that this is an institution which has been created by Article 79 of the Constitution.

Hon. Speaker: Hon. Chepkong'a, you will get an opportunity to contribute about the EACC. Let the Mover finish.

Hon. A.B. Duale: Hon. Speaker, if you allow me, I always stand by what I say. Now that I have been given an opportunity - and I want the Committee Chair to listen to me very categorically - I am going to read the letters dated 7th and 10th December 2015. They are both signed by one Halakhe Waqo. What I am talking about is not frivolous. It is a fact. There are three letters. The first one is dated 7th December 2015, and is addressed to the Clerk of the National Assembly. It says:-

“The Commission confirms that there are no outstanding issues or ongoing investigations against the following nominees---”

At the bottom of the same letter, it says:-

“The Commission confirms that there are allegations in which the following persons are adversely mentioned.”

One of them is Hon. Dan Kazungu.

The following day, the Clerk of the National Assembly wrote to the EACC and asked them why they had not given an opportunity to the nominees, that is Hon. Dan Kazungu and the rest--- The Clerk asked EACC to give specifics. Is it on the Constituencies Development Fund (CDF) of something else? I want the Committee Chair to listen to me. He is not listening. Do not consult. You need to consult with what I am reading.

Hon. Speaker: Your time is running out.

Hon. A.B. Duale: The matter we are dealing with is very serious. The second letter came on 10th December 2015 after the Clerk wrote a letter. It says:-

“Vetting of nominees for appointment as Cabinet Secretaries and Principal Secretaries (PSs).”

Under subtitle Daniel Kazungu Muzee, Nancy Karigithu and Eng. Victor Kyalo, it says:-

“The Commission has undertaken verification of the information received on the above nominees and our findings are that there is no evidence currently to warrant an adverse recommendation.”

Now, let me talk to the Committee Chair. As the one who oversees them, this Commission has not lived to the acts and expectations we expect from them. You need to invite them and even grill them on their own documents. That is why we made you the Chair of the Departmental Committee on Justice and Legal Affairs. You are one of the best Chairs. Please call them and ask them why they give conflicting information on public servants. Why do I say so? There are many Kenyans who have lost their jobs as cabinet secretaries, PSs and as CEOs because of such letters. Today, there are people whose careers are in jeopardy. There are people who have built careers but, just because of one letter like this, today they are at home. We are under obligation, as the people's representatives, to oversee institutions that we created. Those institutions must live to the independency and integrity that their Acts provides them. That was for the Chair of the Departmental Committee on Justice and Legal Affairs, my good friend.

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That does not happen only in the EACC. Even the Director of Criminal Investigation (DCI) should not give conflicting information. You cannot clear Hon. Kiunjuri in 2002, 2007 and 2013 when he vied for governor and then, when the President gives him an opportunity, you pull something and say that he has a criminal case. Those who are in charge of institutions must respect the tenets of those institutions.

Pursuant to Article 152 (2) and Standing Order No.204(4), the Committee recommends that this House, the National Assembly of Kenya, approves the nomination of the following persons for appointment by His Excellency the President as it appears on the Schedule. These are:-

Hon. Daniel Kazungu Muzee, nominee for Ministry of Mining.

Hon. Festus Mwangi Kiunjuri, nominee for Ministry of Devolution and Planning.

Mr. Willy Kipkorir Bett, nominee for Ministry of Agriculture

Mrs. Sicily Kanini Kariuki, nominee for Ministry of Public Service, Youth and Gender Affairs.

Sen. Charles Cheruiyot Keter, nominee for Ministry of Energy and Petroleum.

Dr. Cleopa Kilonzo Mailu, nominee for Ministry of Health.

Mr. Joseph Wakaba Mucheru, nominee for Ministry of Information, Communication and Technology.

I ask the able Deputy Minority Whip and Member for Kiminini, Hon. Chrisantus Wamalwa, to second.

Hon. Speaker: Give me one minute before Hon. Chrisantus Wamalwa seconds. Hon. Members, I interrupt proceedings to recognise the following persons who we have today.

Seated in the Speaker's Gallery is a delegation from Taiwan comprising of:-

1. Hon. Lee Thomas Tangho – Legislator.
2. Hon. Chinlin Yeh – Legislator.
3. Madam Jessica Lee - Deputy Director General.
4. Mr. Joseph Chen - Member of Taiwan Police.
5. Mr. Frank Chen – Commissioner.

(Applause)

The delegation is in the country on official business for several days and, among others, to attend the World Trade Organization (WTO) Conference taking place in Nairobi. They are welcome to the National Assembly and on your own behalf and that of mine, I welcome them to observe the proceedings here. Thank you. Let us have Hon. Wamalwa

Hon. Wakhungu: Thank you, Hon. Speaker. I rise to second. As a Member of the Committee on Appointments, a lot has been said by the Hon. Leader of the Majority Party and I do not wish to repeat. This is to clarify that the vetting was done in line with the Public Appointments (Parliamentary Approval) Act. As time goes by, we need to amend that Act so that it is a bit more comprehensive. When you look at the Act, there is the criterion that we use as far as vetting is concerned. There is academic qualifications, employment records, potential conflict of interest, and the knowledge of the relevant subject, the overall suitability for that position, matters of integrity, vision, leadership, expectations and key priorities.

As a Committee, we noted that all the seven nominees qualify. We are humbly requesting this House to approve that these nominees qualify as per the Act. However, as we move on, there

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were critical issues that were beyond the Committee. On the two third gender rule, you realize that women are less. It is our humble request to the appointing authority that next time when it comes to the issue of gender as outlined in Article 27(8) of the Constitution, the aspect of gender should be taken into consideration.

It is unfortunate that we are seeing two women exit and one woman being brought on board. We are seeing Ann Waiguru and Charity Ngilu exit and only Sicily Kariuki coming in. It is important that the law of the two-thirds gender must be respected. As we move on in terms of the criteria, when you look at Article 232 of the Constitution, the issues of regional balancing was lacking as far as these appointments are concerned. It is important that as we move on, the appointing authority should look into those two critical aspects.

However, in terms of the suitability, I have no doubts that all the seven nominees are qualified. We are calling upon this House to approve them.

With those few remarks I second.

Hon. Speaker: Order, Hon. Members! Those of you who are walking---

(Question proposed)

Hon. Members: Put the Question! Put the Question. The system is not working.

(Loud consultations)

Hon. Speaker: Hon. Members, in fairness---. Let us have Hon. Onesmus Muthomi Njuki.

Hon. Njuki: Thank you, Hon. Speaker for giving me the opportunity. I happen to be one of the lucky ones today that my machine is working. At the outset, I support the appointment of these individuals in their capacities. This comes in the wake of the cleaning up that is being done by the President and the issue of Chapter Six which has been articulated very well by the Hon. Leader of the Majority Party, basically came into play. The individuals who were appointed, a few of them went home because of the suspicion that they were involved in corruption. I cannot doubt that this time round, the President has done a good job and you can hear the mood in the House. Members want you to put the Question because we do not have any serious contentions in this case because of the suitability and qualifications of those individuals.

I have looked at the nominees and I have seen the careers that they have been having. The Ministries they have been given are more or less matched, except one or two who were in related careers. I happened to sit in the same Departmental Committee on Energy, Communication and Information with Hon. Kazungu Muzee. I can attest that this is a gentleman you can vouch for that he will do a good job in the Ministry of Mining. Despite the fact that his back ground is in Information Technology (IT), but he is well versed. He was a very serious manager in the IT department of International Business Machines (IBM). Therefore, I believe that he will do a good job.

I had my reservations initially on the nominee by the name Willy Kipkorir Bett because that gentleman was the Managing Director of the Kenya Seed Company. At one time when we were doing our usual audits with Public Investments Committee (PIC), we visited the Kenya Seed Company in Kitale and, at that time, there was a bit of a problem. I can say the screws were not very intact as far as the management of Kenya Seed Company was concerned. However,

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having looked at the history and what has happened during the vetting, I will, with reservations, still say that we will have to see what that gentleman can do in the Ministry of Agriculture, Livestock and Fisheries.

On the issue of appointing politicians, I can see we have three politicians that have come in these appointments. Two of them were currently serving with us and we know their capabilities. I have no doubt with what Mwangi Kiunjuri can do. Initially, he was an Assistant Minister in the Ministry of Water and Natural Resources and he is a man who is very well versed with the management of public resources. We will pass this list without a doubt so that he can do a good job.

As I finish, I also want to reiterate the issue of the Ethics and Anti-Corruption Commission (EACC). Their investigation needs to be a bit thorough and their reporting has to be consistent. They have to be seen as people who are consistent in what they are bringing. They cannot have a report today which they deny the following day. Knowing who the EACC is in this country, if you are reported to have a case with EACC, it is a general belief by the public that there is something wrong with what you may have involved with. So, they need to be very careful because they can tarnish careers. They can jeopardize peoples' positions in the society and even the members of the public and families where they emanate from.

With those few remarks, I support the appointments of these individuals into their Ministries. Thank you for giving me the opportunity.

Hon. Maanzo: Thank you, Hon. Speaker for giving me this opportunity to contribute to this very important Motion. I want to mention something which has not come out very well in this Report. Hon. Kiunjuri has a matter pending before a court of law for 15 years. Ordinarily, in a normal court process, there are usually mentions. The witnesses in this matter were police officers who, after 15 years, have decided to make a recommendation for the termination of the case.

On the incitement matter he was charged with, there were very many other Kenyans then who were agitating for change and were in the NARC Party. I happened to be one of their lawyers - including Hon. Kiunjuri - and the matters have never been terminated. After terminating Hon. Kiunjuri's case, it will also be fair for the police to terminate the many other matters that are pending before the courts. It is against the law to keep a case in court for too long. In fact, justice delayed is justice denied.

Hon. Kazungu is our colleague. The EACC has not been very clear with the matter and has been handling it in a very controversial manner. It is also not fair when a young professional like Hon. Kazungu tries to make a move and that is the time the issues are raised. I want to say that not everybody can like all of us here and the nominees. There are mistakes that can be found in one way or another from the nominees' previous careers. It is only fair for procedure to be followed. Unless a matter is documented within seven days and an affidavit presented, it will be an exercise in futility to try to frustrate the matters, after the public has not fully complied with that regulation which gives an opportunity for the nominee to reply, should there be any other matters.

While finalizing, I want to congratulate and support the nomination of Dr. Mailu who comes from the Ukambani region and my neighbouring constituency Kibwezi West. One time, I had an injury and Dr. Mailu was the first one to arrive in hospital. He made sure that I was taken care of when I was attacked while in Parliament. I do support him. I also want to support the nomination of some politicians into the Cabinet because that will give the Cabinet a feeling of

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people who know what representation is and when they are mixed with professionals like Dr. Mailu, then this is going to be a good Cabinet.

I support, Hon. Speaker.

Hon. Speaker: Hon. Joseph Limo.

Hon. Limo: Thank you, Hon. Speaker for giving me this opportunity to contribute. From the outset, I want to congratulate His Excellency the President for the appointment of the seven individuals who have fared very well in their areas and have contributed to the country's development in different areas. One thing which we have observed here is that there are people who have done very well and we have no doubt that they are going to contribute to the development of this nation in a very good manner.

However, we need to really review the rules and laws which are governing the clearance of individuals for appointment into those positions. The Constitution is very clear about giving people a chance to give their views in terms of public participation. We need to strengthen our rules so that when one is giving their views, they are under oath so that no one can maliciously give any information which they cannot substantiate. It is shameful in this country that somebody can give a contrary opinion or oppose an appointment just for the sake of it and, two days later, they withdraw.

We want to see a country which is respected and, therefore, we need to review the rules so that people are not unnecessarily ashamed. There are many people who have cut their careers short because of people who are malicious. It is worrying that the people we are going to approve will leave their jobs and obligations elsewhere and, after few days, somebody will come with allegations and one is told to step aside. We also need to review the EACC Act and other regulations surrounding that area. We need to ensure that when there are allegations against somebody, they should be proven before someone is told to step aside so that we safeguard the interests of those people.

(Loud consultations)

I am sure that when they are appointed, many people struggle to decide whether to take up the appointments or not because the Civil Service is becoming very unattractive. I can attest that the few individuals who have been nominated by the President are going to perform. I can attest that Charles Keter, the Senator of Kericho County comes from my county and he is somebody who can work very well with people. I have no doubt that he is going to ensure that the energy industry is going to prosper because of his characteristics. He is a very strong team player.

Hon. Abongotum: On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Kamama, what is your point of order? Hon. Limo, there is a point of order from Hon. Kamama.

Hon. Abongotum: Thank you very much Hon. Speaker. It looks like most Members are not interested in this debate and there is a lot of noise around. I think you should just put the question so that we finish with this matter. That is because you are not listening. The Mover should reply.

(Loud consultations)

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Hon. Speaker: Order, Hon. Members! Hon. Members! I think that it is fair that we allow those who are contributing to do so and for the others to also hear their contributions. From what Hon. Kamama is raising, the consultations should be in slightly lower tones than they have been. Continue Hon. Limo.

Hon. Limo: Hon. Speaker, I was stating very clearly that Hon. Charles Keter is the Senator from my county and I have no doubt in his capability. All of you know he has been in this House for a while and he has actually had an opportunity to work at the Ministry of Energy before and he is going to perform. I have also had an opportunity to meet with Dr. Cleopa Mailu. He is actually a real technocrat in the field of health and is going to bring a wealth of experience from the private sector. If he is given support, I am sure that he is going to work very well in ensuring that the new devolved health sector is going to prosper.

I do not want to dwell a lot in the other individuals, but I am giving an example. The young man by the name of Mucheru is a very well versed person in the private sector ICT. I am sure he is going to perform and give a good name to the young people of this country. I thank the President for recognizing young professionals and that the youth in different sectors can contribute to the well being of this country and its development. Therefore, I propose and I actually urge this House to support them.

Seeing the mood in the House, I have no doubt that all the seven individuals are going to be approved by this House, but I want to insist that when we come back in February, we must look at the rules around areas of public participation, so that we cannot allow busy-bodies to malign the names of people who are given an opportunity to serve the people of Kenya.

I support and I urge the House to support.

Hon. Speaker: Hon. Midiwo.

Hon. Midiwo: Thank you, Hon. Speaker. First of all, let me say that I am a member of the Vetting Committee and I approved the decision of the Committee to allow the nominees to assume public office.

Hon. Speaker, it is only to say that yesterday, we were to append our signatures by reading the reports that were to come here. I must complain that there was a *Kamukunji* that was called yesterday without both sides of the House being consulted. We muted the idea of the *Kamukunji*. Just to be truthful, I had consulted you. We agreed that there are issues but we would deal with the President's nominees and then deal with the *Kamukunji* later. But I think Members were anxious. It is interesting for somebody to tell us how the *Kamukunji* was arrived at because there are issues. I disagree with the conclusions of the deliberations because we must sit down and talk about the issues bedevilling this Assembly and Parliament. There are issues.

