

# PARLIAMENT OF KENYA

## THE NATIONAL ASSEMBLY

### THE HANSARD

Thursday, 5<sup>th</sup> November 2020

The House met at 2.30 p.m.

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

#### PRAYERS

#### PAPERS LAID

**Hon. Speaker:** The Whip of the Majority Party.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of the House:

Legal Notice No.195 relating to the Registration of Persons (National Integrated Identity Management System) Rules, 2020 and the Explanatory Memorandum from the Ministry of Interior and Coordination of National Government.

Legal Notice No.196 relating to the Data Protection (Civil Registration) Regulations, 2020 and the Explanatory Memorandum from the Ministry of Interior and Coordination of National Government.

Consolidated Annual Report for the Financial Years 2017/2018, 2018/2019 and 2019/2020 from the Office of the Director of Public Prosecutions.

Report of the Auditor-General and Financial Statements of the East African Portland Cement PLC for the year ended 30<sup>th</sup> June 2020 and the certificate therein.

Reports of the Auditor General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2020 and the certificates therein:

- (a) Ministry of Defence;
- (b) State Department of Transport;
- (c) State Department of Energy;
- (d) The National Land Commission;
- (e) Ministry of Agriculture, Livestock, Fisheries and Irrigation (Drought Resilience and Sustainable Livelihood Programme);
- (f) Ministry of Water and Sanitation;
- (g) The Kenya National Commission on Human Rights;
- (h) State Department of Immigration and Citizen Services;
- (i) Commission on Administrative Justice.

**Hon. Speaker:** Well, the first two legal notices are referred to the Committee on Delegated Legislation.

The Vice Chairperson, Committee on National Cohesion and Equal Opportunity. Is it the Hon. Mulyungi?

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Report of the Committee on National Cohesion and Equal Opportunity on its Consideration of the National Cohesion and Peace Building Bill (Senate Bill No.35 of 2018).

**Hon. Speaker:** Very well. The Chairman, Departmental Committee on Administration and National Security.

**Hon. Paul Koinange** (Kiimbaa, JP): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Administration and National Security on its Consideration of a Petition Regarding Insecurity in Bumula Constituency, Bungoma County.

### ORDINARY QUESTIONS

#### *Question No.255/2020*

#### CRITERIA FOR IDENTIFICATION OF BENEFICIARIES OF KAZI MTAANI PROGRAMME

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Speaker.

Pursuant to the provisions of Standing Order No.42A (5), I wish to ask Question No.255/2020 to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) Could the Cabinet Secretary explain the criteria used to identify and select individuals to benefit from the National Hygiene Programme (NHP), dubbed *Kazi Mtaani* Programme?
- (ii) What plans has the Ministry put in place to ensure that the unemployed youth who are very severely affected by the effects of response strategies of the COVID-19 pandemic in Kathiani Constituency are considered for the said programme?

**Hon. Speaker:** That Question is to be replied before the Departmental Committee on Transport, Public Works and Housing. The next Question is by the Member for Belgut, Hon. Koech. I have seen that there is a request for the Question to be deferred. The request is acceded to. The Question is deferred.

#### *Question No.310/2020*

#### MEASURES TO ENSURE EQUITY IN NATIONAL YOUTH SERVICE RECRUITMENT

*(Question deferred)*

The next Question is by the Member for Kiambu. The Member for Kiambu does not know what time Parliament starts. Member for Kiambu, it is your Question or we throw it out.

*Question No.317/2020*

## OWNERSHIP STATUS OF LAND ALLOCATED TO OCCUPANTS OF OLIVE GATED ESTATE

**Hon. Jude Njomo** (Kiambu, JP): Hon. Speaker, I would like to ask Question No. 317/2020 to the Cabinet Secretary for Lands and Physical Planning:

- (i) Could the Cabinet Secretary provide the ownership status of Land Reference No 6944/2 in Kenyatta Road, Kiambu County, and in particular the section of the land which was to be allocated to occupants of Olive Gated Estate in November 2018?
- (ii) What steps has the Ministry taken to ensure that the said land is sub-divided and marked with beacons by M/s Banda Homes Company as agreed during the purchase of land for development by the buyers?
- (iii) When will the Ministry issue title deeds to the purchasers?

**Hon. Speaker:** Very well. That Question is to be replied before the Departmental Committee on Lands. The next Question is by the Member for Ruiru. Please, press your intervention button. Do you have a card or you are just playing with your fingers? Do you have a card?

**Hon. Simon King'ara** (Ruiru, JP): Yes.

**Hon. Speaker:** Where is it? It is not showing here. We have been here. Your card is in your pocket and you know you have a Question. It looks like you do not know the reason you are here. Hon. King'ara, it looks like you do not have a card. Maybe you are using your ATM card. How comes it is not showing here? Can you try the next seat? You can walk to the Dispatch Box. That will be faster.

*Question No.318/2020*

## SAFETY MEASURES FOR CITIZENS AT PEDESTRIAN ZEBRA CROSSINGS

**Hon. Simon King'ara** (Ruiru, JP): Hon. Speaker, I am sorry for that interruption. I wish to ask Question No.318/2020 to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) What measures has the Ministry put in place to ensure that citizens do not continue losing lives as a result of being knocked down while crossing roads and highways in the country at pedestrian zebra crossings?
- (ii) Could the Cabinet Secretary consider constructing a footbridge at the junction of Kihunguro Road and the Thika Superhighway in Ruiru Constituency to facilitate the crossing of pedestrians, and ease traffic flow on the highway to prevent loss of lives through accidents at the pedestrian zebra crossing located in the area?

**Hon. Speaker:** Very well. The Question will be replied to before the Departmental Committee on Transport, Public Works and Housing. The next Question is by the Member for Seme.

*Question No.319/2020*DELAY IN COMPLETION OF OLKARIA-LESSOS-KISUMU  
ELECTRICITY TRANSMISSION LINE

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Speaker. I rise to ask Question No.315/2020 to the Cabinet Secretary for Energy:

- (i) Could the Cabinet Secretary explain the delays in the completion of the Olkaria-Lessos-Kisumu electricity transmission line comprising of 400, 220 and 32KV network which was expected to be completed in 2018?
- (ii) What steps is the Cabinet Secretary taking to ensure that the project whose delay is responsible for frequent power outages in the larger part of western Kenya, particularly, in Kisumu is completed without any further delays?
- (iii) Could the Cabinet Secretary provide the exact date when this project is expected to be completed and commissioned to relieve the area of dependence on the expensive inadequate low voltage generator in Muhoroni ran by Kenya Electricity Generating Company (KenGen)?

**Hon. Speaker:** The Question will be responded to before the Departmental Committee on Energy.

The last Question is by the Member for Kwale, Hon. Zuleikha. I have an indication that the Member has requested for deferment of the Question. Her request is acceded to.

*Question No.320/2020*

## STATUS OF PENSION PAYMENT TO CIVIL SERVANTS FROM COAST REGION

*(Question deferred)*

**STATEMENT**BUSINESS FOR CONSIDERATION ON 10<sup>TH</sup> AND 12<sup>TH</sup> NOVEMBER 2020

**Hon. Speaker:** Is there anything in the other segment of Statements? Let us have the Majority Whip.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Speaker. On behalf of the Leader of the Majority Party, and pursuant to the provisions of Standing Order No.44(2)(a), I rise to give the following Statement on behalf of the House Business Committee which met on Wednesday, 4<sup>th</sup> November 2020 to prioritise business for consideration:

Hon. Speaker, on Tuesday, 10<sup>th</sup> November 2020, the following business will be prioritised, should it not be concluded today-

1. Sessional Paper No.3 of 2019 on the National Policy for the Eradication of Female Genital Mutilation.
2. Report of the Transport, Public Works and Housing Committee on the Inquiry into the Use of the Standard Gauge Railway.
3. Report of the Committee on Implementation on the Public Petition on Re-Consideration of a Resolution of the House.

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4. Report of the Sports, Culture and Tourism Committee on the Inquiry into the Status of Stadia in Kenya.
5. Report of the Administration and National Security Committee on the Inspection of Police Stations in Nairobi City and Kajiado counties.

Hon. Speaker, as was notified to the House earlier in the week, we expect His Excellency the President to address a Joint Sitting of the two Houses of Parliament during the afternoon sitting of Thursday, 12<sup>th</sup> November 2020. In this regard, the House Business Committee is proposing to suspend the morning sitting of the same day to allow for sanitisation measures and other preparations necessary in the Chamber before the Address. A Motion will, therefore, be moved on Tuesday next week in this regard.

Hon. Speaker, in accordance with the provisions of Standing Order No. 42A(5) and (6), I wish to convey that the following Cabinet Secretaries are scheduled to appear before Departmental Committees as follows:

- (i) Cabinet Secretary for Environment and Forestry will appear before the Departmental Committee on Environment and Natural Resources on Monday, 9<sup>th</sup> November 2020 to respond to Questions from the following Members-
  - a. Hon. David Gikaria, MP.
  - b. Hon. Tim Wanyonyi, MP.
  - c. Hon. (Ms.) Zuleikha Juma, MP.
  - d. Hon. Japheth Mutai, MP.
  - e. Hon. Mark Nyamita, MP.
  - f. Hon. Abdi Koropu, MP.
  - g. Hon. Alfred Keter, MP.
  - h. Hon. Joseph Tonui, MP.
- (ii) The Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development will appear before the Departmental Committee on Transport, Public Works and Housing on Thursday, 12<sup>th</sup> November 2020 to respond to Questions from the following Members-
  - a. Hon. Sharif Athman Ali, MP.
  - b. Hon. (Dr.) James Murgor, MP.
  - c. Hon. Jeremiah Lomorukai, MP.
  - d. Hon. (Ms.) Beatrice Adagala, MP.
  - e. Hon. Samuel Atandi, MP.
  - f. Hon. William Chepkut, MP.
  - g. Hon. Kipsengeret Koros, MP.
  - h. Hon. Titus Khamala, MP.
  - i. Hon. Robert Mbui, MP.
  - j. Hon. Titus Khamala, MP.
  - k. Hon. Martha Wangari, MP.

The HBC will reconvene on Wednesday, 11<sup>th</sup> November 2020 to schedule the business for the coming week. I now wish to lay this Statement on the Table of the House.

Thank you.

**Hon. Speaker:** Very well. Next Order!

## MOTION

### SESSIONAL PAPER ON NATIONAL POLICY ON GENDER AND DEVELOPMENT

THAT, this House adopts the Report of the Departmental Committee on Labour and Social Welfare on its consideration of the Sessional Paper No.2 of 2019 on the National Policy on Gender and Development, laid on the Table of the House on Thursday, 8<sup>th</sup> October 2020, and further approves Sessional Paper No. 2 of 2019 on the National Policy on Gender and Development.

*(Hon. Peter Mwathi on 15.10.2020)*

*(Debate concluded on 3.11.2020)*

**Hon. Speaker:** Hon. Members, debate on this Motion was concluded and what remained was for the Question to be put, which I hereby do.

*(Question put and agreed to)*

Next Order!

## SPECIAL MOTION

### APPROVAL OF NOMINEE FOR APPOINTMENT AS DATA COMMISSIONER

**Hon. Speaker:** The Chairperson, Departmental Committee on Communication, Information and Innovation, Hon. Kisang.

**Hon. William Kisang** (Marakwet West, JP): Thank you, Hon. Speaker. I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Communication, Information and Innovation in its Report on the Vetting of a Nominee for Appointment as the Data Commissioner, laid on the Table of the House on Tuesday, 3<sup>rd</sup> November 2020 and pursuant to Section 6(4) of the Data Protection Act, 2019 and Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Ms. Immaculate Kassait as the Data Commissioner.

Hon. Speaker, upon receipt of the Message from the President, you directed the Departmental Committee on Communication, Information and Innovation to undertake vetting of the nominee. The Clerk of the National Assembly put an advert in the dailies on 19<sup>th</sup> October, 2020 for people who have interest to submit memoranda. By close of business on 26<sup>th</sup> October, 2020 the Committee had received three memoranda. Two of them were in support of the nominee, one by the former Chair of the Independent Electoral and Boundaries Commission (IEBC), Mr. Ahmed Isaack Hassan and the other by the Federation of Women Lawyers (FIDA-Kenya). A memorandum from the International Court of Justice (ICJ-Kenya) was contesting the appointment of the nominee. The Committee went through all the memorandums and established that the memorandum from ICJ-Kenya did not meet the requirements and that vindicated the nominee.

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The Committee went through the curriculum vitae (CV) of the nominee and found that she is a Kenyan citizen without dual citizenship born in Kiambu in 1977. She has a Law Degree from Makerere University, Postgraduate Diploma from the Kenya School of Law and Master's Degree from the United States International University Africa (USIU). These are the basic requirements that were required for appointment as a Data Commissioner.

The nominee has experience spanning over 17 years in various senior management positions including those she held at the IEBC as a Director of Voter Registration and the Institute for Education in Democracy (IED), in line with the requirements on knowledge and relevant experience of not less than 10 years as spelt out in Section 7(1)(b) of the Data Protection Act, 2019.

On Chapter Six of the Constitution, the nominee was cleared by all the Government agencies. She was cleared by the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), the political parties, and the Higher Education Loans Board (HELB) on payment of her loan.

The Public Service Commission (PSC) advertised the position of Data Commissioner. Shortlisting and interviews were done, and this nominee was ranked number one. She was among the three names that were submitted by the PSC to the President. The President sent her name to Parliament.

As I had said, as a Committee, we received three memorandums and considered them. In response on the ICJ memorandum, the nominee observed that ICJ had not demonstrated her personal culpability on the issues raised in their memorandum. The memorandum did not directly implicate her in her personal capacity, but IEBC as a corporate body. The former Chairman of IEBC, Mr. Ahmed Isaack Hassan and Ms. Anne W. Ileri, the Executive Director of FIDA-Kenya supported the appointment of the nominee in their memorandums. They lauded her competence, dedication and requisite skills as is set out in law.

The nominee held various positions and the Committee was satisfied that, as per the law, she is qualified. The Committee sat and went through all the memorandums and made recommendations after conducting approval hearings of the nominee pursuant to Section 6(4) of the Data Protection Act, 2019; Section 8(1) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011 and the National Assembly Standing Order No. 45(4) to determine the nominee's suitability for appointment in the Office of the Data Commissioner. Therefore, the Departmental Committee on Communication, Information and Innovation recommends that this House approves the nomination of Ms. Immaculate Kassait for appointment as Data Commissioner by his Excellency the President of the Republic of Kenya. I move and request my colleague, Hon. Anthony Oluoch to second.

**Hon. Speaker:** Hon. Oluoch, Member for Mathare.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Speaker. I rise to second this Motion on the Report of the Committee that has been moved by the Chair. The Committee looked at a number of things including the provisions of Chapter Six of the Constitution regarding suitability of this candidate. The first issue that I want to address in relation to what was raised by ICJ is in relation to two questions that were central to the last two general elections in Kenya. The Committee had the occasion to look at the questions. They challenged her suitability based on a report by KPMG. That report in brief, related to the handling of data and data materials in elections that preceded the 2013 and 2017 elections. The Report found that IEBC had mishandled the data.

Hon. Speaker, the questions that the Committee had to grapple with - these questions were put to the candidate - was whether or not, in relation to Chapter Six of the Constitution, there was

any direct matter that impugned the character and suitability of this candidate or placed any culpability on this candidate in the matter of handling IEBC data at that particular time. The candidate was able to demonstrate that she would separate her personal capacity in terms of the ability to manage data in this country, in a politically tough environment such as ours, and especially in a situation where the Constitution itself provides for the right to privacy, protection of data and what is already in the public domain that the number one culprit in terms of being able to breach privacy and data is the State. She was able to demonstrate that as a person, she is able to hold her head high in terms of integrity and in terms of being able to discharge her duty.

There was also a claim in relation to the conduct not directly of the person, but of the IEBC itself. We were able to put questions to this candidate in relation to what specifically were her roles. It was important that we did this. We asked her to look at the Committee and Kenyans in the eye and assure them that if she was able to get or secure the position of Data Commissioner, she would discharge her duty without interference from the State. The claim here then was that the IEBC acted in conjunction with the State to circumvent the election and handling of data. In concluding and in supporting, the role of a Data Commissioner is going to be very important now that we have come into a position where we can get data and the Huduma Namba. The implementation of this is going to ensure that there is connectivity amongst all the registration agencies, namely, the Registrar of Persons, Registrar of Births and Deaths and other documents, including Kenya Revenue Authority (KRA) compliance certificates. This position is going to be crucial. It is going to be one that requires a lot of support, including budgetary support. We were able to ask the candidate how she was going to roll out, get expertise and harness resources both human and otherwise. She was able to convince us that in her last two positions as Director of Voter Education at the IEBC in 2013, she was able to put together the best minds that she could in order to get the desired results.

Hon. Speaker, for these reasons, we urge this House to support the Report and endorse this nominee.

