



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Tuesday, 25th October 2022

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

Hon. Speaker: Hon. Members, I am satisfied that we have quorum to transact our business. Clerk-at-the Table.

COMMUNICATION FROM THE CHAIR

LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION

Hon. Speaker: Hon. Members, I wish to welcome you back to the House from the short recess with the hope that it was beneficial to you as you settle into the First Session of the 13th Parliament. As the House embarks on the second part of the Session, I wish to inform you that I have received a legislative proposal intending to amend the Constitution so as to entrench certain funds, among them the National Government Constituencies Development Fund, in the Constitution. The proposal is co-sponsored by the Member for Matungulu Constituency, Hon. Stephen Mule and the Member for Gichugu, Hon. Githinji Gichimu.

(Applause)

Hon. Members, the manner of amending a Constitution through parliamentary initiative is provided for under Article 256 of the Constitution. Standing Order 114 (7A) actualizes this process in the National Assembly by providing as follows:

In respect of a proposal to amend the Constitution—

(a) the proposal shall be accompanied by the signatures of at least 50 other Members in support, unless it is sponsored by the Majority Party or the Minority Party;

(b) where the Speaker approves the prepublication scrutiny of the proposal, the speaker shall notify the House of the approval and may—

(i) Allow the sponsor to make a statement on the objectives of the proposal;

(ii) Allow comments on the statement made by the Member;

(iii) Facilitate collation of the views from the comments of Members at an appropriate forum; and,

(iv) Invite Members with similar or related proposals to make submissions before the committee to which the proposal is referred.

Hon. Members, this new procedure is informed by the recent decision of the High Court that a Bill proposing to amend the Constitution cannot be amended once it is published. As such, the new procedure is aimed at collating as many views as possible from as many stakeholders and experts as may be practicable before a proposal to amend the Constitution is published into a Bill. Indeed, I know that the proposal by the two Hon. Members has complied with the first part of this new provision, having obtained signatures of over 200 Members of this House.

(Applause)

Consequently, as your Speaker, my obligation is to facilitate the rest of the process as provided for in the Standing Orders.

In this regard, Hon. Members, and in keeping with the requirements of the Standing Orders, I wish to notify the co-sponsors, the Member for Matungulu and the Member for Gichugu that on Tuesday, 2nd November 2022, I will accord them an opportunity of not more than 20 minutes each to make Statements on the proposal in the House. The statements should outline the contents and objectives of the proposal. During the same sitting, in order to facilitate the initial stage of collation of Members' views, I will also allow the House to make general comments on the proposals.

(Applause)

Thereafter, I will refer the matter to the Select Committee on the National Government Constituencies Development Fund or issue other directions in view of the comments that will be made by the Members on the proposal.

Hon. Members, in the meantime, the Clerk of the National Assembly is hereby directed to circulate the legislative proposal to all Members.

Thank you.

(Applause)

MESSAGES

Hon. Speaker: The Hon. Members who are at the bar, please take your seats.

(Several Members walked into the Chamber)

Hon. Members, I have two Messages.

NOMINATION OF PERSON FOR APPOINTMENT AS INSPECTOR-GENERAL OF POLICE

Hon. Members, pursuant to the provisions of Standing Order 42 (1), I wish to report to the House that I have received a Message from His Excellency the President regarding a nomination of a person for appointment as the Inspector-General of the National Police Service.

*(An Hon. Member walked into the Chamber
while the Speaker was on his feet)*

Order, Hon. Member! You may take your seat.

(Loud consultations)

Order, Hon. Members!

In the Message, His Excellency the President conveys that in exercise of powers conferred by Article 245 (2) (a) of the Constitution and Section 12 (2) of the National Police Service Act, 2011 as read together with Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates Engineer Japheth Koome Nchebere for appointment as the Inspector-General of the National Police Service.

Hon. Members, Article 245 (2) (a) of the Constitution states as follows:

The Inspector-General is appointed by the President with the approval of Parliament.

Further, Section 12 of the National Police Service Act, 2011 reads:

Pursuant to Article 245 (2) (a) of the Constitution, the Inspector-General of the Service shall be appointed by the President with the approval of Parliament. The President shall within 28 days after a vacancy occurs in the Office of the Inspector-General, nominate a person for appointment as an Inspector-General and submit the name of the nominee to Parliament.

Hon. Members, it is notable that the approval of the nominee will be undertaken by the two Houses of Parliament. In this regard, the vetting of the candidate will be done by a joint Sitting of the relevant committees of both Houses of Parliament, in accordance with the established practice.

Hon. Members, Section 8 (1) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that the committee to which such nomination is referred shall consider the matter and table a report in the House within 28 days.

As you are aware, the Departmental Committee on Administration and Internal Affairs is yet to be constituted. In this regard and in keeping with the resolution of the House of 12th October 2022 regarding the conveyance of messages during recess, yesterday, 24th October 2022, I notified all Members and directed the Clerk to cause the President's Message to be transmitted to all Members. I also instructed the Clerk to coordinate with the Clerk of the Senate so as to immediately facilitate the process of the statutory notifications to the general public ahead of the first sitting of the Joint Committee. The Clerk has already complied with that directive. This implies that the counting of time with respect to the vetting process commences today, Tuesday, 25th October 2022, being the first day following the statutory notification to the public.

Hon. Members, in summary and in accordance with the requirements of the Public Appointments (Parliamentary Approval) Act, 2011, the Standing Orders of both Houses and the practices of Parliament, it is notified as follows:

1. That the vetting of the nominee for appointment to the Office of the Inspector-General of the National Police Service shall be conducted jointly by the Departmental Committee on Administration and Internal Affairs of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate;
2. That the Chairpersons of the two Committees will co-chair the joint sittings and the secretariat will comprise officers of the two Houses;
3. That the quorum of the Joint Committee will be the corresponding quorums of each of the two Committees as stipulated by the respective Standing Orders;
4. That as contemplated under Rule 9 (6) of the Houses of Parliament Joint Rules, unless a decision is reached by consensus, any vote to be taken in the Joint Sitting of the Committees shall be by separate Houses.

This will ensure that the numerical difference of the individual Members representing the Houses in the joint sittings has no effect on the decisions of the Joint Sittings of the Committees; and that the Committees shall, having conducted the vetting hearings, submit a Joint Report to the respective Houses in the manner contemplated by the Standing Orders of the respective Houses.

Hon. Members, this Message, together with the resume of the nominee, will now stand committed to the Departmental Committee on Administration and National Security of the National Assembly sitting jointly with the Standing Committee on National Security, Defence and Foreign Relations of the Senate for consideration.

I thank you.

APPOINTMENT OF JOINT PARLIAMENTARY COMMITTEE
ON ELECTION OF MEMBERS TO EALA

Hon. Speaker: Hon. Members, the second Message is from the Senate on the establishment of a Joint Parliamentary Select Committee on the election of Members to the East Africa Legislative Assembly (EALA).

Hon. Members, pursuant to the provisions of Standing Order 41 of the National Assembly, I wish to convey to the House a Message from the Senate regarding the establishment of a Joint Parliamentary Select Committee on the Election of Members to the EALA. The Message conveys that the Senate on Tuesday, 18th October, 2022 appointed the following seven Senators to the Joint Committee –

1. Sen. Daniel Kitonga Maanzo, MP – Co-Chairperson
2. Sen. Raphael Chimera Mwinzangu, MP;
3. Sen. Joyce Chepkoech Korir, MP;
4. Sen. Miraj Abdullahi Abdulrahman, MP;
5. Sen. Chute Muhamed Said, MP;
6. Sen. Joseph Githuku Kamau, MP; and,
7. Sen. Beatrice Akinyi Oyomo.

Hon. Members, you will recall that, by a resolution made on Thursday 13th October 2022, this House appointed seven of its Members to the Joint Committee. The Membership of the National Assembly is led by the Member for Kipipiri Constituency, Hon. Wanjiku Muhia. This means the Joint Committee on Election of Members to EALA is now fully constituted as contemplated by the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017. Therefore, I urge the Co-chairpersons of the Joint Committee to urgently proceed to facilitate the process of nomination of Kenya's representatives to EALA as required by the said Rules and keep the House and the public informed on the progress of the matter.

I thank you.

Hon. Speaker: Next Order.

PAPERS

Hon. Kimani Ichungwah (Kikuyu, UDA): Hon. Speaker, I beg to lay the following paper on the Table of the House:

Report of the Committee on Appointments on the Vetting of Nominees for Approval as Cabinet Secretaries, the Secretary to the Cabinet and the Attorney General
Thank you, Hon. Speaker.

Hon. Speaker: The Majority Leader. Hon. Members, you will notice that we now have a Supplementary Order Paper that we will use to guide our proceedings from now henceforth.

NOTICES OF MOTIONS

ADOPTION OF REPORT ON NOMINEES
FOR APPOINTMENT TO CABINET

Hon. Kimani Ichungwah (Kikuyu, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Committee on Appointments in the vetting of the Nominees for Cabinet Secretaries, the Secretary to

Cabinet and the Attorney General laid on the Table of the House today, Tuesday, 24th October 2022; Pursuant to the provisions of Article 152 (2), 154 (2) and 156 (2) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act of 2011, this House:

1. Approves the appointment of Hon. Wycliffe Musalia Mudavadi, EGH, as the Cabinet Secretary in the Office of the Prime Cabinet Secretary.
2. Approves the appointment of Hon. Justin Bedan Muturi Njoka, EGH, as the Attorney General.
3. Approves the appointment of Hon. Aden Bare Duale, EGH, MP, as the Cabinet Secretary for Defence.
4. Approves appointment of Hon. Dr Alfred Nganga Mutua EGH, as the Cabinet Secretary for Foreign and Diaspora Affairs.
5. Approves appointment of Hon Alice Muthoni Wahome, MP, as the Cabinet Secretary for Water, Sanitation and Irrigation.
6. Approves the appointment of Hon. Prof Kithure Kindiki, EGH, as the Cabinet Secretary for Interior and National Administration.
7. Approves the appointment of Hon. (Prof.) Njuguna Ndungu, PhD, CBS as the Cabinet Secretary for National Treasury and Planning.
8. Approves the appointment of the Hon. Aisha Jumwa Karisa Katana as the Cabinet Secretary for Public Service, Gender and Affirmative Action.
9. Approves the appointment of Mr. Davis Kimutai Chirchir as the Cabinet Secretary for Energy and Petroleum.
10. Approves the appointment of Hon. Moses Kuria as the Cabinet Secretary for Trade, Investment and Industry.
11. Approves the appointment of Hon. Onesimus Kipchumba Murkomen, EGH, MP, as the Cabinet Secretary for Roads, Transport and Public Works.
12. Approves the appointment of Hon. Roselinda Soipan Tuya, CBS, MP, as the Cabinet Secretary for Environment and Forestry.
13. Approves the appointment of Mr. Zachariah Mwangi Njeru as the Cabinet Secretary for Lands, Housing and Urban Development.
14. Approves the appointment of Ms Susan Nakhumicha Wafula as the Cabinet Secretary for Health.
15. Approves the appointment of Hon. Franklin Mithika Linturi as the Cabinet Secretary for Agriculture and Livestock Development.
16. Approves the appointment of Mr Eliud Oketch Owalo as the Cabinet Secretary for Information, Communication and the Digital Economy.
17. Approves the appointment of Hon. Ezekiel Machogu Ombaki, CBS, as the Cabinet Secretary for Education.
18. Approves the appointment of Hon. Ababu Namwamba, EGH, as the Cabinet Secretary for Youth affairs, Sports and the Arts.
19. Approves the appointment of Ms Rebecca Miano, MBS, as the Cabinet Secretary for East African Community, Arid and Semi-Arid Lands, and Regional Development.
20. Approves the appointment of Mr Simon Kiprono Chelugui, EGH, as the Cabinet Secretary for Cooperatives and Micro, Small and Medium Enterprises Development.
21. Approves the appointment of Hon. Salim Mvurya, EGH, as the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs.

22. Approves the appointment of the Hon. Florence Chepnetich Koske-Bore as the Cabinet Secretary for Labour and Social Protection.
23. Approves the appointment of Ms Mercy Kiiru Wanjau, CBS, as the Secretary to the Cabinet.
24. Rejects the appointment of Hon Peninnah Malonza, OGW, as the Cabinet Secretary for Tourism, Wildlife and Heritage.

(Loud consultations)

Thank you, Hon. Speaker. I am certain that Members are aware that this is just the notice of the Motion. The Motion will be there for Members to debate.

Hon. Speaker: Order, Hon. Members. That is just a notice of Motion. Can we have order? Each one of you is going to have time to debate, ventilate on this Motion and eventually vote on it. You have the right to vote on it the way you want.

Hon. Members, if you look at the Supplementary Order Paper, Hon. Elsie Muhanda will be called upon to reply to her Motion whereafter, the Question will be put. After that, Hon. Titus Khamala will be called upon to move his Motion but will only be debated up to 3.30 p.m. I am giving you time to pick the Committee Report, have a look and read through it and at 3.30 p.m, I will call the Leader of the Majority Party to move the Motion whose notice has just been given. Whatever strong views you have on any of the nominees, I urge you to observe parliamentary decorum and dignity and debate the Motion and vote on it at the end of the debate tomorrow. So, we have time to debate this Motion from 3.30 p.m to the closure of business today and tomorrow for the better part of the morning. Thereafter, you will be given opportunity to make a decision. I encourage you that the power of your vote is greater than the loud voice that you may give in this House. At the end of the day, it is the power of your vote that matters more than the manner in which you vigorously express yourself through loud voices. I encourage us, as a House, to debate matters soberly and carry the dignity as representatives of the people of the Republic of Kenya. With the power to choose or reject whatever comes before you; that is the power nobody can take away from you.

Yes, Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, you need to tell Hon. Chepkonga that this is not the Eldoret Cooperatives Society but Parliament. He is intimidating me.

In relation to the notice of Motion that has been given...

(Loud consultations)

Hon. Speaker: Hon. Members, let us listen to Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, let me reserve my comment.

In relation to the notice of Motion that has been tabled by Hon. Ichung'wah, I want to bring to the attention of the House that when you tell them to go and get the Report of the Committee on Selection, that you chaired, I want to single out and ask them to pay attention to the fact that there is a Minority Report attached to the main Report for discussion in this House that is rejecting the nomination of Hon. Aisha Jumwa and Hon. Linturi. It is not only one person who is being rejected. We are rejecting three people in total, and I am urging Members to look at the Minority Report as well.

Hon. Speaker: Thank you, Hon. Junet. Your point is made. Hon. Members, the Report would be found in the documents office out there. Please, read and make informed choices when you vote.

Hon. Speaker: I am sorry. Hon. Elsie, kindly hold on because there are other notices of Motions before we come to you.

Hon. Yusuf, Member for Kamukunji. He is not in the House.

Hon. Members: ... (Off-record) He is in!

Hon. Speaker: Oh, he is in. If so, can he be given the microphone to give notice of Motion?

(Loud consultations)

Hon. Members, I understand that Hon. Yusuf is not ready to give notice of his Motion.

Hon. Yusuf Hassan (Kamukunji, JP): Hon. Speaker, I just need a copy of the Order Paper. The screen is not working.

Hon. Speaker: It will be availed to him. Hon. Yusuf, have you got the Order Paper? If so, kindly proceed.

KUBUNIWA KWA BARAZA LA KISWAHILI LA KENYA (BAKIKE)

Hon. Yusuf Hassan (Kamukunji, JP): Asante, Bw. Spika, kwa kunipatia fursaa hii ili nitoe ilani ya Hoja kuhusu kubuniwa kwa Baraza la Kiswahili la Kitaifa.

Bw. Spika, naomba kutoa ilani ya Hoja ifuatayo:

KWAMBA, tukitambua Kifungu cha 7 cha Katiba ya Kenya kinabainisha Kiswahili kuwa lugha pekee ya kitaifa, na pia lugha rasmi pamoja na Kiingereza, na aidha kwamba Serikali ina wajibu wa kulinda, kuendeleza na kukuza matumizi ya lugha za kiasili za watu wa Kenya; KUWA Vifungu vya 119 na 137 vya Mkataba wa Uanzilishi wa Jumuiya ya Afrika Mashariki vinawajibisha dola za Afrika Mashariki kustawisha na kuendeleza Kiswahili kama lugha ya mshikamano wa nchi wanachama; KWAMBA Mkutano wa 21 wa Marais wa nchi za Afrika Mashariki uliridhia Kiswahili kuwa moja ya lugha rasmi za Jumuiya ya Afrika Mashariki na kuwajibisha Tume ya Kiswahili Afrika Mashariki (East African Kiswahili Commission) kuwezesha kukoleza matumizi ya Kiswahili katika kanda hii; na KWAMBA Kiswahili ni moja ya lugha rasmi za Umoja wa Afrika, na kwamba Umoja wa Mataifa kupitia UNESCO umetenga kila Julai 7 kuwa Siku ya Kiswahili duniani; TUKIFAHAMU nchi ya Tanzania iliunda Baraza la Kiswahili la Taifa (BAKITA) mwaka wa 1967 na Zanzibar ikaanzisha Baraza la Kiswahili la Zanzibar (BAKIZA) mwaka wa 2004 kwa madhumuni ya kukuza, kuimarisha na kuendeleza Kiswahili eneo la Tanzania bara pamoja na visiwa vya Zanzibar; IKIFAHAMIKA Kiswahili ni lugha asili kwa jamii za Mkoa wa Pwani nchini Kenya na pia Wakenya wengi ni wazungumzaji wa Kiswahili; TUKIJUA lugha ya Kiingereza ina nguvu sana katika mawasiliano rasmi na hivyo kuchangia kudhoofika kwa lugha yetu ya Kiswahili; TUKITAMBUA uamuzi wa mkutano wa tatu wa Baraza la Mawaziri wa Kenya uliofanyika tarehe 14 Agosti 2018 ulioidhinisha kubuniwa kwa Baraza la Kiswahili la Kenya kulingana na Kifungu cha 137 cha Mkataba wa Uanzilishi wa Jumuiya ya Afrika Mashariki haujatekelezwa; BUNGE hili linahimiza Serikali Kuu—kupitia Wizara ya Michezo, Utamaduni na Mirathi, kwa ushirikiano na vyombo vya kitaifa na vya kibinafsi vinavyohusika na uboreshaji wa lugha ya Kiswahili—kuanzisha rasmi Baraza la Kiswahili la Kenya na kuzindua mikakati, mbinu na sera mahususi zinazohitajika kukuza na kuendeleza lugha ya Kiswahili.