It will be nice at some point to get all of us and the leadership of this House so that we can be truthful to this nation and stop this issue. Kenyans think that we are corrupt. It will be you, as the head of this House. Hon. A.B. Duale---

An hon. Member: What?

Hon. Midiwo: I am a member of the Committee. You must listen to English. You must know the rules of debate.

First of all, let me say that I am talking in the position of the Leader of the Minority party. So, I have my time. We need to talk about these issues because the Ethics and Anti-Corruption Commission (EACC) has besmirched these Members of Parliament. There are Members of Parliament who cannot go to their constituencies or face the public today. To call me a thief--- I was a co-chair who was elected by these Members with Hon. Naomi Shaban to

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look at this issue of mileage. We need to talk about it. Kenyans need to know that for example, when the Member for Wajir West leaves this town, for him to touch the border of his constituency, it is 900 kilometres. The constituency is expansive. It is 400 by 600 kilometres. That is 10,000 square kilometres. We need to tell Kenyans that. You need to protect these Members. For some of us, we do not even need the mileage. We probably come from too near. Kenyans need to know that before they go on Frequency Modulation (FM) stations to besmirch these Members of Parliament. Somebody must stand for these Members. So, I do.

Member for Tiaty, I stand for you because I have done the investigations.

Hon. Speaker: Hon. Midiwo, do not address any Member. Do not address the Member for Tiaty.

Hon. Midiwo: I withdraw that one.

Hon. Speaker: Yes.

Hon. Midiwo: Hon. Speaker, I want to support the nominees, but I thought that it is a good time to address corruption issues because the President has re-done the Cabinet because of it. We are being accused of corruption. I stand for the truth. There is so much noise about corruption in this country. We have to face this. As the Chairman of the Parliamentary Service Commission (PSC), I will be shocked if you try to run away from it. We have to tell Kenyans who we are. Are we thieves?

An hon. Member: Are we what?

Hon. Midiwo: You will let me talk because the Speaker is there to protect me. I am talking because it is a momentous occasion. It is important for us to look at Kenyans and, first of all, begin by the people who are elected to protect public good against corruption. There is so much noise. For example, there is the noise of Eurobond. When we say it, even the Government is trying to run away from it. I see my friend, the Leader of the Majority Party, saying this. All we are asking as the Opposition is the information about the Eurobond. It will be nice to explain to Kenyans where Kshs2.750 billion is. It will be nice to even explain the initial Kshs200 billion. I want to table in this House---

Hon. Speaker: Leader of the Majority Party, what is your point of order?

Hon. A.B. Duale: Hon. Speaker, first, I do not want to interject my counter-part, but I sat and listened. As a pastoralist, I was waiting to see where the road will be. As we drive our camels, we either go to the pasture or to the water. I had no problem because the first issues were the ones that we were discussing. We are dealing with Parliament. I co-chaired the *Kamukunji* yesterday with the Leader of the Minority Party and a number of senior Members were around. The matter which we are dealing with is for this House to approve the seven nominees who have been vetted by the Committee on Appointments.

(Applause)

As of today, apart from Mrs. Sicily Kariuki who was a Principal Secretary (PS), none of the other six nominees has served in the Executive as Cabinet Secretaries. This is a Special Sitting. It has been gazetted. The agenda is on the Kenya Gazette in which you signed. I remember a number of Members of Parliament were asking me this morning about their various Bills. I told them that we cannot introduce them in this Session outside what was gazetted. With a lot of respect to my colleague, the Departmental Committee on Finance, Planning and Trade of the National Assembly, the Budget and Appropriations Committee of the National Assembly and

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the Senate Finance Committee have dealt with the matter of the Eurobond. They have reports. Hon. Benjamin Langat is here.

(Applause)

So, even if you want information, you can only get it in this House through the structures set out and its committees. We must live by the rules that we have created. The Standing Orders and the Constitution guide this House. In a Special Sitting, with a special agenda, you cannot even come and say that you want to table something. That is irrelevant and outside the Motion. I want you to rule Hon. Jakoyo Midiwo out of order in as far as the tabling of some foreign documents - which I do not know and do not want to know - is concerned. If I want to know, I will know through the Chairman of the Departmental Committee on Finance, Planning and Trade, when he tables a report.

Finally, I always say that I am ready to engage Hon. Jakoyo Midiwo, my good friend, over a cup of tea and explain to him the layman's version of the Eurobond. Thank you.

(Applause)

Hon. Speaker: To the extent that you claimed that you want to table a document, it must have a bearing to the Motion at hand. If you table a document which is not going to advance the cause before us - which is this Motion - then it will be taking us away from the business before the House.

Hon. Midiwo, you can talk about the issues. You started very well on the issue of corruption. You are at liberty to talk about it because it was raised. Indeed, in the process of appointments, I am happy because you are an active member of this Committee. It deals a lot with the issue of corruption and the fight against it. So, to that extent, you are in order.

Hon. Midiwo: Hon. Speaker, even though Hon. Duale wields a lot of power which is assumed wrongly, I have been a Backbencher for almost 15 years. We asked Hon. Kiunjuri about a corruption issue when he was an Assistant Minister. One of the nominees told us that he was taken to court to answer a corruption charge. However, let me say that the President reshuffled his Cabinet because of corruption. I know the Standing Orders because I have been around. Allow me to say something concerning the document which I will table so that Kenyans can see that people like Hon. Duale are trying to send my friend, the President, home by issuing a blanket defence which does not make sense. These are issues about which peoples' heads must roll in this Government. I am going to table the document. I am going to give it to you to authenticate it. In this document, you will see that one day, there was a miss-entry of Kshs100 billion.

(Loud consultation)

I am going to table this because I have to stand by the rules of debate. However, they do not want people to hear.

Hon. Speaker: Let us hear Hon. Chepkong'a.

Hon. Midiwo: Hon. Speaker, if you cannot explain an entry of---

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Hon. Chepkong'a: On a point of order, Hon. Speaker. I rise pursuant to Standing Order No. 83 as read together with Standing Order No.106 on the question of relevance. My very good friend Hon. Jakoyo Midiwo sits in the Appointment Committee, which I do not. So, for him to engage this House when he knew he should have presented that to any of the nominees--- One of the things we do as lawyers is this: He had that information. Under the art of cross-examination, he was supposed to put it to the nominee. Now, he cannot put it to us. None of us are nominees here. In fact, he is in the wrong party to purport to table a document which he should have put to the nominees. When we talk about the Eurobond, it is a matter all of us can discuss. I do not think it is a matter we should hush here and spend only two minutes on it. If that is a matter that he wishes this House to discuss, we will resume in February.

Secondly, although EACC members have issues about it--- The EACC is seized of this matter. He knows that his own party leader has submitted some of the documents to EACC. I was just hoping that as part of the documents he has submitted, he would have also joined in submitting those documents that he is seeking to present here. He knows that is a matter that is under active investigation by the DPP and EACC. If he has no faith in EACC, let him take that document to the DPP. If he has any problems with the DPP, let him appear before the Departmental Committee on Justice and Legal Affairs. We have summoned the DPP and EACC to appear before us in January concerning serious issues that they are making against Members. This is the information that he needs to present before us.

(Hon. Ng'ongo interjected)

Hon. Mbadi knows that I am an elected Member of Parliament from Ainabkoi Constituency. It is bad manners to shout at a friend like me.

(Laughter)

I never shout at anybody. I have a lot of decorum. For anybody to shout at someone else, that is in breach of the Leadership and Integrity Act.

(Laughter)

Hon. Speaker, I am on a point of order but it is bad manners to shout at others. I never shout at anybody. It is unfortunate that I picked Hon. Mbadi because he is my friend. However, he generally has this habit of shouting at me outside, but I do not want him to import it inside here. He is a good man. On a more concrete and serious note, let us not treat this House to a circus. We are involved in serious matters in which we are seeking to replace the Cabinet Secretaries who were removed. We want to start with these people on a good footing. If we are saying that these are good people and if you thought they participated in the Eurobond, you should have cross-examined them. But to be held hostage here on matters in which---

(Loud consultations)

I am on a point of order. In future, Members who have sat in various committees, including the Departmental Committee on Justice and Legal Affairs, to come and tell us things

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that they should have raised there and they did not raise them and yet they had the opportunity, they ought to resign and allow Hon. Chepkong'a to go in. That is because I do not raise them when I have already raised them in the Committee. When it is finished, it is sorted out and so we cannot introduce things that were not introduced there.

Hon. Speaker: I think your point of order was on relevance.

Hon. Ng'ongo: On a point of order!

Hon. Speaker: Hon. John Mbadi, when one person has been on a point of order, you allow the Chair to make a ruling unless the Chair, for one reason or the other, permits for contribution to enrich debate. However, for this case, his point is on relevance and that is what he is asking me to rule on. I have already told Hon. Midiwo to remain faithful to the Motion. You are at liberty to speak about corruption, but it must be relevant to the Motion. I was with Hon. Midiwo in the Committee and I am sure none of these nominees was cross-examined about the matter that he is alleging he wants to table. Of course, he has not tabled anything.

(Hon. Midiwo moved to the Dispatch Box)

You cannot table without leave of the Chair. There are certain things that we must also agree on. You just do not walk into the Chamber with some documents and place them on a table and claim that you have tabled, especially when the issue of relevance is being raised. It is not possible. I will give you time. I know you have 15 minutes because you are taking the place of the Leader of the Minority Party. So, Hon. Midiwo, please, do not introduce matters which are not relevant to the Motion. I am sure you participated in this process and you have a lot which you can say about these nominees which will be relevant to the Motion.

Proceed.

Hon. Midiwo: Hon. Speaker, I am surprised at the turn of events. Do you know where you are sitting is where we tabled the documents that unearthed Anglo-Leasing in this country. You cannot ignore these documents at a time when the country is talking about anti-corruption. These are nominees as a result of corruption in Government! What relevance do you want me to get? These are our nominees and I support them. I am only warning them so that when they get into Government--- I have not accused anybody. I have supported the whole list.

Hon. Speaker: Hon. Midiwo, I hear you. You can warn the nominees but you must warn them with information that is relevant.

(Loud consultations)

You will be at liberty to table documents. In fact, if you want to be reminded about the documents you have just referred to how they ended up being tabled, I am the person who can give you the exact route that those documents followed to be tabled here.

Hon. Speaker: Hon. Midiwo, you know what side of the House you are in. Nobody is denying you the opportunity to table documents, but this is a Special Sitting and we are dealing with a Special Motion. Just look at it. Be relevant.

Hon. Midiwo: You are already accused of theft. I am defending you. Let me bring out the issues.

Hon. A.B. Duale: On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Leader of the Majority Party?

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Hon. A.B. Duale: Hon. Speaker, I have a lot of respect for Hon. Midiwo. I want to indulge him to appreciate that we have this Special Sitting to deal a Special Motion. Let us not turn this House into a House that does not believe in rules and regulations. This is the same caucus out there. On a light touch, the Leader of the Opposition Party has been told by the EACC to go and present his evidence. We want facts. Presentation of documents is governed by procedures. My colleague, the Leader of the Minority Party, you can write to the Speaker and ask him to convene another Special Sitting of this House to discuss a matter of national importance, so that we can come back and discuss the Eurobond issue. I want to give free advice to the Opposition. The Leader of the Minority Party can, through the Speaker, call for a Special Sitting of this House. They have taken us through the caucus of Eurobond out there; they cannot bring it here now. We are dealing with a special report.

Hon. Speaker, you must help us. Let them take their caucus out. I am ready to explain over a cup of tea in a layman's language about the Eurobond. I am challenging all of them that they can find me out there and I can take them to State House. I can challenge them in the media. They do not want the truth. They want caucus and propaganda. They should not bring that issue into the House.

Hon. Speaker: Hon. Members, I will apply Standing Order No.106, which is on relevance.

Hon. Ng'ongo: On a point of order, Hon. Speaker. I want to inform you.

Hon. Speaker: You have no capacity to inform me. You certainly have none. You can contribute to debate and make suggestions, but you cannot inform me. You should read your Standing Orders and the law. You can only inform the contributor. You can inform Hon. Midiwo, but not the Chair. Let us be fair.

Hon. Midiwo, you have the Floor. Let us remain relevant to the Motion. Anybody, particularly the leadership of this House, indeed, as the Leader of the Majority has said are mandated, in the Standing Orders, to write to the Speaker and request for a Special Sitting to debate any matter of national importance. The Leader of the Minority Party is at liberty to do so. For now, the Special Sitting is for debating the Motions before us. Let us remain relevant to these Motions.

Hon. Midiwo: Hon. Speaker, give me one minute to conclude.

Hon. Speaker: Please, conclude.

Hon. Midiwo: Hon. Speaker, I can see that the House, which is accused of corruption, is agitated by the sheer mention of the word "corruption".

(Loud consultations)

Hon. Speaker, please, protect me from these people. There were memoranda presented against some of these nominees. We spent hours, as a Committee, deliberating on those memoranda.

Hon. Speaker: Hon. Members, Hon. Midiwo is explaining what the Committee did.

Hon. Midiwo: Hon. Keter is our colleague and friend. I support his nomination. Hon. Kiunjuri is our former colleague and a good Kenyan. I got several phone calls from many people who wanted to do otherwise with Kiunjuri's nomination. You remember Mr. Kiunjuri and Mr. Makwere were my colleagues in the "Koinange saga". I can never stand in his way. I have to support him. We have a past together.

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On Dr. Mailu, the doctor in-charge of the Nairobi Hospital, we had many issues brought against him. We went out of our way to make sure that a good Kenyan is not denied a job because of complaints.

Mrs. Sicily Kariuki is my friend. She is one of the best professionals in the country. I support her nomination.

The Information Communication and Technology (ICT) nominee is as good as these people can find. You remember a few months ago, they came to this side of the House to get Maj. Gen Nkaissery. Now, they have also taken Kazungu, whom I support. They are bankrupt of people. They do not have enough people. *Hakuna watu huko!* I fully support this list. I want to warn them that corruption is a bad thing and they should not engage in it.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. (Ms.) Shaban!

Hon. (Dr.) Shaban: Ahsante sana, Mhe. Spika, kwa kunipa nafasi hii ili nijiunge na wenzangu, nikiwa mmoja wa Wanachama wa Kamati ambayo iliwahoji na kuwakagua wateule wanaopewa nafasi ya kujiunga na Baraza la Mawaziri nchini Kenya.

Mhe. Spika, ukweli ni kwamba Mhe. Rais Uhuru Kenyatta ameona umuhimu wa kuwapa Wakenya wengine nafasi ya kuwahudumia Wakenya katika Baraza lake la Mawaziri.

Mhe. Kiunjuri alifanya kazi hapa Bungeni kwa mihula mitatu akiwa Mbunge na Naibu wa Waziri. Vile Vile, katika kisomo chake, ana shahada kadhaa. Kazi ambayo anapewa ya kusimamia masuala ya ugatuzi na mipangilio ya nchi hii, ataifanya bila wasiwasi.