*(Question proposed)*

**Hon. Speaker:** Hon. Fatuma Gedi.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Thank you, Hon. Speaker. At the outset, I want to support and congratulate the Committee for a job well done. This is the first Data Commissioner we are having. I am honoured and happy to have a woman as the first occupant of that office.

Looking at the Report, it is evident that Immaculate Kassait has experience and integrity. She has what it takes to take this job to greater heights. Having served as Director of Voter Education at the IEBC, we saw the kind of voter education that happened across the country in our counties and constituencies. As the Chairman said, the complaints that were brought to the Committee were not about her. The IEBC is a big institution. Her track record, I believe, is what has given her the opportunity.

On behalf of Kenyan women and Parliamentarians of this House, we are very happy. We want to thank His Excellency the President for giving us a woman who will serve this country with dedication, passion, and honesty.

I support the Motion.

**Hon. Speaker:** Member for Rangwe.



**Hon. (Dr.) Lilian Gogo** (Rangwe, ODM): Thank you very much, Hon. Speaker for allowing me to rise and support the work that has been done by the Committee, especially on the vetting of the Data Commissioner. Kenya is at a point where it is grappling with matters that are related to the IEBC. When it comes to electioneering, data processing and handling is very important. When we want to get genuine and true dialogue, we must get a very authentic way and authentic person to head the unit that handles our data as a nation.

I thank the Committee for the vetting process and for the person that they have settled on. More so, I want to thank His Excellency the President for mainstreaming the issue of gender in his appointments. For this particular purpose, I want to congratulate the madam who has been given this work, and who has been brought for the purpose of our indulgence in this House.

I honestly pray that when she goes to do her work, she does it without any fear. She should give it her best. Responsibilities that have been held by women have always been done with a lot of integrity and passion. Women give their best shot when given opportunity. I am making a clarion call to women that opportunities are coming out for them. There is an eye on women. They must come out and show leadership, direction and do a good job.

With those remarks, I support the work of the Committee hoping that the nominee does a good job.

**Hon. Speaker:** Hon. Dennitah Ghati.

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Thank you very much, Hon. Speaker for the opportunity to support the appointment of Immaculate Kassait as Data Commissioner. She is well known to me. I have worked with her in a women's movement before when she was working for the IED. I was with the League of Kenyan Women Voters.

I would recommend Madam Immaculate Kassait for the position. For me, it is a very good opportunity. For the first time, there is a woman occupying a new office. That tells you that the President has a lot of confidence in this woman. I am sure she will perform. Ideally, this is a new Commission. She is the first occupant of the office. A lot of work awaits Madam Immaculate. When you look at her qualifications, she has quite a lot and wide experience having worked for both the IEBC and the IED, especially looking into issues of gender where we were working together. For me, this is an opportunity.

I know this is not a new and easy job being the first job. I know Kenya really expects a lot from her first as a woman and I am confident that she is going to really support. We are in an era where what matters in this country for now is the issue of data collection and that of digitization of this data to ensure even as we move around in our Huduma Centres, a lot of these data and information... I am especially keen to see how she will digitise this data and especially ensuring that for the most marginalised people, namely, persons with disabilities, their information and data is well captured for future use.

When this country is looking at a person who basically meets the greatest criteria that the Committee has suggested which is actually in Chapter Six of the Constitution of Kenya, which is basically the one that looks at leadership and integrity, then it shows she is qualified. Madam Njenge Kassait worked so well when I knew her and I have also seen her work around issues of voter education with the IEBC and I am confident she will produce the same zeal, determination and passion that she has worked with to raise the bar high especially the fact that she is the first occupant of this office.

Therefore, Hon. Speaker, allow me to say that I support her appointment and thank the President for the opportunity to give her this job and I am confident that she is going to leave a legacy as the first Data Commissioner of Kenya and woman for that matter. If you look at the

recommendations that came on board in her support, basically they came from reputable human rights organizations in this country. When you look at Federation of Women Lawyers Kenya, it is no mean organization in this country and it is very keen on issues of gender, empowerment and human rights. Therefore, when an appointment gets support of such a huge and well-known organization like FIDA, really there is no doubt that is the best candidate for the job. Allow me to really support her and wish her all the best as she performs her task.

I support, Hon. Speaker, and thank you for the opportunity.

**Hon. Speaker:** Member for Kilifi North.

**Hon. Owen Baya** (Kilifi North, ODM): Thank you, Hon. Speaker. I stand to support the appointment of Immaculate Kassait as a Data Commissioner in this country and I congratulate her for the appointment. In addition, going by her experience and education, I think she has the wherewithal to be a data commissioner and to be the first person to start this work in this country. We wish her well as she does this work. As it may be, I think the report from the KPMG was a shade on her ability to withstand political storms as she tries to manage data in this country. I know there is a new terminology in this country called 'sanitisation', but I think this country will never forget what happened during that election and the things that came. I never knew about this name until my party told me this is the person who bangled the election because of how she managed the data at the IEBC.

Be that as it may, I think people can change and work in a different atmosphere and climate. Therefore, I want to join my colleagues to congratulate her and wish her well and advise her she needs to be stronger than she was when she was at the IEBC.

I thank you, Hon. Speaker.

**Hon. Speaker:** Member for Endebess

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Speaker. From the outset, I want to support this Motion for approval of Ms. Immaculate Kassait as a Data Commissioner. An institution is not run by one individual and when it comes to any election as we have seen in the USA, we should be able to respect independent institutions and give them their due space for them to work. In any election, there will always be complaints especially for those who lose and we can see Trump complaining and even saying he wants to go to court. However, at the end of the day every vote counts. Therefore, as a Data Commissioner we expect her to be able to follow the law, protect every citizen's data privacy and let people not expect that when she is in that position she is going to help them. She is going to be an independent officer, make sure that every data for every individual is protected and everybody is entitled to his privacy.

Therefore, with those few remarks, Hon. Speaker, I support.

**Hon. Speaker:** Member for Kitui West.

**Hon. (Ms.) Edith Nyenze** (Kitui West, WDM-K): Thank you, Hon. Speaker. Let me take this opportunity to support the nomination of Immaculate Kassait. I congratulate her since out of the many who were proposed, she has been nominated by the President. In addition, this is a new office and so she has all the opportunity to manage it to the best of Kenyans. Since she has all the qualifications having worked at IEBC as a voter educationist and also in the communication department, I think she is well placed to run this commission in the best way possible. With all her qualifications, I would wish that she runs the office with all honesty, trustworthiness as she guards the privacy of data of all the Kenyans. Moreover, I wish her all the best because she is also going to be looked at as a woman and she should leave a legacy especially for women leaders. She will be a role model for other women. With her qualifications if she manages the best way possible, then more women would be put in offices of leadership.

With that, I support her nomination as the Data Commissioner. Thank you.

**Hon. Speaker:** Member for Laikipia.

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): Thank you, Hon. Speaker. I also want to take this opportunity to thank His Excellency the President of the Republic of Kenya for nominating one of our many women in this country to be the first Data Commissioner. I have not personally met Ms. Kassait but I want to personally congratulate her and the Departmental Committee on Communication, Information and Innovation for a job well done and taking it one step at a time to see that majority of our women are not denied an opportunity to serve on the basis of where they come from, where they are married or who they have given birth to children with.

Hon. Speaker, I am not ashamed as a woman to say that majority of women go through a lot of discrimination and when it comes to women positions whether appointments or elective positions, men always tend to ask us questions like: “Who married you? Who did you give birth to children with?”

I want to thank this Committee and this 12<sup>th</sup> Parliament for rising to the occasion and allowing a woman, who is diligent, qualified, educated, exposed and experienced an opportunity to be our first Data Commissioner. This woman has a very important role to see that she implements the Data Protection Act, 2019. This is our first Act ever in place and now that the world has gone digital and that majority of us are overexposed to the digital world, there is need for the Government to be the guardian angel and to protect Kenyans from the abuse on the social spaces.

The first Data Commissioner has a duty to see that she establishes and maintains a register for data controllers and data processors. This is to ensure that a majority of the people who are dealing with our very personal and private information, not to mention our banks, the M-PESA, M-Shwari and people who are lending us money, do not overexpose us to abuse over personal information. I am very hopeful that our first Data Commissioner’s name will be approved this afternoon. She has the role of exercising oversight on data operations in this country. She has an engagement to ensure that she receives any complaint from any Kenyan who feels that their rights have been infringed.

Therefore, we will bring to an end the culture of people who are being oppressed online and people who in a way would cause a lot of suspicion any time this country has an election. I have just heard the Member for Endebess talk about Donald Trump and the USA elections. I believe there is no good reason for any person to be worried because data belongs to us the same way. Nobody has an upper hand to misuse or abuse any data so that they make any candidate to win an election. Therefore, for purposes of people who have jitters and are worried and would want to imagine that the Data Commissioner’s role is to make a certain candidate win elections in the year 2022, we wish to inform them to relax. We want to take care of their money, wealth, data and information. The reason why the Government has been busy talking about Huduma Namba and encouraging Kenyans that we need to go digital is for the reason that we must protect data.

Those of us who have been worried that the Government is going to take advantage of their Huduma Namba to make anybody win or lose an election, we want to tell them to relax. We have given you a good lady, a commissioner, an equivalent of your wife, mother or daughters.

Allow me to congratulate her and ask our brothers to support this lady and let us have her name approved today.

Thank you and congratulations to Mrs. Kassait.

**Hon. Speaker:** Let us have the Member for Migori.

**Hon. (Ms.) Pamela Ochieng** (Migori CWR, ODM): Thank you, Hon. Speaker for this opportunity to add my voice to the Members who have gone ahead of me. I have just heard one of the Members shouting that she is a Ms. I think you can approach her. It is okay as the women support. However, whether she is a Miss or Mrs, what is making us happy as women is that we have found one of our own to establish the first database of this country. As we are all aware, most Kenyans are struggling right from birth. In the morning, we were discussing the concept of having devolved data collection centres especially for giving our children birth certificates.

This is a very important commission that a woman has the first opportunity to lead. It is our hope that we are supporting in the strength that she is going to do a thorough job and ensure that we collect all our data right from birth to adulthood and wherever Kenyans are, the Government should place them. The question of data collection and protection is a fundamental one because when it comes to distributing resources in this country, it is sad that even up to this age, we are still talking about marginalised sections of this country. In most cases, the Government of Kenya does not have clear data of who is where. I think with a lady of this magnitude at the realm of this Commission, she should be keen enough to ensure that every Kenyan is not left behind whether small or big, persons with disability, whether male or female, and all of us are included in the database and our data is protected.

Hon. Speaker, I thank the Committee that took their time to vet this lady. I am most impressed by the fact that they split the issue of constitutional crimes to the individual ability of this lady. So, I want to congratulate the Committee and Immaculate. I urge her that as we approve and allow her to take position, let her prove to Kenyans that she is capable of doing the right job and making every Kenyan count wherever they are. We want to know those who are alive, where they are, how many are youth, women, men, old and where they are, so that as we plan and discuss very important issues on how to support all the citizens of this country, we can make informed decisions based on data which is not hurriedly created. Data which has been there, proven and can be accessed anytime.

It is my prayer that this House is going to approve this name and when our lady takes her position, all Kenyans will count by the end of the day and none will ever go missing from this database.

With that, I support.

**Hon. Speaker:** Let us have the Member for Lari.

**Hon. Jonah Mwangi** (Lari, JP): Thank you, Hon. Speaker. I am a Member of this Committee and I am proud that we have a marvelous lady. She navigated through the questions in a manner that everybody was convinced that she was the best placed

**Hon. Speaker:** Sorry, Member for Homa Bay Township, are you on intervention?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Speaker, I could raise it after he is done. Noting from the time the debate started everybody is supporting, I was asking that considering the weight of the Order Paper we see before the House today, will we be right to move that the Mover be called to reply?

**Hon. Speaker:** Well, he is right to raise the point of order. Let the Hon. Member for Lari finish his contribution.

**Hon. Christopher Omulele** (Luanda, ODM): On a point of order.

**Hon. Speaker:** Hon. Omulele what is your point of order?

**Hon. Christopher Omulele** (Luanda, ODM): Hon. Speaker, I heard the Member for Lari say that he is a Member of this Committee and that this lady is marvelous. I am wondering what

this marvelous means and whether this Committee was marveling at this lady. What was it that was marvelous? This term makes me wonder what this Committee was doing.

**Hon. Speaker:** Hon. Jonah

**Hon. Jonah Mwangi** (Lari, JP): Thank you, Hon. Speaker. I was just starting to build my case of how wonderful this lady was in navigating through the questions that she was asked. She could answer any question asked with eloquence. She took us through all the issues that the ICJ had raised and she could navigate in a manner that anybody in this Committee was convinced that she was the best placed. She was also placed top position when she was interviewed by the Public Service Commission, she is also the nominee of the President and we all need to support the good things that she has done.

I know some Members have raised the issue of the IEBC. She took us through her non culpability, she took us through all the issues that she was doing then. She was in voter registration. She was not responsible for the bawling of elections as they claim. So, I am supporting Kassait. She is best placed to take up the job.

The other point is that she is ready to engage all the stakeholders. She is talking about engaging stakeholders who are tasked with data, namely, banks and mobile networks operators (MNO). She is ready to contact all the stakeholders so that people who could misuse our data are culpable. She is ready also to bring in self-regulation in terms of data management rather than punishment in courts every day when data is misused.

So, when she took us through her vision, we saw she is able to nurture the culture of us trusting in our data. In Kenya, we have a habit of when a person is chosen, we think he or she is chosen for another party or group. She demonstrated that she will nurture a culture of protecting our data from misuse. We have some insurance companies that are linked to other insurance companies worldwide. How is our data used out there in Europe in jails where people are conning others?

She demonstrated to us how she will protect the data of every Kenyan citizen whether man, woman or child. There is child pornography and she said she would protect everyone.

I support the appointment of Immaculate Kassait.

**Hon. Speaker:** Hon. Members, I can see the order in which you have all placed your requests. The one that is following now is the Member for Alego-Usonga.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Thank you, Hon. Speaker for giving me this opportunity. When I heard the President announcing Ms. Kassait as the new Data Commissioner, I was a bit perturbed and said I would oppose the nomination. But having listened to the Report by the Committee and subsequent submission by Hon. Oluoch Member for Mathare, I have now changed my mind and I am supporting her.

I was opposing because of her activities in the discredited IEBC. I do not want to go into this because now I am supporting. I want to give a piece of advice that I would like her to be a bold Data Commissioner. You know very well that in the communications sector there are several multinationals that have abused information from Kenyans. They have sold it out and used it to do business and trade.

Therefore, as a new Data Commissioner, she must be very bold and rein in on some of these corporates. I have gone through the Data Protection Act, No.24 of 2019 that establishes the Office of the Data Commissioner. I have not seen anywhere written that this office is supposed to serve only women. I am saying this because my female colleagues have been making their submissions and it appears to me that this is a position that will serve only one gender.

I feel like my female colleagues try to make some of these appointments look like they are meant to serve women. This office is supposed to serve everybody in this country. In future, I want to urge my female colleagues not to take female appointees like people meant to serve them only. I heard my sister there saying that as women, they are very lucky. You are lucky for what? This office is for everybody. This is someone who is supposed to serve all Kenyans.

In as much as I support, let it be known that the continual referencing of these positions... In future, if you continue this way, I will ask all male Members to oppose all women appointments. You are behaving like these female positions are meant for you.

Hon. Speaker, I submit and support. Thank you.

**Hon. Speaker:** I will follow the list and you will see for yourselves how people have placed their requests. Member for Funyula.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Speaker for giving me this opportunity to contribute to this Motion. As my colleague Hon. Atandi has said, I also had reservations about her appointment which arose from two issues that are very clear. I come from a fishing community and once you land and people find a rotten fish, most buyers will not touch your consignment because one of them is rotten.

Having worked at the IEBC in 2013 and 2017 and without doubt having had disputed and contested elections, it is practically impossible to believe that she emerged without blemish. But we also say in our community that you can remove the rotten fish, clean the rest, dry them up, pick one that is not badly rotten, go sell it and it will be bought.

I went for catechism classes and we were taught the story of Saul on the road to Damascus. I believe she has walked that route and she could be believing that Kenya is more important than serving restricted political intentions of that particular time. As I support, I have an issue about the women affair. Looking at the interview results, she beat two men. So, this clamour by women to be doled out freebies without putting a fight is something that should be removed from their minds.

They are capable of competing like anybody else against anybody. I think it is important for our women wherever they are to know it is time to stand up and be counted so as to avoid being treated like flower girls. We should not only dole to you jobs that require special treatment. The position of Data Commissioner is critical. In this country whichever way we look at it, elections will always be contested and telecommunication misuses people's data. Many a times you receive calls and Short Message Service (SMS) and wonder where they came from.