Bw. Spika, kama Mbunge wa eneo la Kamukunji, ninakushukuru kwa kunipa fursa hii ili niwakilishe Hoja hii katika Bunge la Taifa.

Hon. Speaker: Order, Members. Next is notice of Motion by Hon. Mwengi Mutuse.

RECOGNITION AND REMUNERATION OF VILLAGE ELDERS

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that there have been village elders in every village in the Republic of Kenya; cognizant that the village is not formally recognized as an administrative unit in accordance with Section 14 of the National Government Coordination Act No.1 of 2013; noting that despite the said village elders offering services to the public and the Government, they are not remunerated, contrary to Article 41 of the Constitution on fair labour practices; further noting that in accordance with Sections 14 and 15 of the National Government Co-ordination Act No.1 of 2013, the Cabinet Secretary in charge of Interior and Coordination of National Administration in consultation with the President and the Public Service Commission have the power to establish national government administrative units and appoint administrative officers to serve under those units; recalling that Article 10 (2) (b) of the Constitution binds state organs and state officers to uphold human dignity which includes remuneration for work done; noting that village elders have existed for many years and interact with *wananchi* at the lowest level hence, their recognition is in public interest and their remuneration has been long overdue; this House therefore urges the national Government, through the Ministry of Interior and Coordination of National Administration, to –

- (i) establish all existing villages as administrative units in accordance with Section 14 of the National Government Co-ordination Act No. 1 of 2013; and,
- (ii) recruit and remunerate the existing village elders as administrative officers.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Mutuse.

Next Order.

MOTIONS

DEVELOPMENT OF SCHOOL FEEDING POLICY

That, aware that school meals are an important safety net for vulnerable children from food insecure households and communities in Kenya; appreciating that school meals have multiple benefits such as increased school enrollments and attendants; significant and positive contribution to reducing hunger and improving nutritional intakes; noting that primary school completion rates have been found to be higher in schools that provide meals; thus school meals remain a core development intervention to support the country's achievements in the education sector.

Recognising that some county governments have adopted direct and community-led initiatives for Early Childhood Development and Education (ECDE) school feeding programs; concerned that the exercise is not supported by a clear policy and budgetary framework and it does not support children in primary and secondary schools who form the basic education ecosystem; cognizant of the fact that where school meal programs have been initiated, it has

been noted that they encounter different challenges that impede their effectiveness. This includes insufficient resources due to low budgetary allocation and budget cuts; lack of a school feeding policy; inadequate safe cooking and drinking water; drought and famine; poor food storage; a lengthy procurement process; insecurity and dilapidated infrastructure among others.

This House, therefore, resolves, that the Ministry of Education, through the relevant State department, immediately develops a school feeding policy to cover basic education pupils, and sustain the program in order to ensure that children are maintained in schools for effective learning and improve their wellbeing.

(Moved by Hon. Elsie Muhanda on 13.10.2022)

(Debate concluded on 13.10.2022)

Hon. Speaker: Hon. Elsie Muhanda, you may proceed to reply to your Motion.

Hon. Elsie Muhanda (Kakamega County, ODM): Thank very much, Hon. Speaker for granting me this opportunity. First of all, I want to thank all Hon. Members for the overwhelming support they have given this Motion. It shows that, indeed, food is a basic need and the problem is deep in Kenya. Before I finalise my right to reply, I beg to donate one minute to each of the following Members: Hon. Mary Emaase, Hon Eng. Nzengu, Hon. Catherine Omanyo, Hon. Charity Kathambi, Hon. Nzambia, Hon. Malulu Injendi and Hon. Kombe.

(Loud consultations)

Hon. Speaker: Hon. Members, I appreciate that we have just come back from recess. You can retreat to the lobby and exchange views.

Hon. Elsie Muhanda (Kakamega County, ODM): Hon. Speaker, because of the overwhelming support and interest this Motion has elicited, with Members having debated it past 9.00 p.m, I wish to donate a minute to each of six Members so that they may comment on it.

Hon. Speaker: Go ahead. Who is the first one?

Hon. Elsie Muhanda (Kakamega County, ODM): Hon. Mary Emaase.

Hon. Speaker: Mary Emaase one minute.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon Speaker. Indeed, this is a very important Motion. I want to thank Hon. Elsie for bringing it to the House. School feeding programme has worked well especially in jurisdictions where it has been embraced, like in Bangladesh. The programme resulted in a significant increase in school enrolment rates, reduced malnutrition and enhanced retention of students in schools. In a period of five years, between 2011 and 2016, the enrolment rate went high from 56,000 to 2.53 million students in Bangladesh, where this programme was implemented in partnership with the World Food Programme (WFP).

I support this Motion. I want to encourage the Member to go further and formulate a Bill so that we can develop a national government policy on school feeding programme and have a strategy for its implementation. This will enable us to maintain our children in schools, hence improving their academic results because children will be encouraged to stay in school.

Thank you, Hon. Speaker.

Hon. Speaker: Time up. Proceed, Hon. Nzengu.

Hon. Eng. Paul Nzengu (Mwingi North, WDM): Thank you, Hon. Speaker. At the outset, I want to thank Hon. Elsie for giving me one minute to add my voice to this Motion on school feeding programme.

In supporting this Motion, I want to underscore the importance of the school feeding programme. This is because some of us are in this Parliament because we were educated. In those years when we were young in primary school, we were fed in school. Those who were there during the Moi Era will remember the School Milk Programme. Very many people who come from areas like mine were educated through the support of the school feeding programme.

With those remarks, I support.

Hon. Speaker: Hon. Kathambi

Hon. Charity Chepkwony (Njoro, UDA): Thank you, Hon Speaker. Allow me to thank Hon. Elsie for coming up with a very good Motion. It is good to also remember that right now we are having drought in different parts of this country. We have students who are not going to school because of problems in matters of food security. I stand to support the Motion because some of us come from constituencies where some students cannot attend school. I come from Njoro Constituency, where students in some wards cannot attend school due to lack of food.

Therefore, I support the Motion because if we ensure that there is a feeding programme in schools, we will also emphasise on a healthy diet.

Hon. Speaker: Hon. Nzambia

Hon. Thuddeus Nzambia (Kilome, WDM): Thank you, Hon. Speaker for giving me this opportunity. First, let me thank God for making me get re-elected to this Parliament. I thank my family, together with my constituents, for re-electing me to serve them a second time. I will be very brief in supporting this Motion.

I had the opportunity to serve in the Departmental Committee on Education in the last Parliament. I remember very well that we passed a budget of about Ksh2 billion for the school feeding programme. I urge the Government to settle down very fast and disburse the funds to schools before they close. In Arid and Semi-Arid Lands (ASALs), all schools were considered. I think it is the best time for the Government to release the funds so that we can keep students in school.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Malulu Injendi.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Speaker. I want to congratulate Elsie for bringing this Motion, which is really timely. Those of us who sat for Certificate of Primary Education (CPE) exams will remember that we had a school feeding programme. We had a school milk programme in primary schools in the 1970s, which enticed some of us to remain in school since we drank milk every day.

I second this Motion because it is timely for most Kenyans. I know what is happening in most of our schools currently. Parents are paying money to have this programme in schools. Those who are unable to pay, it is very embarrassing and dehumanising. The students who have not paid are kept in the field as those who have paid eat.

(Loud consultations)

Hon. Gathoni Wamuchomba (Githunguri, UDA): On a point of order, Hon. Speaker.

Hon. Speaker: Order, Hon. Injendi! There is a point of order. Yes, *Mheshimiwa*. Give the microphone to the Member.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon Speaker, I rise on point of order in line with Standing Order 107 (c) to inform you – because the Speaker has neither eyes

nor ears – that the level of consultations in the House is too disruptive for us to follow the proceedings.

Thank you, Hon. Speaker

Hon. Speaker: Indeed, Hon. Members, I have already said that you are canvassing in loud voices, making it difficult for those interested in the debate to follow. Try and lower your tones in your conversations.

Malulu Injendi, had you finished?

Hon. Malulu Injendi (Malava, ANC): Hon. Speaker, this programme should be taken over by the Government so that we have a systematic way of ensuring that there is food in schools. I know most pupils will remain in school and study. Most pupils who suffer are from poor families and, interestingly, these are the families with bright children.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Kombe

Hon. Harrison Kombe (Magarini, ODM): Asante, Mhe. Spika. Nachukua nafasi hii kumpongeza Mhe. Elsie kwa kuleta Hoja hii. Ni wazi na dhahari kwamba katika shule nyingi, haswa za msingi, watoto wengi hawaendelei na masomo kwa ajili ya janga la njaa. Wakati mwingi utawapata wanahudhuria asubuhi na saa nane hawarudi shuleni kwa sababu hawawezi kumudu hali hii ya njaa. Wale wachache wanaoweza kurudi shuleni pia utawapata wanalala, hawana wakati wa kusikiza kwa makini yale wanayofundishwa. Mhe. Spika, ningeomba mara tu Hoja hii inapopita, Kamati ya Utekelezaji wa Hoja kama hii ichukue hatamu na kuhakikisha kuwa inatekelezwa.

Hon. Speaker: Hon. Omanyo.

Hon. Catherine Omanyo (Busia County, ODM): Thank you, Hon. Speaker. I was very excited when I heard about this Motion. I support it fully. When students or people wear uniforms, nobody can discover who is poor or who is rich. Similarly, if all children are given some food, there will be no stress because nowadays there are rising cases of mental health. Sometimes it is the environment that a kid was raised in that makes it difficult for them to be focused.

On the concept of unity or uniformity, when children eat together and nobody notices that that one misses lunch because they have not paid, they will grow up learning how to share and we will not raise a selfish society.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Elsie, there is a request from Hon. Kiarie of Dagoretti South to take a minute from you as well. Do you mind? Please, give him the microphone.

Hon. John Kiarie (Dagoretti South, UDA): Thank you very much, Hon. Speaker. I will start by commending Hon. Elsie for bringing such a timely Motion on school feeding. I would like to report to this House that beyond just pushing a Motion, formulating legislation and forming a policy on school feeding, school feeding is practically possible in any constituency in this country. I say so as the Member of Parliament from the only Constituency in the Republic that has a comprehensive school feeding programme.

Hon. Elsie, I would like to build on your school feeding programme. First, it is very essential. Secondly, the model that works in Dagoretti South Constituency involves a number of stakeholders. For starters, the Dagoretti South Constituency National Government Constituencies Development Fund (NG-CDF) built a central kitchen in one of the schools in the Constituency. From that central kitchen, we are able to feed 12,000 students every day. We have been able to work out a logistical mechanism of food distribution where food is prepared by 8.00 a.m, it is ready by 9.00 a.m, packed by 10.00 a.m, and by 11.00 a.m, it is distributed around the constituency. It arrives in all schools at around the same time while it is still hot. We have dismantled food cartels in the constituency.

Hon. Speaker: Your time is up. Hon. Elsie, you have three minutes to go. I understand that you have donated one more minute to Hon. Kimilu. Is that correct?

Hon. Elsie Muhanda (Kakamega County, ODM): Yes, Hon. Speaker.

Hon. Speaker: When Hon. Kimilu finishes, you can close your debate.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Speaker, for giving me this opportunity. I thank Hon. Elsie for this very important and timely Motion.

Currently, most children are not going to school due to lack of food. This is a very important Motion. I support this Motion because I get calls every day from parents, teachers, and the community due to hunger. The drought is persisting, and children are suffering.

I support the Motion. Thank you, Hon. Muhanda, for a very important Motion.

Hon. Speaker: Hon. Elsie, you now have two minutes to wind up.

Hon. Elsie Muhanda (Kakamega County, ODM): Hon. Speaker, in winding up, you can see how this Motion has generated a lot of interest because the situation on the ground is bad. Right now, 3 million Kenyans are hungry, and 10 counties are food insufficient. I beg that we seriously take up this matter as a country. I urge the education department and all other agencies to take up the matter. I propose that the passage of this Motion should be followed by a Bill for legislation into an Act of Parliament because according to Article 53 of the Constitution, food is a basic need. A hungry child cannot go to school.

I urge that we take this Motion very seriously and move with speed to develop the proposed policy.

With those remarks, I beg to reply.

(Question put and agreed to)

REVIEW OF TEACHERS DEPLOYMENT POLICY

Hon. Titus Khamala (Lurambi, ODM): Hon. Speaker, I beg to move the following Motion:

THAT, aware that education is a key enabler of national development and realisation of Kenya's Vision 2030 and the Sustainable Development Goals; appreciating the invaluable role that teachers play in actualising the national goals of education; noting that a conducive working environment for teachers enhances performance; recalling that the delocalisation of teachers commenced in 2018 by the Teachers Service Commission immensely disrupted teachers' lives, lowered teacher morale and caused untold trauma to many teachers countrywide; concerned that the exercise was not supported with a clear policy framework and was initiated without the participation of teachers or their unions contrary to Articles 118 and 132 of the Constitution on public participation and involvement of the people in the process of policy making; cognisant of the fact that delocalisation of teachers is inconsistent with the United Nations Educational, Scientific and Cultural Organization (UNESCO) teacher deployment practice, which treats education as a culture process conducted within a people's cultural context at the local level; this House resolves that the Teachers Service Commission immediately reverses the ongoing delocalisation of teachers and initiates a comprehensive review of the teacher deployment policy with the involvement of teachers in order to make the policy consistent with the International Labour Organisation (ILO) and UNESCO laws and practices on teacher management and deployment.

Hon. Speaker, I thank God for the opportunity he has given me. I thank the people of Lurambi for electing me for a second time. As I move this Motion, we are all aware that we

have a problem in our schools. Education is what we can give to a country. Our children and generations to come can only be guaranteed when we have a better framework of education. I rise here today to speak on the issue of delocalisation, which commenced in 2018. Without any preparations or participation by unions and stakeholders, the Teachers Service Commission began to move teachers from one school to another. Teachers were moved as animals and not as human beings.

Education is culture-based. When I was in school, my teacher began to teach me in this format: *ma me mi mo mu, pa pe pi po pu*. Education is culture-based and local. You can imagine if, in my school - Shibuli in Butso, I had a teacher from another place with a different accent teaching me how to say those sounds. The TSC contravened the basic tenets of education. Education is local. Teaching is local. We are building and putting up a lot of infrastructure in schools. We pride ourselves on the number of schools we have built as Members of Parliament. We put up storey buildings but we forget that if the welfare of the teacher is not taken care of, the storey building is of no good. Teachers whose welfare is taken care of can post good results even if they are teaching under a tree. We have invested heavily and immensely.

(Loud consultations)

Hon. Speaker, I pray that you protect me. There are loud consultations.

Hon. Speaker: Proceed. It is relatively lower now.

Hon. Titus Khamala (Lurambi, ODM): Hon. Speaker, I am forced to raise my bishop voice.

Hon. Speaker: I have heard you talk very loudly in your church. Speak like that.

(Laughter)

Hon. Titus Khamala (Lurambi, ODM): Thank you, Hon. Speaker. I will proceed. I speak on behalf of very many teachers. When delocalisation came into place, teachers' unions were stifled and left lifeless yet they were supposed to defend teachers. I will mention Hon. Omboko Milemba, who is here and was in the last Parliament. He could not speak on behalf of teachers because TSC was harassing him.

Hon. Speaker: There is a point of order from Hon. Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. In as much as I appreciate the Member for Lurambi for this very good Motion, which I am prepared to speak to, I do not think it is in order for him to shout out my name in Parliament. I am the National Chairman of teachers of Kenya and I speak for them when I have to speak for them. Now that we are in parliament, I ask him to be orderly by speaking parliamentary issues without necessarily shouting out my name and saying I did not speak on behalf of teachers yet that is the work I do.

Thank you, Hon. Speaker.