Mhe. Spika, kama vile wenzangu walivyotaja, jambo la kusikitisha ni kwamba Wakenya wengi wananyimwa haki kwa sababu ya kesi ambazo zimewakabili kwa muda mrefu. Kuna mtu ambaye amejaribu kutumia njia hiyo kuweka fitina ili Mhe. Kiunjuri asipewe nafasi ya kuwahudumia Wakenya kwenye Baraza la Mawaziri. Si sawa Wakenya kunyimwa haki kwa misingi ya watu fulani wanaotumia masuala fulani kuwagonga watu wengine kisiasa.

Nikizungumzia suala la Charles Keter, amesomea shahada tofauti. Amewahi kuchaguliwa mara tatu na watu wa Belgut na baadaye kuchaguliwa kama Seneta wa eneo la Kericho. Hii inaonesha watu wa kule kwake wana imani na yeye na anaweza kufanya kazi. Vile vile, alipokuja Bungeni, amefanywa Naibu wa Walio Wengi kwenye Seneti. Ukiangalia ile kazi aliyofanya kwa Wizara akiwa Naibu wa Waziri, itamsaidia kwa kazi hii anaenda kufanya.

Ukiangalia shahada ambayo amesomea, amesomea maswala ya sekta ile ambayo amepolekwa. Bila shaka, Charles Keter ataweza kuleta ujuzi wake kwenye Baraza la Mawaziri na kuweza kumsaidia Mhe. Rais kuweza kutekeleza maswala ambaye amempatia kutekelezea Wakenya.

Namtakia ndugu yangu Dan Kazungu kila la heri anakokwenda kuwafanyia Wakenya kwa ujumla kazi akituachia shughuli za kisiasa. Wakati tukifanya shughuli hizi, tumeona maswala ya fitina, unafiki na kuzushiwa ili asiweze kupata kazi hii. Bila shaka, tulipoangalia masuala yale, tuliona ya kuwa Dan Kazungu ni kijana ambaye alichaguliwa na wapendwa wake wa Malindi na wamemfurahia. Wametupigia simu wakitoka Kaunti ya Kilifi haswa eneo Bunge la Malindi wakisema kuwa wamefurahia sana kuchaguliwa kwake katika Baraza la Mawaziri. Sina wasiwasi kuwa katika Wizara hii aliyopatiwa ya kusimamia masuala ya madini, ataweza kufanya kazi. Ana shahada mbalimbali za kumwezesha kufanya kazi hiyo.

Kuna suala la jinsia ambalo limekuwa likisumbua kila mtu. Nilipochaguliwa kwenye Bunge la Kumi, niliwahi kuwa Waziri kwenye Wizara ya Jinsia. Hivyo basi, nataka kumpongeza Mhe. Rais kuona kuna umuhimu wa kuwa na Wizara ya kusimamia masuala ya jinsia, vijana

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pamoja na masuala ya uandikishaji wa wafanyikazi wa Serikali tukufu ya Kenya. Kina mama na vijana wamengoja sana kuwa na Wizara ile ili Waziri aweze kuwafanyia kazi moja kwa moja na kuweza kuwapatia matunda ya nchi hii kama vile Wakenya wengine wanavyoishi huku nchini.

Huyo Sicily Kariuki aliyekuwa Katibu Mkuu, bila shaka ataweza kutekeleza jukumu lile. Na kuna kijana John Mucheru ambaye pia nimeona kazi yake na vile alivyokuwa akifanya kazi kwenye masuala ya mtandao. Amefanya kazi kubwa sana na kazi ambayo amepatiwa ataweza kuitekeleza vizuri.

Katika watu wote ambao wamepatiwa nafasi, ningependa sasa kuzungumzia suala la Daktari Mailu. Ni daktari anayejulikana Kenya nzima. Amesimamia masuala ya Hospitali ya Nairobi ambayo ameitoa kwa matatizo mpaka sasa hivi hospitali ile imepata maendeleo ya ajabu. Imejengewa kwa sababu Daktari Mailu amefanya kazi kubwa sana. Wakati Daktari Mailu alipoacha kazi katika Hospitali kuu ya Kitaifa ya Kenyatta na akaenda kufanya kazi kwa Hospitali ya Nairobi, nataka kusema kwa wale wenzetu wote waliokuwa wakifanya kazi Kenyatta, walijua tulipoteza daktari wa kihakika. Si daktari tu bali daktari mwenye bidii sana. Kwa vile ametumwa kusimamia masuala ya afya, bila shaka masuala haya...

(Loud consultations)

Hon. Speaker: Hon. Gikaria, what is your point of order?

Hon. Gikaria: Thank you, Hon. Speaker. I did not intend to interrupt my dear sister. I rise on Standing Order No.95 read together with Standing Order No.106. My sister is the seventh speaker on this Motion and she is just supporting. It is high time we called the Mover to reply. I really wish that you put that to Question so that we can move forward. Make a ruling regarding Standing Order No.95.

(Loud consultations)

Hon. Speaker: Hon Members, do not raise your hands. I am sympathetic with what you are saying. On my request, there are 49 Members who still have expressed their desire to speak and I notice there are several others who have indicated that they do not have cards....

(Loud consultations)

Hon. Members, I get some indications and suggestions that I give three Members each from each side. Is that all right?

(Loud consultations)

Hon. Speaker: Hon. Millie Odhiambo, what is your point of order?

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Speaker. I thank and appreciate you for allowing three Members each from both sides. I am very passionate. I came here before 2.30 p.m. My system is not working. Everybody is supporting while I am opposing. I would really love to be heard on why I am opposing. I request that you indulge me to be the first one on this side.

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(Loud consultations)

When a lady makes a request, in my culture, she is given, Hon. Speaker.

(Laughter)

So, be kind to allow me to speak because I want to speak very passionately.

Hon. Speaker: Hon. Millie Odhiambo, let us allow Hon. Naomi Shaban to finish and given that you have pleaded that you want to speak in opposition... But I have said three Members each from both sides. So, Hon. Naomi Shaban will finish. I will look at the request form but I will definitely give you a chance not because of the culture, but maybe because of gender.

Hon. (Ms.) Dr. Shaban: Mhe. Spika, hata wewe unataja masuala ya jinsia ambayo ni muhimu kwa Wakenya wote, haswa kwa vile tumepata Wizara ya kusimamia masuala ya jinsia.

Vile vile Waziri Willy Bett ambaye amapatiwa kazi hii, atawaze kufanya kazi kwa Wizara ya Kilimo. Yeye pia ana shahada tofauti tofauti na utendaji kazi wake unafahamika. Ukweli ni kwamba Waswahili husema sikio la kufa halisikii dawa. Tunavyokuja hapa leo kuzungumzia masuala haya, tukumbuke kwamba sisi ni Wakenya na nchi yetu ni moja. Hakuna yule aliye Serikalini na yule aliye Upinzani ambaye atasema hiyo ni Kenya yenu na hiyo sio Kenya yetu. Kuna umuhimu kwa Wakenya kuwa kitu kimoja na kufanya kazi pamoja.

Naunga mkono. Ahsante sana.

Hon. Speaker: Hon. Makali Mulu.

Hon. Mulu: Thank you, Hon. Speaker for giving me this chance. I have taken a bit of time to read this Report. I must say that in terms of qualification, competence and relevant experience, it is coming out clearly that the nominees are qualified. The only thing that is not coming out clearly is how their academic qualifications and competencies are aligned to the positions they have been nominated for. That is an issue which we would be raising if we were to be technical. I also bear in mind that, at this level, it is more of a strategic policy direction. So, I will give them the benefit of doubt in those areas.

There are about three issues that I have reservations on. The first one, which has been already been mentioned here, is the issue of gender. I have been to class at the highest level with Kenyan women who are very qualified. I am not convinced that this country cannot produce one-third of women to fill these positions. I want to plead with the nominating authority to ensure that women in this country get these important positions.

The second issue is the Ethics and Anti- Corruption Commission (EACC). That Commission is a let-down to this country. It is unfortunate that today they say this, tomorrow they say something else. I will understand if my mother said that she suspects that somebody is a thief, but not a commission like this one, which has the power and capacity to investigate. I want to plead with them to make sure that, in future, they provide the truth to this House about some of those suspicions.

The other thing is regional balance. If you look at the history of this country, especially past governments, you will realize that senior public positions have been awarded on the basis of the population. So, there has been some kind of a proportional nomination based on the population of a particular ethnic group. This is mentioned in the Constitution and it must be a factor to consider even as you nominate. However, when you look at the Cabinet that we have

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currently, there is a bit of biasness in terms of the way the positions have been shared. If we want to unite this country, we cannot overlook the fact that Kenya has population figures which must be respected when it comes to nominations to senior public positions.

The last point is on the issue of impending by-elections. If we pass this list, we are likely to get two by-elections in this country. I was just wondering, as a Member of this House and a member of the Departmental Committee on Budget and Appropriations, about the issue of prudent management of resources. I know you want to bring politicians to the Cabinet, but I am not convinced that any time you nominate two politicians to the Cabinet, there must be a by-election. First of all, it is very expensive in terms of cost and, secondly, it delays implementation. For the next three or four months, there will be no implementation in those particular constituencies since the Members of Parliament have been nominated. They will not be able to participate in terms of guiding the implementation of the projects. Even though I support this list, I think, in future, it is important that the points I have raised are considered, if we have to take this country to where it should be.

With those remarks, Hon. Speaker, I support.

Hon. Speaker: Hon. Richard Tong'i.

Hon. Tong'i: Thank you, Hon. Speaker for giving me the opportunity to support these appointments.

Hon. Speaker: Hon. Members, I normally see him sit somewhere here. Anyway, he is a Member of Parliament and is entitled to contribute. Hon. Tong'i, contribute.

Hon. Tong'i: Thank you, Hon. Speaker for giving me the opportunity to support these nominees. I want to start by saying that the President has done very well by exercising what Chapter Six talks about in terms of people who have proven not to be corrupt in any way. He has demonstrated the desire to clear corruption out of this country by firing six Cabinet Secretaries (CSs). It is not every day that the President wakes up and fires six CSs from his Government. It is a clear demonstration that the President means well and, indeed, wants to lead the country out of corruption. He wants to ensure that Kenyans are getting value for their money. The nominees who have been chosen, include Hon. Kazungu Mzee, Hon. Keter, Cleopa Mailu, Hon. Mwangi Kiunjuri and many others, are qualified people. Those are people who have a lot of experience and have served Kenyans in various capacities. They have demonstrated that they have what it takes to drive this economy to the next level. As politicians, we are going to support them to ensure that they give Kenyans value for money.

Hon. Speaker, the President, just like you, is on record when it comes to leading by example and fighting against corruption. It is because corruption has denied people opportunities. Our youths are hurting at home because they cannot get employment. We have not done our part. It has to start with somebody. Mother Teresa once said that if all of us can clean the front of our houses, the entire world will be a very clean environment to live in. We have started by cleaning our House. The President has started by cleaning his House. Firing six CSs is not a mean achievement by any standards. We are proud of him and we are going to support him and get things done very well.

My only little concern is that there is no regional balance in these appointments. Kisii, the region where I come from, has not been given a fair deal of what it deserves. We are the second largest contributor in terms of taxes to this economy, but the appointments which have been made have not favoured that region. We are pleading with the President that, in future, when he will be making other appointments, he considers persons from the Kisii community. By

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so doing, he will have encouraged them to work harder. They will be motivated to support this economy and even be tax compliant like we have been doing in the past. We will appreciate that when people work hard, they are recognised and supported by the Government.

My colleagues have talked about the Ethics and Anti-Corruption Commission (EACC). They need to be careful in future, because the way they have handled prosecutions has not gone down very well with a majority of people. There are people whose careers have been destroyed just because of their actions. Take an example of what happened to Hon. Waiguru. I do not think it was fair and in order to take the cameras to her compound. If they were doing investigations, they would have done it with decorum and in a fairer way with a human face so that she is not embarrassed. Next time she will buy a small car, everybody will say that the money she used belongs to them. I do not think that is fair. Everybody is innocent until proven guilty. The EACC must be the one to lead by example; by ensuring that people are treated fairly and are not condemned before the cameras or by the media before they are heard.

In the interest of time, and I can see *Nyar Suba* waiting to speak, I support and appreciate the nominees who have been given the opportunity to serve, including the Permanent Secretaries. One of them is from my region. She is called Susan Muchache. She is a very qualified young person. I am happy that the President has recognised the youth this time round, but we are asking him to do a lot more so that the youth can also feel that they are part of this system. She is one of the most competent ladies from my constituency and we will all support her.

Thank you for giving me the opportunity, I support.

Hon. Speaker: Allow me to give the Hon. Aisha Katana an opportunity to contribute.

Hon. (Ms.) Katana: Ahsante sana, Mhe. Spika. Nachukua nafasi hii kuunga mkono mjadala huu ambao tunaujadili sasa kuhusu uteuzi wa mawaziri.

Kwanza, namshukuru sana Rais wa Jamuhuri yetu ya Kenya kwa kuwachagua Wakenya ambao Ripoti ya Kamati ya Uteuzi hapa Bungeni inaonyesha kuwa wana tajriba nzuri na elimu ya kutosha ya kuweza kuongoza katika nyadhifa hizo ambazo Raisi amewatunuku. Mimi binafsi, namshukuru sana Rais kwa sababu ya kumteua ndugu yetu Mhe. Dan Kazungu ambaye alikuwa Mbunge wa Malindi. Tunafurahi sana kama watu wa Kilifi na Wakenya na, hususan, wakaazi wa Malindi. Nimemjua Mhe. Dan Kazungu kama kiongozi. Ni mtu ambaye ana tajriba na utaalumu wa kutosha. Hata kama ile Wizara ambayo anaenda hailingani na taaluma aliyo nayo, katika mahojiaho na Kamati ya Uteuzi, Dan Kazungu alifaulu. Nami nampa kongole. Amekuwa Mbunge ambaye amefanya kazi yake kulingana na wajibu wake katika Eneo la Bunge la Malindi. Mimi kama mkazi wa Malindi, nampa kongole sana Mhe. Dan Kazungu.

Namtakia kila la heri kwa sababu yale ambayo yalikuwa yanazungumzwa ni maneno ambayo hayajathibitishwa na hayawezi kumzuilia Mhe. Dan Kazungu kushikilia wadhifa huu. Mhe. Dan Kazungu amekuwa kielelezo.

Katika uteuzi huu, kuna wakati tulikuwa tunaangalia masuala ya uteuzi wa nyadhifa mbalimbali na tukakosa kuona kwamba Rais ametekeleza masuala ya jinsia. Hapa pia mawaziri wanawake waliotoka ni wawili. Katika kurudisha, alirudisha mwanamke mmoja tu. Namwomba Rais wetu wa Jamuhuri ya Kenya aangalie na asisitize sana masuala ya kina mama katika nyadhifa kuu katika Serikali yake.