I can amuse you that during the last election, my opponent sent me a message requesting me to vote him in the ODM party primaries. When I got that information in my telephone, it emerged that it was picked from M-PESA data of Safaricom. It is important for the Data Commissioner to work and ensure that this kind of nonsense stops once and for all. We are talking of the Huduma Namba, which is a critical set of data. If we do not find a way of protecting it, it will become a scam and sham. Many of us receive many calls from Kamiti Prison saying, "Please, open the door we are outside here and have come to kill you. Give us money or we are coming for you now."

We believe that with the new Act, plus her office, she has no choice because she is on her way to Damascus. She will demonstrate that the past blemish was not her making, but an act of being guilty by association. So, she is clean and has redeemed herself for bigger things in life.

Hon. Speaker, with those few remarks, I support.

**Hon. Speaker:** Member for Garissa Township.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Speaker. After reading the Report of the Committee, I do not want to say that the nominee until approved by this House is

fabulous and wonderful. I think the best person to answer this is a Member of this House. That Member can tell us if the nominee is wonderful and good.

Our function as the House is to deal with Madam Kassait on how she answered questions before the Departmental Committee on Communication, Information and Innovation. On the basis of this, we interrogate her and support the Report of the Committee. The Constitution 2010, Article 31 talks about protection of privacy. For many years, Kenya did not have a data protection law. I want to thank this House because last year in July 2019, we passed the Data Protection Act, 2019. I am happy it is not part of the laws that the Senate went to court on.

So, the law exists and the work that is cut out for Madam Kassait is provided in the Data Protection Act. Whether she is fabulous or wonderful, the moment this House approves her, the functions and business... There is a Member who was saying she is Miss or Mrs. No, Madam Kassait is Mrs. and the other half is in this House. If you want more details you can look for that Member.

So, what is Madam Kassait supposed to do that we were lacking before? Under the Act, she is supposed to lead in promoting self-regulations among the data controllers and processors in our country. As we speak, we want enforcement. So, she is going to lead a team of men and women who will make sure that self-regulation among data controllers and processors is in place. As the lead person, she is supposed to conduct an assessment to find out whether information is processed according to the provisions of this Act and other relevant laws. So, she has to act within the law and find out whether data processed by banks or other service providers is in compliance with the law and this Act.

If this House approves her, she is supposed to maintain and establish a register of all data controllers and processors. As we speak today, there is no register. There are many data processors and some of them are quacks. There are many data controllers and some of them are not registered. Some are foreign and some are local. So, she must keep and maintain a register. She must also, in her capacity as the data commissioner, receive and investigate complaints by anybody, entity or individual in our country who, in one way or the other, his data rights or privacy has been infringed. So, now we have an avenue that we can use.

She has the function of inspection of all private and public entities. The days of *tukihasabu wanahasabu* will be over. There will no issue of putting somewhere in a cloud. The server must be known and the person keeping it must be known. She must deal with lawful processing of data. Registration of data controllers and processors is under her function. Finally, the principle and obligation of personal data protection is under her domain.

So, let us not talk about fabulous or wonderful. We have made a law that will guide Madam Kassait and let us not judge her from where she worked. Any Kenyan who works at the IEBC...

**Hon. Speaker:** Hon. Oduol.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Speaker, for the opportunity to contribute to this Motion. At the outset, I would like to thank the Committee and indeed appreciate that in this Report, there is a very clear demonstration that leadership and responsibility is gender neutral. I am extremely happy that I get an opportunity to speak on this a day after we looked at the gender and development policy that was being reviewed after 20 years. My very own Member of Parliament, Hon. Atandi, was getting a bit concerned by the manner of engagement.

As I support the appointment of Immaculate, I want to indicate that, indeed, as the Report shows, her appointment is informed by competence and by the way in which she is seen to be

suitable based on criteria set out by the Public Appointments (Parliamentary Approval) Act. The Report clearly demonstrates that even when there were indications or questions that were raised, she was able to respond. So, as I support this nominee, I do it with a lot of pride and gratitude that a lot of the issues that eluded Kenyans for years are now addressed, that is, the whole idea of why we need a gender policy and the distinction that the gender policy draws so that when we are dealing with a nominee, we do not seek to find whether she is Miss or Mrs. What we need to do is always be aware that there might be times when her own qualifications or her ability might not be taken into account because of her gender. So, I support and say that the Committee has done a great job. Looking at this appointment, we can see we are focusing on the institution and we are ensuring that we present the institution with the individual whose abilities will, indeed, serve the purpose that we are looking for.

Hon. Speaker, I would want to use this opportunity also to help us to remember that whenever we have opportunity to deal with Kenyans as citizens, we remember that some will be female and some will be male. We should avoid the tendency to burden those who are female with guilt and shame and sometimes to make them look ridiculous. I must say that it is a bit unfortunate that, looking at some of these qualifications in an assignment that is honourable, we would like to try and deal with issues that would then reduce the seriousness not just of the candidate but of the process.

So, as I congratulate the Committee, I register that indeed we are looking forward to a situation where as a Data Commissioner, we will look to addressing issues of online abuse, a lot of fraud, trafficking and a lot of personal data, including instances where sometimes as Members of this honourable House you get messages from people whose identity you really do not have an idea of.

With this, I support the Report and congratulate Immaculate for enabling us to look at the competence and fluency and not to just focus on the position of a woman. Thank you, Hon. Speaker.

**Hon. Speaker:** The Member for Yatta has an intervention.

**Hon. Charles Kilonzo** (Yatta, Independent): Thank you, Hon. Speaker. I rise under Standing Order No.95. In view of the fact that there have been many contributions, all in support, I move that the Mover be called to reply.

**Hon. Speaker:** Hon. Members, this is the second time. Hon. Kaluma raised the same issue and I will put it to you.

*(Question, that the Mover be called upon to reply, put and agreed to)*

Let us have the Mover, Hon. Kisang.

**Hon. William Kisang** (Marakwet West, JP): Hon. Speaker, I have five minutes and I have a neighbour of mine here. I do not know if I can give him one minute. I am told it is not allowed.

**Hon. Speaker:** You are replying.

**Hon. William Kisang** (Marakwet West, JP): Hon. Speaker, I thank Members for the contributions. I report to the House that the sentiments that were mentioned by Hon. Jonah Mburu, Member for Lari, are not sentiments of the Committee. Maybe the Member was carried away and was admiring the lady. I want to tell him that the lady is married, she is Mrs. Kassait. Those are not sentiments of the Committee.



I want tell the House that the nominee is very competent. She told us she is a team leader. While at the IEBC, she did so much. She promised us that she is going to ensure that the Directorate of Data Protection will be in place within a year and she will employ competent staff who will assist her. If you look at the requirements for appointments, you will also need some knowledge on ICT and data science. Among the directors that she is going to employ, there will be those with relevant knowledge in ICT and data science. We will also have opportunity as a country to register data processors and data controllers. At the IEBC where she worked, she is one of the elitist in terms of data controllers and data processors. She said there will be no conflict of interest as she is going to resign as an employee and join the Ministry in charge of ICT as a Data Commissioner, if this House approves.

I wanted to also report that as a Committee we have said, going forward, we want this particular Data Commissioner to be independent. We will be coming back in the course of next Session, next year, when the directorate is set to delink from the Ministry of ICT, so that there is no interference by the Ministry and the commission is independent completely.

With all those remarks, we want to thank the Members very much for their contributions. We congratulate the lady and if the House approves, I believe soon with a court case that compelled the Executive to appoint a Data Commissioner, Huduma Namba can be released and issued to Kenyans.

Hon. Speaker, I beg to reply.

*(Question put and agreed to)*

## SPECIAL MOTION

### APPROVAL OF NOMINEES FOR APPOINTMENT AS HIGH COMMISSIONERS, AMBASSADORS AND PERMANENT REPRESENTATIVES

**Hon. Katoo ole Metito** (Kajiado South, JP): Hon. Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Defence and Foreign Relations in its Report on the Vetting of Nominees for Appointment as Ambassadors, High Commissioners and Permanent Representatives, laid on the Table of the House on Tuesday, 3<sup>rd</sup> November 2020, and pursuant to the provisions of Article 132(2)(e) of the Constitution and Section 8 of the Public Appointments (Parliamentary Approval), Act, 2011, this House approves the appointment of the following persons as High Commissioners, Ambassadors and Permanent Representatives –

- (i) Amb. John Tipis - High Commissioner to Canberra, Australia.
- (ii) Ms. Immaculate Wambua - High Commissioner to Ottawa, Canada.
- (iii) Amb. Catherine Mwangi - High Commissioner to Pretoria, South Africa.
- (iv) Amb. Martin Kimani - Permanent Representative to United Nations, New York.
- (v) Amb. Jean Kimani - Permanent Representative to UN Habitat, Nairobi.

- (vi) Amb. Tom Amolo - Ambassador to Berlin, Germany.
- (vii) Mr. Lindsay Kiptiness - Ambassador to Bangkok, Thailand.
- (viii) Amb. Daniel Wambura - Ambassador to Bujumbura, Burundi.
- (ix) Ms. Stella Munyi - Ambassador to Harare, Zimbabwe.
- (x) Maj. Gen. (Rtd.) Samuel Nandwa - Ambassador to Juba, South Sudan.
- (xi) Maj. Gen. (Rtd.) Ngewa Mukala - Ambassador to Khartoum, Sudan.
- (xii) Amb. Benson Ogutu - Ambassador to Moscow, Russia.
- (xiii) Mr. Joshua Gatimu - Ambassador to Tehran, Iran.
- (xiv) Amb. Tabu Irina - Ambassador to Tokyo, Japan.

Hon. Speaker, let me add two names because the letter which was sent by His Excellency the President to the House on 15<sup>th</sup> October 2020, had 16 names. The other two are Amb. Jean Kamau as Ambassador to Addis Ababa, Ethiopia, and Amb. Lemarron Kaanto, as Ambassador to Brazil. So they were 16.

Hon. Speaker, the House will agree with me that 90 per cent of the nominees that I read, already have the title “ambassador”. Meaning they are actually serving as ambassadors either at the headquarters in the Ministry of Foreign Affairs, or they are being moved from a certain station to the other. That makes our work easier because these are career diplomats.

We perused our records and realised that the two I have added to the list, namely, Amb. Jean Kamau and Amb. Lemarron Kaanto, were vetted on 10<sup>th</sup> September 2014 and 19<sup>th</sup> June 2019 respectively. So, they are being moved from the previous stations to new ones. Therefore, they do not require further vetting. Therefore, we vetted 14 nominees.

It is also good for the House to note that for the first time and with the approval of the Speaker, the Committee applied Standing Order No.265A and vetted two nominees virtually and in strict compliance and adherence to the Ministry of Health COVID-19 protocols as the two nominees had tested positive to COVID-19. Actually, they are on their way to recovery. A day before vetting, we had already done the first test and after the 14 days of isolation for one of them, he tested negative, but the rule is that you have to test negative three consecutive times. So, they are okay and they performed very well in their virtual vetting.

When we received these names as a requirement of the law, Parliament, specifically the National Assembly, wrote to an institution authorised by law to undertake investigation on nominees.

On matters touching on integrity, tax compliance, loan repayments and political party affiliations, this institution had the Directorate of Criminal Investigations (DCI), the Ethics and Anti-Corruption Commission (EACC), the Higher Education Loans Board (HELB), the Kenya Revenue Authority (KRA) and political parties. All of them approved or cleared these nominees. Again, as a requirement of the law, the National Assembly also placed a seven-day notice in the media calling for public participation, pursuant to Article 118 of the Constitution, Sub-Section 6 (4) of the Public Appointments (Parliamentary Approval) Act of 2011, and also pursuant to our own Standing Orders, specifically Standing Order No.45 (3). The public did not write anything for or against these nominees save for one letter, which was just a testimonial letter, written in support of one nominee. Therefore, it was not a memorandum really; it did not meet the threshold as required.

Hon. Speaker, I saw the media carry out stories to do with age of these nominees. Actually, the ages of all these nominees are between 49 and 62 years. There is no age required for one to be appointed Ambassador or High Commissioner because even if you retire, the appointing authority

can appoint you on contract basis to serve as High Commissioner or Ambassador. These nominees are well experienced. In fact, they all have over 20 years' experience in Public Service. As I said, these are serving civil servants. Out of the 14 that we vetted, 11 are career diplomats who are serving in the Ministry of Foreign Affairs. Each of them has served for over 20 years as a career diplomat. The other three are very senior officers of the disciplined forces. So, they are also civil servants. One thing that we noted as a Committee is that it is very motivating to see that staff of the Ministry of Foreign Affairs are being given chance to serve the country as Ambassadors and High Commissioners. This will instill professionalism and improve career progression. They are very happy.

Hon. Speaker, because I can see my time is running so fast, although there is no specific requirement in academic qualifications, like having a degree to serve in this position, it is good to note that all the nominees are graduates. These are very experienced Kenyans. In terms of gender, it was okay. Out of the 14, five are female. Therefore, I would request the House that they agree with the Committee and approve all these nominees for the positions proposed by His Excellency the President.

With those few remarks, I beg to move and request Hon. Charles Kilonzo to second.

**Hon. Speaker:** Hon. Charles Kilonzo, you have the Floor.

**Hon. Charles Kilonzo** (Yatta, Independent): Thank you, Hon. Speaker. I wish to second.

As I second, as my Chairperson has said, the Committee was very keen on one particular seat. We all recall that recently Kenya was elected to the position of Non-Permanent Member of the United Nations (UN) Security Council. So, we were very keen. We wanted to know who has been nominated for that position. For the benefit of the Members present, the appointing authority rose to the occasion and nominated one Amb. Martin Kimani to the UN, New York.

Amb. Martin Kimani is a holder of Bachelor of Arts in Philosophy from the University of New Hampshire, United States of America (USA), and also a Masters of Arts in War Studies from Kings College, London. In addition, he has pursued a PhD in War Studies from Kings College, University of London. He has served as a Permanent Representative with the rank of Ambassador, extraordinary. He has served in the Permanent Mission to the UN Office in Nairobi. He has also served with the United Nations Environment Programme (UNEP) and within the Human Settlement Programme. Currently, he serves as Secretary of Strategic Initiatives in the Executive Office of the President. Looking at his Curriculum Vitae (CV), it is very clear that we got the right person for that job.

Hon. Speaker, for the interest of the Committee, we had one lady by the name Amb. Tabu Irina, who is a nominee to Tokyo, Japan. Hon. Members will recall that under the new Constitution, which was enacted in 2010, you cannot hold office as a state officer, if you hold dual citizenship. Again, under the Leadership and Integrity Act 2012, all public officers shall be considered to be state officers. This lady was born in Montgomery, Canada in 1968 and has been holding dual citizenship until she renounced it in 2018. I have decided to bring up this matter because we have had another case here. We wanted to know why she renounced her citizenship and why she had served for six years knowing what the law says. It was very clear that this lady had no interest of being a citizen of Canada.

To conclude, out of the 14 nominees who appeared before us, three were not career diplomats, but we considered their experience. In particular, we considered the fact that one Maj. Gen. Ngewa Mukala – rose through the ranks to become the Commander of Kenya Navy, and he has a Master of Science Degree in Defence Studies from a university in India. These are people who bring a lot of experience in the Diplomatic Service. However, we noted that there was a lot

of interest by the media on the issue of age as we were vetting the nominees. In the diplomatic world, if you are to appoint a young ambassador and post him to any country, they look at it negatively. So, I would urge people to understand that age is gold. When you post somebody of this seniority in age, you are taken very seriously. Those who are saying that this old generation should not be considered are wrong. If you look at the number of ambassadors who are sent here, a big number of them are senior citizens of their country.

With those few remarks, I support.

**Hon. Speaker:** I heard you say something off-record.

**Hon. Charles Kilonzo** (Yatta, Independent): Hon. Speaker, with those few remarks, I wish to second.

*(Question proposed)*

**Hon. Speaker:** Let us have the Member for Migori.

**Hon. (Ms.) Pamela Ochieng** (Migori CWR, ODM): Thank you, Hon. Speaker for this opportunity to once again speak about the current topic of discussion.

I rise to support the Report from the Departmental Committee on Defence and Foreign Relations. I will be very brief.

I concur with the Committee. I took personal interest to research and know a little more about these nominees. I agree that a number of them not only have a very high level of education, but also a wealth of experience in addition to their age. In some of these appointments and positions, we need people who are well-versed with the environment at home and that of the foreign countries where they are sent to represent the President and the people of Kenya.

In the spirit of inclusivity, I encourage Kenyans of all categories to know that the youth, the middle-aged and the old all form the combination that can steer this country forward. We would like to inform Kenyans that these ambassadors and high commissioners act and speak in the interest of Kenyans.

Even as I support the Committee in their urge to approve these names, as they take up their positions, I request these ambassadors and high commissioners to look at repositioning Kenya in trading activities with these countries and any other relations so that we get quality from all the places where they have been posted. Kenya is a peace-loving country. We look forward to promoting peace and development and for Kenyan citizens to get equal opportunities in any agenda that relates our country to others from these men and women of status in our country; so that we are not looked at as a lesser country. In whatever relationship they will be promoting or agenda that we are propagating, Kenyans will get their rightful positions in terms of participation, development and decisions that foster relationships between our country and the countries where they are posted.