Hon. Titus Khamala (Lurambi, ODM): Hon. Speaker, I appreciate Hon. Omboko Milemba, who is my friend. It was on a light note. I know what he and Hon. Sossion went through. It was a very difficult time.

Delocalisation completely undermines performance because teachers are posted to areas where they do not want to go. I visited a secondary school in my constituency and had a conversation with the principal, who asked me why he was posted there yet I was not the one who did so. Teachers are demoralised because they are plucked off from point "A" and taken to point "B" without psychological preparation. We have to realise that teachers are human beings who have families. You will find a young couple, both of whom are teachers, being

taken to different locations. These teachers suffer from financial constraints because they are not adequately paid by TSC to be able to afford renting separate houses.

When I was growing up, teachers were the people who made our society what it was then. They were the people who were running the economy—they were employers, great stakeholders and would plan for the society, community and villages. They were the guests of honour at any given fundraising in the community. When teachers are delocalised, we do not think of their being worried about their spouses. Think about delocalising a 50-year-old man, a respected grandfather who has been operating from his home where he has cows, to a place where he lives in a single room behind shops while cooking for himself. You find a man moved from Kakamega to Siaya, Eldoret or Ukambani where they have to rent a room.

The TSC has broken marriages. The TSC has destroyed families. It is important for us to realise that when families are broken, a nation is broken. The family is the fabric that holds a country together. You find a 58-year-old man taken to another county and he has to cook and fend for himself. Soon a young woman finds her way into the life of this old man and he will start a new family just two years to retirement, not because it is something he wanted to do but because of the circumstances. Challenges of cooking and looking for vegetables distracts a once stable family. Some homes look like museums because they have been deserted.

If we are thinking about service delivery, performance, quality and excellence in education, we must think about the welfare of the teacher first. We know teachers can teach anywhere. As a Kenyan, if you are employed by the Government, you can work from any station in this country. However, when we look at the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) laws that are governing teaching as a practice, it is supposed to be local and culture based.

Hon. Speaker, it has been hell on earth for teachers since the inception of delocalisation in 2018. This exercise was undertaken by the Teachers Service Commission (TSC) without any consultation and public participation which abuses the Constitution. We know very well that public participation is key to any reform, policy making and implementation. Before we implement and make changes, we have to consult and talk to stakeholders. I beg this House to consider this issue of delocalisation. We do not want to do what I would say a plastic undertaking. We have to do something holistic to ensure that teachers do not live in fear. Our teachers should not be working in environments where they are thinking this is October and do not know where they will go in January. We do not want a situation whereby the Teachers Service Commission treats teachers as if they are objects of work.

The Teachers Service Commission ought to respect and treat teachers as human beings. The Teachers Service Commission has to respect families and has to realise that it is not just about deployment and sending teachers to work but the welfare of the children, learners and students. Some teachers teach in hostile environments. For instance, you find there is a principal that has been removed from a school and a new principal is posted but the community rejects him. That principal cannot land in that station because perhaps the former principal was performing but the new one who has been brought has a history of non-performance. I have seen schools where parents have marched to the school to evict the principal and the pupils were cheering. It was like a political rally and I was just wondering what we are putting our children through. What kind of investment are we making in our children if we cannot teach them to respect their teachers?

Teachers are humiliated because they are not accepted. It will take a delocalised teacher a year to learn the local language and culture. We know that English and Kiswahili are the national languages. Our mother tongues, the first language in the rural constituencies, help us to develop a child. For a child who has been raised by a mother and a father who have never gone to school, perhaps their mother tongue could be the only language they speak. You find

that a teacher who has been delocalised has to take a lot of time to learn the culture and understand how things operate to become effective.

This is a very important Motion because it is going to end delocalisation. We have to find a way for our teachers to teach wherever they want. We have some teachers with medical conditions whereby whenever they are taken out of comfort of their homes or friendly zones where they teach from, health issues escalate thus becoming an impediment for them to perform.

I beg that this House will consider this Motion. With your permission, I call upon Dr. Oundo Mudenyi to second this Motion.

Hon. Speaker: Hon. Khamala, I agree that you need a seconder and Hon. Mudenyi will second your Motion at an appropriate time. I want to now stay your Motion and go back to the Order on the Approval of Cabinet Nominees and invite the Leader of the Majority Party to move his Motion.

(Debate on Motion adjourned)

SPECIAL MOTION

APPROVAL OF APPOINTMENT OF CABINET SECRETARIES, THE ATTORNEY GENERAL AND SECRETARY TO THE CABINET

Hon. Speaker: The Serjeant-at-Arms and his staff are distributing the Reports. Try as much as possible to get the report to as many if not all Members as quickly as you can. We can make with what we have. Go ahead the Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the Committee on Appointments in its First Report on the Vetting of Nominees for Approval as Cabinet Secretaries, the Secretary to the Cabinet and the Attorney General, laid on the Table of the House today, and pursuant to the provisions of Articles 152(2), 154(2) and 156(2) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House –

(i) approves the appointment of the following persons as Cabinet Secretaries –

	NOMINEE	STATE DEPARTMENT/OFFICE
(1)	Hon. Wycliffe Musalia Mudavadi, EGH	Office of the Prime Cabinet Minister
(2)	Hon. (Prof.) Kithure Kindiki, EGH	Cabinet Secretary, Ministry of Interior and National Administration
(3)	Prof. Njuguna Ndungú, CBS	Cabinet Secretary for National Treasury and Economic Planning
(4)	Hon. Alice Muthoni Wahome	Cabinet Secretary, Ministry of Water, Sanitation and Irrigation
(5)	Hon. Aden Bare Duale, EGH	Cabinet Secretary, Ministry of Defence

(6)	Ms. Rebecca Miano, MBS	Cabinet Secretary, Ministry of East African Community, the ASALs and Regional Development
(7)	Hon. Alfred Ngang'a Mutua, EGH	Cabinet Secretary, Ministry of Foreign and Diaspora Affairs
(8)	Hon. Aisha Jumwa Karisa Katana	Cabinet Secretary, Ministry of Public Service, Gender and Affirmative Action
(9)	Hon. Moses K. Kuria	Cabinet Secretary, Ministry of Trade, Investment and Industry
(10)	Hon. Rosalinda Soipan Tuya, CBS	Cabinet Secretary, Ministry of Environment and Forestry
(11)	Hon. Onesimus Kipchumba Murkomen, EGH	Cabinet Secretary, Ministry of Roads, Transport and Public Works
(12)	Mr. Zacharia Mwangi Njeru	Cabinet Secretary, Ministry of Lands, Housing and Urban Development
(13)	Ms. Susan Nakhumicha Wafula	Cabinet Secretary, Ministry of Health
(14)	Hon. Frankline Mithika Linturi	Cabinet Secretary, Ministry of Agriculture and Livestock Development
(15)	Mr. Eliud Okech Owalo	Cabinet Secretary, Ministry of Information, Communication and the Digital Economy
(16)	Hon. Ezekiel Machogu Ombaki, CBS	Cabinet Secretary, Ministry of Education
(17)	Mr. Davis Kimutai Chirchir	Cabinet Secretary, Ministry of Energy and Petroleum
(18)	Hon. Ababu Namwamba, EGH	Cabinet Secretary, Ministry of Youth Affairs, Sports and the Arts
(19)	Mr. Simon Kiprono Chelugui, EGH	Cabinet Secretary, Ministry of Cooperatives and Micro, Small and Medium Enterprises (MSME) Development
(20)	Hon. Salim Mvurya, EGH	Cabinet Secretary, Ministry of Mining, the Blue Economy and Maritime Affairs
(21)	Hon. Florence Chepngetich Koske-Bore	Cabinet Secretary, Ministry of Labour and Social Protection

(ii) approves the appointment of Hon. Justin Bedan Muturi Njoka, EGH, as the Attorney General;

(iii) approves the appointment of Ms. Mercy Kiiru Wanjau, CBS, as the Secretary to the Cabinet; and,

(iv) rejects the appointment of Hon. Peninah Malonza, OGW, as the Cabinet Secretary for Tourism, Wildlife and Heritage.

In moving this Motion, allow me to appreciate in a very special way all the 21 Members, including you as the Chair of the Committee on Appointments, who sat diligently for an average of 12 hours a day, from 8.00 a.m. in the morning and at times to close to 9.00 p.m. every day from last Monday to Saturday in the evening to consider all the 24 nominees—22 nominees as Cabinet Secretaries, Secretary to the Cabinet and the Attorney General— in a record five days with the exception of Mashujaa Day when we took a break.

Hon. Speaker, it is out of these Members' commitment, 21 Members from both sides of the political divide that we were able to come up with this very bulky Report that Members will go through. His Excellency the President communicated all the nominees to the House. All of them were considered on merit. We also considered their suitability to serve in the offices that they have been nominated to. The culmination of all these deliberations is this Report that is before us.

Members will appreciate that there are certain issues that are put into consideration during approval hearings as provided for in Section 6 (7) and (8) of the Public Appointments (Parliamentary Approval) Act, 2011. Section 6 (7) provides that an approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and their background. Section 6 (8) states that the criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate.

Hon. Speaker, I want to confirm that these criteria that are set out in this particular Section 6 (8) of the Public Appointments (Parliamentary Approval) Act (2011) guided the Committee. We considered the academic credentials of all the candidates, their professional training and experience in places where they worked before. We considered issues to do with their personal integrity as individuals and also in office for those who held public and other private offices before, and also their background.

I must indicate that some of the nominees, as many Members here, possess a background that resonates with very many Kenyans who hustle out there. Members who are here are also an inspiration to many Kenyans out there. I must take this opportunity to particularly point out somebody like Hon. Aisha Jumwa. In consideration of her background, and many Kenyans were watching, she was unable to take the Committee through her very humble background and beginning in a huge family of 47 children. However, she clearly articulated the struggles that she went through in school, dropped out of school, got pregnant and bore children at a very young age in Form Two. However, she recollected and picked up her life again, and then she went back to school and educated herself all the way to the university. She was also elected and nominated as a Member of County Assembly (MCA). Eventually, she was elected as Kilifi Woman Representative, Member for Malindi and then she ran for a gubernatorial position. As much as she never made it as a Governor, she found favour in the eyes of the President who nominated her as Cabinet Secretary in charge of the Ministry of Public Service, Gender and Affirmative Action.

I remember her response to Hon. Pkosing. She told him that she is not only an inspiration to the girl-child in Kenya but also to the girl-child in West Pokot County where he comes from. In many of our backgrounds, constituencies and counties, young girls drop out of school because of early pregnancies in their teenage years and forced marriages. She stated that she is an inspiration to many of these young girls who then can recollect themselves, pick up their lives and make something out of them.

I commend Hon. Aisha Jumwa. Even as we recommend her approval today, we bear in mind that she demonstrated her suitability, despite the challenges that have been laid out in the

Minority Report. As Hon. Junet indicated, it is true that this Report has an appendix at the back of the main Report. The last few pages has a Minority Report which touches on Hon. Mithika Linturi and Hon. Aisha Jumwa.

It is important to note, and Hon. Junet pointed out, that it is within the rights of any Member of Parliament sitting in a committee or plenary like this to debate, agree and disagree. On the question of the approval, we unanimously agreed to approve all the nominees in the Committee. The rejection of a nominee that is proposed in this Report was unanimous in the Committee without taking a vote. However, on the two nominees, Hon. Aisha Jumwa and Hon. Mithika Linturi, we took a vote in the Committee. Ten of us voted for approval of both candidates. Seven Members recorded their dissent. That is why they have their dissenting Report on Hon. Aisha Jumwa. One Member, Hon. Mishi Mboko, abstained. Eight Members recorded their dissent on Hon. Mithika Linturi. It is within their right to do so and we respect that. I want to ask Members to listen to each other and respect each other's views. The views in this Report are those of the Committee, having considered what came before them and what was said.

It is important to also point out that the Constitution spells out certain criteria and statutory requirements that should be adhered to in appointment of persons to public office. Amongst these is the question of the two-thirds gender rule. I want to confirm to the House that criterion was met through the appointment of the nominees proposed by His Excellency the President. Two is representation of regional and ethnic diversity. Members will appreciate that there is a very good semblance of regional and ethnic balance, and also our diversity as a country.

Unlike in previous times, we cannot say that this is a Cabinet that represents only the areas that voted for His Excellency the President. He appreciates that he was elected to serve Kenyans without favour, fear and regard to those who voted for him or his administration, and those who did not. That is why he nominated people from across the country. I know with only 22 Members serving in Cabinet, it is not possible to cover all our counties. However, these nominees meet the requirement in regional balance and ethnic diversity.

Leadership and integrity is also another requirement that we look at in line with our Constitution. Having gone through the provisions of the Constitution and what is required of us, I want to confirm that the Committee ensured that all the nominees proved to us that they are beyond reproach.

I want to emphasise the need for all our nominees to prove that they are beyond reproach. I know there are those with a different view from the Minority side, especially on the two nominees. All matters on Hon. Aisha Jumwa were canvassed in the Committee including charges that have been levelled against her and the affidavits that were filed against her. With regard to Hon. Mithika Linturi and Prof. Njuguna Ndung'u, the Committee considered all these petitions and memoranda that were filed by members of the public in line with the constitutional provisions to allow for public participation. Kenyans did not just exercise their constitutional right to public participation by submitting memoranda to the National Assembly to be considered as we vetted the nominees. They participated in the actual vetting of these nominees.

We thank and appreciate the Fourth Estate for the work they did to cover the proceedings from morning to late in the evening. Through the Fourth Estate (media agencies and companies), Kenyans participated in the vetting. I appreciate millions of Kenyans who supported the Committee, vetted these nominees together with us and would even send in questions by text messages and *WhatsApp* and some by making phone calls over lunch time putting specific questions to nominees. Many of the Committee Members represented their people by asking some of the questions that members of the public had sent.

It is with great appreciation that I note that our country has come of age. Kenyans are now very conscious of what is going on in their country. I am sure that last week from 8.00 a.m. to 8.00 p.m. most Kenyans were glued to their televisions watching and participating in the vetting exercise. As we seek to approve these nominees, you will agree with many of us and the many Kenyans that these are the nominees who have passed the test of time.

Without dwelling on the issues that have been raised in the Minority Report, the area where we could not agree with the Minority side was more ideological than anything else. There are those of us who believe that in line with our Constitution, every Kenyan has the right to carry the presumption of innocence until proven guilty by a competent court of law. It is true that Hon. Aisha Jumwa has been charged in court but there is no court in the Republic of Kenya that has passed any judgement on her. The same applies to Hon. Mithika Linturi. It is worth noting that the criminal case that had been levelled against Hon. Mithika Linturi was withdrawn by the Office of the Director of Public Prosecutions (DPP).

I know the Minority side observed that Hon. Linturi without being prompted, volunteered information to the Committee that he has another close to 35 cases in court. He was emphatic that none of those cases that he is prosecuting in court are criminal in nature. They are all civil cases. I want to beg this House to agree with the Majority that these two nominees are presumed innocent until they are proven guilty in a competent court. Since that has not happened, it is only right that we give them the benefit of the doubt. In line with our statutes and the Constitution, should any of them, even those who have no cases in court, be found guilty of any criminal offence, it is within the powers of this House to impeach and recall that Cabinet Secretary.

We put that question on one of the nominees. Whether if they were to be found guilty, they would be willing to take responsibility and many of them were emphatic that they would be willing to take responsibility, like others before them. It is only fair that we ensure that we allow the Judiciary and the Office of the DPP to do their work without interference. These nominees should not in any way interfere with the cases that have been filed against them. The one whose case was withdrawn was on the DPP's own volition upon the complainant voluntarily withdrawing a case that had been filed against Hon. Mithika Linturi.

The other issue that has been raised is on the nomination of Hon. Wycliff Musalia Mudavadi as the Prime Cabinet Secretary. You remember when this issue was raised before the Committee in our first meeting you did address it. It is within the powers of the President under Article 132 and Article 152 (2) as read together with Section 10(1) of the National Government Coordination Act No.1 of 2013, to appoint, designate the title and assign factions to a Cabinet Secretary provided the total number of CSs being nominated by the President do not exceed 22. It is important for Members and the nation to note that Hon. Musalia Mudavadi, in line with your ruling as our Chair, was nominated by the President to serve in the Office of the Prime Cabinet Secretary as one of the 22 CSs. The other additional nominee to make the list that you have just read is Ms. Mercy Kiiru Wanjau who will serve as the Secretary to the Cabinet and is therefore not a Member of the Cabinet but an *ex-officio* Member together with the Attorney-General.

Hon. Peninah Malonza, OGW was nominated as Cabinet Secretary for Tourism, Wildlife and Heritage. It is important to state that this was a decision by the Committee but at the end of the day the Committee works on behalf of this House. It is up to the House to make a decision on all these nominees and decide whether to approve or disapprove them. The decision of the Committee to reject her nomination is not a vindication on her suitability to hold public office. We considered and looked at her academic credentials. The nominee is very well qualified. She is a holder of a Master's Degree in Project Planning and Management, which she got in 2008. She has a Higher Diploma in Psychology Counselling Management and a Bachelor of Arts in Anthropology all from the University of Nairobi which she got in 1998.