Mengi yamezungumzwa kuhusu masuala ya Tume ya Maadili na Kupambana na Ufisadi (EACC). Naomba sana kwamba yale ambayo yako hivi sasa yaangaliwe kwa kina ili yasihujumu masuala ya wale waheshimiwa ambao wametajwa na uvumi ambao si wa msingi. Kwa hivyo, namuomba kakangu Mhe. Dan Kazungu heri maana ametuongoza Malindi na sasa amepanda

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ngazi ya kuwa na wadhifa wa kitaifa. Nampa kongole. Kama alivyosema kakangu Mhe. Midiwo, inaonekana kwamba upande wa kulia wa Spika kidogo una upungufu lakini upande huu wa Upinzani inaonekana kuna watu wenye uwezo wa kusaidia. Wanapotuhitaji sisi bado tuko. Kila la heri Mhe. Dan Kazungu. Sisi tunafurahia na tunakupatia kongole.

Nataka niseme kwamba kwa vile tunaenda kwa kinyang'anyiro, tutakuwa pale na mwaka wa 2017, nipo ndani nitachukua mwenyewe.

Ahsanteni.

Hon. Speaker: Hon. Anthony Kimaru.

Hon. Kimaru: Thank you, Hon. Speaker. I stand to support this Motion on the appointment of six prominent Kenyans, some of whom I have had the opportunity to interact with, and some like Mwangi Kiunjuri whom I have known for a long time.

From the list of those who have been appointed, we can see that all of them have a lot of experience. They have the requisite education background and experience both in business and public service and others in private practice. Hon. Mwangi Kiunjuri has been my Member of Parliament (MP) for over 15 years. He has been elected back for three consecutive times. He also vied for governor and ran very well. Would he have been in the right party, I am sure he would have been the governor for Laikipia today. But he chose to ride on the wrong horse. For that reason, he did not manage.

Hon. Kiunjuri is experienced both in public service and also in business. I am sure he will bring that experience on board as the Minister for Devolution and Planning. I know Mr. Kiunjuri since the days we were at the university. We were together in the Laikipia University Students Association, where he led us as the chairman and gave very able leadership. In terms of managing the Constituencies Development Fund (CDF), I can say he passes with masters. He will bring on board the management he had in the CDF.

On the issues of incitement, we all know Mwangi Kiunjuri was quite prominent in the fight for the second liberation. Even the case that was in court about Kiunjuri was about the second liberation; while fighting for democratic space in the Opposition. That is when all sorts of accusations could be flung at you. It is at that time when he was accused and the case remained unsolved for over 15 years. It is a good thing that, that has been resolved now and it is all behind us. I am sure he will contribute greatly in running that very important Ministry in the Government.

When we talk of Hon. Dan Kazungu, I have worked with him in this Parliament and I have no doubt whatsoever that he will work very well in that Ministry. One thing that comes to mind is the kind of shenanigans that some people will engage in. Some of the accusations that are being thrown at these nominees are not justified. It begs the question why somebody would wait until you are appointed to a position and then come up with all manner of accusations. When the President was appointing these particular CSs, I would like to thank him for looking at both sides of the divide and at all corners of Kenya. He even went to the Opposition, CORD, and picked two very able people from that side.

Hon. Dan Kazungu is one such person. He is also my friend. We can be sure that even the differences that seem to be there in the country are only practised for political reasons. When we come here as leaders, we are one. Even our President recognises that citizens from any part of this country can contribute very ably towards making this country a better place by running ministries and doing so very ably.

Dr. Mailu's appointment will also infuse the private sector efficiency and capability. I am sure that with the help of our brother Cleopa Mailu, the ailing Ministry of Health will be run much better. All the other nominees are really qualified. I am sure Keter and all the others will do a very good job.

With those few comments, I support.

Hon. Speaker: Hon. Millie Odhiambo. It is not because of culture. It is a tradition of the House.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Speaker. I am sure you have not given me the chance because of culture but because I am a Member of the House. I rise to oppose this Motion. In opposing the Motion, I want to say that it has nothing to do with the appointees that are before this House, many of whom I know. I can just give an example of Hon. Kazungu, Hon. Kiunjuri, Hon. Sicily Kariuki and Hon. Charles Keter. We have worked with the three male colleagues in the last Parliament and this one. I have no known reason why at an individual level they would be disqualified or even other nominees.

I want to give accolades in relation to Mrs. Sicily Kariuki. She has done a commendable job. As a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives, she has done a very good job. It attests to the fact that when you give women work, they do it to their utmost. Most women excel when they are given work.

It is for that reason that I wish to oppose this list for being unconstitutional. It is not recognizing the voices of women in this country. Under Article 27(8) of the Constitution, the Government is mandated to ensure that in every elective and appointed position, not more than one-third shall be of one gender.

Right now, we are grappling with how to make Parliament constitutional. Instead, the President is going ahead in the Executive to give us an unconstitutional list. As a person who has in the past spoken for women, I will stay on course and support the women agenda. If the list is unconstitutional for that reason, I cannot support it.

I would also want to say that under Article 232 of the Constitution and especially because of the history that we went through--- I happen to be one of who you would call the founding mothers of this Constitution. One of the things that we said because we wanted to ensure that we do not go through ethnic violence was the issue of resource allocation that was showing its head through politics. Those were issues of resource allocation and part of it was on appointments.

Those appointments do not show the face of Kenya as required under Article 232 of the Constitution. In fact, not only these ones as somebody would be challenging me and saying: "How do you represent the face of Kenya or gender out of five?"

Hon. Speaker, if you look at the constitution of the Cabinet as a whole with these numbers added, they do not represent the face of Kenya as envisaged in the Constitution. Neither do they represent the gender representation or disability issues that are required under Article 232 of the Constitution.

(Applause)

Finally, I want to echo what my sister whom I respect very much, Hon. Naomi Shaban has said. This country is greater than all of us and, therefore, as Kenyans, we must know that first. I told one of my colleagues outside here when we were talking informally that if you want to put this country first, tell the President that he is "naked". This country is sinking under the

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weight of corruption and when we are appointing these people, we are expecting them not to go and sink under the weight of corruption that is killing this country.

Through corruption, children are dying in hospitals because they cannot get medicine, people are dying of hunger and many people who are supposed to be rescued are not being rescued. My brother Hon. Mbadi said that nine people died in his constituency. Out of those nine, one of them that I buried was from Mbita Constituency. That is because we are neighbours. So, out of the nine that died, one of them was from my constituency. It is all because of corruption. If you want to go and become a sycophant and cheat the President that all is well, all is not well. Let him tell Kenyans the issue of the Eurobond. It is a lot of money such that if you did any project worth a billion, the country should be able to see it. So, let those who truly believe in Kenya tell Kenyans the truth and let us stand on the side of Kenya and slay corruption.

Finally, I know many people have spoken to the issue of Ethics and Anti-Corruption (EACC) and Parliament. I had indicated to you before that there was an impromptu *Kamukunji* yesterday, which I cannot divulge its contents thereof because then it ceases to be a *Kamukunji*. However, I would want to urge that as a matter of urgency we need another *Kamukunji* as soon as Parliament opens. We did a scratching of the surface. There are so many things Hon. Speaker that I want to tell you---

Hon. Speaker: The rule of relevance on this--- Surely, it cannot be part of this Hon. Millie!

Hon. (Ms.) Odhiambo-Mabona: Hon. Speaker, I was just going to give the connection.

Hon. Speaker: No! There is no connection.

Hon. (Ms.) Odhiambo-Mabona: I stand guided. I was going to give the connection but on that basis, I oppose.

Hon. Speaker: Very well. Let us have Hon. (Dr.) Robert Pukose. Hon. Members, we agreed that we are going to close.

Hon. (Dr.) Pukose: Thank you, Hon. Speaker for allowing me to contribute. I stand to support this Motion and support the approval of the Cabinet Secretaries (CSs). Sometimes back when multipartyism came into this country, even when there was no rain, we would blame the retired President Daniel arap Moi for that. We have reached that stage now.

We know very well that health is devolved to the counties. When there is no medicine in the hospitals, we blame the Jubilee Government. We should not sensationalise and make it so much such that it is a song to say that the Jubilee Government is doing this much.

It has appointed great men and women and when we voted for this Constitution, we said that 20 per cent of it is problematic. Among it is the issue of gender. It should be progressive. When we have appointed the CS Sicily Kanini Kariuki who has been a PS and being of the female sex, I think we are progressively moving to that direction.

Hon. Members: Sex or gender?

Hon. (Dr.) Pukose: Female gender but sex is female. When you are asked to put sex, you either put male or female. I think you do not understand the medical words. I am a medical doctor for your information.

An Hon. Member: A gynecologist?

Hon. (Dr.) Pukose: No! A surgeon!

(Laughter)

So, Hon. Speaker, she has performed very well as a Principal Secretary in the Ministry of Agriculture and most of us can attest to that. I think as a CS for Public Service, Youth and Gender Affairs, she is going to take this country to the next level.

I also want to support Mr. Willy Kipkorir Bett who has been a Managing Director (MD) in Kenya Seed Company and he has done well. The issues that my colleague raised were in the audit queries--- When you enter into an office, those audit queries continue emerging so long as they are not answered, just the way Hon. Kazungu is being asked about Constituencies Development Fund (CDF) issues that happened in 2004. When you read the audit report, those are issues of Kenya Seed Company that happened in the past but for the time which he has been in the office, I know he has done an exemplary job. He has brought Kenya Seed Company to the state where it is today because that is an institution that had been looted and was collapsing. So, I know given this opportunity, Mr. Willy Kipkorir Bett is going to do well in the Agriculture Ministry.

I also support Hon. Charles Cheruiyot Keter who has also been appointed as the CS for Energy and Petroleum. We have worked very well. He has been our Chairman and we wish him well. He is a hard working Senator. I know, having been an Assistant Minister in the same Ministry that he has the know-how. He knows what is happening within that Ministry and is going to take it to the next level. I also want to welcome the appointment of Hon. Mwangi Kiunjuri, Dr. Cleopas Kilonzo Mailu, Joseph Mucheru and Hon. Daniel Kazungu. This is good work to the people of Malindi. I know that as we go for the by-elections, the people of Malindi will give us back a hardworking Member of Parliament to represent them on a Jubilee ticket as I welcome the Hon. Member to the Jubilee Government. Despite the fact that they voted for the Opposition in the last general elections, we have brought them to the Government.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, the regional balance principle applies. Let us hear Hon. Chachu Ganya.

Hon. Ganya: Thank you, Hon. Speaker for the honour.

Hon. Speaker: Hon. Members, it is fair for you to know. You can see how I am balancing. A member from Mbita spoke and so somebody around there should speak. They must know that they have lost a chance.

Hon. Ganya: Thank you, Hon. Speaker. I am the only Member from Upper Eastern who has been given a chance to speak. I stand to support the list.

We have a duty, as the National Assembly to vet the nominees for appointment as Cabinet Secretaries. In vetting, our duty is to see to it that these nominees are competent – that they have both the technical and educational experience to serve this nation in the positions for which they have been nominated. We have to ensure that they are people of integrity as well as ensure that they have the necessary education to really deliver.

Having seen the Report, I have no reason to doubt their competence and for that reason, I support and recommend them for these positions. Some of them are people whom we had a chance to work with in this House. I was lucky enough to serve with Sen. Charles Keter and Hon. Mwangi Kiunjuri in the 10th Parliament as well as Hon. Dan Kazungu in the 11th Parliament. These are men of integrity and men who are able to lead this country. They have exhibited sufficient experience to lead this nation. I only wish them well in their new positions.

Hon. Speaker, Article 232 of the Constitution demands for regional balance in appointment to public positions in this nation. I serve North Horr Constituency, which is

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populated by the Gabra community and others. Not a single person from that constituency has been appointed to any position in the Jubilee Government. This is something I shared with the President and the Deputy President a week ago in Moyale. I want it to go into the HANSARD that to date, no Gabra has been given a chance to serve in the Cabinet or as Principal Secretary, Ambassador or any other senior position in this nation. We are still waiting patiently. This is the only country and nation that we have. We do not have any other place where we can get such an opportunity. I really plead with the President and the Presidency at large to give the people of North Horr a chance to serve in this Government.

With those few remarks, I strongly support the approval of these nominees and wish them well in their new positions.

Hon. Speaker: Yes, Hon. Ichung'wa.

Hon. Ichung'wah: Thank you, Hon. Speaker. I rise to support the Motion. Indeed I support these nominees because a lot has been said about the impeccable qualifications that they have in the respective areas they have been nominated to serve. I want to particularity note the political background of some of these nominees, like Hon. Mwangi Kiunjuri, Sen. Charles Keter; and Hon. Kazungu, who will soon be the immediate former MP for Malindi. Their political backgrounds will add a lot of value in Cabinet. I believe that these Cabinet Secretaries (CSs) in waiting will assist the President even in political management of Government affairs, and more so to articulate Government policy. This is because we have largely seen CSs who spend a lot of time over the weekends playing golf, and not being able to articulate Government policy over the weekend and other times when they are not in their offices.

I believe that the political background of these CSs in waiting will add to the Cabinet the value of being able to better articulate Government policy in and out of their offices. I also note that since the Jubilee Government came into power, the county that I come from, namely, Kiambu has not got a CS. We are, indeed, privileged that the nominated---

Hon. A.B. Duale: *(Off record)*

Hon. Ichung'wa: Hon. Speaker, please protect me from the Leader of Majority Party, who says that we have the President. It is good to appreciate that the President serves the country and belongs to Kenya, and not to Kiambu County.

Having Joseph Mucheru joining the Cabinet is a great honour not just to the people of Limuru or our neighbours from Kikuyu Constituency but also to the people of the greater Kiambu County.

With those remarks, I support and wish the nominees all the best.

Hon. Speaker: Let us have the Member for Kibra.

Hon. Okoth: Thank you, Hon. Speaker. I am happy that you have recognized a Member from Nairobi County as you apply the regional balance principle. I encourage that practice to continue and become the norm in this House. Often Nairobi is considered to be part of Central Kenya or Luo Nyanza but we are an independent Nairobi people.

I rise to oppose this Motion as presented and I will be asking Members of this House to think carefully and join me in rejecting it because it is discriminatory and unconstitutional. The Cabinet consists of the President, the Deputy President, the Attorney-General and the CSs. In a Cabinet of 24 people, according to Article 27(8) of our Constitution, there must be not more than two-thirds from one gender. This is an appointive process and it is not an elective complicated process. The President has the full mandate to nominate. When it comes to matters of

appointments, the Constitution says in Article 152(2); that the President shall nominate and with the approval of the National Assembly appoint CSs.

The people we vetted in the Committee, whom we are now discussing, remain nothing more than nominees at this moment. They will not be appointed CSs until this House approves their nomination. I am asking Members of this House that the list which was brought has not met the basic mathematical requirement regarding issues of gender. This is an illegality and an unconstitutional issue that the House is seized of. As we proceed, we should say at some point; that we do not feel that this is pushing Kenya in the right direction. A Cabinet of 24 Members should have, at least, eight women. We have only five women. This is something we should push the President to rectify.