With that, I support the Motion.

**Hon. Speaker:** Let us have the Member for Taita Taveta.

**Hon. (Ms.) Haika Mizighi** (Taita Taveta CWR, JP): Thank you, Hon. Speaker for also giving me an opportunity to add my voice to this.

From the outset, I congratulate the Committee for a good report and a job well-done. Having listened to the moving of the Motion on the Report, I have learnt that most of these nominees are already practising ambassadors. Therefore, it seems that they are already knowledgeable in what they are supposed to do. They are already informed. We should give them a chance to continue developing their careers because they are career diplomats.

In a special way, I congratulate one Tabu Irina. I know her very well. I know she will represent our country very well in Tokyo.

I support the Report.

**Hon. Speaker:** Let us have the Member for Kathiani.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Speaker for this opportunity.

I also rise to support the Report to approve the appointment of those individuals to the various capacities and ambassadorial high commissioner jobs around the world.

The first reason for this is because when you look at that list and read out the names, you can see a representation of the face of this country. We are talking about Tipis, Wambua, Mwangi, Amolo, Kiptiness, Munyi, Nandwa, Mukala, Ogutu and Irina. These are the kinds of appointments that we are proud to be associated with because they show that the Government has identified these people by their abilities and also considered the regions they come from.

Secondly, many of these individuals are also retired military personnel. Coming from a military family, I know the kind of training that our Kenyan military is taken through. When they retire, those are individuals that have tremendous ability and experience that can be used to better this nation. It is very important when we see some of the names that are floated to be used in ensuring that they market this country.

One of the purposes or the responsibilities that these individuals will have is to market this country wherever they will be. Kenya has always been a major tourist attraction and destination. That position is growing. People are going to other countries more than they are coming to Kenya. They need to find a way of ensuring that they can market this country so that people out there can remember the great Kenya of yesteryears.

We must also ensure we build our trading partnerships with other nations, in particular, South Sudan. I see Samuel Nandwa is going to South Sudan. It is important that they try and build a relationship or business partnership so that the business that would have come through Kenya is enhanced. I have noticed that in the recent past, a lot of business is going through Uganda. It is important that South Sudan recognises the role Kenya has played in ensuring that they have peace within their borders.

They must also figure out how to ensure that the outlet for our agricultural produce is also improved. Kenya has primarily been an agricultural nation dependent on a lot of cash crops. We have seen that in the recent past, prices are dropping and the management of these crops is not good. If the market is enhanced, we would be able to improve the state of our people.

Hon. Speaker, finally, these individuals and we must find a way of ensuring that this negative impression of this nation does not keep getting out there... As a nation, we have a responsibility to ensure that all our partners see us as a progressive nation. The current situation and activities that we have seen leaders in this country portray do not show us in very good light. There was a national meeting in Bomas of Kenya recently. The Head of State was seated there with his partners. His Deputy stood and in front of the full glare of media criticised bitterly everything that the President stands for. The example we set is important. We are showing partners out there whether we respect each other. We are also showing our children the kind of respect that we have for each other. Let us find a way of marketing Kenya in a positive manner because we want this country to grow to the next destination.

Thank you, Hon. Speaker, for giving me the opportunity to contribute.

**Hon. Speaker:** Let us now hear the Member for Keiyo South.

**Hon. Daniel Rono** (Keiyo South, JP): Thank you, Hon. Speaker for giving me this opportunity to support the Report of the Committee. I only have one or two reservations. There is

the issue of age vis-a-vis experience. We are given big words about experience. A 49-year-old and 52-year-old are experienced. We do not have to hand-pick people who have retired who are 62 or 65 years old. Honestly, when will we give opportunity to the young people to serve in these positions? What is experience? How many years is experience?

We are talking about some individuals who have been mentioned here who are 65 years old. We have individuals who are 54 years old who have the experience of 35 years. Do we call that experience? Do we need to get somebody who is 65 years old? Do we need our people to be served by people who are past the retirement age? We need to bring laws in this House to stop this business of giving jobs to people who are retired. With due respect, it should stop.

Two, we have been given the names of people who served as Kenya Army generals. What is so important about serving in the military vis-a-vis serving in the foreign land? There are no guns to be handled in those areas. We are talking about marketing the country and negotiating trade in other countries for our counties. We are not talking about the military. You are bribing the people who served in the military because of their service, but not because they will serve us in foreign land.

Lastly, I want to re-emphasise that as we give these people the mandate to go and serve this country, they should know that they are our picture. Wherever they are, they represent Kenya. Whatever they say, they represent Kenya. Wherever they are, they are the President of Kenya in those countries. One thing that we should never miss is that even as we approve these names, let us not repeat this business of allowing retired people to continue serving while we have a multitude of people who have no jobs but they have experience. We have our youths who can move in tandem, so that as we serve, others can come in to also work in our positions.

Thank you, Hon. Speaker.

**Hon. Speaker:** Well spoken, especially on a time when the greatest democracy on earth has two contestants who are beyond 70 years.

The Member for Kabondo Kasipul, you have the Floor.

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): Thank you very much, Hon. Speaker. I too will be very brief. I support the Report of the Committee and their recommendation to appoint 14 persons who are listed here.

I have noticed that these are career diplomats. They have already served in other stations. We have not heard any adverse report against them. Therefore, they have the requisite qualification and experience. I believe that they will serve the country well. There is the issue of the age of the nominees. Some of these positions call for maturity. We have no problem with their age. There are several other jobs in this country that people can apply for. I believe in the wisdom of the President in appointing these ladies and gentlemen to these positions.

Once again, I will not take too much time to contribute. I support the Motion. Thank you, Hon. Speaker.

**Hon. Speaker:** Let us have the Member for Nambale.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Hon. Speaker, I support these appointments that have been made. We are at a time in which Kenya's image needs to go back to the golden days. These career diplomats who have been appointed know their job. We presume that they understand the current Kenya very well. They will help us as we move to the next phase of leadership.

I support the Motion.

**Hon. Speaker:** The Member for Marakwet West, you have the Floor.

**Hon. William Kisang** (Marakwet West, JP): Hon. Speaker, I rise to support the Report of the Committee on the vetting of 14 nominees for appointment as Ambassadors, High Commissioners and Permanent Representatives in foreign missions.

From the Committee's Report, we are happy to see that most of the nominees are employees of the Ministry of Foreign Affairs and International Trade. These are people who served as Directors and Ambassadors. They are being promoted. This will help and ensure that those who are working know that there is hope. The appointing authority does not only appoint Ambassadors from outside, but also promotes them from within the Ministry.

As the Member for Marakwet West, I am very happy because since President Moi's regime, this is the first time we will get a second Ambassador called Mr. Lindsay Kiptiness who is a career diplomat. He started as a teacher in Seko Secondary School. He became a District Officer (DO) for a long time. He then became a protocol officer, foreign officer and Director in-charge of Asia-Australia-Pacific Directorate. This is the person who has experience of over 27 years in the Civil Service. We are happy. I thank the appointing authority for recognising a marginalised community, for the first time, like the Marakwet.

I have listened to my colleague. We see the face of Kenya in these 14 appointments. The other reason I support this Motion is because we have five ladies out of 14. Basically, the two-thirds gender rule is applied in these appointments.

There is also an issue of the retired Army generals who served our country very well. I am happy because one of them will be posted to South Sudan where there are issues. In the wisdom of the appointing authority, he decided to post a retired general. In the course of his time there, he is likely to help so that peace is brought back to that country and business between Kenya and South Sudan is improved.

I am told there is a road that is being built from Nadapal all the way to South Sudan and to Lamu Port so that South Sudan can export their oil through the Port of Lamu. The other retired general is proposed to be posted to Sudan. These are countries that have conflicts. Since they have conflicts, maybe, these are the right people going there with guns, as Hon. Rono said.

Thank you very much. Marakwet is now on the face of Kenya. I support.

**Hon. Speaker:** Yes, Hon. Oduol.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Speaker. At the outset, I support the nominees that have been presented to the House mainly because it is clear from the Report of the Committee that they have the requisite qualifications and are competent.

I feel pleased because from the perspective of what has bedeviled Kenya, time and time again, and what has made a number of Kenyans feel...

**Hon. Speaker:** Sorry, Hon. Prof. Let me interrupt you.

I want to address the Members who have spoken and are leaving. It is well they have recognised the people who have been included in the appointments. As you leave, who is going to approve them? You only wanted to say who is going to be a very good ambassador in that place they have been posted to. So, who is going to approve them? Surely, it is not enough to say that you have seen a person from your community appointed and after speaking you walk away. When you leave, who is going to approve them? Unless you say we just throw the names out. You have spoken, but it will count for zero. Surely, Hon. Members, let us be serious! When you contribute merely because you know a villager has been given a job then you take off, so you are as well telling the other Members who do not have villagers in the list *hiyo kazi ni yenu. Tuwapitishieni ni wetu. Tumewambia tunawajua*. Let us be serious. Contribution is not just about the people you know. It should be something that adds value. Remember this is an approval. So, when you

contribute and all go, you can bet there will be no Question put, therefore, they will not be approved. So, of what benefit would your contribution be?

Sorry, Prof. I will add you two minutes. Proceed.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Speaker. I appreciate your sentiments because what you provide as guidance is one of the reasons that as I support the nominees, I wanted Kenyans to begin developing a culture where we look at representation in a broader sense.

I support the nominees because of their competence and qualifications and most importantly for the sense of inclusivity that addresses the strong feeling that Kenyans tend to identify with when they seek to look for regional balance, which we have. I know that when young Kenyans see older persons appointed, they are a bit uncomfortable. It is important to develop a culture where young people do not see that they can only be represented when a person in a position is young and similarly that older people do not feel that they can only be represented only when they have one of their own, but we see representation as about integrity, commitment and clarity of what is required when one holds a position and carefully guarding the interest of the particular constituency or group that you are expected to take care of. In this case, as has been expressed by a number of Members on the Floor of the House, as we look at the interests of Kenya, the high commissioners and ambassadors in the list are career ambassadors. We see there are those who have a clear understanding of what is required. Therefore, it is clear that regardless of their age, they will, indeed, be suitable and capable to represent us.

With those remarks, I support and thank the Committee for the Report.

Thank you.

**Hon. Speaker:** Hon. Dennitah Ghati, you have the Floor.

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Hon. Speaker, thank you very much for giving me an opportunity to support the appointments presented to us in the Report by the Departmental Committee on Defence and Foreign Relations. I served in the Committee in the last Parliament. This is a job which the Committee has done very well. I am confident and happy that they have brought to us a list that is in line with our Constitution. Is the list representative of the country? Yes. Is the list the face of Kenya? Yes. Is the list gender sensitive? Yes. So, I thank the Committee for taking into account our Constitution.

Having five women as ambassadors out of 14 shows that we are getting into a situation women and Kenyans want to see. The spirit of our Constitution is very clear.

I take note of Amb. Jean Kamau who has been moved from Pretoria, South Africa to Addis Ababa, Ethiopia. Jean Kamau is known to me. We have interacted in Pretoria on several occasions especially on issues of international relations when I served in the Departmental Committee on Defence and Foreign Relations.

I am for the second time seeing an ambassador representative especially from the area I come from, Amb. Daniel Wambura. Amb. Daniel Wambura who has been posted to Bujumbura, Burundi is known to me by virtue of coming from my village and community. He has been very instrumental and key in looking at issues of peace in Kuria area, where I come from. He has worked very well to accomplish a number of projects in my community including working with young university students by putting them together on cross-border relationships in our county that have issues. So, he is the best person and representative that will do a lot in Bujumbura, Burundi.

Even as we move forward, we are getting into a situation where we should carry the face of Kenya. The issue of the youth in the country has arisen and it is high time, as we move forward, look at which jobs to give them. There are some jobs that require a lot of experience. I would not



say that the youth do not qualify, but there are some jobs which may require some degree of preparedness. That tells us that we need to prepare our youth for these kind of appointments so that they move forward. On the issue of youth, in Kiswahili they say that *ujana ni moshi*. Ageing is a way of transition. Today, I may be young, but tomorrow, I will be old. What we need to do is to balance how we bring in the issue of youth.

Hon. Speaker, allow me to thank the Ambassador and congratulate, especially, Amb. Daniel Wambura who is to be posted to Bujumbura, Burundi. I do hope that all these Ambassadors will be prepared before and after they go to their respective countries to uplift the face of Kenya out there so that we are able to keep together our image. I bring this also because today is my birthday and again, what is happening in the United States of America (USA) where we are seeing a woman becoming a Vice President. This is huge for the women of this country. I am happy that we have also seen issues of gender increasingly coming into consideration as we move forward as a country.

I support the Report of the Committee. Thank you.

**Hon. Speaker:** Let us have the Member for Funyula.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Speaker. Let me also take this opportunity to wish the Hon. Member who have spoken a happy birthday. However young she is, you never ask a lady her age. It is against our custom. So, we assume she is always 16 years old.

**Hon. Speaker:** What is peculiar about the age of 16?

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Speaker, all of them are always sweet 16.

I also stand here to support the Committee's Report, but obviously, like many of us and quite a number of Kenyans out there, we are disappointed at the skewed age of the appointees. Yes, it is granted that the job of an Ambassador, a High Commissioner or a diplomat is purely a technical job that requires a lot of experience and requires you to command respect amongst your host country, but honestly speaking, almost 70 per cent of the nominees were born in 1960s. This was before independence, and probably, that could be the understanding. They can go out there and tell the history of Kenya from independence all the way to date. I do not know whether that is one of the qualifications of a diplomat in a foreign land.

However, Kenya must come alive to the fact that we seem to have a diplomatic challenge in the world simply because of the geopolitics, a muddled politics at home and un-strategic approach to diplomatic issues. The laws of the white-collar job were really an indictment on our diplomacy – how well we do our diplomacy. Yes, we got a seat in the United Nations (UN), but probably, the job that we wanted prior to that was more important to Kenya than the one at UN. Of course, the laws of the pipeline that has to go through Tanzania and Uganda is, again, an indication that our diplomacy is facing challenges. We hope these new diplomatic appointments will have a sober rethink of the diplomatic position of this country so that we redeem and regain our level.

As we stand now, our trade balance has been unfavorable to Kenya for the past few years. I would have imagined the appointing authority should have focused on regaining that particular position as a positive trade balance, instead of having a negative trade deficit. However, as you can see, we have gone for the military career as if the main challenge that we currently have is a security issue. However, as we say, who are we to question the wisdom of the appointing authority? We sincerely hope that things will change, and we will have a better position with regard to a diplomatic relationship.

Even if you look at the East African Community (EAC), we are starting to have challenges. Our relationship with Tanzania is bad. Similarly, from our trade between Uganda and Kenya where we have been the biggest trading partner, our volume of exports to Uganda has continued to dwindle. That is because of failed diplomacy, trade negotiations and the rest of the ideas. We just hope that the just concluded deal between Kenya and the United Kingdom (UK) is not going to disorganize other trade arrangements that we have with the European Union (EU) member states. Therefore, the issue of diplomacy is critical, and I hope they will address the same.

With those few remarks, I support.

**Hon. Speaker:** The Member for Igembe South, you have the Floor.

**Hon. John Paul Mwirigi** (Igembe South, Independent): Asante sana, Bwana Spika. Nasimama kuunga mkono ripoti hii, lakini nitaenda kinyume na wale ambao wanasema kwamba vijana hawana ujuzi wa kazi hii ya ubalozi. Hii ni kwa sababu wakati ambapo taifa hili lilifanya uchaguzi mwaka wa 2013, Rais na Naibu wake hawakuwa wamefikisha umri wa miaka 60, lakini Wakenya waliona kwamba walikuwa na ujuzi wa kuongoza taifa hili na ndiposa waliwapa nafasi hiyo.

Kwa hivyo, ile dhana ambayo kila mmoja akisimama anasema kwamba vijana hawana ujuzi, sio ukweli. Wakati huu pia tuko na gavana ambaye ana umri wa miaka 30. Watu wa hiyo kaunti walimchagua kwa sababu walijua kwamba ana ujuzi na ataweza kupeleka kaunti hiyo mbele kwa kufanya kazi kwa manufaa ya wakaazi wa kaunti hiyo.

Kwa hivyo, wakati ambapo mtu amefikisha umri wa kustaafu, ni vizuri apewe nafasi hiyo apumzike halafu wale vijana barubaru ambao wako na uwezo wa kufanya kazi hiyo wapewe hiyo kazi wafanye. Hii ni kwa sababu, kila wakati ambapo uteuzi unafanywa, wale watu ambao huwa wanapewa hizi nyadhifa ni wale wamefikisha umri wa kustaafu. Jambo hili linatendeka ilhali tunajua kuwa watu wengi ambao wako na ujuzi wa kutosha wako nyumbani kwa sababu ya ukosefu wa ajira. Kwa hivyo, wanafaa wapewe nafasi ili watekeleze ama kuonyesha ujuzi wao.