She has also undertaken several short courses. She met all the requirements of Chapter Six of the Constitution on Leadership and Integrity having obtained her clearance certificate just like all the other nominees. The Attorney General nominee and the Secretary to the Cabinet nominee obtained their clearance certificates from Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Director of Criminal Investigations (DCI), the Office of the Registrar of Political Parties (ORPP), to state whether they are active members or officials of political parties and the Higher Education Loans Board (HELB). It is also on record that this particular nominee, Hon. Peninah Malonza, has not been charged in any court of law in the past three years.

In terms of her political party affiliation, and in as much as she noted she was a member of United Democratic Alliance (UDA) having ran as a Woman Representative in her home county, she does not hold office in any political party. We also noted that the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Article 75(1) on conflict of interest or on Article 76 on financial probity or Article 77 on restriction of activities of state officers and Article 78(2) on dual citizenship, as she is a Kenyan citizen in line with our Constitution.

The Committee in considering this particular nominee, if you read on page 109, stated that the nominee did not demonstrate knowledge of topical, administrative and technical issues touching on the Ministry of Tourism, Wildlife and Heritage. Consequently, the nominee lacks requisite abilities and experience to serve as a Cabinet Secretary for Tourism, Wildlife and Heritage. That is why I am stating that this recommendation by the Committee is not in any way an indictment on Hon. Peninah Malonza.

We have not indicted her on her credibility in terms of her integrity in line with our Constitution, her academic qualifications or work experience. She has a very rich history, having worked as a Deputy Governor, under Governor Malombe in Kitui County. She was the Deputy Governor between 2013 and 2017; a Training Partner and Support Director for Compassion International, Kenya, between the years 2012 and 2013, and also served as the Programmes Supervisor at Compassion International during the period of 2010 to 2012. She served as a Senior Programme Facilitator as well from 2009 to 2010 and a Programme Facilitator during 2006 to 2009 for Compassion International. She also served as a Project Director for Changamwe Baptist Church between 2002 and 2006 and a Project Coordinator for AMREF at Kibera based health community care programme in 1999.

I am only enumerating this because it may be misconstrued that having looked at her qualifications and integrity, the Committee found nothing that would make her pass or suitable as Cabinet nominee for Tourism, Wildlife and Heritage. It is only out of the one interview and it is good to mention, and many of us in this House may take it for granted, that when you walk into an interview room where you find Members of Parliament that probably you only see on television staring at you, with close to 30 or 40 cameras focusing on you, it is probable that a nominee panics and becomes anxious. I saw this happen not just to this particular nominee but to at least four others. They panicked, become anxious, lost their line of thinking and at times forgot simple and basic things. At times, it took Members to crack a joke or two to make them relax.

We must appreciate that this lady, besides having been a Deputy Governor, lost as Deputy Governor in 2017 when Governor Malombe lost elections. Nonetheless, she recollected herself and ran for the position of Woman Representative under UDA ticket in her home county and as you know, Kitui County was not a UDA or Kenya Kwanza stronghold but she did extremely well. Having come from an election that she had lost and having gotten subjected to a gruelling vetting for close to two hours with cameras focusing on her, she must have been a bit shaken.

I must declare that I met the nominee the following day or two at the *Mashujaa* Day celebrations at Uhuru Gardens, and she confirmed my suspicions. She was remorseful that she was a bit shaken when she appeared for the interview. I understood her.

I only speak about her because I want to state it to the country and Members in this House, that in consideration of everything that was tabled before the Committee, there was absolutely nothing adverse against Hon. Peninah Malonza. Her case now rests in the hands of Members of this august House. It is now for you to decide what you want to do with her as the fate of the other 23 nominees rests...

(Loud consultations)

Hon. Speaker: Oder, Hon. Members. Order! We shall listen to the Leader of the Majority Party in silence.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker, for protecting me. I know these Members know what I am talking about. Many other Kenyans attend job interviews and perform in different ways. We all react in different ways to shock, when in situations and environments you are not used to. Without seeming to be speaking for anybody, the fate of all the 24 nominees submitted to us by His Excellency the President now rests in your hands.

It is also worth noting that we are considering for approval Cabinet Secretary Nominees who, if approved by this House, and upon being sworn in, will now assume the offices of the Cabinet.

When his Excellency addressed this House, he said that he intended to ask the House to consider amending the Standing Orders to allow these Cabinet Secretaries to appear in this House. Hon. Speaker, they will be sitting next to you, in the civil servants' bench, to answer Questions and Statements from Members of Parliament and Kenyans. This is so that as a people's representative, we will hold all these Cabinet Secretaries to account and ensure they are serving the interests of the people we represent in the offices they hold.

Let me take this opportunity, even as I beg Members to approve these names, to tell the Cabinet Secretary Nominees, God willing and if approved, that let us not witness the hubris and arrogance that we witnessed under the Cabinet Secretaries that served in the previous regime. They must appreciate that they have been bestowed the honour to serve in high offices to serve the people of Kenya. As they come to this House, they must appreciate they are coming to appear before the people's representatives.

When a Cabinet Secretary is called to come and answer Questions in this House, he is not coming to answer to Hon. Junet Mohammed or Hon. Ruku, Member for Mbeere North. They are either answering Questions to the people of Suna East or the people of Mbeere North, not the Members. We shall treat them with the decorum and respect that they deserve but they must treat the people of Kenya with a higher respect, and answer Questions and Statements that are of concern to the people of Kenya without the arrogance we saw in the last regime. We must take this opportunity and we must tell them from this Floor that the reason the President has implored this House to amend our Standing Orders is to allow Cabinet Secretaries to appear in this House to answer to Questions and Statements; to articulate Government's policy and to enhance accountability in Government.

President William Ruto, as I said the other day, does not need to speak about corruption. He will act on it. Any Cabinet Secretary who exercises his authority in a way that will benefit himself individually will only have himself to blame. President William Ruto will not be there to protect any of these Cabinet Secretaries should they dip their hands in the cookie jar belonging to Kenyans. I beg the Members who are shouting to stop. I think they have just came

from some market somewhere. They are now in the National Assembly and should drop the market manners and allow us to debate. As I stated, you will all have your say.

Accountability will be key in the administration of William Ruto. I want to challenge all of us in this House to play our oversight role. Kenyans will bear us witness that as we vetted, the Speaker as the Chairman moderated without regard to political affiliation. We vetted these Cabinet Secretaries without regard to our political affiliations and questioned them to ascertain their suitability. That is how we found all of them suitable to serve in public office with the exception of those I stated. This is now in the hands of all of us here.

With those many remarks, I beg to move this Motion. I request the Deputy Leader of the Majority Party, Hon. Owen Baya, to second this Motion. I thank all the Members of the Committee and Members of this House.

I beg we consider and approve these nominees.

Thank you, Hon. Speaker.

Hon. Speaker: Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Speaker. It is an honour to second this Motion on the appointment of Cabinet Secretaries.

Hon. Speaker, first I would like to congratulate you for taking time to guide the Committee throughout in those many days. You spent long hours to chair the meeting and guide it until we produced the final Report. I also thank the Leader of the Majority Party, the Leader of the Minority Party and the teams that formed the Committee on Appointments, for sitting for many hours. Also, the parliamentary staff who braved many hours to ensure we produced this Report.

This Report is pursuant to Article 152 of the Constitution where the President has the power to nominate Cabinet Secretaries. It is paramount that Parliament vets and looks at them and eventually approves them for appointment by the President. In his wisdom, the President chose to pick Kenyans from all walks of life to run the Cabinet.

He looked at the general balance, gender and regional balance, and said this is the team he would like to work with to move this country forward. When you look at the Cabinet that President William Ruto appointed, he put everybody there. He looked at politicians and technocrats and gave them some slots. When we vetted them, we did this with the perspective and prism that they are Kenyans from different walks of life and they would present themselves differently at the vetting table.

Therefore, as the Committee on Appointments looked at them, what law did they use? They used the Public Appointments (Parliamentary Approval) Act which allows us to look at certain aspects. What is their education background? Do they qualify in terms of diversity? Do they qualify in terms of the qualifications that the President looked at? If you look at all these Cabinet Secretaries nominated by the President, you will see Kenyans ready to serve this country as they presented themselves during vetting.

On the issues that the Minority Report brings out on the nomination of Aisha Jumwa and Mithika Linturi, if you look at the main Report, the findings of the Committee are clear that the allegations against Aisha Jumwa have been dropped. The family itself withdrew the charges. On the allegations against Mithika Linturi, these are cases of civil matters. Many Members in this House have very many civil cases out there but this does not impede them from doing their work. Even if you look at the past Cabinet, very many had civil matters. This did not impede them from doing their work.

The civil cases hanging around Mithika Linturi will not in any way impede him from doing his work. He had these cases even when he was a Senator. Today, trying to crucify Mithika Linturi on the basis of civil matters is double speak on the Members who wrote the Minority Report. Those Members have civil cases themselves but this does not impede them from doing their work. So, today to say that Mithika Linturi is unfit to hold public office because of civil matters is not right.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Order, Hon. Baya! Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, it is never in my nature to interrupt colleagues while on the Floor. If you listened keenly to Hon. Owen Baya, he has indicated that the Members of the Committee on Appointments who drafted a dissenting or Minority Report have engaged in what he has termed as ‘double speak’. I find that to be totally offensive and unparliamentary. Would you kindly ask him to remain true to the calling of a parliamentarian, stick to the issues at hand and observe utmost decorum.

Thank you.

Hon. Speaker: Hon. Owen it is entirely within the competence of any Member of any Committee to dissent and write a Minority Report. So, do not cast aspersions against your colleagues.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Speaker. I also would like to thank colleagues because of the bipartisan approach to the work we did. It was many hours, we agreed on many things and disagreed only on three. I think this is something I would like to commend the Committee.

On the issue of Malonza, looking at her education background, her experience and the work she has done for the many years she has been in public service, I think she has done a sterling job. This work prompted the President to say this is somebody he can work with and run a Cabinet slot in this Government. During a presentation many things happen when you face a barrage of cameras and many people asking you questions. There are things that happen to people and this happened to one Peninah Malonza. Should we condemn her because of the one hour and a half she appeared before the Committee?

Hon. John Mbadi (Nominated, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, there is a point of order. Is that Hon. Mbadi? Give him the microphone.

Hon. John Mbadi (Nominated, ODM): Thank you, Hon. Speaker. Really, it was not my intention to interrupt Hon. Owen Baya when seconding the Motion. There is a procedure of moving and seconding Motions in this House. We should not entertain a situation where the Mover and the Seconder are moving the Motion and they are like opposing it.

If the Committee has agreed or made a decision on rejecting a nominee, how does it come about that the Mover and the Seconder are talking like they faulting their own Report? It is confusing this House. Leave it to us to know what to do with it as we feel like. I am sure many of us feel there is no way we are going to reject one member out of the 24. We are going to approve them all. However, you are the same people who have rejected some nominees. So, do not give excuses. Do not look good. You have rejected the lady called Malonza. Please, do not look good. Live with it. Move the Motion, second it properly, then leave it to us.

Hon. Speaker, I find it completely out of order.

Hon. Speaker: You have made your point. Hon. Owen, you have heard the sentiments.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, the point I am trying to make is that our Report should not condemn Peninah Malonza. After this Report...

(Loud consultations)

Hon. Speaker: Yes, Hon. Mudenyio. Give the microphone to Hon. Mudenyio.

Hon. (Dr.) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Speaker. I have tremendous respect for Hon. Baya. I served with him in the last Parliament and he came across as a very sober-minded and objective Member of Parliament. I do not know what happened in the journey from Damascus to wherever it is. Honestly speaking, I cannot understand what he is talking about.

First of all, he is seconding the Report. Secondly, in a way, he is opposing the Report. Can he be straightforward and tell us that they have now changed their minds and want to withdraw or amend the Report, so that they do not reject Malonza? Let them just come out clearly. Stop beating about the bush, Hon. Baya. You are beyond this at your age and level of exposure. You are beyond it. Just eat humble pie and tell us it was a mistake. That you were coerced, but you have now changed your minds, so that you move the Motion in an amended form.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Speaker. I am trying to...

Hon. Speaker: Avoid raising unnecessary passions in the House.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, I am trying to buttress one very simple thing. The Report is in the hands of the House, which will make a decision on it. That is what I am saying.

In conclusion, I urge this House to look at the Report soberly. It should look at the individuals that have been nominated soberly and then give this country a Cabinet as soon as possible so that we can move forward. There are very many hustlers in this country who are waiting for this Cabinet to start work. This Cabinet has its work cut out for it, including moving this economy from the point it is to the next level. Kenyans are suffering. There are very many Kenyans today who have very many pending bills. We need a new sheriff at the National Treasury and new Cabinet Secretaries in the ministries so that they can move this country forward. Hustlers in this country are looking up to the presidency of William Ruto to start working.

Hon. Speaker, I beg to second this Report.

Hon. Speaker: Order, Hon. Members.

(Question proposed)

(Debate adjourned)

Yes, Hon. Pukose.

PROCEDURAL MOTION

LIMITATION OF DEBATE ON A SPECIAL MOTION

Hon. (Dr.) Robert Pukose (Endebess, UDA): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 97 (1), debate on the Special Motion under Order No.10 be limited to a maximum of not more than five hours, with each Member speaking for not more than 10 minutes, except the Leader of the Minority Party, who will be limited to not more than 20 minutes.

Hon. Speaker, on 12th October 2022, this House passed a Procedural Motion in which debate was to be limited to not more than three hours. I am trying to increase it to not more than five hours because if you limit it to three hours, Members will not have adequate time.

Secondly, in the same Motion, the Leader of the Minority Party was given 15 minutes. My amendment seeks to give him 20 minutes because we need to have adequate time to debate this matter.

Hon. Speaker, I beg to move and ask Hon. Chepkonga to second.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Speaker. I beg to second, particularly because Hon. Junet Mohamed has said, “Good”. So, the Motion must be good.

(Question proposed)

Hon. Speaker: Can I put the Question? Is that the mood of the House? There being nobody interested in debating this Motion, I will now put the Question.

(Question put and agreed to)

Hon. Speaker: Hon. Members, that means we can now debate the Motion following the direction I gave up to tomorrow. I will give the first opportunity to the Leader of the Minority Party.

(Resumption of Debate)

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Speaker, for giving me this chance to make a few comments on this Motion. I want us to recognise that this is one of the moments when we are called upon to exercise our mandate as provided for in the Constitution. This is a process that only took effect upon promulgation of the very progressive Constitution in 2010. It was never the case before that Parliament would be called upon to approve, or to even debate appointments by the President. We must applaud the Constitution.

For avoidance of doubt, let me read Article 152(2) of the Constitution, which is couched in similar words as Article 154(2) with respect to appointment of Secretary to the Cabinet and Article 156(2) with respect to appointment of Attorney-General. It must be clear to all and sundry that in exercising its mandate under this Article of the Constitution, the House is being called upon to exercise objectivity and due diligence. Article 152(2) of the Constitution provides that: “The President shall nominate, and with the approval of the National Assembly, appoint Cabinet Secretaries.” It, therefore, means that without any doubt the appointment of Cabinet Secretaries by the President cannot be complete unless and until such appointment is approved by this House. That is the duty we are being called upon to perform this afternoon and, probably, tomorrow morning. The Standing Orders take cue from the Constitution and provide the mechanisms of undertaking the approval exercise. That is what the Committee on Appointments has completed. It is the reason we have this Report before us this afternoon.

For starters, under the Constitution of Kenya, the standard of ethics and morals that are expected of those who occupy public offices has been elevated so high that this House cannot afford to gloss over them. Let me take you to the famed Chapter 6 of the Constitution, especially Articles 73 and 75. Article 73(1) among other things says that the authority assigned to a state officer is a public trust to be exercised in a manner that among other things demonstrates respect for the people and brings honour to the nation and dignity to the office. If you go a step further, Article 75 provides that a state officer shall, whether in public or private life, or in association with other persons, behave in a manner that avoids, among other things, demeaning the office the officer holds. Why am I emphasising this?

Some time in 2010, Hon. Mwai Kibaki, the late President of the Republic of Kenya, suspended eight officials for three months after they were adversely mentioned in reports on the subsidised maize scheme and Free Primary Education (FPE) programmes. In another case, in March 2015, President Uhuru Kenyatta came before this House—I was privileged to be in this House at that time—and read out what was then referred to as a ‘list of shame’. The list contained names of public and State officers who were under active investigation by the Ethics

and Anti-Corruption Commission (EACC). Subsequent to the reading of the list, the officers were asked to step aside. It is important to note that this was obviously in accordance with the requirements of Constitution, especially the stringent requirements of Chapter 6.

If you read the Anti-Corruption and Economic Crimes Act, you will note that once a public or State officer has been charged with corruption or economic crimes, he or she shall be suspended with effect from the date of the charge until conclusion of the case. It is important that when you seek to occupy a public office as high as that of a Cabinet Secretary, you must, like Caesar's wife, be beyond reproach. There can be no two ways about it. That is the basis upon which you will appreciate the fact that a minority of members of the Committee on Appointments wrote a dissenting opinion on two nominees, that is, Hon. Mithika Linturi and Hon. Aisha Jumwa.