It is instructive to note that even as we proceed to approve these nominees, any “nobody” can injunct Parliament and stop us from doing so. Kenyans are at liberty to go to court to challenge the constitutionality of any process or seek an interpretation from the courts. What does this look like politically in the landscape ahead for the President? It looks like months of litigation and arguments at the High Court, the Court of Appeal and the Supreme Courts, without the President having the benefit of his nominees. Sometimes even as we support the President we must help to ensure that he makes decisions that are solid – that we are supporting decisions that will not be challenged later. That is my first point.

The second thing I am concerned about is the letter and the spirit of Constitution, which says that appointments to public institutions must reflect regional and ethnic diversity of Kenya, including marginalized people and minorities. My brother, Hon. Chachu, has just told this House that there has never been a Gabra who has been nominated for appointment as CS or PS. As the Member of Parliament for Kibra, I confirm that there are many educated and qualified professionals among the Nubi Community but there has never been a member from the Nubi community who has been nominated for appointment as CS or PS. There is a culture of exclusion in appointments of this nature in this country. While people might argue that it is impossible to include everybody, it is possible to set a tone of inclusivity. There is a tone of exclusivity in appointments of this nature, considering the recent audit report of the Public Service Commission (PSC) on ethnic composition of staff, for instance, at State House and in the Executive branch of the Government generally. Forty-five per cent of the members of staff at State House come from one ethnic community. Another 15 per cent come from a second ethnic community. How is it possible that in the President’s office 60 per cent of the staff come from only two ethnic communities? What message does it send about merit, possibilities and inclusiveness to young people who are not from those two ethnic communities?

I would also like to finish by saying that in terms of the youth and people living with disabilities, the President has not nominated even one person under the age of 35 or around the age of 35 to serve in his Cabinet. He had the chance to do so in his first Cabinet and now in the reshuffled Cabinet.

With regard to the nomination of Principal Secretaries, this time, at least, I want to congratulate the President. For the first time, he has nominated someone who is under 35 years to serve in the Ministry of Transport and Infrastructure as the Principal Secretary. He is a young person called “Mr. Wilson Irungu Nyakera”. He will be competent and will bring a freshness that we can remember at the time of Independence of Kenya before some of us were born. We have studied in history that leaders like Mr. Tom Mboya and former President Mwai Kibaki were young people in their early 30s when they took up leadership positions in this country.

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I also have to raise another question that is a matter of process and that we need to address in this House. It is the question of eligibility. Who is eligible to be a Cabinet Secretary? When the Constitution talks about the composition and structure of the Cabinet, the only exclusion is that the Cabinet Members shall not be Members of Parliament. However, we have people who have been nominated, accepted and proceeded to be vetted for nominations and they are serving as Members of the National Assembly or Members of the Senate. It is an issue which we should query. It is similar to the requirement which we have when we talk about eligibility to be a Member of Parliament and to be elected to be the President of Kenya. We say very clearly that you cannot be a dual citizen. You do not run to be the President of Kenya as a dual citizen and then upon election before being sworn in, relinquish your foreign citizenship. It should be the same matter here as a matter of principle. If a Member of the Senate or the National Assembly is nominated, they should at that point resign before this House engages with them and vets them to avoid that shadow of conflict that here we are vetting one of our colleagues. That person should, as a matter of principle and tradition, relinquish his seat and resign immediately and come with clean hands to seek vetting here and not as a colleague, but as an eligible nominated member. We should not continue with the tradition. We made that mistake when we honoured Hon. Nkaisserry to be vetted and then relinquished his seat later. We should look at that very seriously. It will save us the trouble that people do not show a serious commitment on where they want to serve. We are 18 months to the next elections. It is going to cause a lot of money running elections in Kericho and Malindi.

Let me read a final comment on principles of public service. These are not just my personal opinions but issues that are in our Constitution. Chapter 2(10) of the Constitution is on national values and principles of governance. It tells us that: “The national values and principles of governance in this Article bind all State organs, State officers, public officers and all persons whenever any of them-

- (a) applies or interprets this Constitution;
- (b) enacts, applies or interprets any law; or
- (c) makes or implements public policy decisions.

Appointments to Cabinet from the nomination, vetting and to the appointment that this House can do in joint action with the President are public policy decisions. We must make sure that we apply Article 27(8) of the Constitution which comes under the section of the Bill of Rights. As we all know, it is the longest Chapter of our Constitution. It has a policy on non-discrimination. That is why I said that when I rise, I will oppose not because these people are not qualified Kenyans but on principles of equality and freedom from discrimination. This is a fundamental right and freedom. It says very clearly in Article 27(8) of the Constitution:-

“In addition to the measures contemplated in Clause 6, the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.”

We are denying women the seven or eight minimum slots which they deserve as a ceiling.

A new Prime Minister was recently elected in Canada. He is a young person called “Trudeau”. He has set in place a Government and a Cabinet that is 50/ 50 in terms of gender representation. The President should have nominated towards that goal as an ideal rather than to set the one-third or two-thirds threshold as the ideal. It is just a ceiling and a minimal point for

that matter. We should be pushing for that without any apology as Members of this House standing to protect people from discrimination.

We touched on this again under Chapter 9 of the Constitution which talks about the principles and structure of the national Executive. Article 130(2) of the Constitution says:-

“The composition of the national executive shall reflect the regional and ethnic diversity of the people of Kenya.”

The Cabinet of 22 plus a President, his Deputy and the Attorney-General does not reflect the ethnic and regional diversity of Kenya. It goes on in Article 131(2) of the constitution to say:-

“The President shall (It does not say that the President “May”)

(a) respect, uphold and safeguard this constitution;”

I think that there are sections of the Constitution that he has not upheld.

Article 131(2)(d) of the constitution says: “The President shall promote respect for the diversity of the people and communities of Kenya;” and promote inclusion. He is promoting that diversity and inclusion in his Cabinet. I hope that he will do better.

With those few remarks, I duly say, I oppose the Motion.

Hon. Speaker: Hon. Members, we had agreed that the Mover will be called upon to reply after three speakers from both sides have contributed but I gave five. In fairness, let us call the Mover to reply.

Hon. A. B. Duale: Hon. Speaker, the Majority Party Whip will reply but I will ask him also to give one minute to Hon Jamleck Kamau.

Hon. Speaker: Yes Hon. Katoo.

Hon. Katoo: Thank you, Hon. Speaker. With your permission, can I donate two minutes to Hon. Jamleck Kamau?

Hon. Speaker: Very well.

Hon. Kamau: Thank you very much, Hon. Speaker. I want to thank the Leader of the Majority party and the Majority Party Chief Whip for donating to me two minutes. Let me also rise to support this Motion. Indeed, Hon. Keter, Hon. Kiunjuri and most of all these nominees are very well known to most of us. They are capable of doing their job. Specifically, I know Hon. Keter. He is a gentleman I have confidence in. I know that he is going to manage the Ministry of Energy very well and so will Hon. Kiunjuri. Mr. Joe Mucheru happens to be very good in Information, Communications and Technology (ICT). That is the Ministry which my Committee oversees. I am confident that these guys are going to do a good job.

There is only one issue about the EACC and I know that many people have talked about it. I was just asking myself and I think and know that I am right. I do not know whether there is any law that requires this House to write to the EACC to clear candidates. We cannot be asking the EACC to clear candidates. They will just simply be writing to us and say that the allegations that people have been making are without proof---

Hon. Katoo: Thank you, Hon. Speaker.

Hon. Speaker: Unfortunately, you are on donated time.

Hon. Katoo: Thank you, Hon. Speaker. On behalf of the Mover who is the Leader of the Majority Party and the Appointment Committee, which I sit in, I wish to reply.

First of all, I take this opportunity to thank all the Members who have contributed in support of this Motion. I hope that the nominees are listening. If they are approved by this House, they are going to take very seriously the comments that the hon. Members have cited as

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they take up their new jobs in serving this country. I just want to note, in appreciation, several nominees in the list. I know that all of them are qualified.

Let me recognise the appointment of Hon. Mwangi Kiunjuri and Hon. Charles Keter, the Senator for Kericho. Members of Parliament are professionals in their own right, in their own field and are very able in articulating issues that affect the people of this country.

If you look at what Hon. Kiunjuri told the Committee, you will realise that he used his negotiation and the political skills. He is really going to turn around that Ministry of Devolution and Planning, which is the key component of our Constitution. Both these nominees had served in this House and also in the Opposition. They have also served as Assistant Ministers in the previous Governments. Sen. Keter has served in the new structure of governors where Ministers do not come to this House. Therefore, with those skills of having served in the Opposition and Government, I have no doubt that those two nominees have really demonstrated the knowhow, the ability and the capacity to run these Ministries.

Hon. Speaker, I just hope that Members have really read this Report and that they really looked into the questions each nominee was asked. For instance, there is a question that Sen. Keter was asked on what his view was with regard to appointment of Members of Parliament to the positions of Cabinet Secretaries. He said that he subscribes to the ideology of having Members of Parliament to serve as Cabinet Secretaries as they are adequately seized of the development challenges and the needs of the people. These are the people we really want to be given opportunities because they can easily integrate people's needs, Government policies and the legislative agenda of this House.

Hon. Speaker, Hon. Keter really demonstrated that he is knowledgeable when he was asked questions about this Ministry. He demonstrated that he knew a lot about topical issues touching on this Ministry. One would think he has actually been serving as the CS in that Ministry. The rest of the nominees, take for instance Cleopa Mailu, who comes from Kibwezi West - I can see his Member of Parliament, Hon. Patrick Musimba really nodding in appreciation - talked about very important issues about the Ministry he has been nominated to. He has very relevant skills for the said Ministry. Look at the books he has published. Course Attainment-The Key to Running Public Hospitals; Skills Train - applying social or sound employment imperative to retain nurses and doctors in our hospital; Lessons of the Bomoko Initiative in Kenya; and The Female Surgical Contraception - Kenyatta National Hospital Experience.

Skills and experience have been merged to the relevant ministries where these nominees will go and I believe they will really achieve better results. For instance, Dr. Cleopa Mailu talked about the need to decongest Kenyatta National Hospital, which is the biggest referral hospital in our country. He talked about the need to decongest the hospital by improving surrounding county health facilities and especially those in Nairobi County so that only referred cases requiring specialized attention are handled by the Kenyatta National Hospital. He also talked about streamlining procurement at the facility.

My Colleagues have talked a lot about these nominees. Let me just mention what the nominee for ICT, Mr. Joseph Mucheru talked about. He talked about cyber security, data protection and privacy. This nominee, being an ICT guru, I am sure is going to do a lot on cyber issues or the internet to avoid money laundering through cyber cases and even to avoid what we have heard before about the *wiki leaks* in times of securing cyber connectivity. Therefore, because of time, I know all the nominees are qualified and I have no doubt whatsoever in my mind that they are able to do the tasks that they have been nominated to undertake.

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Therefore, with those remarks, I beg to reply.

Hon. Speaker: Very well. The Members standing can take their seats.

(Question put and agreed to)

PROCEDURAL MOTION

REDUCTION OF CONTRIBUTION TIME

Hon. Langat: Hon. Speaker, I beg to move the following Procedural Motion:-

THAT, notwithstanding the resolution of the House of February 11th 2015 on Motions, this House resolves to start the debate on the Special Motions appearing on today's Order Paper be limited as follows: A Maximum of 30 minutes with not more than seven minutes for the mover and three minutes for each other Member speaking.

Hon. Speaker, I would like the House to support this because if you look at the Order Paper and what is not in the Order Paper, you will find that we still have almost twelve reports to handle. Assume we take a maximum of one hour each, we will require twelve good hours to finish the job at hand. These reports have also come from our respective committees. Each of us in this House is a Member of a certain departmental committee and therefore, most of those reports have been discussed in their committees. I request Members to approve these limitations of Motions so that we move very fast to finish the agenda we have on the Order Paper.

I request the House to support this Procedural Motion. I also request Hon. Jamleck Kamau to second it.

Hon. Kamau: I second the Procedural Motion, Hon. Speaker.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Let us have the Chair of the Committee.

Hon. Kamau: Thank you, Hon. Speaker. I beg to move:-

THAT this House adopts the Report of the Departmental Committee on Energy, Communication and Information on the Vetting of persons for appointment as Principal Secretaries laid on the Table of the House on Wednesday 16th December 2015, and pursuant to the Provisions of Article of 155(3)(b) of the Constitution, approves the appointment of Mr. Sammy Itemere as the Principal Secretary, State Department for Broadcasting and Telecommunications; Eng. Victor Kyalo as the Principal Secretary, State Department for ICT and Innovation; and Mr. Andrew Kamau Ng'ang'a as the Principal Secretary, State Department for Petroleum.

Hon. Speaker, on behalf of my Committee, it is my pleasure and honour to present to the House the Report of the Committee on the approval of the nomination of the three gentlemen I have mentioned. I do not want to go into details because I only have seven minutes left. We went through the entire process of appointment and it was good. There was a memorandum that was

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submitted to the Committee by Mr. Dennis Kuti against the nomination of Mr. Victor Kyalo. Unfortunately, it was not signed. Therefore, we rejected it and it was not subject to any deliberation by the Committee.

Mr. Sammy Itemere is a senior manager with a wealth of experience spanning over a period of 20 years in retail corporate enterprise banking as well bank operations. He exhibited experience in that field. He holds a Bachelor of Arts (BA) Degree in Economics from the University of Pune, India, where he also obtained his MBA. He has a lot of experience because of having worked for quite a number of institutions in the banking sector. He worked at the Kenya Commercial Bank (KCB). Within the banking sector, he rose through the ranks to become the Managing Director of Equatorial Bank. He did not show any potential conflict of interest. We went further to point out to him issues before the position he has been nominated for appointment.

He talked about a raft of things, including his personal plan, vision, commitment to the docket of broadcasting and communication. The Committee was satisfied that he is capable of doing what he stated. High staff turnover was an issue to him. He said he will look into it and see what he can achieve in a short span of time to turn around this particular parastatal.

The candidate satisfied the requirements of Chapter Six of the Constitution on Leadership and Integrity. He had been cleared by the Criminal Investigation Department, the Kenya Revenue Authority (KRA) on tax compliance and the Higher Education Loans Board (HELB). He has neither been charged with a criminal offence in a court of law nor been dismissed from office for contravening the provisions of Article 75 of the Constitution. He has the necessary qualifications and a wealth of experience which make him suitable for the position he has been nominated for appointment.

Hon. Speaker, Eng. Kyalo is the nominee for the position of Principal Secretary for State Department of ICT and Innovation. He appeared before the Committee on 11th December, 2015. Before he appeared, the Committee noted that there was a letter from the EACC – which has been a subject of discussion in this House – which appeared to say that he had issues pending before the EACC. We called the EACC first. We wanted them to tell us what issues were pending before them that would make the nominee unsuitable for appointment.