Wakati ambapo tunawatuma hawa mabalozi katika hizo nchi za kigeni, ni vizuri wawe katika mstari wa mbele wa kuwakilisha Kenya katika masoko ya nchi hizo ili tuweze kuuza bidhaa zetu za kilimo. Tumeona nchi nyingi ambazo zinasusia kufanya biashara na nchi hii ilhali tuko na mabalozi ambao wanawakilisha taifa hili katika mataifa hayo. Pia, kuna nchi nyingi ambazo vijana wetu wanaenda kutafuta ajira na wanafungwa huko ilhali tuko na mabalozi kule ambao wanafaa kuwakilisha taifa hili na kutetea hao vijana wakati ambapo kuna shida kama hiyo.

Kwa hivyo, mtu akipewa kazi hii, ni jukumu lake kuifanya kwa niaba ya watu waliomtuma kufanya kazi hiyo. Wale watu ambao tunatuma kwa hizo nchi ni wazee. Ni matarajio yangu kuwa, katika masomo, wakati ambapo...

**Hon. Speaker:** There is a point of order.

**Hon. Christopher Omulele** (Luanda, ODM): Hon. Speaker, I am perturbed by the contributions that have been made, latest by the Member who is contributing, especially in regard to the age of the candidates that we are considering in this House presently. The Constitution is very clear. Article 27 of our Constitution is on equality and freedom from discrimination. Sub-article 4 thereof clearly states that no one should be discriminated against by the State. The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic, social status, colour, age, disability or religion. So, it is clear that one can never be discriminated on the basis of age. When you discriminate against any person on the basis of age, you are guilty of the offence that we know as ageism.

These are people; they are Kenyans. You are now pitting the youth against their elders and we have seen this discrimination happening in parts of Mombasa and Kilifi where the young people are set against the older members of society. They go ahead and kill these members. What we are doing in this Parliament by debating in this House and continuously saying that people who are old should not have a place in this society is going against our Constitution and we are setting a dangerous precedent in this country where people who are old in this country will be looked at as part of those people who should be gotten rid of for some reason or another.

So, I would like you to give direction that this argument, this debate, that people should not get positions in this country basically because they are of a certain age should not be entertained in this House.

**Hon. Speaker:** Well. Do I need to just remind those of you who have been addressing that issue that Article 27 is in the Bill of Rights? It is in the Bill of Rights, Chapter Four of the Constitution of Kenya. So, Hon. Omulele has just told you so that you can disabuse your mind of the notion that anybody may not get a job in the country on account of their age. It is only that the underage may not get jobs but, once you become of age, then you just proceed. Maybe until you are taken to six feet under. Let us avoid that because I think it is not fair to say things which are also against what is already in our Constitution that you shall not discriminate on any grounds. That Sub-article 4 is specific.

Hon. Mwirigi, I give your one-minute back.

**Hon. John Paul Mwirigi** (Igembe South, Independent): Asante sana Mhe. Spika. Hakuna mtu yeyote ambaye anadhalilisha mtu sababu ya umri. Lakini kama mtu amestaaafu, ni vyema yule ambaye hajapata kazi apate nafasi hiyo ya kazi kwa sababu ni wengi ambao wanatafuta hii kazi na hawawezi kupata hiyo kazi. Sana sana, namba iliyo juu ni vijana wengi ambao hawana kazi kwa sasa.

Kwa hayo machache, naomba kuunga. Asante.

**Hon. Speaker:** That is actually a better way—those who have retired. You can use that kind of phrase, but not those who are octogenarians. Let us have the Member for Kisumu.

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Thank you, Hon. Speaker, for this opportunity. You just made me laugh, but I will fight to contain myself. It is probably because I am moving towards that word that you just mentioned.

Actions speak louder than words and louder than beliefs. In these raging moments when we are all talking about gender parity and the Building Bridges Initiative (BBI) going to address that issue, I want to congratulate the President for having been keen in his appointment. Five out of a membership of fourteen is definitely in the threshold of one-third. For me, as a proponent of the BBI, I am beginning to see a world of effective things for the women and I want to thank the President for that. If you look at a membership of 14 and 11 out of those 14 are career diplomats who have been working in the foreign office and have been working as public servants, it gives me motivation because I know there has been a lot of hue and cry, especially within the Ministry of Foreign Affairs. The people have worked but when opportunities arise to expand their horizons, you find that people outside the office or the Ministry are the ones who get that opportunity. This action of getting 11 out of 14 from within the Ministry is highly motivating and highly commendable. The fact that three out of those fourteen have come from without the Ministry and without the Public Service is great because it shows that, indeed, it has not been totally closed to people just within the Ministry—other people have also been considered.

I want to talk about age. When I look at what is happening in America today, the two men who are more than 70 years of age have really ignited the interest of young people because the

difference in who is going to be elected as a President in America today is going to be determined by the youth who enrolled en masse to vote. Those young people are not looking at themselves as just a number in terms of age. Those young people are looking at these two men who are over 70 years of age and looking at qualities that they could have to unite their country. What we are discussing today is about the image of a country. It is just not enough to give somebody an opportunity to work because of their age. This is a category or an opportunity that needs experience that needs a keen eye in terms of pointing out and picking out opportunities that can enhance bilateral relationships between our countries. This also calls for people who are real patriots so that we just do not appoint somebody because of age and then they do not go to emphasise or enhance the image of our country.

So, as much as we know that we are looking for opportunities for our young people, there are some categories that need more than just age and, this is one such category.

I want to congratulate the Committee. We know that when people go outside to represent the country, they represent more than just themselves. They are looked at: “Are they corrupt? Are they patriotic? Are they responsible?” The Committee went a step ahead to ascertain that these gentlemen and ladies whose names have been brought here have actually been cleared by the different authorities which means that, actually, they have passed the test of Chapter Seven of our Constitution.

As I finish, I just want to encourage the people whose names we are passing today that they be Kenyans when they go out there. We did not want to hear “Kieleweke”, “Tangatanga”, “aaa-aaa”. Let them be out there as Kenyans and let the flag of Kenya shine.

With those few remarks, I support and commend the Report of the Committee.

**Hon. Speaker:** Very well. Before I give chance to the next speaker, let me just point out that remember even when you are nominated to go and represent the country, the receiving country also has to accept you.

I am sure that those of you who have been here for slightly longer would know of people who had appeared naive about things and were rejected in some stations. We do not want to mention names because you might then say that someone was rejected on the account that they were going there to become DJs.

Let us have the Member for Samburu North.

**Hon. Alois Lentoimaga** (Samburu North, JP): Thank you, Hon. Speaker, for giving me this opportunity. I want to congratulate the Committee for the good work. I am sure the Committee had its own work cut out for this exercise. I am sure they looked at integrity. These Ambassadors must have gone through that; leadership qualities, qualifications and any other requirement for appointment. The Committee must have done this as it is indicated in the Report. Ambassadors are supposed to create good relationships between countries. Since these officers have been career civil servants and diplomats, I am sure they will build a good image of Kenya. I am sure they will also dwell on issues of trade and investment.

We are talking about the youth. If they do well in investment and trade in those countries, they will help create jobs for our youth back home. I have also noted that they have work experience. If you work in an office, your records are clear and you have done well, it is unfair to bring someone from outside to be your boss. It is demotivating to say the least. At times these appointments take that route. These officers must have been vetted, had supervisors and their names circulated. This is the way to go and we congratulate the Committee for a job well done.

I also want to congratulate the President for the appointment. In a special way, I want to thank him for appointing John Tipis. I have known him for more than 30 years. We worked as

District Officers when we were young and he is an example of those with vast experience in the Civil Service. When it comes to the ages of these appointees, in view of what Hon. Omulele said, everyone is entitled to the benefits that a country can give. The youth have their role, and so do the old. Experience is an important factor when it comes to ambassadorial positions. This country is big and has the resources that if well utilized, can cater for both the youth and the old.

Hon. Speaker, countries like Sudan and Israel require ambassadors who have worked in the military or the Intelligence Service because they are always at war. The previous Ambassador, Amb. Leshore; was from Samburu and had experience in the Army and the Intelligence Service. He was recalled because his term of four years had expired. I hope the next Ambassador will also be someone with experience in the military because of the war situation in those countries. The list is balanced but I want to state that some of us from Samburu are used to getting ambassadorial positions, but we have been left out in this appointment. We had an ambassador in Canada whose term expired because of age. I want to ask the President to consider us in the next round of appointments so that we can fit in the map of Kenya. We do not object to his appointment, but we want to ask him to consider us.

I support.

**Hon. Speaker:** Let us hear the Member for Changamwe.

**Hon. Omar Mwinyi** (Changamwe, ODM): Asante sana, Mhe. Spika kwa kunipa fursa hii. Kwanza, nasimama kupinga uteuzi huu kwa sababu zifuatazo: Kenya si taifa changa kwa sababu lina miaka 57. Ni mtazamo wa sisi sote ambao tuko katika nchi hii ya kuwa ni lazima tujue kuwa sisi ni Wakenya na usawa tunaozungumza kwenye mikutano yetu ya BBI uko dhahiri.

Ukiangalia haya majina, ikiwa tuna makabila 43 katika nchi yetu ya Kenya na uone majina ya sehemu moja ni mengi ilhali sehemu nyingine hazipo kabisa, je, ni kwa nini tuunge mkono uteuzi huu? Sioni muislamu hata mmoja kwenye uteuzi huu ilhali tuna karibu asilimia 40 ya waislamu. Tunazungumzia kuhusu watu kushirikiana na kutangamana lakini leo mabalozi 14 wanachaguliwa na hakuna hata muislamu mmoja.

Ninashangaa sana kwa nini wenzangu wanaunga uteuzi huu mkono. Tunaunga nini mkono? Tuna Wahindi, Waarabu na makabila tofauti, kwa nini hawako hapa? Sisi sote ni Wakenya. Ni wakati tunataka kuona kuwa katika uteuzi wa aina yeyote, Wahindi, Waarabu na makabila mengine yanatambuliwa ili watu wote wajisikie na kujivunia kuwa Wakenya.

Tunavyozungumza, tunajiona sisi ni wageni, hatuna haki na hakuna usawa katika hii nchi. Nitakukumbusha tu siku za Hayati Moi ambapo baada ya uchaguzi, tulikuwa na Mawaziri wa Mambo ya Nje na Ardhi kutoka Pwani, lakini hayo hayafanyiki hivi leo. Tunapewa tu nafasi moja ya Wizara ya Utalii na ni kwa mtu ambaye hana uhusiano na watu; ni yeye peke yake na Baraza la Mawaziri. Nawaomba Wajumbe wenzangu kuipinga Ripoti hii.

Mhe. Spika, Mombasa ni kitovu cha Taifa letu na hakuna jambo litafanyika bila kuihusisha na kuunga mkono lakini leo hii tunatumiwa tu. Hatufaidi hata kwenye uteuzi kwenye mashirika yaliyo Mombasa. Hivi majuzi, Katibu Mkuu ambaye amelelewa Mombasa alikuja na kututusi kuwa watu wa Pwani hawapati kazi kwa sababu hawajui Kiingereza. Ni nani alikwambia Kiingereza tu ndio lugha ya kufanyia kazi? Wachina hii leo wanajenga mabarara ilhali hawajui Kiingereza. Hivi majuzi, uteuzi wa Mkurugenzi wa Kenya Maritime Authority ulifanyika, na kijana kutoka Mombasa ambaye ni wakili akaachwa...

**Hon. Speaker:** Hon. Mwinyi, please be relevant to this debate; otherwise you will see the door.

**Hon. Omar Mwinyi** (Changamwe, ODM): Asante, Mhe. Spika. Ningependa kusema kuwa ingawa wamechaguliwa na tajriba ingekuwa vyema ikiwa Wakenya wengine wangechaguliwa.

Kwa hivyo, naipinga hii Ripoti. Ningependa kuwaomba Wabunge wenzangu ambao bado hawajapata nafasi ya kuzungumza kuipinga Ripoti hii.

**Hon. Speaker:** It is your right to oppose. Let us have the Member for Saku.

**Hon. Ali Rasso** (Saku, JP): Hon. Speaker, I rise to support this Report. I am a Member of this Committee and a ranking one for that matter. What my Hon. Colleague has raised is true. During the Committee's sittings, we found a few issues that can be corrected going forward. The absence of certain cadres, gender and religious groups in this particular Report is not a reflection that they were not there in previous appointments. It is only reflective in these appointments because the number appears to be big. For that reason, we felt that we cannot hold back the most qualified ambassadors or Kenyan civil servants who had qualified to serve this country abroad. We cannot deny them for a fault that is not theirs. I want to thank our Chairman. As a Committee, we gave those concerns as Members who understand our country well. We cannot say that we are a perfect country. Even in the USA – the Hon. Colleague talked about their elections – they are struggling like we did a few years ago.

This Report reflects what we must plan for. The appointing authority, for the first time, picked the best diplomats among the candidates to serve these important portfolios. We are more and more moving away from the classical diplomatic representation to what is called economic diplomacy, where individuals representing this country must be the best that we have. While out there, they must think of important things that they must do to make sure that Kenya's national interests are achieved. Among them are direct foreign investment in Kenya by major multinationals by developed countries that are rich.

These are some of the things that we are looking at. Among those who have been nominated are generals who served this country with distinction and honour. They provided their best youthful time in defence of this country. Because the military has a compulsory retirement age, they were retired. They were not tired. The President found it fit to give them a second chance by nominating them for appointment in difficult places, so that Kenya's national strategic interest is looked at by the right people. Among the ambassadors who have been nominated for appointment, are those ones who campaigned for Kenya to gain the UN non-permanent Security Council seat. They were the best. They performed well.

With those few remarks, I beg to support.

**Hon. Speaker:** The Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Speaker. I rise to support the Report of the Committee and congratulate them for a job well done. Indeed, they went out of their way and worked over the weekend, so that we could get these appointments processed and Members get the opportunity of receiving their Report and debating it. When you read the Report, they have analyzed each candidate from their birth up to now. They have gone through their academic qualifications and how they fit into their jobs. The Report is unique since you see in it a proper fit between job requirements and the candidate. The Committee has done a good job on that.

I wish the Member for Changamwe had read the Report. He would have had a different perspective. Ambassadors do not represent regions, religions and age groups; they represent the interests of Kenya in totality. If we forget that, we will start to create the impression that every region needs to see its ambassador appointed and when they are appointed, for example, to go to Canada, they will only be thinking of the region they come from. We need to disabuse that and get

people to know that they are in Foreign Service to serve Kenya as a nation. So, when we get some ambassadors from Mombasa, we want to see them representing Kenya not because they come from Mombasa, but because they are Kenyans. I am sure there are many ambassadors and people within the Public Service from the coast region, including the last two batches that we processed here.

*(Technical hitch)*

The ethnic groupings in Kenya are 43 or 44. I do not know whether we would have taken a third of an ambassador so that we fit the 43 within the 16 positions? Certainly, that is not practical. We need to start thinking of evaluating the persons to establish if they are fit to represent Kenya where they will be sent. Can we be confident when we find, for example, Ambassador Martin Kimani, who I know has a Doctorate in Philosophy (PhD) in war studies, representing us in the UN Security Council? What else would you want from him? You have a fitness between his knowledge and where you are placing him.

As the Speaker said, it is the country that is sending people. When they go out there and start stammering, people will look at them and ask where they came from, then the image of the country will go down. So, it is good we start looking at our best, profile them and take them out there.

The other thing I am happy about is a trend that has come back. We said this last time when there was a set of appointments. Officers who have spent their time in the Ministry of Foreign Affairs find themselves being fit to leave the nation and work outside the country. Therefore, the time they spent in the Ministry is not lost. When somebody else comes in from the corporate world and becomes their boss, they will be forced to show them what to do because they spent all their time in Foreign Service.

There is a silver lining in all these age groups. Ambassadors are entitled to funding of the education of their children. When you look at the age group of the nominees, not many of them are likely to be having children in primary and secondary schools. So, that is a great saving for Kenya. They have already educated their children. They are not going to incur heavy costs of maintaining their children in schools. These are people who will spend most of their time sorting issues of Kenya rather than running to pick their children from schools and how their children will transition, for example, from grade four in Kenya to fit in a different grading system. These are some of the things that we should perhaps celebrate. We have people who have exhausted their personal responsibilities and they are now committed to serving our country.

For the youth, patience is a virtue. We seem to be having this issue of: "Let the people who we think are older than us..." We were also young at some point and we used to think the same. It is like, "Clear the pipeline and go" so that they can come up. The faster you come, the sooner you will also be exiting the stage. You will be pushed by others.