The Committee on Appointments did a rigorous job, with utmost objectivity. Indeed, there was no wasting of time in cases where we were in agreement. However, Hon. (Prof.) Kithure Kindiki, Hon. Kipchumba Murkomen and Hon. Aden Duale left us with no doubt whatsoever, that they were capable of exercising the mandates under the dockets to which they had been nominated. We unanimously approved their nominations or appointments.

Hon. Speaker, on the matter of Hon. Mithika Linturi, if you go to the Report on Page 18, Paragraph 17, the Ethics and Anti-Corruption Commission (EACC) stated that it had received adverse reports against some of the nominees.

Hon. Franklin Mithika Linturi: there were allegations that he is in possession of a forged Kenya Certificate of Secondary Education (KCSE) certificate and a Bachelor of Commerce Degree from Marathwada University in India. The said certificate is what he used to register for the Bachelor of Laws Degree in the University of Nairobi. It is important to note that during the Committee's proceedings, this question was put to Hon. Linturi and his answer was that his Bachelor of Laws Degree from the University of Nairobi had no issue whatsoever. Yet, according to the EACC, this is a matter which is still under active investigation. He contended that the only issue he had was his Master's degree programme in Law at the University of Nairobi, which had been stopped under suspicious circumstances.

Hon. Speaker, Hon. Linturi went further to inform the Committee that he was saddled with a plethora of cases, a litany of cases, numbering about 35. They had weighed him down so much that he wanted to forget about them and move on. Hon. Speaker, how will you move on when you have active cases against you in court? When we approve you to be a Cabinet Secretary (CS) with all these cases, how will you move on yet Kenyans expect you to go and serve them from the office you have been appointed? That was our difficulty with Hon. Mithika Linturi.

In addition to this other matter of the university certificates, he had an issue of an attempted rape case which had been dropped. There is also an issue of forgery in terms of acquisition of certain loans. Hon. Speaker, all these put into context raised serious questions of integrity that in our view, as the minority, we felt could not allow Hon. Linturi to effectively perform the functions of the office of a CS, if appointed.

On Hon. Aisha Jumwa, it is a matter of public notoriety that up to this afternoon, she is still facing an active case of murder. Hon. Speaker, you will recall, for sure, because we live in this country, that some few years ago, none other than the CS for National Treasury, Mr Henry Rotich, was charged with corruption related offences and upon being charged, he was made to step aside. Only Mr Rotich has stayed out of office since then until the end of the administration of His Excellency Uhuru Kenyatta. So, what logic would you then be applying when on one end, a person as senior as CS in charge of Treasury is being asked to step down and on the other end you are attempting to appoint somebody who is facing active murder charges in court to a public office?

Hon. Samwel Chepkonga (Ainabkoi, UDA): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Wandayi, there is a point of order.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Speaker. Hon. Wandayi knows that when the Speaker says that he has given Hon. Chepkonga an opportunity to speak, he needs to sit down. I stand pursuant to Standing Order No. 83 as read together with Standing Order No. 91. It says:

“A Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts.”

Hon. Speaker, is it in order for Hon. Wandayi, who is the Minority Leader, to claim that Hon. Aisha Jumwa is not fit to be appointed into office when he knows that they appointed her as a Commissioner within the Parliamentary Service Commission (PSC) and she continues to be in that position up to now as we speak? Holding public office as a State officer...

(An Hon. Member spoke off record)

I do not need to be informed Hon. Speaker. I have been a Commissioner with Hon. Aisha Jumwa. The allegation did not arise yesterday and it has been in the public domain as claimed by the Minority Leader. There is judicial notice that there is an allegation that she has been accused. Hon. Wandayi should be stopped from claiming that she is not fit yet she is serving in the PSC as a Commissioner courtesy of Orange Democratic Movement (ODM).

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Wandayi, proceed.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I think I will simply ignore that as it is not worth spending time on. I have been here long enough. Hon. Chepkonga took some break.

Hon. Speaker: If you have ignored, then do not refer to it.

(Laughter)

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I am simply saying that we must not apply double standards. You cannot on one hand demand of a public or State officer to step aside once they are charged in a court of law, while on the other hand you proceed to appoint people to State or public offices when they are facing criminal offences in court. That can only happen in Kenya. I want to invite this House not to give an approval to such an adventure. We cannot allow this House to take the country backwards.

On Hon. Musalia Mudavadi, at the commencement of the sittings of the Committee on Appointments, I raised issues about the constitutional and legal status of the office of the Prime Cabinet Secretary. On that matter, you ruled and we accepted the ruling. The Committee went ahead to approve Hon. Musalia Mudavadi's appointment but with a rider. The rider is contained in the last sentence of Part Eight on Page 40: It reads:

“In its deliberations, after the approval hearing of the nominee, the Committee observed that it may be necessary to establish a legislative framework to further elaborate on the roles and functions of the office of the Prime Cabinet Secretary.”

That was the Committee, in its wisdom, making a pronouncement of monumental effect. However, if this office is left the way it is, then it could in essence turn Hon. Mudavadi into an idle Cabinet Secretary (CS). It could turn him into some sort of errand boy. This House, together with the Executive needs to move with speed and create a legislative framework for this office to function as effectively as that of a CS. Otherwise we will end up with Hon. Musalia Mudavadi, whom I have respect for, sitting idle and trying to look for roles to perform. He will be struggling to get some roles from the Deputy President, the President and/or the CS for Interior. That is not going to be good for this country and a person of the stature of Hon.

Musalia Mudavadi. The Committee has duly recommended that, in a short while, a legislative framework needs to be established for this office to be anchored properly in law.

Hon. Speaker, as I conclude, this House is being called upon to rise to the occasion and not to be seen as a mere rubberstamp. This House cannot be a rubberstamp. It could not have been the intention of the framers of the Constitution that this House would be a mere rubberstamp to pass the nominations that have been brought to it by the President. There is a reason the framers of the Constitution established Article 152(2) that the President would not have a free pass or an open cheque. That this House would act as a safeguard to address issues of suitability, integrity and all other issues surrounding each and every nominee to the high office of CS. I will be calling upon this House that when the time comes for taking a vote, that as we approve the other nominees who the Committee has approved... When it comes to the two nominees, that is, Hon. Mithika Linturi and Hon. Aisha Jumwa, about whom we have drafted a dissenting opinion, I hope that the House will agree with us and reject their nomination.

On that account Hon. Speaker, I will be pleading with the House to vote these two nominees individually and separately. I am being advised that we need to vote for each nominee individually and separately. Hon. Speaker, that is important so that this House pronounces itself properly. Kenya is a leading democracy in the region of East and Central Africa. We cannot allow persons against whom issues have been raised, however slight they may be, to be paraded, encouraged and shepherded to the high office of CS and the likes. This House must stand firm and be on the right side of history.

With those many remarks Hon. Speaker, I support with those reservations. Thank you.

Hon. Ndindi Nyoro (Kiharu, UDA): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Ndindi Nyoro, what is your point of order?

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you, Hon. Speaker. I rise on Standing Order 97. Looking at the time now, it is about 5.00 p.m. If this debate proceeds up to 7.00 p.m., and the allocation of time is roughly ten minutes per Member, only 12 Members will get an opportunity to contribute. Tomorrow we may be lucky to get an extra two hours, that is, another 12 Members. Therefore, I am seeking your indulgence that we reduce time per Member to around five minutes per Member so that we have as many Members as possible contributing to the Motion. As it is now, we actually have fewer Members speaking than the CS nominees who have been vetted by the Committee on Appointments.

Hon. Speaker, I seek your indulgence.

(Applause)

Hon. Speaker: We will come to that Hon. Ndindi. Let us hear a few Members within the allocated time.

Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Speaker, for the opportunity to address myself on the Report that has been tabled in this House by the Committee on Appointments. I have gone through the Report keenly because I did not have a chance to watch the entire vetting process. I have gone through the Report keenly and much as I support to the extent of the 21 nominees, I raise an exception to the rejection of one Ms. Peninah Malonza. When you read the Report tabled before this House, especially the recommendations of the Committee, you will notice serious and positive milestones made by Ms. Peninah Malonza.

The Committee states that Peninah Malonza currently is undertaking a Master's Degree at the University of Nairobi. She holds a Bachelor's Degree from the same university. She has never been charged before a court of law and meets the requirements of Chapter Six of the

Constitution of Kenya. She has no history of controversy. She has been cleared by EACC. She has been cleared by the Kenya Revenue Authority (KRA) and the Directorate of Criminal Investigations (DCI).

(The Speaker (Hon. Moses Wetang'ula) left the Chair)

(The Temporary Speaker (Hon. Martha Wangari) took the Chair)

In the first paragraph of this Report, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State office since she is a Kenyan citizen born on 7th March 1974 in Kitui County and does not hold dual citizenship.

Sorry, it is Hon. Temporary Speaker now in the Chair. It is so that I do not also find myself in a similar challenge that Peninah found herself in. What this implies then is that there is another parameter that the Committee used to come up with their rejection Report. In my presumption, the Committee used the very short events during vetting to define her suitability. They are telling us that by her mere presentation, which possibly took about 90 minutes, she could not be able to answer adequate questions as asked by the Committee. This is not the right parameter to use when rejecting a nominee.

If the nominee has been cleared by all relevant authorities and statutory bodies, then you cannot use a singular event to define one's suitability or unsuitability. The nominee has once served as a Deputy Governor of Kitui County for five years. This House has no report about her integrity or any petition that might have been filed by the voters of Kitui County when she served. What parameter did the Committee use to reject her? Is it because she is a woman? Is it because she did not have people in that Committee to defend her? Is it because she is a widow? Is it because she only has one child? Is it because she does not have enough money?

Hon. Temporary Speaker, I call upon this House to overturn the recommendation by this Committee and approve Ms. Peninah Malonza. We all understand when some of our Members here in this House refer to a female Speaker in the Chair as "Madam Speaker Sir." Does that define their suitability or unsuitability to serve as Members of Parliament in their constituencies? It is normal for one to experience stage fright. It is a singular event. We understand the Committee might have looked at how she expressed herself. Not every person is an actor. Not every person is able to speak before cameras. She knew that she was live on television and it is normal for any person to have anxiety. It is normal to develop some stage fright and, at least, get scared especially when you have people like Hon. Junet looking at you straight in the eye. She might have got scared because she is used to seeing Hon. Junet on television asking tough questions and stuff like that. It is normal. We cannot use that singular event to deny the women of this country an opportunity to serve.

His Excellency the President of the Republic of Kenya at one point during campaign committed to have a sizeable number of women serving in his Cabinet. This was a good display. Please, do not deny women a chance to serve in this country. There is no parameter that has been used. And by the way, this Committee on Appointments, while we support part of your recommendations, we want you to use similar parameters you used on Hon. Aisha Jumwa and Hon. Lithika Linturi on Ms. Peninah Malonza. It is very important for me to say that we do not want to allow this House...

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members. You will not catch the Speaker's eye by shouting. Please, ensure your card is working. Also, put it on intervention if you have a point of order. Hon. Osoro, continue.

Hon. Silvanus Osoro (South Mugirango, UDA): When we are in positions of authority, it is very important not to allow our local politics play at the expense...

Hon. Antony Oluoch (Mathare, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Order, Members! What is your point of order, Hon. Antony Oluoch?

Hon. Antony Oluoch (Mathare, ODM): Thank you very much, Hon. Temporary Speaker.

The Majority Whip is taking this House for a ride.

(Loud consultations)

I will raise my point of order, and you will not intimidate me. If you look at the composition of the Committee that vetted these nominees, majority of them are from the party which is now asking questions. They now claim not to know how the Committee arrived at that position. Is it in order? The majority side cannot probate and approbate. If they rejected Madam Malonza, then they must own up, apologise to the women of this country and ask for an amendment. The same side, however, cannot have rejected Ms. Malonza then come here to tell us that they do not know how the Committee did it. They are the majority. Please, apologise to the women of Kenya and Ms. Malonza and then we will help you overturn the rejection. You are not in order.

(Applause)

The Temporary Speaker (Hon. Martha Wangari): Order, Members! You cannot rule each other out of order. That issue had already been canvassed by Hon. Mbadi. Go on, Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): On the issue of the composition of the Committee as has been prosecuted by Hon. Antony Oluoch, it is very important for us to also remember, and it is on *Hansard*, that the speakers before me are on record saying that it was a unanimous decision. We do not want to dwell on who voted and how in the Committee. We are generally discussing the entire Report.

We understand that at times local politics play when such appointments or opportunities arise during appointments. I call upon my colleagues, that we should learn to put our country ahead of everything. My imagination is that even the local politics might have played part to reject Ms. Penina Malonza. It is, however, wrong to use one parameter only to deny her nomination. If we were to be fair, the rejection ought to be on matters that are serious and touch on Chapter 6 of the Constitution. It should not be about issues of presentation before the Committee. Maybe, she was not dressed well or she was on her periods, but you cannot start making...

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Your time is up. Order, Members! Order!

(Loud consultations)

We will now hear the Member for Suna East, Hon. Junet Mohamed.

Hon. Junet Mohammed (Suna East, ODM): Thank you, Hon. Temporary Speaker for giving me an opportunity to contribute to this Motion.

I am a Member of the Committee on Appointments that vetted the nominees. We took a lot of our time to make sure we look into this matter using a very good perspective. Why did we do that? It is because this is the highest decision-making organ of the country – the Cabinet of the Republic of Kenya.

If I can give my views on what was presented before the Committee, the Report that we prepared as a Committee is very clear. The Constitution says that when appointments are made in this country, we must look into issues of regional balance, ethnic balance and issues that can bring cohesion. If you look at the appointments of these CSs, we now have a Cabinet consisting of 24 members. If you look at the composition of these members, the region where the President comes from has four ministers. If you include the President that is a total of five. The region where the Deputy President comes from has nine ministers including himself. If you add nine to five, they become 14. The total number is 24. All the other parts of the country have ten Cabinet Ministers only *ambao wametupywa mahindi kama kuku*.

When will a Turkana, Borana, Kuria and Pokot be Minister in this country? If every election cycle we have the President's region getting nine ministers and the Deputy President's region getting five ministers meaning that the other parts of the country have to share ten posts.... If that is not unfair, what do you call unfairness? This must stop! It is unconstitutional and an affront to the Constitution of this country. That is why the Constitution speaks to the issue of regional balance, ethnic balance and cohesion of this country. On that note, these appointments lack the constitutional merit that is required.

We have vetted the persons and some of them are distinguished and outstanding. I agree with the Committee that some of them merit to be Cabinet Secretaries. They qualified and passed the standards that we were looking for as a Committee. A few of them, however, and as we have noted in our Minority Report, are substandard.

You talk about the Cabinet of the Republic of Kenya yet you want to have a Cabinet Secretary who has a live capital offence case, murder, in court seated there. How do you expect this House to approve that person unless we have lost our minds? It is very clear and important for the image of this country for that nominee to step aside, clear her cases in court and once she has finished...

Hon. George Kariuki (Ndia, UDA): On a point of order, Hon. Temporary Speaker.

Hon. Temporary Speaker (Martha Wangari): What is your point of order, Hon. G.K. of Ndia?

Hon. Junet Mohamed (Suna East, ODM): Who is G.K?

Hon. Temporary Speaker (Martha Wangari): Please give Hon. George Kariuki the microphone.

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Temporary Speaker. Hon. Junet, I am G.K. My point of order is in regard to something he has said that a Turkana has never been a Cabinet Secretary in this country. We know very well Hon. Munyes was a Cabinet Secretary. So, you are misleading the House. That is my point of order, Hon. Temporary Speaker.

Withdraw.

Hon. Temporary Speaker (Martha Wangari): Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I agree with Hon. G.K., the 'Government of Kenya'. He thinks in these 24 nominees we are passing there is a Turkana. There is no Turkana in this list we are passing of Cabinet Secretaries. The one you

are talking about was in the previous Cabinet. We are discussing new nominees and new appointments in the new Government of Kenya under the leadership of President William Ruto.

I want to say on the Nominee for Public Service, Gender and Affirmative Action, it is imperative we do not trivialise this matter. This is because the standards we are going to set in this Parliament today will be used in future. If we approve a nominee who has a live case in court; a murder case which is a capital offence; tomorrow, anybody can be brought to this House with any kind of case and approved because we will have set the standards. That, at one time the Parliament of the Republic of Kenya passed a nominee with a murder case. I am not judging anyone. We cannot say she is guilty or not guilty of the offence. That is for the court to decide. We need to let the court to do its work, judge, acquit or convict her. Then, from there we can make a decision, as a House, whether this person is fit to hold the office of a Cabinet Secretary.

Look at the words, democracy, developed countries and the democracies we borrow from. Leave alone being charged in court. When an allegation is placed against you, whether they are true or false, until you clear your name, you are told to step aside. Public officers in office and governors who have been charged in court were barred from their offices. Public officers taken to court were all told to leave office. What moral authority do we have as a House to pass on the Floor a Cabinet Secretary who has a case in court?