Two days later, they wrote to us and said that they had cleared the candidate. We wanted to know the reasons for declaring the candidate unsuitable in the first instance. When the EACC appeared before us, they clarified that their initial declaration had to do with some payments that were made to him as part of his retirement benefits from the institution he was working before. According to them, he had been overpaid but he eventually paid back the overpaid amount in 2011. As a Committee, we concluded that, that should not have been part of the issues to be brought to us by the EACC.

The candidate has worked in the ICT sector for a number of years. He holds a Masters Degree in Electronic Engineering and a Diploma in Electronic Engineering from Eindhoven Technical University in Holland. He holds a Bachelor of Science Degree in Electrical Engineering (First Class Honours) from the University of Nairobi. He has a number of years of work experience. He is currently the Chief Executive of the ICT Authority (ICTA).

Hon. Speaker, Mr. Andrew Kamau is the Principal Secretary nominee for State Department for Petroleum. He has been working in the energy and mining sector in Africa for the last 25 years. He has worked for multinational companies in Africa and major trading organisations in Europe. He was awarded “Africa Oil and Gas Deal Maker of the year 2005” by

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the Global Pacific Partners. We verified his qualifications and educational background. We saw no conflict of interest. He stated that in case of any conflict of interest, he was willing to get out of it. I recommend the approval by this House the nomination of this gentleman because from the vetting process, the Committee was satisfied.

Having considered their suitability, capacity, professional qualifications and integrity of the nominees, and Pursuant to Article 155(3) of the Constitution, the Committee recommends that the National Assembly approves the nomination of these gentlemen.

With those remarks, I beg to move and request Hon. Kiptanui to second the Motion.

Hon. Speaker: Hon. Kiptanui, you have three minutes to second.

Hon. Kiptanui: Hon. Speaker, I beg to second this Motion on the appointment of Principal Secretaries for State Departments of Telecommunications, ICT and Innovation, and Petroleum. These nominees are experts in various fields. I would like to congratulate the President and the Deputy President for giving us the best professionals to serve not only in the Energy and ICT sectors but also in other ministries. These professionals have high qualifications. Some have Masters Degree while others have done courses in different fields. They are very patriotic Kenyans. Some have taken a pay cut from their well-paying careers to serve in the Government. These are qualified experts with a wealth of experience. I believe that they will deliver on their mandates and transform the sectors of ICT and Innovation, Energy and Petroleum and Broadcasting and Telecommunications. As we approve these names, I want to ask the President that, indeed, if they fail to deliver on their mandate, they should be fired and a new list should be submitted so that we vet other people afresh.

As has been said by my Chairman, Hon. Speaker, Mr Itemere Sammy has a Masters in Business Administration (MBA) degree and he proved that as much as he is an expert in banking, he has learnt a lot and he will transform and streamline the broadcasting and telecommunications sector.

Mr. Kyalo has a First Class degree in Electrical Engineering and a Masters degree of Science in Electrical Engineering. He has been an expert in this sector for over 24 years. We believe that he is the right person to address the challenges that we are facing at the Konza City. He said that he will extend the fibre optic to all counties and sub-counties.

Finally, we believe that Mr. Andrew Kamau, the nominee for the State Department of Petroleum will move the exploration process of oil in Turkana and Elgeyo Marakwet to the second level where we can have production. He promised that...

(Question proposed)

Hon. Speaker: Hon. Ali Rasso.

Hon. Dido: Thank you very much, Hon. Speaker. I rise to support these nominations. From the Curriculum Vitae (CVs) that were provided and the interviews that were done by the Committee, as the Member for Saku, I am satisfied that the President offered this House the most qualified Kenyans out there. The three nominees and the State departments that they will head as Principal Secretaries (PSs) are the frontiers of knowledge and development and are likely to take Kenya to the next level.

Even in the previous debate for the Cabinet Secretaries (CSs), I took into cognisance the fact that for Kenya to the next level, the best must be presented and the best must deliver for Kenya. It is important and it is true that regional balance and the face of Kenya must always be

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considered not necessarily at the Cabinet and PSs level but across ministries and departments in Kenya.

One of the things that we expect from both the CSs and the PSs is commitment and loyalty to the nation and the people of this country. We also expect financial prudence from them.

With those few remarks, I beg to support.

Hon. Speaker: Let us now have Hon. Thomas Mwadeghu.

Hon. Mwadeghu: Asante Mhe. Spika. Ninaomba nitoe mchango wangu kwa ndugu zangu hawa ambao wamepewa nafasi na Rais ili watumikie nchi hii kama Makatibu Wakuu wa wizara mbali mbali.

Kwanza, wakati walikuwa wanapigwa msasa, hawa ndugu zetu Wakenya wameonyosha kisomo ambacho kinafaa, sifa ambazo zinastahili na maadili wanayo ambayo yanahitajika kulingana na Katiba. Kwa hivyo, wamejitoa mhanga watumikie nchi hii.

Ni muhimu hawa ndugu zetu watatu ambao wamechaguliwa kuwa Makatibu Wakuu wawajibike. Wasipowajibika watakuwa wanajinufaisha wao wenyewe. Na vile tunavyona nchi inavyoendelea, imekumbwa na mambo mengi ambayo yanahitaji ustadi muhimu sana wa kazi. Inabainika wazi wazi kuwa hawa ndugu zetu watatu wana uzoefu wa kutosha katika nyadhifa mbali mbali ambazo walikuwa wameshikilia kabla ya kuteuliwa kuchukua nafasi hii. Lakini hata hivyo lazima hawa Makatibu waangazie na waangalie wasije wakatumbukia katika lindi la ufisadi.

Utakubaliana na mimi kuwa moja ya changamoto ambazo tuko nazo nchini ni ufisadi. Hili ndilo jambo limemfanya Rais akaamua atue Makatibu Wakuu wapya na aondoe wengine. Kwa hivyo, hawa ndugu zetu ambao wamepatiwa nafasi ya kutumikia nchi hii kama Makatibu Wakuu - Sammy Itemere, Mhandisi Victor Kyalo na ndugu Andrew Kamau Ng'ang'a - ninawasilihi na kuwaomba watibitishie kwa wananchi kuwa nafasi hii ambayo wamepatiwa kama Makatibu Wakuu wasije wakaiharibu ila wajibidishie walete nchi karibu.

Hasa wasia wangu unaenda kwa Katibu Mkuu ambaye atakuwa anashughulikia mambo ya utangazaji na mawasiliano. Utangazaji na mawasiliano utakuwa unaangazia nchi yote ya Kenya. Kwa hivyo, ni muhimu aboreshe hiyo nafasi na hiyo kazi. Tukiangalia Idara ya Utangazaji ya Kenya, tunapata kwamba imezorota sana. Ni kituo ambacho kimepitwa na wakati na kimeshindwa na wenzake ambao wameingia hivi karibuni. Ninatarajia ndugu Itemere achukue muda wake ahakikishe kwamba ameboresha sera hiyo.

Hon. Speaker: Hon. Members, remember you reduced the time to three minutes. So, when you see the yellow light, it means you have a balance of one minute. The red will be indicative that you have a balance of 30 seconds.

Let us have Eng. Kiragu.

Hon. J.K. Chege: Thank you, Hon. Speaker for giving me an opportunity. I rise to support the nomination of these Kenyans who are going to contribute to the development of this nation. I know that they are very hard working. I personally know Sammy Itemere, Victor Kyalo and Andrew Kamau as professionals who are dedicated to whatever they undertake to do. I know that at this time in this country, they are people who will take this country to another level.

I support.

Hon. Speaker: Let us have Hon. James Nyikal.

Hon. (Prof) Nyikal: Thank you, Hon. Speaker for giving me the opportunity to make my contribution on this Motion which I support. However, I would like to raise two issues that are

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extremely important. The procedure we have followed under the Special Sitting; that we have very limited time and we are hurrying is not appropriate. All along it was clear to the Government that these positions were vacant.

The calendar of Parliament is extremely clear and everybody knows it. This is something we should look at. What we are doing now, to a large extent, is guillotine. We do not have enough time to look at the issues that are related to each nominee. So, we are taking them as a group making comments on one or two and passing it. That is not proper. That we have this particular lot, people who are very educated and technically qualified is important. However, the problem in this country is not the technical competence of the people. The problem in this country is on integrity that is quite often very difficult to realise.

We even had some problems in the last session we had. In future, we should not do this. Even this morning when we started, we had other issues that were brought in for a special session when we would have had time to look at the reports that were laid in the morning, and then discuss them now. We took time to discuss other issues although they were in the Gazette Notice.

What this country should be extremely sensitive to, is not technical competence of the people, but the issue of integrity. We know that there was a report from the Ethics and Anti-Corruption Commission (EACC) in one case but it was corrected. Those are areas we want to look at very keenly. I will support the three gentlemen whose names have actually been put before us because from the work of the Committee, they appear competent. However, on the case of Mr. Ng'ang'a, the area of petroleum is actually riddled with corruption, particularly at the depot. This is one area we have not looked at. That gentleman looks competent and he should look at corruption in the petroleum industry.

Hon. Speaker: Yes, Hon. Joseph M'eruaki

Hon. Múthari: Thank you, Hon. Speaker. From the outset, I would like to support the nominees. Looking at the credentials and the Report from the Committee, these are people who are competent and have relevant experience. They are also well educated and have displayed leadership qualities that are relevant to the areas they have been nominated to serve. They will help this country. I believe if these nominees are as competent as they have been in their previous engagements, then they will be able to contribute immensely to our country.

We are at the take-off phase in Kenya and we need leaders such as those we are approving here. If they do what they are required to do as per their qualifications, they will be able to take up their roles well. I have seen the qualifications of Sammy Itemere. I understand his expected responsibility and I also heard the comments he made, especially on what he is going to do about the Kenya Broadcasting Corporation (KBC) and the entire communication sector. I hope once he is there, he will be able to improve efficiency. There are certain departments within the Ministry that he has been nominated to that he needs to improve, for example, the area of communication.

There are services like the Expedited Mail Service (EMS) which have become unreliable because it takes about two to three weeks before a mail is delivered. These are some of the corporations that are just a burden to the citizens. I hope that if he is given this responsibility he will improve that sector.

We also have Andrew Ngáng'a, who I hope will bring competence in the area that he has been nominated to. I hope he will bring efficiency when it comes to dealing with petroleum products so that we are able to get the benefits of oil. I hope that Eng. Salo will drive the Konza

City from mere talk to action. We want to see the Konza City excel. He has the competence that is required in that area.

With those few remarks, Hon. Speaker, I support these nominations. The President did a good job this time in terms of nominating the right people.

Hon. Speaker: Hon. Isaac Mwaura, you have one-and-a-half minutes.

Hon. Mwaura: Thank you, Hon. Speaker. I am surprised that I have one-and-a-half minutes. I rise to make my observations about the nominees. The petroleum sector is very important in this country because it is a new frontier for the development of our economy. I believe that people who have been given that responsibility are going to ensure that we reap from that dividend; that this country is going to be developed from those proceeds and that even the communities where this extraction is going to occur are also going to benefit.

We would like to see more persons with disabilities being nominated to these positions. We appreciate that there is one lady, Mukhove. However, we would also like to see more persons with disabilities being nominated to these positions as qualified Kenyans. Those who have been nominated as Cabinet Secretaries and Permanent Secretaries should also have political consciousness. They should know that they owe it to the appointing authority to deliver to Kenyans. One of the things that we are seeing is that they seem to be averse to that reality. I think that is why the President is coming to Parliament to get politicians who can do the jobs. They should know that whatever thing they do, it has a political responsibility.

Hon. Speaker: I call upon the Mover to reply. You have three minutes because you are limited to 30 minutes debate.

Hon. Kamau: Hon. Speaker, since I have three minutes, I donate one minute to Hon. Kanini Kega.

Hon. Kega: Ahsante sana, Mhe. Spika kwa nafasi hii ili nami nichangie Hoja hii ambayo tuko nayo siku ya leo. Kwanza, nitasema kuwa ninashukuru Kamati ya Kawi na Mawasiliano ambayo inaongozwa na Mhe. Jamleck, maanake wamefanya kazi ya ziada. Stakabadhi ambazo wametuletea siku ya leo zimeonyesha taratibu walizozifuata na inaonekana kwamba waliokaguliwa ni watu ambao wanaelewa kazi walizoteuliwa kufanya.

Pili, ni vizuri wale ambao wameteuliwa kujua kwamba wameteuliwa kufanyia taifa letu la Kenya kazi. Hawajapatiwa nafasi ya kwenda kule kujitarisha ama kujitafutia umaarufu na mambo kama hayo.

Kwa hivyo mimi ninasimama kuunga mkono taarifa ambayo tumepatiwa siku ya leo. Walioteuliwa wana jukumu kubwa mbele yao.

Hon. Speaker: Mover!

Hon. Kamau: Thank you, Hon. Speaker. I have listened to the Hon. Members, including Hon. (Dr.) Nyikal and the other Members who contributed in this House. Hon. Nyikal talked about the rushed debate. I think this is not an issue to do with the Presidency. The President can appoint anyone at any time. What we need to do in future is to allocate enough time for this vetting process. We can do it for three to five days, so that we have ample time to look at all these nominees properly.

The other issue that Hon. Nyikal talked about is that we should not look at technical issues and competency, but ethics and integrity of the nominees. I do agree, but on the same token as I had said before, the issue of us writing to EACC is not the best. This is because once you write to the EACC, you are only talking about allegations people have against specific nominees. We need to go a notch higher and instead of writing to EACC, we write to the Director of Public

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Prosecution (DPP). This is for him to confirm to us if any of those nominees or future nominees have any pending court cases. That is only one way we are going to make sure that everybody is satisfied and we do not go to the issue of witch-hunting. Once somebody comes with allegations from the Ethics and Anti-Corruption Commission, it can be witch-hunting. Somebody can actually be told that you cannot be appointed tomorrow because somebody has claimed that you have done this and that, claims which later on are found to be unfounded. Therefore, it is something we, as Members, have to work on.

With those few remarks, I beg to reply and request that we expect all members who will be appointed, in case, the House agrees with their appointment, to actually work hard for this country.

I beg to reply.

Hon. Speaker: For obvious reasons, we cannot put the Question so we will move to the next order. Let us have the Mover.

Hon. Gethenji: Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Vetting of Persons for Appointment as Principal Secretaries, laid on the Table of the House on Wednesday, December 16, 2015, and pursuant to the provisions of Article 155 (3) (b) of the Constitution, approves the appointment of Amb. Peter K. Kaberia as the Principal Secretary, State Department for Defence, and Ms. Betty Chemutai Maina as the Principal Secretary, State Department for East African Community (EAC) Integration.

Hon. Speaker, in executing our mandate, the Committee was in receipt of your communication. On 2nd December, 2015, in the Message from the President, you informed the House that on 1st December, 2015 the President submitted nominees to the office of Principal Secretary in the respective State Departments as I have just read.

The Committee held its sittings on Tuesday, 8th December, 2015 and Thursday 10th December, 2015 to familiarise themselves with the Curriculum Vitae of the nominees and to consider Memoranda received thereof.