Let us be a bit patient. Let us not start looking for a populist point – that you want to cushion off people because they retired and are aged. This is so that we are seen out there looking for jobs meant for the youth. Mind you, these are youth who have not even taken time to go through training and skills development required for the positions we are agitating that they should be given. We should be thinking from that angle. We are busy creating classes in this country by trying to psych our young chaps that they do not have jobs because the older people have salvaged their jobs. That they do not have wealth because some people are richer than them. That is a very dangerous trend we are trying to create.

Soon people are going to accost you in your constituency saying you are the reason why they are poor, because you are driving a vehicle. It is a public vehicle, but you bought from your entitlements. It could actually get to a situation that could explode to a detriment.

In supporting this, I am happy. At least, the gender issue has been sorted. I am encouraged when our lady Members say they are happy. We also have Ambassadors. In totality, if you look at people within the Foreign Service, you will find that the gender parity is not generally one-third. In totality, it is a service. There is a number of a fair good mix of gender in that Ministry.

I believe you are exhausted. I know there are one or two people who may want to contribute. The earlier we can pass the names of these Nominees, the better. Then we go and give them an opportunity to serve this country as we continue working on the issues back home.

I wish them all the best. I hope that even as we pass their names here, when they get to their stations, they would also be accepted the same way we have sent them. They should continue to steer the work of this country and never let us down.

With those words, I support.

**Hon. Speaker:** There are Members who have pressed their intervention buttons. Is it because we have... Hon. Oundo, you have already spoken. Therefore, there is no need of you appearing on the intervention button. Hon. Wamuchomba, you are on the intervention button. What is the reason?

**Hon. (Ms.) Gathoni Wamuchomba** (Kiambu CWR, JP): Hon. Speaker, I rise in accordance to Standing Order No.95. Having listened to the contribution on the Floor, I request that the Mover takes the Floor and replies.

Thank you.

**Hon. Speaker:** Mover to be called upon to reply?

**Hon. Members:** Yes!

**Hon. Speaker:** Hon. Members, I have to just test. Notwithstanding that the acting Leader of the Minority Party, the Member for Nyando...

*(Laughter)*

I do not know why he raised his hand up.

*(Question put and agreed to)*

Mover, have the Floor, please.

**Hon. Katoole Metito** (Kajiado South, JP): Thank you, Hon. Speaker.

First of all, these Nominees understand Foreign Service policy of this country because they were part of those who formulated it, especially, on the political, economic and cultural aspect, as well as Kenyan diaspora issues – very well-articulated by all of them.

I agree with the Leader of the Majority Party that when these Nominees, Ambassadors and High Commissioners go out there, they represent Kenya. We are a country that understands. That is why the Constitution says there should be regional balance. These 14 Kenyans come from 13 different counties in this country. You can see the spread, it is even and fair. It is just that you cannot get all of them to everywhere. Interestingly, and this is good to note, we may look at them in another angle or mirror but you do not understand them.



I come from Kajiado County, for instance. You might think every person there is a Maasai but that is not the case. Even the Nominee that the Leader of the Majority gave as an example – Amb. Martin Kimani was born in Mombasa County. Amb. Benson Ogotu who is going to Ottawa you would expect is from Nyanza but he is from Kiambu. That is per the records.

*(Loud consultations)*

Somebody said Amb. Irina come from Taita Taveta, but he is born in Canada. If you read the Report you will understand. If you see a Maasai probably, you would think he is from Kajiado. You are wrong because he might be from Meru. It is good that we understand this aspect.

I appreciate the support Members have given us. Let me thank the office of the Speaker very much through the office of Clerk. They were with us. The Clerk himself kept checking on us even on a weekend – on a Sunday, when we were writing this Report to ensure that the Committee is well facilitated.

I also want to thank the Office of the Leader of the Majority Party because he kept in contact with the Committee even on a Sunday. I remember they were in Naivasha. I was pleading with him not to take all the Committee Members to Naivasha. Otherwise, we would have lacked quorum to do this great work.

I also want to thank Hon. Kimunya, Hon. Speaker and all Members.

I beg to move.

**Hon. Speaker:** You want to?

**Hon. Katoo ole Metito** (Kajiado South, JP): I beg to reply. I am sorry.

**Hon. Speaker:** Hon. Members, once again, I want to reiterate what I said earlier. When Members look at the names they claim there is somebody from their village and they, therefore, support them with all their hearts and bodies. After contributing, the Members walk away.

Hon. Kisang, you are back but the others who were trying to walk away with you actually went away. But you come and say: “I am very happy that I have seen I do not know who; I do not know what. So, you need them to be approved by whom?” You know it is only that... Sometimes, Members, you know many of you, when a weekend comes, go and start saying that a law has been passed but, surely, we know many of you were not even there. You say that we passed this law, but how? Where? You might contribute and say: “This is very good. I like this list”, then the next thing you hear is that the list was not approved and you are going to, maybe, call them and tell them: “You know in fact I supported you”. They will call you and tell you: “You did not stay there to approve me. Those who were left there, who know their work, actually did not approve. They rejected it. They rejected me.” How will you feel and you contributed here very well and walked out? You see, approval is by voting. Now, if you were not among those who were present to vote, there is no use that you contributed to this or the other. Therefore, because we do not have the requisite quorum, I will not put the Question on the approval of these names. You see the requirement of putting the Question is after ascertaining the number for quorum. I have a system of ascertaining. The system is here. Therefore, the system tells me that we are below 50 and so, we cannot approve. So, move to the next Order.

*(Putting of the Question deferred)*

**MOTIONS****APPROVAL OF NOMINEES TO VARIOUS NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT COMMITTEES**

THAT, pursuant to the provisions of section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the following eight (8) constituency committees of the National Government Constituency Development Fund, laid on the Table of the House on Wednesday, 5<sup>th</sup> August 2020: -

**1. AINABKOI CONSTITUENCY**

<b>NO.</b>	<b>NAME</b>	<b>CATEGORY</b>	<b>STATUTORY PROVISION FOR ASSUMPTION OF POSITION</b>
1.	Isaac Kiprono Kotut	Representative of Persons Living with Disability	Fresh appointment, pursuant to Sec.43(3)

**2. BOMET EAST CONSTITUENCY**

<b>NO.</b>	<b>NAME</b>	<b>CATEGORY</b>	<b>STATUTORY PROVISION FOR ASSUMPTION OF POSITION</b>
1.	Collins Kibet Yegon	Male Youth Representative	Fresh appointment, pursuant to Sec.43(3)
2.	David Kipkirui Waitage	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Chepkirui Dorcas	Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Rose Chelangat Bor	Female Adult Representative	Fresh-appointment, pursuant to Sec.43(3)
5.	Lily Chepkemoi	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Joseph Chirchir	Nominee of the Constituency Office (Male)	Fresh-appointment, pursuant to Sec.43(3)
7.	Chepkoech Christine	Nominee of the Constituency Office (Female)	Fresh-appointment, pursuant to Sec.43(3)

### 3. BUURI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Fredrick Mwiti Kithinji	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Charles Kinyua Kiara	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Elosy Kendi	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Lucy Nkirote Mbobua	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Joshua Murithi Mwarania	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Leslie Murithi Mwarania	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Mary Gacheri Mwathe	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

### 4. DAGORETTI NORTH CONSTITUENCY

*(Re-Submitted to complete list of Nominees as earlier submission had only six nominees)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Catherine Akinyi Mwangi	Female Adult Representative	Fresh appointment, pursuant to Sec.43(3)

### 5. DAGORETTI SOUTH CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Geoffrey Moturi	Male Youth Representative	Fresh appointment, pursuant to Sec.43(3)
2.	Joseph Chege Wainaina	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Mary Wambui Waichigo	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)

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|----|-----------------------|--------------------------|-------|--|
| 4. | Salome Wanjiku Mbugua | Female<br>Representative | Adult | Re-appointment,<br>pursuant to Sec.43(8) |
|----|-----------------------|--------------------------|-------|--|

#### **6. ELDAMA RAVINE CONSTITUENCY**

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Alberto Kimeli Munji	Male Youth Representative	Fresh appointment, pursuant to Sec.43(8)
2.	Joseph Kibor Aiyabei	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Nancy Jeptoo Koech	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Anne Mwihaki Mwangi	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Elijah Kamiti Kamau	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	John Kipkoen Suge	Nominee of the Constituency Office (Male)	Fresh -appointment, pursuant to Sec.43(8)
7.	Veronica C Kaptich	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

#### **7. KITUTU CHACHE SOUTH CONSTITUENCY**

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Benard Ongeru Makuru	Male Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
2.	James Maobe Mokaya	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Winfridah Kemunto Maisiba	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Mellen Nyomenda Kebati	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)

5.	John Ongeru Ondieki	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	James Orito Omonywa	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Pacifica Moraa Onyango	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

### 8. NYERI TOWN CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Kelvin Nderitu Njaramba	Male Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
2.	Richard Kanyoro Mwangi	Male Adult Representative	Fresh-appointment, pursuant to Sec.43(3)
3.	Teresa Nyokabi Mwangi	Female Adult Representative	Fresh-appointment, pursuant to Sec.43(3)

**Hon. Speaker:** Hon. Members, before the Vice-Chairperson takes to the Floor, I just want to again make an observation. We have taken this business very casually. If you look at the list of the constituencies here, they are eight constituencies. In some, the names being put in are seven, others one, others three and another four. In fairness, you know these are members in your constituency committees, but you cannot even pay attention to that. I mean, how reckless or careless can one be? You have looked at the Order Paper. For instance, I know the Member for Ainabkoi was here, but he took off. I saw the Member for Bomet East more than two hours ago walk out because she had finished her day's sitting. But here are people who are supposed to come and approve names, which have come from her constituency and yet, she can easily come later and say one of those names was sneaked in. You as a Member of that constituency, I hope this is so important that you should be present even if you do not pay attention to anything else. Even if it is just to say Aye or Nay, even if that is the only reason you come here. For the business about names of people to sit in your constituency development committee, how do you walk away and leave others? You are leaving the Member for Emuhaya to pass them for you. He had his first and he was present here because it is important to him. Now, the Member for Buuri Constituency has not even shown up today. The Member for Dagoretti North has not shown up even this afternoon.

Definitely, I know all of you Members. Member for Dagoretti South has not shown up this afternoon. Member for Eldama Ravine was seated there. The immediate former Chair of this Committee, names from his constituency are being brought, but he wants Prof. Oduol to just come and approve them. Do you know them? Why are they being approved? When you are told this one is a youth and this one is representing people with disability, are you able to confirm yourself when those Members themselves are not here? How will you tell that this one... We may approve those names and the Members come and say: "No, the one who is shown to have been disabled actually

is a marathoner! He competes with...” What do you call that guy, Kipchoge or Cheptegei of Uganda and yet here, he has been named as a person with disability.

Others are talking about aged people. How do we know for instance, Alberto Kimeli Munji, Male Youth Representative; Joseph Kibor Aiyabei, Male Adult Representative; Nancy Jeptoo? How do you know that these are youth? Members, the reason I raise these issues is to explain to you why I think this business should not be transacted in the absence of the Members of those eight constituencies. They should be the ones to confirm if it is male, a youth or disabled, and what disability? Is it lack of one eye, or without some leg or some ear? What form of disability?

Therefore, Members, for these reasons, I direct that this business be taken out of the Order Paper and it will be placed when the Members themselves show interest through the Whips that they want this business to be transacted. It cannot be that what is coming here is affecting you and your constituency directly and then you say there are some people who are always there to.... You say the Member for Seme is always there and he can pass them. The Leader of the Majority Party is always there; Hon. Omulele is always there and Hon. Junet *watapitisha watu kutoka kwa* constituency *yako*. Hon. Oundo, it does not reflect well.

The Members for these constituencies must go and approach the Whips and indicate when they will be ready to attend and sit here like the rest of you so that even as the names are read here, they are able... Even if they do not contribute, they will say: “Yes, that one is a very young girl or a young boy representing that category. That one is a person with disability.” We move to the next Order.

*(Motion deferred)*

#### SESSIONAL PAPER ON NATIONAL POLICY FOR ERADICATION OF FEMALE GENITAL MUTILATION

THAT, this House adopts the Report of the Departmental Committee on Labour and Social Welfare on its consideration of the Sessional Paper No. 3 of 2019 on the National Policy for the Eradication of Female Genital Mutilation, laid on the Table of the House on Thursday, 8<sup>th</sup> October 2020, and further approves Sessional Paper No. 3 of 2019 on the National Policy for the Eradication of Female Genital Mutilation.

**Hon. Speaker:** Is the Chairman in the House? Chair for the Departmental Committee on Labour and Social Welfare is not in the House. He is not present. Did you say FGM? Do we have the Report? Are you a Member of the Committee? Let us have it moved to also next week. Hon. Omboko Milemba, you know...

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker. I wanted to say that the Departmental Committee on Labour and Social Welfare had organised a session in Mombasa and most of them have actually gone there. I am sorry that the Chair is not here. So, maybe, it could be moved to the next session. Thank you.

**Hon. Speaker:** Very well. Thank you for that information. The Motion is taken out!

*(Motion deferred)*

Next Order!

REPORT ON UTILISATION OF FUNDS APPROPRIATED FOR CONTROL AND MANAGEMENT  
OF COVID-19 PANDEMIC

THAT, this House adopts the Report of the Departmental Committee on Health on its Inquiry into the Utilisation of the Funds Appropriated to the Ministry of Health in the Financial Year 2019/20 for Control and Management of the COVID-19 Pandemic, with Focus on the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the House on Thursday, 1<sup>st</sup> October 2020.

**Hon. Speaker:** Chairperson for the Departmental Committee on Health, this is a very important Report. This is the story out there about KEMSA billionaires. The Chairperson is not present. We will push to next week on Tuesday. The Order is taken out.

*(Motion deferred)*

**Hon. Daniel Rono** (Keiyo South, JP): On a point of order, Hon. Speaker.

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

**Hon. Daniel Rono** (Keiyo South, JP): Hon. Speaker, even as you move the matter to next week, we need to appreciate that this is a very sensitive matter. Money has been stolen and it is very important that we handle this matter as you have put it. We need to know whether it is sabotage.

**Hon. Speaker:** We will find out. Be present on Tuesday so that you can talk more about those views and such like people.

The Chairman of the Departmental Committee on Transport, Public Works and Housing sought my permission. He is not in and so that is taken out.

I do not see the Chairperson of the Committee on Implementation.

Next Order.

REPORT ON INQUIRY INTO USE OF STANDARD GAUGE RAILWAY

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on its Inquiry into the Use of the Standard Gauge Railway (SGR), laid on the Table of the House on Tuesday, 22<sup>nd</sup> September 2020.

**Hon. Speaker:** Hon. Members, that is the one I was saying that Hon. Pkosing sought my permission to be away today. So, it is taken out of the Order Paper until next Tuesday.

*(Motion deferred)*

Next Order.

REPORT ON PUBLIC PETITION ON RECONSIDERATION OF  
RESOLUTION OF THE HOUSE

THAT, this House adopts the Report of the Committee on Implementation on its consideration of the Public Petition on Re-consideration of a Resolution of the House on the Report on the crisis facing the Sugar Industry in Kenya, laid on the Table of House on Wednesday, 5<sup>th</sup> August 2020.

**Hon. Speaker:** Hon. ole Kenta? They have travelled. That is also taken out.

*(Motion deferred)*

Next Order.

INQUIRY INTO STATUS OF STADIA IN KENYA

**Hon. Speaker:** Chair, Departmental Committee on Sports, Culture and Tourism. Member for Mavoko, Hon. King'ola? He was here at the beginning of the House. Well, the Chair not being present, the Motion is taken out.

THAT, this House adopts the Report of the Departmental Committee on Sports, Culture and Tourism on the Inquiry into the Status of Stadia in Kenya, laid on the Table of the House on Tuesday, 13<sup>th</sup> October 2020.

*(Motion deferred)*

Next Order.

Chair, Departmental Committee on Administration and National Security. Hon. Koinange. Are you ready to move the Motion on your Report?

**Hon. Paul Koinange** (Kiambaa, JP): Yes, Hon. Speaker.

**Hon. Speaker:** That is the way Chairpersons should behave. They should not assume that their business will not be reached.

ADOPTION OF REPORT ON PREPAREDNESS OF POLICE STATIONS  
IN MANAGEMENT OF COVID-19 PANDEMIC

**Hon. Paul Koinange** (Kiambaa, JP): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the inspection tour to assess the preparedness of police stations in the management of the COVID-19 Pandemic in Nairobi and Kajiado counties, laid on the Table of the House on Thursday, 25<sup>th</sup> June, 2020.

Hon. Speaker, as I move the Motion, I would like to refresh Members a bit about COVID-19 because many of us have seen what is currently happening in the country. The COVID-19 is probably the most severe threat to human health and economic wellbeing of our lifetime. Even the oldest among us confessed never to have witnessed a pandemic of this magnitude in their lifetimes. The disease was first reported in Wuhan Province in the People's Republic of China late last year and later spread to other countries worldwide, where millions of people have tested positive and many thousands have died. Kenya recorded its first COVID-19 positive case on 13<sup>th</sup> March 2020 and so far, has recorded thousands of cases with over 1,000 deaths.