The other nominee that was rejected unanimously by the Committee is Hon. Malonza. I do not want to speak the way my colleague spoke here; whether she is female or not. We were not looking at gender. We were looking at the suitability and competence of this individual to hold a high office of a Cabinet Secretary. If in the eyes of the Committee, it felt the person did not stand up to the requirement of that office...

Hon. (Dr.) Makali Mulu (Kitui West, WDM): On a point of order, Hon. Temporary Speaker.

Hon. Temporary Speaker (Martha Wangari): What is out order Hon. Makali Mulu?

Hon. (Dr.) Makali Mulu (Kitui Central, WDM): Thank you, very much, Hon. Temporary Speaker, I did not want to disturb my colleague and friend Hon. Junet. I think when he says they were not looking at gender that is unconstitutional. The Constitution demands that they must consider gender. It is one of the key factors when looking at these things. Thank you, very much.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, Dr. Makali is a man I highly respect. The reason of her failure was not because of her gender. That is not what I meant. If that gender is not suitable for that office, there are many qualified Kamba women in this country who can hold that office. She is not the only Kamba in Kenya. So, she was not disqualified based on her gender. Let us not bring the gender card on the table now. Just because she is a female nominee who has been rejected by the Committee.

I want to say that Parliament is being watched and tested by Kenyans. It has a destiny with Kenyans on the approval of these nominees. Kenyans want to know whether we are a conveyor belt or a rubber stamp for the Executive. We must stand up and tell the Executive it is wrong when it is. There are many Kenyans who are qualified and can be brought to this House. There are 30 million Kenyans who can do the job of a Cabinet Secretary. It is not just you, me and others who have been nominated.

There is a valid reason why the Constitution gave the approval of nominees of Cabinet Secretaries to this House. Look at what happens in the United States (US). If we approve these members just because we are part of the party that is forming government, we shall be doing injustice to Kenyans. You must rise and stand up to defend the rights of Kenyans. Whether it is favouring or not favouring your party. For that reason, I want to urge this House to agree with the Minority that we reject those three nominees. So, we can have other Kenyans nominated who are qualified to work for this country.

When you are appointed a Cabinet Secretary, you are not going to serve your family. You are not going to serve your wife or husband. You are going to serve the people of Kenya. The people of Kenya gave their sovereignty to the Members of Parliament so that they can vet the nominees on their behalf. Hon. Members, stand your ground. Do not be intimidated whether you are in Kenya Kwanza or Azimio. Do the right thing for the people of Kenya. We must stand up and defend the Kenyan people.

Thank you, very much, have a good day and let us make sure those three...

Hon. Temporary Speaker (Martha Wangari): Your time is up. The Member for Naivasha, Jayne Kihara.

Hon. Jayne Kihara (Naivasha, UDA): Thank you, Hon. Temporary Speaker for this chance. First and foremost is to congratulate the select team that was interviewing these nominees. They did a good job and I wish to congratulate all of them. I support each and every nominee that went through the interview. This is because we all listened, watched and know some of them. In fact, I want to talk about this lady Peninah Malonza. I met her on Mashujaa Day and spoke to her. I think she is eloquent; she knows what she is supposed to do.

In fact, her tray is already full especially for Naivasha. Having been nominated for the position of Tourism, Wildlife and Heritage. We have problems with buffalos in Naivasha. I told her she has to help us. Naivasha has been downgraded. In fact, Members of Parliament are not going to Naivasha as much as there are good hotels because we have been downgraded. People are now going to Kisumu, Nakuru or Mombasa. You all know that we have good hotels.

It is just a case of waking up on a bad day. It happens to all of us. Once in a while you do not wake up on the right side. She has all the credentials; she is schooled and has a degree. She has served as a Deputy Governor and we know the requirement is having a degree. She has worked in very many offices. Like anybody else would say, maybe she did not answer the questions asked but she is not going to start a ministry. She will find a ministry that is already running and work with technical people who will help her run the ministry. She will learn the ropes and move ahead.

I want to talk about Hon. Aisha. She is a strong leader whom we have seen in this country. Let us not use political malice to discredit her. She is a strong leader. She has served in the Parliamentary Service Commission (PSC) as a Commissioner. She should not be condemned for the fact that she divorced the Orange Democratic Movement (ODM). It is ODM that told us she is a leader and nominated her to the Commission.

Hon. Wandayi tells us that Hon. Mudavadi will be an errand boy, for heaven's sake. We know he has worked in this country. In fact, he has been a Vice President and a Minister for Finance. He cannot be an errand person. He can do the work and supervise Cabinet Secretaries.

It is upon this House to approve these nominees. You have seen the Committee Members. You cannot get a person who will not help you perform your role. The President nominated people he thinks will help him deliver this country, remove it from the economic...

The Temporary Speaker (Hon. Martha Wangari): Hon. Junet, what is out of order?

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, this is a House of records. This Report was done by the Parliamentary Select Committee on Appointments, chaired by the Speaker, Hon. Moses Masika Wetang'ula. Is it in order for the Hon. Member to say that we are victimising Hon. Aisha because she was a member of ODM? Who is victimising Malonza? Is it Kenya Kwanza? She was rejected by the whole Committee made up of Members of Kenya Kwanza and the Azimio la Umoja-One Kenya Alliance. Does it mean that Malonza was also victimised by Kenya Kwanza? Those parochial ways of debating can divide us, and we are ready for it.

The Temporary Speaker (Hon. Martha Wangari): Hon. Jayne Kihara, continue.

Hon. Jayne Kihara (Naivasha, UDA): I will continue because this lady may have feared Junet because of how he asks questions. Maybe that is why. From her papers and credentials, she has served in many offices. She has worked in many offices and has been a Deputy Governor. She has also gone to school. I think she just feared those remarks that are usually made by Hon. Junet.

You do not need to be mean just because the nominees came from a President whom you did not support. We need to get the Government running. We are waiting for these people to take office, so that we start running there because our people have many needs. Like I said on Malonza, I will run to her because Naivasha has been degraded. I will go to her because of our buffalos. I will go to Linturi because we need seeds for our farmers.

We should deal with this and get the Government running, so that we all start running to those offices because we need to serve Kenyans who elected us.

With those very many remarks, I do not need to say much. We should pass this Report and reject the dissenting one. We should approve every nominee so that they take office, especially Madam Malonza.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Member for Endebess.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker, for allowing me to contribute to the Report by the Select Committee on Appointments.

From the onset, I support this Report with amendments. The amendment is on the rejection of Peninah Malonza. I will table an amendment to delete that rejection and approve her appointment. I will ask the House that when the Question will be put on Madam Peninah Malonza, we negative it, so that we approve her appointment.

Reading the observations of the Committee, the reason why the Committee erred on the Report is that the nominee is the former Deputy Governor for Kitui County, having served from 2013 to 2017. She was a former partner and Training and Support Director for Compassion International-Kenya Office from 2012 to 2013. She also served as a Programme Supervisor of Compassion International from 2010 to 2012. She was a Senior Programme Facilitator from 2009 to 2010 and a programme facilitator for Compassion International from 2006 to 2009. The nominee also served as a Project Director for Changamwe Baptist Church between 2002 to 2006.

She holds a Master's Degree in Project Planning and Management, which she got in 2008. She has a Higher Diploma in Psychological Counselling Management, which she got in 2007; and a Bachelor of Arts in Anthropology from the University of Nairobi in 1998.

When you look at this Curriculum Vitae and at the recommendations of the Committee, Observation No. 7 states:

The nominee did not demonstrate knowledge of topical, administrative and technical issues touching on the Ministry of Tourism, Wildlife and Heritage. Consequently, the nominee lacks requisite abilities and experience to serve as the Cabinet Secretary for Tourism, Wildlife and Heritage.

That observation actually contradicts what the Committee has written up there about the nominee. Therefore, maybe the nominee had a lapse when she appeared before the Committee. Even in the last Administration, the Chief Administrative Secretary (CAS) in the Ministry of Tourism, Wildlife and Heritage was the former Inspector-General of the National Police Service, Joseph Boinnet. He appeared before Parliament to collect views from Members, where they come from and where we have wildlife.

In Endebess Constituency, we have Mount Elgon National Park. We contributed views to Boinnet's Committee. Having been an Inspector-General, he was not an expert on tourism, but listening to him as he appeared before the Committee, he had a grasp on ideas.

Having been an examiner in the past, I have seen students come before examiners. At times, they get blackouts because of fear of the unknown. As a good examiner, you tell the student to have a seat, you give them a cup of tea or a glass of water, allow them to rest and then examine them. You will find that they are able to pass.

I think she was not given adequate time. I watched the interview on 19th October 2022, at 2.30 p.m. The Committee continued pumping questions to her. As a doctor, the Committee should have even given her time to rest and then later assess her. How can somebody who has an Anthropology Degree, a master's degree and has been in a senior position of management end up with an observation that she does not demonstrate knowledge of topical, administrative and technical issues? If any of you were to appear before me for questions on medical issues, none of you would have knowledge of topical, administrative and technical issues. This lady deserves to be given a second chance.

On the dissenting report by the minority on Hon. Aisha Jumwa, I was just reading Case No.411 and it said that the family has actually withdrawn the murder case against her. I think the DPP is in the process of having that case withdrawn. So, the allegations that we are making here against Hon. Aisha are overtaken by events. I was also a Member of this House when she was also cleared by all agencies to contest as a governor for Kilifi County before elections. What if she had succeeded to be a governor because she almost became one? She would now be serving in Kilifi County. I, therefore, do not see merit in the argument that she is not fit to be a cabinet secretary.

Similarly, this applies to Hon. Mithika Linturi. He was also, contesting to be a governor for Meru. If he had succeeded, he would be a governor now. Let the due process of law take effect.

When you refer to the case of the former administration in which a list was read in this House in March, 2015; many of those cabinet secretaries were victims of circumstances. Up to today, none of them has been taken to a court of law and proved to be guilty of any offence that were read in this House.

At times, we should not use the law to demonise or use our positions to gag or destroy other people's careers. This House should not be used to destroy anybody's career and more so, Ms. Peninah Malonza. When I bring an amendment on her, I urge you, to support it. We cannot bring it now because Article 56(2), in the opinion of the Speaker, says: "You cannot negate a Motion that has been put." We, therefore, need to reject the Motion by the Committee and bring an approval for Ms. Peninah Malonza.

With those few remarks, I support with amendments.

The Temporary Speaker (Hon. Martha Wangari): Member for Kathiani, Hon. Robert Mbui.

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

When I listen to Members making contribution to this Motion, we need to ask ourselves: Why is it that the National Assembly as per the Constitution, 2010 given an opportunity to vet all nominees nominated by the President of the Republic of Kenya? Listening to some of the arguments, there are people who are of the opinion that the President should probably, just appoint, and the persons appointed would just proceed to their respective offices; or people just send their curriculum vitae and they just get appointed like that. The vetting process should give this House an opportunity to go through the credentials and abilities of these Members so that we can make an opinion. We cannot say we are wrong or right. We are expressing an opinion which is what the Constitution envisages. This House must also reach that point where we can stamp our authority.

I have been in this for the third time but it is unfortunate, that many times, we are used as conveyor belts. The Speaker reads the names, they go to the Appointment Committee, they are vetted and are all approved. It is like we are a choir singing for the Executive.

On this vetting process, I want to thank the Constitution and of course, the leadership of the House because this was a very transparent process. I am listening to Members speak here and I am wondering whether they watched the proceedings. Kenyans were also vetting as we were, and Kenyans saw the competencies. Kenyans had the answers. Kenyans also appreciated the questions that were asked. In fact, I dare say that many of the questions that we were asking, came from memoranda from the public that is in this Report that Members need to read; and also, messages and phone calls that were made to us. It is, therefore, wrong for anyone to cast aspersions on this Committee because we were just 21 Members who were given the mandate on behalf of the House to come up with a verdict. I want to talk about what was considered. It is important that Members understand this. Section 6(7) of the Public Appointments (Parliamentary Approval) Act of 2011 says:

“(7) an approval hearing shall focus on a candidate’s academic credentials, professional training and experience, personal integrity and background”.

Section 6(7) indicates that the Committee shall consider any constitutional or statutory requirements relating to the office and the suitability of the nominee for the appointment, having regard to the nominee’s abilities, experience and qualities. Looking at these Cabinet nominees who came to us that is what we were considering.

I want to go through the observations I personally made because as a Member of the Committee, other than agreeing with the Committee’s Report, I also have my personal observations. First, I noted that this Cabinet is made up of extremely ...

Hon. GG Kagombe (Gatundu South, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Martha Wangari): Order Member! Hon. Kagombe, what is out of order?

Hon. GG Kagombe (Gatundu South, UDA): Thank you, Hon. Temporary Speaker. Is the Hon. Member in order to insinuate that the chance to vet the Secretary to the Cabinet is issued by the Executive or the President? While it is very clear in Article 154 of the Constitution that a Secretary to the Cabinet to be vetted by Parliament after being nominated by the President... By insinuating this is a chance given to us by the Executive or by the President, he is out of order. Please declare him out of order.

Hon. Robert Mbui (Kathiani, WDM): Hon. Temporary Speaker, I think some comments are just meant to take time away from people making contribution. So, I will ignore that. I observed that this Cabinet is made up of extremely wealthy individuals. During the campaigns, I heard Kenya Kwanza, which is now in power mentioning they will come up with a Cabinet and Government with *mama mbogas*, boda bodas and all sorts of leadership from that level including the small peasant farmers. The average wealth of the nominees was over Ksh1 billion. In future, I want to propose we must ensure that the wealth declaration forms given by these nominees...

The Temporary Speaker (Martha Wangari): Hon. Mbui, do you want to be informed by the Leader of the Majority Party?

Hon. Robert Mbui (Kathiani, WDM): I do not want information, Hon. Temporary Speaker. I want to finish my contribution. I propose in future, the wealth declaration because we received peoples’ personal comments on it. It is important we get actual proof. If people say they have land in Runda, we see the tittle deeds. If they have vehicles like Toyota Land Cruiser V8 or Range Rovers worth Ksh25 million we see a logbook.

There is danger when people are being vetted and asked their wealth. This is because there is a possibility, they can exaggerate knowing they have five years of looting to reach the

threshold they want. This is important and I propose going forward we insist that nominees give actual proof of the wealth they are declaring.

I am also happy we have democratic rights even in Committees. We have the right for the Majority to have their way while the Minority have their say. That is the reason why we have a Minority Report attached to this Report. Many of the nominees had very glaring issues. I can say as I questioned some of them, I would have recommended that almost 20 of them should not be appointed. However, because of the give and take discussions and when put to task I was unable to clearly indicate why. That is how we ended up singling out only three.

As I talk about those three, I want to first start with the appointment of the Office of the Prime Cabinet Secretary, whom we have agreed to approve his appointment. That position is one we had a lot of questions about. As a Committee we agreed at the end, we shall establish a legislative framework to elaborate the roles.

The real reason why we want to do this, is to ensure there is no conflict in this Cabinet. One of the reasons why there is conflict many times is when people are given roles that are not clear or seem similar to other individual's roles. We will end up having a problem where people do not know where their work starts and ends. This happened in the grand Coalition Government because the Vice-President and Prime Minister....

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is your point of Order?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. It is completely out of order for Hon. Mbui and Hon. Junet or the Leader of Minority Party to insinuate that there is a clash between the responsibilities and functions of the office of the Prime Cabinet Secretary and the Deputy President. Hon. Mbui is aware that His Excellency the President designated clear functions and roles of the office of the Prime Cabinet Secretary and those of the office of the Deputy President in his Executive Order 1. He was very excited to be affiliated to the *handshake* Government because he was not even part of it. He hanged around there with his party leader. There were no clear definitions of what the Deputy President would do. That is how he ended up being a candidate of the opposition party. Your candidate in Azimio la Umoja Coalition ended up being Uhuru Kenyatta's project. Hon. Mbui is completely out of order for misleading the country. He has said that there is no clear distinction of the functions between the Prime Cabinet Secretary and the Deputy President. That distinction was cleared through that Executive Order. Hon. Mbui should not mislead the country.

Hon. Robert Mbui (Kathiani, WDM): Hon. Temporary Speaker, you must give me an extra 10 minutes which he has just wasted here giving a lot of hot air. He rose on a point of order, but he was trying to inform me. I stand guided because that will make him hold his horses.

I want to talk about the three nominees whom we rejected. One of them is Hon. Aisha Jumwa. The certificate of good conduct from the Directorate of Criminal Investigations (DCI) came out indicating that all the nominees were clean except her. It clearly indicated that she had two cases. One was a murder case that is yet to be determined and the other one was conspiracy to engage in corruption which is also undetermined. As a nation, country or continent, when do we start to take political responsibility and step aside when we are named for and charged with major offences? We are not condemning her because she is not convicted. However, it only makes sense that she steps aside, until these cases are heard and determined. What will happen if she is appointed today and she is convicted of murder tomorrow? On that one, it is just taking political responsibility.

Every Kenyan heard the matter of Hon. Franklin Mithika Linturi. Hon. Speaker tried to help him and told him not to answer questions he had not been asked. He is the one who volunteered information to the Kenyans. He has 35 cases. He has divorce cases and cannot go

to his house. He has a problem with everyone. We were not the problem. We only dealt with the information that came to us. We felt that this person did not have the integrity to hold that office, so that Kenyans can get service from people who are clean. We should stop having these issues where Kenyans are constantly....