On Friday 11th December, 2015, the Committee held an approval hearing during which the two nominees appeared and were vetted. In conducting the vetting exercise, the Committee made reference to the Constitution, the Public Appointments (Parliamentary Approval) Act Cap 136 and our Standing Orders.

During the exercise, the nominees made submissions on why they should be appointed for the positions of PSs in their respective ministries. In compliance with the Constitution and other legal requirements and established procedures for vetting, the Committee ensured its meetings were open to the public and covered by the media. The Committee deliberated on the nominees' bio data, Curriculum Vitae and submissions made by the nominees including the oral submissions during the vetting at the sitting held on the 14th December, 2015. The observations, findings and conclusions guided the Committee in making its final recommendations. The recommendations of the Committee were agreed upon by all the members during the adoption of the Report on 14th December, 2015.

Hon. Speaker, allow me to speak directly to the individual nominees. We had Ambassador Kaberia. Since 2010, he has been the ambassador extraordinaire *et plénipotentiaire* to the Kenya embassy in Brasilia with accreditation to Argentina, Chile, Colombia and Venezuela. Recent positions he has held include Charge D'Affairs in the Kenyan Embassy in

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Madrid in Spain, Deputy Head of Chancery Kenya Embassy in Madrid in Spain and first Chancellor in the Chancery of Kenya Embassy in Paris. He has also served in Washington DC. Ambassador Kaberia is a fine diplomat and civil servant. His elevation to the position of PS is a natural progression and indeed, a testament to his diplomatic and public service skills and his service to this great nation. As such, the Committee found him well suited for the position as PS, as an Accounting Officer, as a manager and indeed, even as a diplomat especially in the ministry he is to serve under, the Ministry of Defence. This is because diplomacy is the first line of defence. We found that his skills and experience in various countries and positions in the diplomatic service make him well suited to be the Accounting Officer in the Ministry of Defence.

I turn to Betty Chemutai Maina. Again, she is a fine young lady with requisite experience. She holds a Master of Science degree in Development Administration and Planning from the University College, London and a Bachelors of Arts degree with honours in Land Economics from the University of Nairobi. She is currently an economic consultant with the East African Partners Genesis Analytics. This is a firm of more than 80 consultants with offices in Johannesburg, New Delhi, Dubai and Nairobi. Betty Maina has previously served as the Chief Executive of the Kenya Association of Manufacturers (KAM), a position she held since July, 2004 until June, 2015.

Prior to her current position, she was also the Chief Executive at the Institute of Economic Affairs between January, 1997 and March, 2003. Betty Maina has experience in both the civil society and in business in the private sector as the Chair of the KAM. This will give her a broad-based and multi-disciplinary approach in her position as PS for East African Community.

In her position as the KAM Chair, she has had experience in multilateral issues between the neighbouring states of the East African Community (EAC). That experience puts her in a good position to manage all the challenges presented in the EAC integration and the State Department in which she is set to serve.

With that, I beg to move and ask my Member from the Departmental Committee on Defense and Foreign Relations, Hon. Yusuf Hassan to second.

Hon. Speaker: Hon. Yusuf, you have three minutes.

Hon. Abdi: Asante, Mhe. Spika. Ninasimama kuunga mkono uteuzi wa maafisa hao waliotajwa katika mjadala huu kuhusu Hoja Maalum ya maafisa walioteuliwa na kuletwa mbele ya Bunge na Rais Uhuru Kenyatta.

Tunapowateua watu hawa na kuwapitisha, tusiangalie kwamba wao wanatoka kwetu nyumbani. Tusiangalie kama wao ni wa kabila letu na pia tusiangalie kama wao ni dini yetu bali tuangalie kwamba wao ni Wakenya wanaostahili kuteuliwa katika nyadhifa hizo za kitaifa.

Nikizungumzia kuhusu Balozi Peter Kiriwa Kaberia, huyu ni mtu ambaye ametumika katika nyadhifa mbalimbali katika taifa letu. Kwanza, alikuwa mwandishi wa habari. Pili, alikuwa afisa katika Wizara ya Ushauri wa Nchi za Nje na Biashara ya Kimataifa na baadaye akawa Balozi nchini Brazil. Katika mahojiano yetu naye katika Kamati ya Ulinzi na Uhusiano na Nchi za Nje, alijitokeza vizuri sana akionyesha uhodari na utendakazi wake. Hasa tulipendezwa sana kwa sababu yeye alikuwa na fikra mpya ambazo sisi kama Wabunge wa Kamati hiyo tunafikiria kwamba zitaendeleza mbele kazi za kila siku za Wizara ya Ulinzi na kuleta nguvu na fikra mpya katika wizara hiyo. Kwa hivyo tunaunga mkono uteuzi wake.

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Pili, katika uteuzi wa Betty Maina kuwa Katibu katika wizara inayohusika na Shirikisho la Afrika Mashariki, Bi. Maina alionyesha ujuzi wake katika kazi hizo na kuonyesha pia kwamba kwa hakika anastahili kuteuliwa katika kazi hiyo. Ujumbe wangu wa mwisho ni kwamba maafisa hawa wakumbuke kwamba kazi yao ni kujenga Kenya na kuwatumikia wananchi. Lazima wafanye kazi hizo kwa uadilifu na maadili bora na kutia kasi kuendeleza ajenda ya serikali na maendeleo ya nchi hii. Kwa hayo machache Mheshimiwa Spika, ninaunga mkono uteuzi wa maafisa hawa wazuri wawili ambao walipitia katika Kamati yetu. Asante sana

(Question proposed)

Hon. Speaker: Let us have Hon. Ronald Tonui. Since he is not around, let us have Hon. James Lomenen.

Hon. Ekomwa: Thank you, Hon. Speaker for giving me this opportunity. I support this Motion because these are competent Kenyans who are qualified and are highly trained in this field. This is the most important docket as far as this Government is concerned. These Kenyans have adequate experience in this field. I take this opportunity to thank the President and the Deputy President for giving these Kenyans an opportunity to serve. These Kenyans that have been nominated have learnt a lesson on issues of corruption, nepotism, tribalism and should not fall into the pit of corruption. They should make a difference by ensuring that they will serve all Kenyans without tribalism, corruption or bias based on the regions where they come from.

I take this opportunity to request the President and the Deputy President that next time, in case they will have an opportunity to nominate Principal Secretaries (PS), they consider the furthest corner of this nation, specifically Turkana. We deserve these opportunities. We might be far from State House in terms of the distance but in terms of appointments, needs and priorities we should be close to State House. I know they love the Turkana. It is only an opportunity that they have not got. However, should they get this opportunity, I request them to consider the Turkana because they have experience of looking after the camels and the cattle. With the philosophy of a pastoralist, if you want a good leader, get one who has looked after cattle and camels. So, I want to assure them that we have a few professors and doctors, let them be given this opportunity before they become many.

I support.

Hon. Speaker: Yes, Hon. Kibunguchy.

Hon. (Dr.) Kibunguchy: Thank you, Hon. Speaker. I join my colleagues in supporting these two individuals who have been picked in their respective PS positions. Listening and looking at their CVs and backgrounds, I have no doubt in my mind that they deserve the positions. I just want to add two things that have been touched by some of the speakers before. On the issue of the face of Kenya that keeps resurfacing, we have to reach a point when we must address it seriously. Before I finish that statement, I congratulate and thank the President for having picked somebody from my constituency for the position of PS. That is the Motion that has just been discussed before this. Mr. Sammy Itemere is a young man from my constituency of Likuyani. I want to send my congratulations and appreciation to the Jubilee Government for having given him that chance.

I would also like to say that as we cast our eyes forward that I think the gods must have been very kind to us in Likuyani and to my family as we cast our eyes forward. Susan Mochache, in my language we say is my sister-in-law. She is the wife of my first cousin.

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(Loud consultations)

I said the gods must have been kind to us. Still the issue of the face of Kenya is not cured by those two positions. Looking at all these, the positions of the PSs, I can see that 15 of these positions by just looking at their names come from two communities in this country. I think that is unacceptable but otherwise I would like to thank you for giving me the chance to speak.

Hon. Speaker: Let us have Hon. Tiya Galgalo. Hon. Members, do not raise your hands up. I have a list.

Hon. (Ms.) T. G. Ali: Thank you, Hon. Speaker. I support the Motion. Almost all the PSs who have been presented here represent the face of Kenya. They also represent people with special skills. I believe that as they come on board they are going to make radical changes that would help this country. We have seen experience lacking in many of the ministries. I believe the nominees who will be approved here today will bring innovation and changes to this country.

As we approve these names, I have a message for the nominees. For the past few years we have had issues of corruption. We have had PSs who have not been proactive in pushing the agenda of this Government. I expect this Parliament to look and monitor this to ensure that we play our proper role of oversight.

I also take this opportunity to thank the President for being very kind to people from different parts of this country and ensuring that we have the face of this country. I would also like to say that I as the Member of Parliament for Isiolo, I am also looking upon him to ensure that he brings on board young men and women who are also very experienced so that we have an opportunity in serving this Government in different capacities. As we look out there for gender balance, Isiolo should be the next area for focus.

I support. Thank you.

Hon. Speaker: Let us have Hon. Jimmy Angwenyi representing the elderly.

Hon. Angwenyi: Thank you, Hon. Speaker for giving me a chance. I am representing the elderly which is affirmative action. I support these nominees because they are people of merit both professionally as well as experience. Ambassador Kaberia has done a very good job and I am sure he has picked appropriate knowledge from Brazil which he can share with our people on how we can move from a third world country to a first world country the same way Brazil has done in the last few years that he has been there.

Ms. Maina has been working for Parliament for a long time as an officer of the Kenya Institute of Management (KIM). She has also worked with the Association of Manufacturers of Kenya (AMK). She is a highly experienced person and a person of impeccable character. I am sure we can derive a lot of benefits from her. Before I sit down, I would like to express the interest of the community I come from. The most densely populated rural county in this country is not represented in the appointment of PSs since this Government took over. They have not been represented at all. I want to beg the President and the Deputy President to look into that matter and maybe increase the number of PSs to 28. We do not have to be given a sister-in-law to Hon. Kibuguchy as one who hails from Kisii County or Nyamira County. She does not hail from those counties. I am expressing the views of the Kisii community. We must be represented in the Government of Kenya because we constitute seven per cent of the population of this country.

With those few remarks, I support.

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Hon. Speaker: Yes, Hon. Abdulaziz.

Hon. Farah: Thank you, Hon. Speaker. I also join my colleagues in supporting the Motion on the appointment of Ambassador Kaberia and Ms. Betty Maina. Mine is to tell the ambassador to, as he sits in that office, to try and polish the image of the KDF, which has been tainted by several people who have criticized them for selling charcoal and sugar. He has some work cut out for him in terms of polishing the image of the KDF as he sits in that office.

I know that both Amb. Kaberia and Ms. Betty have the necessary experience and knowledge to forge this country ahead but they should remember, as nominees for these positions, that most of the positions that we are replacing today have fallen vacant because of corruption cases. Therefore, this new team must be clean and ensure that they do not embarrass the President, who is their appointing authority. They need to be on the lookout to make sure that they remain as white as cotton.

Thank you, Hon. Speaker.

Hon. Speaker: Let us have the Mover.

Hon. Gethenji: Hon. Speaker, I would like to donate two minutes of my response to---

Hon. Speaker: You have only three.

Hon. Gethenji: Let me donate a minute to Mhe. Nyokabi.

Hon. (Ms.) Kanyua: Thank you, Departmental Committee Chair for donating a minute to me.

Hon. Speaker, as a Committee Member of both the Defence and Foreign Relations Committee and the Regional Integration Committee, I feel highly offended that I was not given an opportunity to contribute earlier. I would like to say that we were very impressed by the skills and capacity that was presented by Ms. Maina – the nominee for PS for East African Affairs – and the incoming Defence PS. We look forward to their contribution in leading these institutions. I congratulate His Excellency the President for making such good choices on the type and calibre of PSs. I wish them all the success in their new positions.

I support.

Hon. Gethenji: Hon. Speaker, let me donate a minute to Hon. Mwadeghu.

Hon. Speaker: Very well. Yes, Hon. Mwadeghu.

Hon. Mwadeghu: Ahsante, Mhe Spika.

Kwanza, ningependa kuwapongeza wote walioteuliwa. Ninaomba nisisitize kuwa uteuzi huo bado haujaonyesha sura ya nchi. Tunaomba sura ya nchi itolewe na iononekane kwenye uteuzi kama huu. Mkuki ni mtamu kwa nguruwe na chungu kwa binadamu.

Mhe. Spika, ninawaunga mkono wote walioteuliwa kwa sababu wana sifa na wanaweza kazi wanazopewa. Wao hawana shida bali mteuzi yule ambaye aliwateua ndiye ninataka aangazie uso wa Kenya. Lakini wale walioteuliwa, ninawapongeza na kuwatakia kila la heri.

Mhe. Spika, ninaounga mkono.

Hon. Gethenji: Hon. Speaker, I would like to sincerely thank all the Members who have supported this Motion. I just want to note that these appointments are not the only ones on offer so far. Certainly, there are several senior positions that are yet to be filled in the Government of Kenya. It is not these few positions that will show the face Kenya in a single nomination. The face of Kenya will be seen within the total context of the appointments of the Government. That is where the face of Kenya should be seen.

Having considered the suitability, capacity and integrity of the nominees, the Committee wishes to recommend their appointment. We would like to wish them well should this House

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approve their nomination. We have no doubt in our minds that the good Amb. Kaberia and Ms. Betty Maina will be fantastic nominees and Principal Secretaries in their respective Ministries.

With those remarks, I beg to reply.

Hon. Speaker: Hon. Members, for the same reason, the Question will not be put right away.

Next Order!

Hon. Langat: Hon. Speaker, I beg to move:-

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on the Vetting of Persons for Appointment as Principal Secretaries, laid on the Table of the House on Wednesday, December 16, 2015, and pursuant to the provisions of Article 155(3) (b) of the Constitution, approves the appointment of Mr. Saitoti Torome as the Principal Secretary, State Department for Planning and Statistics; Mr. Julius Korir as the Principal Secretary, State Department for Industry and Enterprise Development; Ms. Fatuma Hersi Mohamed as the Principal Secretary, State Department for Tourism; and, Dr. Christopher Kiptoo as the Principal Secretary, State Department for International Trade.

Hon. Speaker, as you know, one of our mandates as a Departmental Committee is to vet and report back to this House our findings and recommendations regarding nominees for appointment, as required by the Constitution and/or any other law that requires the National Assembly to approve presidential nominees.

During the approval hearings, the Committee held four sittings and in conducting the vetting exercise, we were guided by the Constitution of Kenya, the Public Appointments (Parliamentary Approval) Act, 2011, and the National Assembly Standing Orders.

The vetting process entailed meeting with the nominees, examining correspondences from various bodies, including the EACC, the HELB, the KRA, the CID and affidavits from the public.

Hon. Speaker, because of limitation of time, I will only report our general observations on all the appointees or nominees.