Hon. Speaker, the Departmental Committee on Administration and National Security deemed it fit to undertake an inspection visit of police stations in Nairobi and Kajiado counties to assess their preparedness in the management of the COVID-19 pandemic, being cognizant of the fact that the National Police Service has been playing an important role in the management of COVID-19 in terms of enforcing curfew orders, accompanying emergence response teams to evacuate COVID-19 suspects to Government holding facilities and arresting law offenders, some of whom would be infected. The role played by the National Police Service exposed officers to



infection and it was, therefore, deemed necessary that they are well equipped and protected while on duty.

The tour was undertaken on 28<sup>th</sup> April, 1<sup>st</sup>, 5<sup>th</sup> and 7<sup>th</sup> May 2020 during which the Committee toured 18 police stations; namely, Pangani, Muthaiga, Gigiri, Runda, Kasarani, Central Police Station, Parklands, Spring Valley, Muthangari, Kileleshwa, Kamukunji, Shauri Moyo, Industrial Area, Embakasi, Kilimani, Lang'ata, Ongata Rongai and Karen.

Hon. Speaker, during the visit, the Committee inspected various station facilities and held meetings with Officers Commanding Stations (OCSs) and Officers Commanding Police Divisions (OCPDs) while accompanied by officers of different ranks attached to respective stations. As at the time of compiling this Report, Kenya had recorded 4,738 cases with 123 deaths. Having assessed the facilities and received submissions from OCSs and OCPDs from various police stations during the tour, the Committee was concerned that police officers were exposed to and contracting COVID-19 because of congestion in offices, thereby, not adhering to social distancing, among other reasons. The Committee recommends as follows:

- (i) The Ministry of Interior and Coordination of National Government should, as a medium-term or long-term measure, take appropriate actions to ensure adequate office spacing for police officers.
- (ii) The Ministry of Interior and Coordination of National Government should, as a matter of urgency, take appropriate action to ensure adequate supply of the requisite COVID-19 prevention working tools, kits, equipment and materials to police stations countrywide.
- (iii) The Ministry of Interior and Coordination of National Government should, during this time of COVID-19 pandemic, institute interim measures to ensure adherence to social distancing in police stations, pending the implementation of the medium-term or long-term measures.
- (iv) The Inspector-General of Police should, during this time, ensure cash bail for bailable offences, and ensure that suspects are expeditiously processed and where they must be detained, social distancing is observed in cells and suspects are provided with personal protective gear.
- (v) The Ministry of Interior and Coordination of National Government should, as a matter of urgency, ensure due process of the law applies in the determination of the fate of aliens being held at Industrial Area Police Station for inordinately long. These are people from Ethiopia and South Sudan who had been held in the station.
- (vi) The Inspector-General of Police should issue a directive to police stations to ensure that whenever they come across COVID-19 suspects, they should not detain them in cells but, immediately, call the emergency response team to transfer them to Government holding and treatment facilities.
- (vii) The Inspector-General of Police should also take the necessary action to ensure that all police stations are sensitised to be fully conversant with Government regulations guidelines and procedures on COVID-19 management for their own safety.

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

*[The Temporary Deputy Speaker  
(Hon. Christopher Omulele) took the Chair]*

Finally, the Committee recommends that the Ministry of Health should declare the Police Service to be in the front line in the management of COVID-19 and pay officers special allowances for work being done.

As I conclude, let me state that we urgently need to bring back Coronavirus service to our Police Service. I find it rather odd seeing our general duty police officers doing the work of Coronavirus obviously, without the requisite skill and personal protective equipment, thereby exposing themselves to the dangerous disease.

Our police officers also use security patrol vehicles to collect human bodies whenever death occurs outside hospitals. This further exposes them to dangerous diseases, besides also exposing those arrested and ferried using those vehicles. This is a dangerous trend which must stop. Let us bring Coronavirus vehicles into the Police Service. We can start with two vehicles for each county as we progress.

Thank you, Hon. Speaker, I beg to move and ask our able Leader of the Majority Party to second.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, I rise to second the Report and congratulate the Chair for taking his job seriously. Usually, when you look at the Order Paper and think your business is at the far end, the temptation is for people to go and do other business. But he has been in the House and it shows the seriousness with which he takes this national security docket.

We are living in difficult times and the challenge of COVID-19 has not only affected the police system, but also our court system is unprecedented. This is because people maybe arrested in a swoop at night. When they are put in the police station, they are mingling together because they cannot be put in isolation centres or a cell for each. The next morning, they should be taken to the courts and I believe the courts say they will not receive them. This is because the prison authorities are also saying they cannot take them until they have been tested.

This brings a situation of a person who is a suspect being punished before being prosecuted or judged. This is because, first of all, at the police station, they are being subjected to the risk of infection. When they go to court, the risk is multiplied and they cannot be taken to remand because they have not been tested. So, they are brought back to the police station. So, if they pick any infection in the courts, they take it back to those in the cells.

Those people are our people. I agree totally with what the Chair and the Committee have observed. We need to look into this matter. First of all, how do we ensure that the people do not suffer double or triple jeopardy? How do we protect others and the officers? How do we motivate them so that they do not feel like not arresting people? This is because they can infect or contaminate the entire police station. The police and their families in that neighbourhood could end up in a similar situation.

We also know the conditions of our police stations are not exactly where they should be in this day and age. I know the Chair is yet to visit my police station in Kipipiri which is among those that were done at the turn of independence. You know the old asbestos roofs which are breaking and flaking. Obviously, they are carcinogenic as Dr. Nyikal would tell us. But people are in those cells and so, they are being exposed to the risks of COVID-19 and from the roof they are exposed to cancer. I think these are some of the things we need to start looking at beyond the immediate response.

This is a wake-up call for us to make our police stations human friendly so that, when you are arrested, you are held comfortably. The whole point is not torture like the old days when there were supposed to be torture chambers. But they are isolation centres where you are denied your freedom until you are taken to court. In between arrest and release, you are not supposed to be maimed forever because of the conditions you are subjected to in the cells or other situations.

I support the Committee's work and Report. I hope even as they bring other reports on other visits, they will be asking that when we come to the budgetary allocation, we will put in some money. This is because intentions can only be so good until they are either put in law or in a budget. It is only when we put some money and revamp some of these police stations that we will have done something for our people out there. This is because any of you could be part of the swoop arising from a curfew and end up being subjected to a police station.

It is even worse for our refugee community and we still have a pending Refugee Bill where some of these things will be taken into consideration. Somebody has suffered the loss of their identity and left their country under difficult circumstances. When they are looking for human solace and a place to be assisted, they end up in deplorable conditions.

That is why we keep wondering life cannot be any worse in this world. You leave your home because you are running away from trouble and where you go is worse. I think this is some of the radicalisation you see people getting into because of the state of desperation. They have been through it all and there is nothing to stop them from fighting against the rest of humanity.

I could go on and on but let me leave it there. I support the Committee and their recommendation on increasing budgetary allocation. So, we need to revamp our police stations and the transport systems to ensure we have protection for our police, the co-accused and the whole chain from the police station through the courts to the remand centres and, eventually, to the prison so that they are safe from COVID-19 and one suffers only one jeopardy of either the fine or imprisonment. But not a term of death occasioned by the conditions one is subjected to in the whole process.

Hon. Temporary Deputy Speaker, with those words, I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kimunya, in your seconding, you have spoken the language which I am sure Hon. Millie Odhiambo would approve. I will give the first bite on this one to Hon. Bunyasi, the Member for Nambale.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you very much, Hon. Temporary Deputy Speaker. I thank the Chair of the Committee, Hon. Koinange, for bringing this Report before the House. It is a very important matter to look into. I listened very carefully to what it is proposing to do. I was expecting to see a little more training into it than I heard. Maybe, I did not pay full attention. I did not hear that. I think there is need for training in terms of capacity building, but capacity building towards behavioral change. Police are exposed to a whole range of issues and, sometimes, how they respond simply becomes a gut reaction. That is why you might find a police officer just getting angry when there is a function, instead of being calm and applying the law and doing as the law requires without exception. You find a wide range of responses to similar circumstances. That means that probably the training has not brought them to the core concerns and particular ways of responding to it.

This is challenging for many of us. You know in the beginning, even the directions that we were hearing from Government were more like if you have got COVID-19, you are almost a

criminal. You will go into isolation for a number of days and you pay for it and so on. Here I have arrived from somewhere outside the country. I land and it is not my fault that there is a pandemic. Now I have to end up there and I have to pay and maybe I only remained with some change. If you are coming from overseas, you are being expected to bring your money to your family and so you do not have money to pay. The beginning was bad but, of course, the Government corrected that midstream and I think that was an improvement.

Similarly, particularly in respect to the police, we had essentially forgotten them as first responders in some cases. In the village, when there is an emergency, ambulances rarely work and you have no neighbour who has a vehicle and the person cannot be able to sit on the motorbike. You can actually call the police for help and if they are lucky to have a vehicle, you can provide fuel because the vehicles are perpetually short of fuel. They may show up and help you through it. So, I think that the component of training is a very core part of what should be inside it even ahead of allowances.

Then there is the question of personal safety which for me should come second. Can you imagine that many of the first responders who are directly in the medical field do not even have adequate protective equipment for one reason or another? The country might not have purchased them. They might have only purchased a few and by definition, you cannot shift them from one person to another or if you can, without extensive fumigation which is a challenge. So, there should be adequate PPEs also for the police or, perhaps, dedicated persons within police stations who will be the first responders and who are equipped with PPEs as they might be needed.

When it comes down to detention in the cell, you know that if you end up in a police station and you are taken to the cell, you are not escorted in. You are probably kicked in. There is nobody who has the patience to escort you gently in there. We have heard in rural areas of cells where men and women are put together and certainly where children not of the same gender as older people are put together with the older people because of lack of facilities and also lack of intricate awareness of what needs to be done. So, again, there is the element of training there. Training should bring them up to speed.

There is the question of allowances. I know the medical staff has been at the forefront in wanting extra allowances; I guess because of the extra risk that you take working in life and death conditions. One might say, maybe, some allowances are justified, but if you look at it closely, no amount of allowance can really compensate you in a life and death situation. Yes, they should get allowances which others are being paid, but let us not get the impression that you get allowances and, therefore, you are okay. You may not be okay despite the allowances.

Hon. Temporary Deputy Speaker, with those few comments, let me support this. I just want to say, maybe, we should even be broader. But I think we should put capacity building and training right at the forefront. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Good contribution, Hon. Bunyasi. We shall now have Hon. Odhiambo Akoth, the Member for Suba North.

**Hon. Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. Before I comment on the issue of COVID-19, I wish to celebrate the women because today, there are two women that were given key positions. One of them was my junior in FIDA and the other one was my boss. They are Immaculate Kassait and Jean Kamau. I did not get an opportunity, but I just want to say it is a good moment. It is not only them. There are other women who have been given positions. That is a good thing for us as women.

I congratulate the Chairman for being diligent. You noticed earlier on that, as the Speaker was giving opportunities to all the Chairpersons, most of them were not here. We encourage the

Chairpersons that their positions are ones of responsibility and not just about titles. So, we encourage them especially as we will be moving closer to the elections that those who are not able to manage should leave for people like Hon. Nyikal, who is always in the House, to manage.

However, having said that, I just want to say that I support this. I think it is very evident that, as a country, we are facing a very serious challenge with COVID-19. I know that here we are talking about the police stations or those in the justice system. I know I will not speak especially to what the other Members have spoken about, but I want to mention that of great concern to me are the children in the justice system that ordinarily face challenges even of being separated from adults in the justice system. However, you find a situation where they are going to be put together with adults when we have COVID-19. That would even be more alarming.

As Members of the Parliamentarians for Global Action together with CRADLE, we have done a Paper on the effect of COVID-19 on children rights and one of the sections talks about children in the justice system especially children under detention. As a country, we need to move very quickly and deal with situations like that. Already, our hospitals are overwhelmed. Ideally, what we should have done was to find a connection between the hospitals and the justice system but as it is, even finding that connection has been a challenge. Even just dealing with health alone has been a challenge.

*[The Temporary Deputy Speaker (Hon. Christopher Omulele) left the Chair]*

*[The Temporary Deputy Speaker (Hon. Soipan Tuya) took the Chair]*

Hon. Temporary Deputy Speaker, I notice that there is actually a change. I give a case of 30<sup>th</sup> when a pastor who is a very good friend of our family was suspected to have COVID-19 in Bungoma. In that situation - and he is in a referral hospital of the county - they were not able to do a test to enable him to be transferred to another facility even though they suspected he was a COVID-19 patient. Then they were not able to transfer him to ICU because, apparently, Bungoma has only one ICU bed. I consulted Kakamega to see if they could transfer him there. Kakamega apparently has 10 beds which are all full. I then called Moi Teaching and Referral Hospital. They were willing to take him, but by the time they were willing to take him and we went back to Bungoma, because Bungoma was trying to play PR, they refused to release him and he ended up dying within a very short time. Even after that, I know of one of our colleagues here - and I will not mention the name - who was actually facing a similar challenge while we were in Naivasha. The Member was trying to transfer a relative who has a case of COVID-19. Aga Khan ICU was completely full. Nairobi Hospital ICU was completely full and most of the ICU units of the major hospitals were completely full.

So, if we are talking about a health system that is already overwhelmed, especially in the counties, how much more when we are talking about police stations? I think it is incumbent upon us, as leaders, to let people know that we are dealing with a very serious situation and the way people have been joking and taking this issue very lightly, we need to wake up and deal more seriously with it. I see my time is up. Otherwise, I thank the Committee for taking this initiative.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): I am trying to see who is on the list from my right. The Member for Keiyo South, are you there? Hon. Buyu, I see you are on a strange side, but I have seen you. Yes Hon. Kipkosgei.

**Hon. Daniel Rono** (Keiyo South, JP): He happens to be my neighbor. If there was a formula of donating my portion to her, I would. Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to also contribute. I wish to thank the Chairman of the Departmental Committee on Administration and National Security for always being in the lead. Police stations are in dire need of support. It is very important that we support them so that they join this war on Covid-19. If you go to the police stations, you will find that some of them are very dirty. In fact, sometimes you wonder how they can be helped while in such dirt. They actually need to sort themselves even as we help them.

As it is now, people get scared of being arrested by the police because that will be a sure way of getting Coronavirus. This is because of congestion, dirt and, of course, the way they also mishandle you. In the first place, they even forget that they can also contract the virus. We, therefore, need to teach them. They need some training and it is very important that the security team has raised this matter.

Another issue is the police being treated like they are the nurses or the doctors. They are in the front line in handling Coronavirus. They handle those people and when they have to arrest people who have gone beyond curfew hours, they are actually in the frontline. So, they deserve those protective gears. They deserve some allowances because they go out of their way to deal with coronavirus. So, I support this Report from the Departmental Committee on Administration and National Security. We only want to appeal to the police: "Please, stop molesting the public. Handle them with some decorum because even if the public is wrong, they deserve to be handled well." This disease needs everybody's effort. You cannot fight this disease on your own. You need to walk with the members of the public, convince them that they are wrong and they are the ones that are inviting the disease. When they are in crowded place, you should talk to them out of it. You do not close your way or molest them because you are not getting anywhere. In fact, by talking and educating them, you will actually achieve what you want to achieve.

Lastly, it is a fact that the police need motor vehicles. This is very key and the security team has raised that matter so well. They need that as soon as yesterday. That is because you cannot go anywhere in this country without a vehicle. For instance, curfew hours have been moved to 10.00p.m. How do you enforce that, if you cannot reach where people are breaking the law? You cannot enforce. So, I support this Report. Bravo to the Chair of the Departmental Committee on Administration and National Security.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): The Member for Funyula, Hon. Oundo, you have the Floor.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the Report of the Departmental Committee on Administration and National Security in respect of how police handle Covid-19 cases as they do their work in their police stations and how they handle the whole process.

At the outset, it has become apparent that the police, by virtue of the role that they were given to enforce the curfew and health protocol, have become the first responders and the frontliners. Unfortunately, the nation or the country has made no efforts at all to train, equip and change the mindset of the police. They forgot questions of social distancing, they forgot the question of face masks, they forgot the questions of hygiene and the police believed that guns and military fatigues were a cure or the preventer of the spread of coronavirus. There is overwhelming evidence that a number of infections that have been reported in this country have emanated from crowded cells and crowded transport vehicles. What the police normally do is this: They time just a few

minutes to the curfew time, collect all the so-called curfew breakers, lump them in one vehicle, congest them to the brim and take them to one cell irrespective of the health conditions of those that have been arrested.

Obviously, with this behavior and with this approach, we are not going to win the war against the unintended spread of Covid-19. Many of us shudder now that there are fresh instructions that were given yesterday by the President, where he directed the National Police Service, National Coordination Committee and the notorious city council enforcers, city council askaris to arrest and molest people who purport not to have complied with the protocols. It is going to be a tough job and if we are not careful, we are going to escalate infections in this country.