The Temporary Speaker (Hon. Martha Wangari): Your time is up, Hon. Mbui. We will now hear Hon. Onesmus Ngogoyo, Member for Kajiado North.

Hon. Onesmus Ngogoyo (Kajiado North, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Motion on the Floor of the House. Like a Member had mentioned, I will support the Motion with an amendment. According to the Public Appointments (Parliamentary Approval) Act, the Committee went ahead to vet the proposed Cabinet Secretary nominees. They did so in a record time. We need to congratulate the Committee for a job well done.

You realise that Public Appointments (Parliamentary Approval) Act does not have a marking scheme. It looks at the suitability of a Member. An hour-and-a-half cannot determine the suitability of a Member. I have gone through what the Committee looked at and its observations. You can read a lot from majority of the people who have been recommended by their past exposures, curricula vitae and what the Committee saw during the vetting. I agree with the Committee on the persons who have been approved, but I disagree with the rejection of Peninah Malonza.

According to the Report, the nominee has received honours and awards. She was awarded the best team performer by Compassion International. In 2015, she was also awarded the Order of the Grand Warrior by His Excellency the President. It is not possible for her to have been a deputy governor, earn such awards and still be rejected on assumption that there is nothing she has to offer. I have served in different entities and I have seen people who were approved by different assemblies. One of the things you realise is that exposure of an individual helps them perform in any particular office. You can tell that this nominee has people skills from her work experience. Everywhere she has worked, she has been defined as a people's person. She is one of the best team leaders and she has been awarded internationally by Gallup, also known as Compassion International.

The Committee indicated in its report that the nominee filled her questionnaire and answered questions well apart from a few issues they raised. There is no graduate who does not have skills in management. While tourism is the docket she has been recommended to, remember every office is about management. There are experts under you who you oversee and manage and they give you reports. I, therefore, urge this House to consider approving this Motion with an amendment so that Peninah Malonza becomes a Cabinet Secretary. It is only fair that we give her a chance to prove herself once in office. In any case, if she does not perform, Members will have an opportunity to take her head on. Members of this Cabinet, unlike many others, will be appearing before this House.

On the other candidates, I wish to single out one Aisha Jumwa. A number of Members have talked about Aisha Jumwa. I do not understand why the few people opposing her have an issue with politicians. Aisha Jumwa is a politician, same to Mithika Linturi and Peninah Malonza. It is not possible for you to single out all politicians. We are also politicians. Assuming you were nominated to these positions, you would also wish to be supported by your colleagues. You cannot say that only professionals have the ability to take up offices.

With those few remarks, I wish to support with amendments. God willing, Peninah Malonza will become a Cabinet Secretary. We will approve the Motion with amendments.

The Temporary Speaker (Hon. Martha Wangari): Member for Mwingi West, Hon. Charles Ngusya.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Speaker, for the opportunity you have given me. Before commenting on the Committee Report, I would

like to congratulate His Excellency, Dr Samoei Ruto for seeing it wise to give the Kamba community three Cabinet Secretaries. Previous administrations have sidelined us. I am happy for the appointments. Congratulations for that. We have to give credit where it is due.

I have gone through the report quickly. I took some time to watch some of the nominees appear before the Committee. We cannot disagree with what the majority have agreed on. On the issue of my sister, let me declare my interest. Peninah Malonza comes from my county. She really performed as deputy governor. Compassion International is doing so much in our county right now. She was awarded as the best performer in that NGO. She has exhibited many good leadership characteristics. When you look at her work experience, academic credentials and leadership skills when she served as the deputy governor, they are all tick. On what basis are they discrediting my sister? I am begging the Members of this House to pass Hon. Peninah Malonza's appointment very soon so that she can begin work. We are tired of waiting for this. The vetting process has taken too long. Kenyans need to start working and we cannot work if the Executive arm of Government is not fully constituted. I do not have much to say. I am defending the appointment of Hon. Peninah Malonza as the CS for Tourism, Wildlife and Heritage. I know she is going to perform because she has performed before and there is no doubt that she will be the best CS in our country.

With those remarks, I support.

Hon. Temporary Speaker (Hon. Martha Wangari): The Member for Mandera East, Hon. Hussein Weytan. If he is not in the House, we will have the nominated Member, Hon. Dorothy Muthoni.

Hon. Dorothy Muthoni (Nominated, UDA): Hon Temporary Speaker, I rise to support this Motion. But before I do that, allow me to thank His Excellency the President of the Republic of Kenya, William Samoei Ruto, for appointing these very able men and women to serve in his Cabinet and carry the agenda of his Government to the next level. Allow me to also thank the Committee on Appointments which sat for many hours and took its time to vet the nominees and gave its recommendations. I would like to say the men and women who sat in that Committee are astute lawmakers and I am sure they did put into cognisance every aspect of what they were supposed to look for to come up with these names. These are people who have served this country in various capacities and there is no reason whatsoever for anyone to insinuate that some of them are not fit to serve in the Cabinet. Some examples have been given that nominee Hon. Aisha Jumwa was vetted and allowed to vie for the governorship but she did not make it. She was allowed to vie because she was qualified. The nominee, Hon. Frankline Mithika Linturi is a person who has served this country in various capacities and has proven beyond doubt that he is capable of serving in any capacity. I want to passionately implore upon the legislators in this House not to have a divided mind when it comes to approving these nominees.

Hon Temporary Speaker, turning to Hon. Peninah Malonza, she was vetted for the position and it was recommended that she did not perform very well. It is good to know that there are people who suffer from a condition called socio-phobia. When these people face a panel, they do not perform so well. However, that does not mean that they are not capable. I join the rest of the Members who are supporting this Motion to say that I support with an amendment that Hon. Peninah Malonza be part of these nominees we are approving in this House. I want to implore upon every Member not to have dissenting voices, when it comes to passing the nominees whom His Excellency the President, in his wisdom, found it fit to nominate.

I submit, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): We will now have the Member for Molo, Hon. Kuria Kimani.

Hon. Kuria Kimani (Molo, UDA): Thank you very much, Hon. Temporary Speaker. It is very good to see you on the Chair today. It is a great celebration for the great people of Nakuru County.

I would like to start by weighing in on the issue of a person nominated to a position of Cabinet Secretary or any other Government position, while he has an ongoing court case. On the record of this House in July 2018, we held a debate on the nomination of one, Mr. Ben Chumo, who was nominated by His Excellency the former President to be the Chairperson of the Salaries and Remuneration Commission (SRC). This House rejected him on the basis that he had an active ongoing corruption court case. A few years later, to be specific last month, the Director of Public Prosecution (DPP) withdrew the case against him. As a result, he was condemned for four years without a job and his reputation was tainted. He lost a chance to be the Chairperson of the SRC, even when he was not guilty of the offences that he was accused of.

In the Report, the Directorate of Criminal Investigations (DCI) was accused of not responding to four letters which were sent to them between October 2021 and May 2022. As a result, for a mistake that was not his and some malicious damage, we lost four years of this career civil servant. Are we going to do the same to the nominees who have been nominated to various positions just because there are ongoing court cases, even before a court ruling has said they are guilty?

If we do that, then the easiest way to ensure that no person is approved in this House is to just start a fictitious court case against that particular candidate. Therefore, as long as someone has leveled allegations against you and taken you to court, then you will be cursed to hold any Government position in this country. This House cannot do that.

We welcome for the first time the nomination to the Cabinet of one, Zachary Njeru, from Nakuru County. We, as Leaders of Nakuru County, note that this is the very first time we have a full-fledged Cabinet Secretary.

Our friends from Azimio la Umoja were purporting that this man is not qualified. However, you have seen a person who has risen from being a nominated councillor. Even before he became a councillor, he was born in Bondeni Slums in Nakuru Town. He went to a District Day School, Nakuru Day Secondary School and then went all the way to the university, became a councillor and a Sub-County Administrator. This is the person who understands the real issues of housing in this country, especially because of where he was born.

The perception we have of the housing sector being an issue of the rich will be brought to rest by this nominee for Lands, Housing and Urban Development. This is someone who understands what it means to be brought up in a slum. He understands when the President says we will have a project like the one he launched today in Kibera of people only paying Ksh2,500 a month as mortgage and then they end up owning that house.

I listened to our Members here condemning Hon. Peninah Malonza. They said that she was not qualified for this position. In their view, she did not perform in a particular manner in the interview. On the contrary, we have had people speaking very fluent English with big vocabularies but when they were put to test on the matter they were speaking about, it was opaqueness and hot air. We cannot simply condemn Ms. Peninah Malonza because she did not perform well in the interview. This House has approved four candidates who spoke well and sounded convincing, only to realise they were lazy and incompetent in the positions that they were offered.

I love the skill set in this Cabinet, especially the involvement of politicians as Cabinet Secretaries (CSs). I will put this matter to rest once and for all. There is a general attitude in this country that once you become a politician, you become stupid; you do not think and you become incompetent. We still have competent lawyers in the House. I am a practising certified Public Accountant even as I serve as a Member of Parliament.

(Applause)

The fact that these nominees have served this country as politicians should not make us think that they are incompetent or unprofessional.

We saw Professor Kindiki argue his cases at the International Criminal Court (ICC) and at the Supreme Court in the recent Presidential Election Petition case. We forgot that he was a politician. What we saw in him was a brilliant lawyer. Imagine what they will do in the Executive.

Hon. Aisha Jumwa and Hon. Hon. Mithika Linturi whom our Azimio brothers and sisters are saying are not qualified, vied to be governors. What would have happened had they won the gubernatorial seats? Are we saying we do not need competent people as governors who are the fathers of our devolution, who spearhead more functions than what the National Government does? I, therefore, beg the honourable colleagues in the opposition not to oppose for the sake of it. Look for valid reasons. If there is, we will support without considering our political differences.

I watched the story of Hon. Aisha Jumwa. I urge us to appreciate that for the first time a politician admitted that she got a D- in her Kenya National Examinations Council (KCSE) results. Usually, every *Mheshimiwa* is an A student and every *Mheshimiwa* is a graduate. When Kenyans saw her being interviewed alongside Professors, they felt proud. This is a government that gives opportunities to different people based on their capabilities. She helps us understand the complexities of being a woman. Those who were involved in marrying her off at an early age and the father of her babies are still going on with their life when many years later she is bearing the consequences of what happened yet it was not her fault. I really urge this House to unanimously reject the dissenting view of those Members because they are just playing politics even when there is no window of playing politics.

The President has indicated and given a commitment that he is not going to shield Cabinet Secretaries (CSs) from the oversight of Parliament. He is suggesting the amendment of Standing Orders to allow CSs come and give account of what they are doing. If you really want to play your oversight and opposition role, wait for these nominees to be sworn in and start working then question them on the Floor of this House on what they are doing for this country.

With that, I am very happy with the skill set of the nominees and I pray and beseech Hon. colleagues to pass all the nominees for the government to start working so that you can hold the Kenya Kwanza Government accountable for the campaign promises we made for the people of the great Republic of Kenya.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Member for Ugenya, Hon. David Ochieng’.

Hon. David Ochieng’ (Ugenya, MDG): Thank you, Hon. Temporary Speaker. I stand here to support the Motion, with the impending amendment by Hon. Pukose. Things happen in this country that people take for granted. Some time back, a president would just appoint his ministers and no one would question. Last week, Kenyans were glued on their televisions to see for themselves who the President had nominated to be Cabinet Secretaries (CSs). I want to thank the Committee. I was personally glad to watch my colleagues asking these nominees very probing questions that made Kenyans understand and know the kind of persons the nominees are, whether they are fit for the offices and, above all, whether the Cabinet we are going to have is fit to serve.

I am very happy with this Cabinet for one reason; for the last two terms in Parliament and with CSs that were not former Members of Parliament (MPs), we suffered as MPs. You would go to a Ministry to ask a CS for support on a road or on a water issue or on a police

matter, but because they were not politicians, they would have no clue. Sometimes they would be dumb about people sleeping hungry. There is a time I went to a CS to ask for planting seeds. He asked me: “Why do you need seeds for your constituents? Why can they not buy for themselves?” We have had CSs who do not understand that some Kenyans cannot afford basic items like food and shelter. I am happy because more than half of this Cabinet has served in Parliament. They have served people through elections. I am certain that they will understand the needs of our people. That is why we want to ask colleagues who have been in this House not to forget where they have come from. The reason they were chosen is because they can understand the pulse of the nation.

I want to ask my colleagues, Hon. Wandayi and Hon. Junet, a simple question. When they were asking questions to the nominee for Trade, Investment and Industry, I thought I would hear questions about Kisumu Cotton Mills (KICOMI) in Kisumu, or about the revival of the fish industry. I hope that the nominee for the Ministry of Mining, Blue Economy and Maritime Affairs, Mr. Mvurya, when approved, is going to spend his time trying to ensure that the processing of the fish produced in the lake is done at the lakeside so that people from that part of the country can get jobs as a result of the lake. I hope that when we approve the appointment of the nominee for Trade, Investment and Industry, Hon. Kuria, we will have KICOMI and the cotton industry in Nyanza rejuvenated. These are the things I hope for; and I hope the nominees are listening. I hope that my friend, Hon. Kipchumba, will ensure that the road development is distributed fairly per constituency as he said during the vetting process. This House must hold the nominees to their words.

On the issue of net worth that is being talked about on the streets, it is for this House to ensure that we hold the nominees to their word, whether they said they are worth Ksh4 billion, Ksh1 billion or Ksh800 million. As Parliament, we should check what they will have at the end of their term. That is why they were being asked those questions. It was not about today or tomorrow. In the next four years, we will check what they are worth to know whether they are working for Kenyans or whether they have gone there to amass wealth for themselves.

As with any presidential system, it is important to note that before the President nominated these nominees, he considered their competencies and abilities. I am sure he even had a conversation with them on the dockets they have been placed to. That is why I have an issue, especially with the rejection of Madam Malonza. I have read the Report and the engagement between the Committee and the nominee. First of all, there is no marking scheme used by the Committee on the competence of the nominees. I have gone through the Report about Madam Malonza, and it is similar to the other nominees. The nominee answered the questions well and seemed to understand.

I do not find recommendations speaking to how they engaged with the nominee. There is nowhere in that Report where the Committee says that the nominee could not answer this or that question; or answered wrongly. The observation, in my opinion, does not emanate from the Report. In fact, I dare say, the recommendation of the nominee Madam Malonza is baying for blood. This is not the time for bloodletting or looking for blood, but coming together to unite and ensure that our country moves forward. We cannot move forward if we are looking for war where there is none.

Hon. Temporary Speaker, our current President and the former President were facing charges at the International Criminal Court (ICC) in 2013. They ran for office and we elected them. In this House we have more than 30 MPs with cases in court. So, you cannot tell me that because Hon. Mithika Linturi or Madam Aisha Jumwa have cases in court... I dare say with a heavy heart that one of us has been convicted, but he ran and was elected because the court of appeal allowed him.

We have put in law that one is innocent till proven guilty. After being proven guilty, we have said in the Constitution that you must have exhausted all the avenues for appeal. Hon.

Aisha Jumwa and Hon. Mithika Linturi have not been tried by any court of law. You cannot verify the veracity of the charges. You cannot hold them on different levels of integrity like you hold others. Any recommendation based on either guilt or perceived guilt on Hon. Aisha Jumwa or Hon. Mithika Linturi for me is misguided.

As I conclude, I want to request this House that in my 10 or 11 years in Parliament, what I have seen distinguishing a CS is how they understand the Members and country's needs, and not the papers they have. In the past, if you look at the first Cabinet in 1963, only a few of them had degrees or had hardly worked anywhere, yet, they did so well. So, it will be a big miss for this Assembly to keep harping on about papers that, 'This one has papers and that one does not,' without looking at their ability. We know some people who have served this country so well, because of the passion they have for the job. Hon. Michuki, may the Lord rest his soul in peace, did so well as a Minister for Transport. I do not think he was an engineer or anything, yet he did so well in that ministry that the whole country was saying 'bring him back'. What we, as an Assembly, must do is to ensure that after passing these nominees, we put them to task. I am so happy that we have a President who is so sober and ready to work. These CSs, I am sure in the next one or two years, will be gasping for air. Let us put them to task to work for the country. The country is waiting with bated breath, we cannot wait any longer. Let us approve these guys to start working.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Member for Kitui Central, Dr. Makali Mulu.

Hon. (Dr.) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Temporary Speaker. I want to thank you most sincerely for this opportunity. I want to start by appreciating the Committee on Appointments for the work they did. It is not easy and this is the third time I am witnessing the appointment of CSs in this country as an MP. I know it is not an easy job.

The Committee did a lot of work, and I took time to watch the interviews. I must say that I agree with the Leader of the Majority Party when he says as they were vetting, Kenyans were also sending messages. Others were calling, suggesting what kind of questions they should be asked. The questions were structured in a way they asked about education, one's net worth, whether you have a case in court or whether you are a dual citizen or not.