The Committee, having considered the CVs of the nominees and heard their oral submissions during the vetting exercise, made the following observations:

1. That all the four nominees are Kenyan citizens with a wealth of experience and knowledge in their respective dockets.
2. That due process was followed on the recruitment process of the four nominees as provided for by the Public Appointments (Parliamentary Approval) Act, 2011 in appointing the nominees.
3. None of them has ever been dismissed from office for contravention of the provisions of Article 75 of the Constitution, which deals with the conduct of state officers.

Hon. Speaker, neither of the nominees has been adversely mentioned in any investigatory report of Parliament or any commission of inquiry nor has been charged in any court of law. All the nominees have been cleared by the CID, the KRA for tax compliance, the HELB, Credit Reference Bureau (CRB) and the EACC. So, we had no issue.

None of the nominees has been a member of any political party or held any political office except Ms. Fatuma Hersi Mohamed who is a former member of the United Democratic Forum Party (UDF). She was working as a communications officer for the party but resigned in

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March, 2013. I just want to give the House a brief of each of the nominees so that they appreciate their qualifications.

Mr. Saitoti Torome is a Principal Secretary nominee for the State Department of Planning and Statistics. In addition to what I have already generally said about all of them, I want to say that he holds a Masters degree in Business Administration and Strategic Management from the University of Nairobi. He has an undergraduate degree, Bachelor of Education, Economics and Geography from Kenyatta University. He is also a Chartered Public Secretary. He is currently working as the Director of Strategy and Development at the Kenya National Bureau of Statistics (KNBS) in the Ministry of Devolution and Planning. So, this is a promotion.

Mr. Julius Korir is a nominee for State Department of Industrialisation---

Hon. Speaker: You better move. You are the one who brought the Motion.

Hon. Langat: Yes. I am moving very fast. Mr. Korir holds a Bachelors degree in Agricultural economics and Masters in Business Administration with special emphasis in International Trade. Ms. Fatuma Hirsi holds a Bachelor of Arts degree and Masters in Business Administration, Strategy and Marketing options. We believed that she is going to bring us serious input to the tourism sector.

Dr. Christopher Kiprotich, the PS nominee for State department on International Trade holds a PhD in Finance from the University of Nairobi. He has a lot of experience in policy. We believe that he is going to do a serious job in international trade. Our recommendation is that we approve all these nominees. They are very qualified, experienced and of great integrity. Therefore, I move that we support them so that they go and start their jobs.

With those few remarks, I beg to move and request my Vice-Chairman to second.

Hon. Speaker: Yes, the Vice-Chairman.

Hon. Gaichuhie: Thank you, Hon. Speaker, for allowing me to second this Motion. From the outset, I want to say that we vetted the four nominees for those positions of Principal Secretaries. We found out that they were competent in their various dockets that they were appointed. We also looked at the requirements that they were supposed to give us from the HELB, the EACC and a tax compliance certificate from the KRA. They met all the requirements.

I want to confirm that the four nominees are very competent in the field. Two of them already are in their ministries. One is the Industrialisation Secretary, and now has been promoted to the position of PS in the same ministry. Mr. Torome is the Director of Statistics in the KNBS. So, he has a lot of experience when it comes to planning because statistics is one of the basic requirements when you want to plan.

The other two nominees who were working in international organisations were working in the relevant fields. Ms. Hersi has really worked a lot in the branding and communication sector. She is currently in Switzerland representing the African region. When we asked her if she was ready to come back home though the salary was going to be lower than what she is currently earning, she said that she was ready because she thought that it was good to work in Kenya. She agreed to work. We thought that she has all the skills.

When we come to the other nominee who is currently the regional Director, he also promised that he is ready and willing to work back home. He is willing to work in the public sector because he is a patriotic Kenyan. We found that he has a lot of knowledge in international trade. We approved those nominees not because of where they come from but out of experience, qualifications and meeting all the requirements. So, I am asking and begging this House to support them.

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Thank you, Hon. Speaker.

(Question proposed)

Hon. Speaker: Let us have Hon. Nyikal.

Hon. (Prof.) Nyikal: Thank you, Hon. Speaker. Whereas I support this, I must say once again that the face of Kenya is important. There is no doubt that the pattern of development across the country is clearly correlated to the regional distribution of the senior officers.

Hon. Speaker: What is your point of order the Leader of the Majority Party?

Hon. A. B. Duale: On a point of order, Hon. Speaker. I was also watching my good friend. I do not want to interrupt the former PS, Ministry of Public Health and Sanitation. The 24 Principal Secretaries whose names this House received are to be subjected to regional, gender and community balance. You cannot subject only four nominees in one sector to regional balance. Let us not take the House for a ride. You read a list of 24 PSs and then as a House you subject them to regional balance. It is like subjecting the Inspector-General (IG) and his two deputies at the Director of Criminal Investigation (DCI) to regional balance. In the National Police Service (NPS), regional balance is subjected to the rank and file from the IG to the --- Is the Member in order to subject four nominees to regional balance?

Thank you, Hon. Speaker.

Hon. Speaker: Proceed, Hon. Nyikal.

Hon. (Prof.) Nyikal: Hon. Speaker, medicine also includes statistics. I understand statistics and mathematics. I am not talking about four people. I am talking about the whole list here. In my mind, if I count all the nominees in the whole country, that still will not qualify. I have made my point that a pattern of regional development in this country has been shown to be clearly correlated to the regional appointment of senior officers. That point has been made.

Two, I said earlier that once again we should not do this in a hurry. This work has remained at committee level. Because of the time which we do not have, you find very little contribution at Plenary level. We are trying. This is something that can be corrected in future.

Lastly, the biggest problem in Kenya today is not the issue of technical competence. Kenya has the most technical people in this region. The problem is the issue of integrity. Again, with limited time, it is not possible to get into the details that you would like to get when looking at the integrity of persons to be appointed. Those issues are important. If they are not observed now, they should be observed in future.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, let us just refrain from politics. Members have only three minutes please. Hon. Njogu Barua.

Hon. Barua: Thank you, Hon. Speaker for giving me this opportunity to contribute. From the outset, I would like to support the nominations of the four principal secretaries in the respective State departments. I would like to comment and say that as my previous speakers have said, this country is not short of professionals.

When it comes to vetting, what I think should be most appropriate is to extract from those candidates what cannot be presented on paper. We need to actually identify from those candidates what their main achievements in their professional careers are. If you can achieve that and demonstrate that to this House then I will be happy and support that nomination.

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Hon. Speaker, I want to comment on the nominee, Mr. Julius Korir not because I know him but because of the docket he is going to occupy. This is the docket of Industry and Enterprise Development. Enterprise development and industry is going to be the engine of this nation. I propose that these nominees should not let us down. We should take them by their word. They should be able to demonstrate and move this country as far as enterprise is concerned. This country has funds such as the Youth Enterprise Development Fund, Women Enterprise Development Fund, Uwezo Fund and many others. To me, those are the seed beds for economic development. We now need to get to the next level so that those nascent entrepreneurs can be supported to move to higher levels of growth, that is, SMEs and large industries.

Hon. Speaker, I support these appointments. I would like to cite the example of Betty Maina who has been appointed to another Ministry. I have known her for some time now. She was in the Institute of Economic Affairs and I can testify her achievements. She was also at the Kenya Association of Manufacturers (KAM) and I can testify her achievements there. People like her should have been given a chance to serve this country long ago as Permanent Secretary. I would have contributed much more, especially concerning the people I know like Betty Maina.

I support.

Hon. Speaker: Yes Eng. Mahamud.

Hon. (Eng.) Mahamud: Thank you, Hon. Speaker for giving me a chance to contribute to this Motion. Let me also congratulate the nominees for this position of Principal Secretaries for the Department of Planning and Statistics; the Department of Industry and Enterprise Development; Department of Tourism; and Department of Multinational Trade. These persons, as the Committee has stated in the Report, have a wealth of experience. They actually have the competence required for the jobs they have been nominated for. In fact, three of the nominees are people I know. I know one of them very well because she comes from my region. She is a very competent person. She is also well educated and well disciplined. She has a lot of experience from the private sector. She worked with the Nation Media Group and the African Gulf Bank. Her latest position was in Berne, Switzerland. She will be a big asset to the tourism industry in this country. I want to congratulate her and thank the President for nominating her.

I had an occasion to interact with Dr. Christopher Kiptoo when he was working in the office of the former Prime Minister in the last Parliament. He is a very competent young man. He will be a very good asset for the Department of International Trade for which he has been nominated. Mr. Julius Korir is a career civil servant. I know he is the Secretary for Industry now and has been promoted in the same Ministry. I am sure he will work properly so that that Ministry performs well.

These people were cleared by the EACC and the CID. They have not been dismissed in their lives and they will be useful. However, in future, I wish that when the President is nominating Permanent Secretaries he looks at the people he has in the public service. In this list we have here today, very few of the nominees are public servants. That will demoralize the civil servants because they will not be promoted within the cadres. If we do not do that, these people who are put there, competent as they are, will be frustrated by those who are working there.

With those remarks, I beg to support.

Hon. Kinyua: Thank you, Hon. Speaker. First of all, I want to congratulate and appreciate the President for coming up with these nominations because they are based on integrity and competence of the nominees. I know that it is in the Jubilee agenda that we match

competence with the tasks that we give public servants. It is also in the agenda that we streamline the entire public service.

As I congratulate each and every nominee, I wish to give them food for thought so that they add value to Kenyans. With regard to Mr. Saitoti Torome, the nominee for the position of Principal Secretary for the State Department of Planning and Statistics, we, the people from Nyeri have had problems with the skewed population census that was conducted and yet it has been the basis for the Commission for Revenue Allocation (CRA) to allocate resources to counties. We expect him to give advice to the Government so that the anomaly is corrected.

With regard to Mr. Julius Kipkorir, we would wish that he looks at the bamboo industry. We visited China and realized that this is an industry that can drive Kenya ahead. It is unfortunate it has not been exploited in this country. I also urge that the youth be given sustainable programmes. Let us give them the fishing rod as opposed to fish.

With regard to Ms. Fatuma, she needs to know that Kenya has been voted as the best destination for tourism. Let us see that translate into revenue for this country. I would like to tell Christopher Kiptoo that we need a clear roadmap so that we can have more exports and eventually a proper balance of trade. We need to have a stronger shilling.

Hon. Murgor: Thank you, Hon. Speaker for giving me this chance to support this Motion. I note that the nominees have all the necessary clearances, that is, tax compliance, clearance from the Director of Criminal Investigations, HELB and the rest. These nominees have admirable CVs. They are people with high academic standards. A case in point is Dr. Chris Kiptoo who comes from my constituency in Elgeyo Marakwet County. I have known him from his school days. He has been an “A” student. He has a Bachelors Degree and Masters Degree in Economics. He also has a PhD in Finance. He has worked at the Central Bank of Kenya in various capacities.

Currently, he is the County Director of Trade Mark East Africa. He fits in the position he has been nominated to.

Hon. Speaker, if these nominees fail to deliver, then Kenya is in trouble. My parting message to these nominees is that they should not let down this House and Kenyans. They should avoid the animal called “corruption” that is hurting Kenya.

With those few remarks, I support.

Hon. Speaker: Hon. Samuel Moroto.

Hon. Moroto: Thank you, Hon. Speaker. I would like to thank the President and the Deputy President for considering regional balance. Some Members are complaining that regional balance was not considered but the marginalized groups in this country, including the Pokot, are now “eating” the fruits of Independence. One of my colleagues complained that the Turkana have been left out but we have the Speaker of the Senate from Turkana flying the national flag.

All the other years, the marginalised communities could not be recognized. We have now benefited as people from West Pokot. It was a closed district for a long time. When people talk of Masters Degrees and PhDs, we also have them. We have the best doctor in Kenya called Dr. Parklea but this nation has not seen anything in him. But things are now changing.

The Cabinet Secretaries and the Principal Secretaries should know that the positions they have been nominated for appointment were previously held by other people, and that they can lose these positions if they will not be sincere as they discharge their duties. Some of the nominees are humble when they are appointed but once they get into office, they become semi-

gods. We have some Cabinet Secretaries we cleared the other time who cannot talk to people because they think they are above everybody.

Hon. Speaker: Hon. Susan Chebet, you have one minute to contribute before I call upon the Mover to reply.

Hon. (Ms.) Chebet: Thank you, Hon. Speaker, for giving me the opportunity to contribute on this Motion.

From the outset, I support the Motion. I would like to congratulate the President and his Deputy for these nominees. I have read through the CVs of these nominees and I can confirm that they are qualified, experienced and committed to deliver services to Kenyans. They passed the integrity test and I hope they will not engage in corruption. I know that they will work in the Ministries that are marred with corruption. I know that they will stay away from the monster of corruption.

Hon. Speaker: Mover!

Hon. Langat: Hon. Speaker, I would like to donate a minute to Hon. Angwenyi and another minute to the Leader of the Majority Party.

Hon. Angwenyi: Hon. Speaker, I thank the President for appointing these qualified people. I also thank the Committee for recommending these qualified Kenyans. As the President aligns himself to merit instead of tribe and friendship, this country is on the trajectory to advance to a first world.

Hon. Speaker: Yes, the Leader of the Majority Party.

Hon. A. B. Duale: Thank you, Hon. Speaker. I want to clarify that Dr. Kiptoo and Fatuma Hersi are people with exceptional credentials. If you subject this list to inclusivity, regional balance, community balance and gender balance, you will find that the President has done it well. Some of us have served in the last *Nusu Mkate* Government where regional balance never used to exist. What used to exist was a rat. Inclusivity and professionalism is in this list. I am sure if you look at Dr. Kiptoo who was the Chief Executive Officer (CEO) of Trademark, Fatuma Hersi, Korir, my good friend, the former Director of Medical Services and Member for Seme, we believe in inclusivity and that is why we are forming a party with a slogan *Tuko Pamoja*.

Hon. Speaker: Let us have Hon. Langat.

Hon. Langat: I want to thank Hon. Members who have contributed to this Motion. Clearly, everyone supported it. I have noted the comments on regional and ethnic balance. The matter even came up in the Committee. The Hon. Member for Seme should know that we cannot do it in one sector as it has been said. It can only be done in the whole list, and not even the list which was presented to Parliament. That is whole list of all those who are currently serving. We have PSs who are continuing to serve. We need to check that list plus the new list which was presented so that we determine whether regional and gender balance was achieved. But to say that we do it in one sector is to oversimplify the issue of gender and regional balancing.

I want my friend to be rest assured that the issue and gender balance has been taken care of collectively.

Thank you.

Hon. Speaker: Hon. Members, I will reorganise putting of the Question to start with the business appearing as Order No.11.

(Question put and agreed to)

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Hon. Speaker: Hon. Members, I will not put the Question with regard to the approval of Principal Secretaries for State Departments for Defence and East African Community Integration.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, it is now time to adjourn the sitting of the House. The House stands adjourned until Thursday, 17th December, 2015, at 9.30 a.m.

The House rose at 6.41 p.m.