I just want to ask the Departmental Committee to seriously have a very candid discussion with the Inspector-General (IG), express the fears and what they see, because if it is a minor offense, like you have found me at the gate of my house, at 10.02 p.m, I am opening the gate to my house, does it make sense to arrest me for flouting the curfew rules and taking me to a crowded cell where probably half of the people are already Covid-19 positive? I then become another statistic and then, we have the audacity to condemn ordinary Kenyans that we are reckless and that we do not understand. Yes, masks are required in crowded places. Setting the police to arrest people walking in the village parks, or to arrest people in their shambas, that has happened several times in my constituency... You cannot put on a mask in your shamba or garden. You are cultivating or weeding and you are asked to put on a mask.

All that we are asking Hon. Koinange is this: Sit with the IG and explore the practicality of enforcement of the protocols. We sympathize with the police because they are the most vulnerable. But you must also sympathize with the local *mwananchi* who is going to become collateral damage.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Thank you, Hon. Oundo. Let us have Hon. Rozaa Buyu Akinyi, the Member for Kisumu.

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to speak my heart about people who seem to be forgotten and yet, they are expected to ensure that Kenyans remain alive, especially in this difficult time of Covid-19.

I am a Member of this Committee. I applaud the Committee for having taken the initiative and for having been proactive to go around the police stations just to see that those people, who we call the police and who we are expecting to save Kenyan's lives, what about them... We are talking about front-liners in this fight against Covid-19. The police, indeed, qualify to be considered as front-liners just like our healthcare workers. Today, I am a Member of Parliament and I have the opportunity not to come into the Chamber and to work from home. One, probably because I am around or over 58 years or because I am pre-disposed. However, the police, just like the healthcare workers, do not have that opportunity or that choice. We expect them to ensure our safety. We also expect them to ensure that, as Kenyans, we follow the given guidelines so that we are not infected. If those people do not have that choice and have to walk out every day exposing themselves, they obviously need to be considered in a special way than the rest of us.

Hon. Temporary Deputy Speaker, when you go to the police stations where they are expected to serve Kenyans, you will find that right at the front desk, there is congestion. Already at the reception, you will find four or five policemen sitting at a small reception. Kenyans who come to their offices or the police station are not tested so that anybody can know whether they are infected or not. As those people get served by the police, they automatically put the lives of

the police at risk. This calls for the recommendations of the Committee that the police must be better equipped against Covid-19 so that they are able to serve while ensuring that their lives are not at risk. I am sounding a bit emotional because when you watch those policemen hanging around and beyond 11 O'clock waiting to trap people who have been out drinking at odd hours, nobody cares. We only care that they do their duty. We must ensure that this category in our society is equipped. I know that the Committee members have taken it upon themselves that when they visit those police stations, they leave behind masks. However, that is not enough.

Hon. Temporary Deputy Speaker, when we talk about allowances, we should pit those allowances against the sacrifice that the police give: the sacrifice of their lives. More than the Committee just recommending, we must find a way that, as soon as possible, the Ministry must take action and ensure that we save the lives of those police who are still not infected now. Making recommendations and they remain on paper will not help the situation. With those few remarks, I thank you for giving me the opportunity. I also thank the Committee for having taken this chance and gone around. I know that it is a continuous exercise that they are undertaking. Within the next month or so, they will have visited the rest of the country.

I thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us have the Member for Seme, Hon. (Dr.) James Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. Let me start by thanking the Committee for the work it has done. Chairperson, I think you are a special Chair of the Committee. We really appreciate you for the work that you have done.

What has come out is a much broader system issue that we seem to be looking at. If you look at the recommendations that you have made, which I support in total, then we have to look at the whole system. Look at the police offices and the infrastructure, including the corridors which on. Rozaah Buyu was talking about. When people come and sit there waiting, they are not only a danger to the police, but a danger to themselves and a point of transmission of the disease. Some will not even go into the police cells, but they will walk there and go back. They are a danger to the public as well. You go to a police officer's office and he is surrounded by people. Some of them will not even go to the cell, but they are all there. So, that infrastructure needs to be looked into.

Hon. Temporary Speaker, then there are the police cells. People come and they are put into those cells. They are a danger to all of them. Some will not even go to courts. Some will be released immediately to go away but if while they are there, they have contracted the virus, they are likely to spread it to the next person they meet. So, that is a system in itself. Even the police officers who look after them while they are there and interact with them, that is another system that the police are in that we have to look into. The police then transport the accused persons to courts and they are with them in those vehicles. Sometimes, they move picking them from one station to the other. Those people are transported together and then they go to the courts. As they are put there, sometimes in the courts, we have cells. But in those benches, there are lawyers and all kinds of people interacting with them. Again, we have a focus of transmission. Even that, we have to look into. Amongst all this, the police are still the most exposed, but they are also an agency for spreading the whole of this.

Then, there is the Police Coroner Services. I am not talking about Covid-19 now. I am talking of the examination that the police have to do sometimes on people who are assaulted. I think we even have doctors working in those situations where they are examining people who are



injured and cases of rape. Sometimes, even collecting bodies is part of Police Coroner Services. That is when people are picked and bodies are there. Even post mortem, we had a lot of that here, about the coroner services. I do not know how far we have reached. Even that is something that you have to look into. So, what we are looking at is a whole system that needs to be worked out from the structure, the people that are involved, the people who come for their services, the people who are in the cells, the people who will go to the court, and how they will interact. If some of them are convicted and have gone to prison, then the matter gets to the prison as well. So, it is a fairly complex system.

We have to look at the whole of this area. What I would suggest and, maybe, before I go to that final suggestion, I request, Hon. Temporary Deputy Speaker, for more time. If you look at the issue of the frontline workers, definitely the police are frontline workers, but it is not only the police. What about prison officers? We did not realise until now that teachers are also frontline workers. That is an issue we have to look into. My suggestion is to get a whole system that is taken at a higher level. Get public health specialist, security specialist, police officers and the court system. They must work out. Let us use this opportunity to improve the police infrastructure and the whole of the justice system...

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. (Dr.) James Nyikal, let me give you a minute. Just wrap up. You seem to be...

**Hon. James Nyikal** (Seme, ODM): Thank you. It is not only for COVID-19. We are not even thinking about Tuberculosis (TB). It will be the same for all those contact diseases. Let us use the issue of COVID-19 to get that system working. We should get a committee to give us a system that will protect everybody. When you finish all your visits, get that committee in place and let us see how we can approve a whole system that will look at infectious diseases in the justice system, including prisons.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us have Hon. Wilson Sossion.

**Hon. Wilson Sossion** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Report by the Departmental Committee on Administration and National Security. I join everyone in congratulating the Chair for being one of the most dedicated chairs in this House.

The Report that you have tabled is extremely detailed and convincing. When we talk of the police as the frontline officers during this period of COVID-19, we should reflect and go down memory lane to when the regulations were pronounced in this country. New regulations in any country will always face resistance. There is the social distancing, lack of use of masks and compliance with curfew times. The police had it very difficult because they are the only law enforcers. They are the men and women who are assigned to do this job. We saw the resistance and the condemnation that the police were using excess force when they were acting in the best interest of the country.

This Report has many revelations. Those of us who are responsible leaders know the type of police stations that we have. The current buildings were constructed during colonial times. No meaningful expansion of infrastructure has been undertaken over the years. COVID-19 has taught us lessons. The current infrastructure system that we have within our institutions, and particularly the police stations, cannot allow the police to work during this COVID-19 pandemic.

I have just seen Kenyans mocking the Inspector-General on social media on account of a statement he made that if you are found without a mask, you will be instantly fined Kshs20,000. That is because you cannot be taken to the cells. Kenyans are faulting the impossibility of that

particular law. You can see the constraints of the Inspector-General. It is not possible to confine criminals and arrest them in the existing police cells at the police stations with the current nature of infrastructure. The Report is timely. It needs to be given attention.

We ask ourselves many questions. The security apparatus of this country always receives a huge chunk of funding in the budget. Where is this money spent if we do not spend it on expanding the police stations for our own security? Even the cells and prisons in this country should be decent and habitable enough even for the inmates. This Report is timely. It deserves absolute support.

The expansion should not only be in Kajiado and Nairobi. It should be undertaken in the whole country. We need to revise the entire system of police infrastructure, police stations and cells. In addition, within the principles of the International Labour Organization (ILO) standards in terms of decent work, all workers must be given the necessary tools to do their work decently so that they are safe. UNICEF and WHO have given guidelines that any worker dealing with matters COVID-19 must be protected with Personal Protective Equipment (PPEs). That means decent equipment.

As has been stated by Hon. Nyikal, it is not only within the Police Force. This is also affecting schools. We have come to realise that schools' infrastructure is inadequate and it is almost practically impossible to reopen our schools because of the nature of infrastructure that we have. We have been very ambitious with the 100 per cent transition and have congested our schools.

Other than the Police Service, there are other areas. However, for the purposes of this Report, I support our Police Force. The men and women who are handling our security need the necessary infrastructure, tools and protection because they will be the frontline officers in enforcing our laws.

I support the Report. Congratulations Chair.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us have the Member for Wajir County, Hon. Fatuma Gedi.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Thank you, Hon. Temporary Deputy Speaker. I also want to join my colleagues to congratulate my Chair for the job well done. As a member and Vice-Chair of that Committee, I am impressed with the Report from the Chair.

It is not easy to go to 18 police stations. The circumstances are not easy. Police officers are human beings like us. It is not easy for them to secure our borders, enforce law and order and, at the same time, work during a difficult pandemic. Hon. Temporary Deputy Speaker, even when you are leaving this Chamber and going home at night in the rain, you can imagine them doing that work. It is really hard.

Remember those police officers also have families. They have vulnerable groups in their homes. They have children. At the end of the day, when they go back home, they have a family to protect. Many talk about the harsh areas in this country where people disregard even the Ministry of Health guidelines. It is really hard for them to enforce those guidelines when they themselves do not have enough protective gear. We expect them to do civic education. We expect them to monitor. You heard His Excellency the President say yesterday that "no mask no service, *bila barakoa, hakuna huduma*". Who are the people we want to enforce this? We are relying on them. How are we prepared? How are they prepared?

All our colleagues have talked about the police stations. They are all in pathetic situations, especially in the slums. The other time in the Committee, the Major-General in charge of the Nairobi Metropolitan was telling us how he found a slum with a population of 20,000 being served by one police station. It is really shameful. You then expect that small police station with a limited

number of officers to enforce law and order in that *kijiji*. It is really a big challenge. It is high time that the Ministry prioritized the lives of our officers because we are depending on them. If they are not there, we are done.

What are we talking about? The Ministry must prioritize protecting our officers and giving them a decent and comfortable uniform. Once our officers are comfortable and protected, even we as the citizenry are assured of our security and protection. When our officers are demoralized and their uniforms are not comfortable and they do not have enough *barakoa* and protective gear, how do we expect them to protect us and enforce all these regulations that we are talking about?

With that, I thank the Chair. I know it is not an easy job. I know that it is not easy to go through this country to make sure that our police officers are in decent and comfortable situation, and they can maintain law and order in this country. I urge the House to oversee the Ministry and make sure that those police officers whom all of us... They are working right now. From yesterday at night, they were supposed to enforce the new regulations. As the Legislature, we must support them so that they are comfortable and they can protect our lives.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us now hear the Member for Kabondo Kasipul, Hon. Obara.

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I too stand to support the Report of the Committee. I appreciate the Chairman together with his team for being proactive by moving with speed to look at the possible areas of risk. At the outset, I want to say that you are surely part of the solution to the problem.

I once had an occasion to see the carelessness of the police officers. In my village and constituency, they arrested a group of young men for not wearing masks. They filled them at the back of the Land Rover to take them to the police station. They were also in this same Land Rover. There was the risk of spreading that infection. I do not think that they were even sensitive to that because that was a fertile ground for infection.

From the Report that we have just gone through on Nairobi and Kajiado police stations, I can say without fear of contradiction that the same applies to almost all police stations across this country. That Report can be used to see how best we can improve the situations in those police stations. We urgently need civic education for our police officers to ensure that we do not spread this disease further. As it is now, all the countries are experiencing these challenges at the same time. You cannot even say that you will benchmark anywhere on how they have handled Covid-19 disease because it is the same thing. It is the new normal. My request to the Committee is to engage the police officers actively and see how this civic education can start or take place immediately. As I said before, this is a fertile ground for serious infection in this country which will now go back to the families and communities. You can imagine what mess that would be.

Thank you very much. I support the Report of the Committee. I once again congratulate the Committee.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Oduol Odhiambo, you have the Floor.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker for your indulgence. I am sorry because I was not here when you first called me. I had to attend to a constituent issue.

I join my colleagues by thanking the Chair of the Committee. When you look at the Covid-19 pandemic, there is a very clear indication that we require a culture change. We need to change how we engage in business. We need a change of the attitude of all Kenyans, and in particular, the

frontline workers. I support the Report because we can see that it has come with very specific indications of issues that need to be addressed. The police officers need PPE. We need to ensure that their infrastructure reflects the times and needs to bring them to a context where they will be well taken care of. Most importantly, I agree with Hon. Bunyasi. When I look at what is happening in our country, one of the key areas that I urge the Committee to focus on is capacity building to ensure that we bring change of attitude.

When I go to Siaya County, I wear a mask. Some of the people jokingly say that I am the one who has brought the Coronavirus. They think that if the virus is there, it is out there in the urban areas. Whenever somebody gets infected with the disease, they know in their mind that it did not come from them but out there. As I support this Report, I urge that we look at the attitude, perspective and the manner in which not only the police officers, but also all those whom they engage with and still think that Coronavirus is not serious. As the Chair indicated, even when we get them the PPEs, they will not observe social distance in the office. They will not do that because the office space is small and they do not keep social distance.

I support the Report of the Committee. I urge that we have a very serious component of capacity building. Hon. (Dr.) Nyikal mentioned the different categories of those who will be involved in this. I add that we need social scientists, particularly those who know how to deal with behavioral issues, and how you can speak to an audience in such a way that you resonate deep within their belief systems and train them.

I support the Motion. I once again thank the Chair of the Committee for coming up with these very clear proactive measures that will make a difference.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us now hear Hon. Omboko Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute. Like what Hon. Temporary Deputy Speaker said earlier on, I thank the Chairman for being in the House. Ordinarily, he should have moved out because his Motion is the last one on the Order Paper. This almost proves that age is not a factor because, earlier on, we were speaking about young and old.

I support this particular Report because it tries to protect the police officers. It appeals for the police officers to be protected. It also identifies them as frontline workers alongside other workers. They are at the entry point of all those who come in the system of the cells, prisons, remands and courts. They need to be protected because this is a serious entry point. The Report further seeks to motivate the Police Force. Given that they are frontline workers, let them be motivated by being given an allowance which I support strongly as a person with a background of labour movement. Therefore, this is a very good Report. Let these allowances be equal to the task that they are doing during this period of the Coronavirus pandemic.

The Report further gets out of the box to identify a bracket of people who were left out. However, I ask the Chair to use it as a pilot for all other areas because this is exactly what is happening in the entire country. Therefore, it should not be confined to Nairobi and Kajiado counties. I know that when we reported the first cases of Covid-19, those are the areas that were affected. However, this disease is now in the communities or villages where we come from. Therefore, let these policies not only refer and affect the urban centres, but also the communities and villages.

The Report is a tool to seek budgetary allocation from the Government to achieve things that have been recommended, which is very good. I want to emphasize that what needs to be

strengthened in this Report is capacity building and education. Be that as it may, Covid-19 is part and parcel of us. It should be treated as part of the life skills that we teach sometimes in schools. It should be taught to the Police Force and other players.

Hon. Temporary Deputy Speaker, I also want to indicate that this is a Report that has proved that we need to protect our forces by understanding that the frontline workers will always shift; yet the medical practitioners will remain. They will shift to the police and they have now shifted to the teachers of this country. That is because they are receiving students raw and are now points of entry. That is why we are seeing in the newspapers some teachers are dying because the young children are more resistant to the disease than the teachers.

I thank the Chair for expanding our scope of understanding the frontline workers who need to be protected. They are not only the police, but also teachers.

Thank you, Hon. Temporary Deputy Speaker for giving me this chance. I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): That marks the end of indicative interest to contribute. I now call upon the Mover to reply. Hon. Koinange, you have the Floor.

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Temporary Deputy Speaker.

I want to thank the Hon. Members for their contribution towards this Motion. I beg to reply. I request the deferment of putting of the Question to a later date.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): That is in order. The putting of the Question shall be effected when the business comes back on the Order Paper.

*(Putting of the Question deferred)*

That, Hon. Members, marks the end of our day.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Members, the time being 6.52 p.m., this House stands adjourned until Tuesday, 10<sup>th</sup> November 2020 at 2.30 p.m.

The House rose at 6.52 p.m.