One of the most interesting questions was on the net worth of individuals appearing before the Committee. I have looked through this section of the net worth, and I have picked up on the fact that a majority of Kenyans out there are very rich compared to politicians. It looks like it is only politicians who are not rich. I do not know whether it is because we share our resources with the rest of Kenyans, or because we are not aggressive enough to make wealth.

I want to single out one individual who appeared before the Committee. From my assessment, this must be a very good Kenyan. He proved that in Kenya, we still have people of high integrity. If you look at the net worth of Hon. Mvurya, who was the former Governor of Kwale for two terms, he is only worth Kshs120 million. I am sure not many Kenyans will believe that, especially when you look at the kind of life governors live, and the kind of wealth they have amassed during the short time they have been in office. I encourage Kenyans to continue working for the public so that at the end of the day, we provide a high level of integrity as leaders, and ensure that we improve the lives of Kenyans.

Looking at the approvals, I have taken time to read this Report. There is some consistency in terms of the main text of the body of the Report and the conclusions. However, when I look at my sister, Ms. Peninah Malonza, you realize that the main body of the Report is inconsistent with the conclusions. The Report states very well that she is academically qualified, has no criminal case, her net worth is within the range of the rest of the nominees and all those good things, but in the conclusion, they say that they do not approve her because

she did not have technical and administrative capacity. I want to remind Kenyans and my colleagues that most of the work of a CS is policy, strategic and political direction, which is very critical.

I do not think that you need to be an expert in engineering to be the CS for Transport. When you look at this Report, there are nominees who allegedly have criminal cases; Peninah Malonza was not alleged to have any criminal case in the country. There are nominees who have corruption-related allegations; Peninah Malonza has no allegations to do with corruption. There are nominees who have allegations to do with murder; Peninah Malonza has no allegations to do with murder in this country. There were also doubts as to whether the papers of some nominees were genuine; Peninah Malonza's papers were assessed to be genuine. Despite all that, people with corruption-related allegations, those with criminal cases – even though they are allegations – and those whose papers did not seem to be genuine, have been approved by this Committee, yet Peninah Malonza, who seems to have no issue at all, is said not to be qualified to be a CS. Those are double standards. As Parliament, we cannot allow that.

I heard one Committee Member say that as Parliament, we must be seen to be doing our work by saying no to some nominees. I do not think we can do that as Parliament. It is unfortunate that we can only be seen to be working when one nominee is not approved, and others are. Fairness demands that we either approve all of them or disapprove all of them. Some of them have worse cases compared to Peninah Malonza's case. Peninah Malonza is from my county. This is a lady I have known for many years. She was the first Deputy Governor of Kitui County. She is someone I have interacted with. The only reason she has not been approved by the Committee is that she could not make a presentation. We are talking about inclusion. I was asking myself: If we get a nominee who is not able to talk, hear or one with some disability, does it mean that this House will not approve him or her? We cannot accept these double standards. I was not very happy with the way the Motion was being moved. The Majority Leader, Hon. Kimani Ichung'wah was trying to move the Motion in an amended form, yet he never told the House that he was moving it in an amended form.

I would want to recommend that as we approach the day of voting, which is tomorrow, we need to have this Motion amended to read as follows:

“THAT, this House does approve all the names as presented by the Committee including Peninah Malonza.”

That is my prayer. If we do it that way, we will have done justice to this country, so we do not seem to disadvantage any of the nominees for reasons which do not seem to be strong enough to warrant rejecting a nominee.

I plead with my colleagues in the House and those who will be in the House tomorrow when the time for voting comes, let us rise to the occasion and approve Peninah Malonza. She has all the technical and academic qualifications and has worked in many organisations. If you read the report, Hon. Peninah Malonza was awarded the Order of Grand Warrior (OGW) of Kenya. I do not know how many Members have that award. It is awarded by the President of the country. If those with the award were asked to raise their hands, they would be very few. Was the person who awarded this lady blind? Does it mean that the person could not see that she did not have what it takes to work for this country and serve the public to the best of her knowledge and ability?

Hon. Members, once more I plead with you that come tomorrow, we approve this lady to join the rest of the nominees so that we have a Cabinet which can start serving Kenyans.

With these remarks, I submit. Thank you very much.

The Temporary Speaker (Hon. Martha Wangari): Member for Laikipia, Hon. Jane Kagiri.

Hon. Jane Kagiri (Laikipia County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Special Motion. Allow me to start by congratulating the Committee on Appointments for the noble job that they did to the country on behalf of this honourable House. I also congratulate all the 24 nominees. It is not a small feat that they were nominated from among more than 57 million Kenyans.

I support the Report of the Committee but with an exception on the rejection of the nomination of Ms. Peninah Malonza. I see her as an honourable lady who has grown through the process for her to get to where she is today. Let us remember that she is the first Cabinet Secretary nominee from Kitui South Constituency. I have listened to those who have spoken before me as they narrated her presentation and answering of the questions that she was asked. Being a first nominee from that constituency, we need to give her the credit for achieving that feat. She had no predecessor to teach or guide her on how to go through the process.

I have read a lot about Madam Peninah Malonza. I learnt that she has been a deputy governor for five years, which of course was achieved through hard work. It is also good to mention that having lost the position of the Deputy Governor in the year 2017, Hon. Peninah Malonza again vied for the position of Woman Representative in Kitui County. This can only confirm that we are talking about a determined soul and a lady who is going to work for this country.

Away from politics, I have looked at her career progression. This is a lady who has grown from being a facilitator, to a supervisor, to a senior supervisor and eventually a director. She went on to become a Deputy Governor. When we look at her career progression, this is a lady who is destined for greatness. From Deputy Governor, I pray and believe that she is going to be a CS. We are looking at a lady who holds a bachelor's and a master's degree, but has gone ahead and applied to do a second master's degree. That talks of a willing learner and a lady who is even going to learn in her new position as the CS for Tourism, Wildlife and Heritage.

Once in a while we are asked who your classmates were. It is good to confirm that Hon. Peninah Malonza received her OGW on the same day that I received mine. I know she had done an honourable job to this country, and she rightfully deserved the award. I have also read of many acts of charity that she has done to her community. She has served orphans and women. Anyone who lends to the poor, lends to God. Let us believe that the prayers from these people are also what got her to where she is today.

I have read that some of the issues that Hon. Malonza had were that she could not articulate her answers to the questions she was asked. The biggest challenge we have in my community is in regard to human-wildlife conflict and compensation to those affected by those issues. When Hon. Malonza was asked that question, her answer was that she would engage the concerned Committee to increase budget allocation for her to serve Kenya. That is the right answer that was expected, because whenever we have asked these questions, the answers have been on budget allocation. In my view, that was a perfect answer that she should have given.

As I conclude, I wish this honourable House takes its time to quickly approve the nominees so that this country can move on. People out there are waiting for us to deliver on our promises, and I believe that by us urgently approving the 24 nominees, the country can move on and we can serve Kenyans as we promised them when we were campaigning.

Thank you, Hon. Temporary Speaker, for the opportunity. I believe it is an upward projection from Madam Peninah Malonza, where she now goes on to become a CS.

The Temporary Speaker (Hon. Martha Wangari): Thank you. I realise we have a lot of interest on this Motion. The time is, of course, very limited. If we are able to limit our speaking time, then more people will get the chance to speak.

I will give this chance to Hon. Dido Raso, Member for Saku.

Hon. Ali Raso (Saku, UDA): Thank you, Hon. Temporary Speaker. Let me congratulate you for having been appointed to the Chairperson's Panel. I was in the Committee on Appointments and I want to be very short in my presentation. First of all, the Committee was well guided by the Hon. Speaker. I think he used his wisdom throughout our deliberation in the vetting process and for a Committee to reach a conclusion, without any division, means that we were largely satisfied although we were not 100 per cent happy. The Committee was guided by two documents; the Public Appointments (Parliamentary Approval) Act and the Constitution. Those were the two cardinal documents that the Committee used and stuck with.

I will talk shortly about those three nominees. I want to confirm to this House that the large majority of almost 20 nominees satisfied the Committee on Appointments. Like a soap opera, the whole vetting was conducted in the glare of public opinion. Many of you who were following the vetting process discerned at this point that the Committee made the right judgement. The issue is about suitability and competence. There is the bit of education, gender and applicability to that job in terms of educational qualifications. However, the red tick in the box is whether a particular candidate qualifies for the job he or she has been assigned.

I must thank the politicians and congratulate them because 67 per cent of those candidates who appeared before the Committee were politicians. They gave a sound account of themselves, which is relevant to the appointment. They also showed that they understand the concerns of the people whom they have represented for long. Some are Senators and others are Members of this august House. I want to agree with the Leader of Majority Party that there was a lot of hubris and chest-thumping from CSs in the last Government. If they know the powers of this House, then I think they must humble themselves to its committees.

We must also congratulate the President. It is my third term in this House, which comes from the great people of Saku. For the first time, these particular CSs were almost handpicked and are almost the right people to serve Kenyans. We saw the Cabinets in the 11th and 12th Parliaments. The difference is that we were asking ourselves whom we would approve among them. However, in this particular situation, we are faced with a very narrow margin of only three nominees.

I want to talk about Hon. Aisha Jumwa. She comes from the minority and marginalised community. She is a lady whose background many of us will sympathise with. Although many of us went to school without shoes and slept hungry, Hon. Aisha Jumwa's climb to the top is a study in itself. We must understand how somebody dropped out of school and got married when she was an underage girl, and then rose. At some point, she was the Chair of Kilifi County Council. She became a County Woman Representative, as well as a single constituency Member of Parliament. She ran for a gubernatorial position and got 70,000 votes, which are not few.

Then we come to Hon. Mithika Linturi, who also comes from a rural constituency. He appeared to have struggled as a hustler to make whatever he has, because his background is meagre. He came from a background where he needed a lot of support. As a young boy, he was a herder.

These particular cases that come before the Committee make us to deeply reflect on the individual cases. What some of us have said, and I want to say it again, is that Parliament cannot be the judge and the jury. The Committee's mandate is to give its observations and recommendations to the House. The House can accept, reject, modify or amend the report given. That is the power of this plenary other than the powers given to the Committee.

On Hon. Musalia Mudavadi, the President under the Act, has the powers to construct his cabinet the way he feels he can run Kenya without any problem or in a suitable way to advance development and the gains this country has achieved since Independence. For that reason, Executive Order No.1 that came out a few weeks back indicated clearly the roles of Chief Cabinet Minister so that there is no confusion with the job description of the Deputy

President. For that reason, there is nothing this House can see as conflicting in terms of application of the Deputy President and the Chief Cabinet Secretary.

Finally, it is my wish that the House takes time to study the Report, and modifies what we have given you as the Committee, which had no division at all, but we carried it with magnanimity, and without division.

Thank you.

Hon. Naisula Lesuuda (Samburu, West, KANU): Thank you, Hon. Temporary Speaker for giving me an opportunity; and since I have not spoken when you were on that Chair, I pass my congratulations to you.

I want to speak about a number of things, since I sit on the Committee on Appointments. I would like to say a few things, and to probably correct some of the aspersions that have been cast upon the Committee under the Chairmanship of the Hon. Speaker, who did a fantastic job. You would not have known who is in the Majority or the Minority side.

I believe it is because we were being vetted by Kenyans on how we conducted ourselves. We asked pertinent questions that touch on Kenyans, and we were from diverse counties and constituencies. Therefore, the questions that we asked also reflected on the various needs of Kenyans across the country. It is then unfortunate for Members to say that we played politics, were biased or that, as the Minority, we are settling scores in this House.

I thank the Members of this House for approving us to go and sit in that vetting Committee. When we present ourselves to run for office, we are vetted by the public. They know who we are, what we stand for and they decide whether they want you to represent them or not; and so, the vetting takes place at the ballot. When we are then presented as Committee to do our vetting, we give our opinion that this is what we think, having sat through for long hours. We used to sit from 7.00 a.m. to 8.00 p.m., listening to each candidate. We would look at the requirements, both the statutory requirements in terms of documentation and whether you fit the office or not. That is why we asked the questions, otherwise, we would just ask you whether you have EACC clearance and Certificate of Good Conduct. Actually, you do not need a degree to be appointed a CS. We asked questions to gauge suitability.

As Members debate, they should remember that this Report is our opinion. You will have your opinion and it will be a bigger one, because you will actually vote. The Report has been done and you have read it. You can have a contrary opinion without casting any aspersions on the Committee Members.

To my colleagues on the Majority side, we made a unanimous decision. It is unfortunate to say that the decision is by the Minority side alone. You cannot table a report and then want to run away from it so that you make us look bad. That paints women worse, because it is a woman involved. These are just our opinions and you can have your opinion.

The Whip of the Majority Party may think he is helping Hon. Malonza by raising issues of her periods on this Floor. You are actually making it worse, because we did not judge her on that. Those are not the things we were looking at. You cannot trivialise issues when it comes to women and talk about our moods, emotions and periods. You cannot say that I did not wake up on the right side of the bed, hence I could not answer questions right. You are making it worse. You are actually propagating what we said in the Committee, do not trivialise issues about women. Do not go to that level. That is something I had to say. Apart from talking about the three nominees, you will have the opportunity to cast your vote on what the Committee thought about all nominees.

One of the observations I made on the composition of the nominees is that there is no youth; there is no one under 35 years. I believe there are young people in this country who can actually sit in the Cabinet. There are also persons with disabilities (PWDs) and the Constitution requires their inclusion in different positions and boards. I hope that His Excellency the President will consider PWDs and the youth in nominating Principal Secretaries and persons

for other positions in boards. Since he did not meet his promise of a 50 to 50 gender Cabinet, I hope he can do it in subsequent nominations.

To finalise, it is not just about who has been approved. It is wrong to say that we rejected some nominees because they are politicians. We approved some politicians. You can say what suits you, whether you are supporting or opposing, but we approved politicians as a Committee.

There are a number of issues in this Report that we extensively asked questions about. We also received questions from Kenyans and you can see the things that they are concerned about. One of them is the cost of living. Once the nominees are approved and sworn in, especially those in this House and whose dockets are concerned with food security, they should get to work. We are facing a severe drought like no other. I am told that it resembles one experienced in the 1980s. We are facing drought, a high cost of living, youth issues and corruption in this country. Kenyans are watching these nominees. We asked them what they were worth because as Parliament, we will be checking to see what they have amassed and how they got it within the next five years. There is also the issue of following the rule of law. It should not just be when it suits you. You should respect the Constitution.

As I conclude, the other reason why we vetted the nominees is that we will hold them to account for the things that they said to us. They did not just say it to the Committee. We were sitting there on behalf of all these Members. They were actually speaking to Parliament, Kenyans, and the international community, because those proceedings were really being followed. As one of my colleagues said, when you are a CS, you are not the Principal Secretary. We agree that you are not the technocrat but you should, at least, have general knowledge and the policy of that docket. What are you telling us? What is your policy on this matter?

To the nominees who will be approved, we will hold you to account. We will ask you to account for what you promised Kenyans during the vetting. Do not view it as a process that we were just doing in this House. We have taken note of what you promised to do, if approved by this House and sworn in. We will go back and ask you questions as a House and in our committees to see to it that you live up to it.

Just so that you may never forget, it is an honour to serve the country in that position out of more than 50 million Kenyans. Just know that you shoulder a huge responsibility to serve this country diligently, and to serve the President and the Kenya Kwanza Alliance, because they are the ones who nominated you. Make sure that you live up to their expectations and to the promises that you made to Kenyans. If you said that the hustlers' fund will have no interest, please make sure that it will not. If you said that you will bring down the cost of *unga* in 100 days, do not tell us that you will now do it after a year.

Thank you very much.

The Temporary Speaker (Hon. Martha Wangari): County Member for Marsabit.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for allowing me to add my voice to this very important debate on the approval of the nominees. As I start, I congratulate the Committee for sitting for long hours to vet all the nominees and for giving us good recommendations which we can all debate.

I also congratulate the nominees, because they represent the entire country. They are all capable. I also congratulate the Kenya Kwanza Alliance for nominating people who are responsible and qualified, and who will deliver.

Sometimes when we nominate people to different positions, the expectation is that they will serve the entire nation. Some areas like Marsabit, where I come from, have not been privileged to get a CS this time round. I hope that the nominees who will serve in different ministries will serve all areas equally, and give their best to the country. I would like to tell the nominees that they are there on our behalf and that of Kenya Kwanza, Parliament and the entire country.

Our expectations are quite high. As we all know, the Kenya Kwanza Government promised a lot to our people, whose expectations are quite high. When we consider the situation that the country is in, we are not doing well economically. The drought is affecting about 23 counties. Pastoralists' animals, which are their wealth, are dying, and we are even losing lives. Attention needs to be directed to that area. The other parts of the country have also suffered economically. We, therefore, need to put a big effort in order to transform the situation that we are in. I believe that the CSs who will be appointed will also become agents of transformation, and touch every aspect of life.

The Temporary Speaker (Hon. Martha Wangari): Order, Members. Member for Marsabit, you will have a balance of seven minutes tomorrow morning when the Motion resumes.

ADJOURNMENT

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, the time being 7.00 p.m., this House stands adjourned until tomorrow, Wednesday, 26th October 2022 at 9.30 a.m.

The House rose 7.00 p.m.

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